

RESOLUTION NUMBER R- 267519

ADOPTED ON JAN 20 1987

WHEREAS, Planning Commission approved Planned Industrial Development Permit No. PID-86-0387 submitted by JB-OS PARTNERSHIP, Owner/Permittee, to construct 542,000 square feet of office space in six 3-story buildings and one 2-story building, including parking, on Lot 3, Prospect Acres, Map No. 3803, located on the south side of Eastgate Mall, between Genesee Avenue and Towne Centre Drive, in the University Community Plan area, in the M-1A Zone; and

WHEREAS, the matter was set for public hearing on January 20, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Industrial Development Permit No. PID-86-0387:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the neighborhood, the General Plan or the University Community Plan, in that:

a. The proposed Chancellor Park project is consistent with the University Community Plan. Conditions of approval will guarantee public improvements which will mitigate all project impacts and will contribute substantially to mitigation of cumulative impacts.

b. Approval of this project at this time will not set a precedent because this is the only property in the central area which has been zoned M-1A for over 20 years.

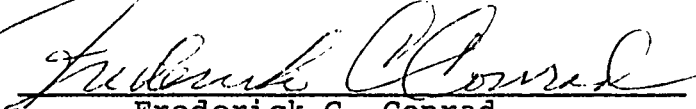
2. The proposed project will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The intensity and type of land use is consistent with the community plan land use designation and the zoning which has been in effect since 1958. The project will provide transportation improvements needed in the vicinity and would be a community-wide benefit. The quality of design and siting of buildings will provide an orderly transition from the residential and lower intensity office uses to the north and east to the higher density central core area. The public will benefit from the central amphitheater, pedestrian walkway, the underground parking and extensive landscaping.

3. The proposed use will comply with the relevant regulations in the Municipal Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Planned Industrial Development Permit No. PID-86-0387 is hereby granted to JB-OS PARTNERSHIP, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:640
02/19/87
Or.Dept:Clerk
R-87-1508
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PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. PID-86-0387

CITY COUNCIL

This Planned Industrial Development Permit is granted by the City Council of the City of San Diego to JB-OS Partnership, "Owner/Permittee," under conditions in Section 101.0920 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee, to construct 542,000 square feet of office space in six, three-story buildings and one, two-story building with surface and two-level below grade parking for 1,843 cars located the south size of Eastgate Mall between Genesee Avenue and Towne Centre Drive, described as Lot 3 of Prospect Acres, Map No. 3303, in the M-1A Zone.

2. The Project shall consist of the following:

- a. Six, three-story buildings and one, two-story building comprising 542,000 square feet of office space;
- b. Landscaping;
- c. Off-street Parking; and
- d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.

3. Not fewer than 1,853 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A" dated January 20, 1987, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. A condition of this Planned Industrial Development is the recordation of a final Subdivision Map and processing of a tentative map.

5. Before issuance of any building permits, complete grading and building plans for each phase shall be submitted to the Planning Director for approval. Plans for each phase shall be in substantial conformity to Exhibit "A" dated January 20, 1987, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

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6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The Plans shall be in substantial conformity to Exhibit "A" dated January 20, 1987, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. This Planned Industrial Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0920 of the Municipal Code.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion or;
- c. The permit has been revoked by the City.

11. This Planned Industrial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Planned Industrial Development Permit is recorded in the office of the County Recorder.

13. This Planned Industrial Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

14. The City Planning Commission shall consider this project at a noticed public hearing and recommend action to the City Council. In accordance with Emergency Ordinance No. 0-16314, no building permit shall be issued for construction of this project before approval is obtained by the City Council.

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15. The applicant shall construct a right turn lane on Genesee Avenue in the vicinity of La Jolla Village Drive for northbound to eastbound or westbound to northbound traffic. With implementation of this mitigation measure, the project would return level of service at the Genesee Avenue/La Jolla Drive intersection to "D".

16. All rooftop equipment shall be enclosed in architectural structures.

17. The property owner shall agree to not oppose, and shall participate in, an assessment district to finance the implementation and operation of the transit loop shuttle service and/or light rail transit service. In agreeing to participate, the property owner reserves the right to take part in the public hearing process necessary to adopt and levy specific assessments.

18. The number, location design and construction of future bus stops and bus shelters shall be required to be built by the applicant in conjunction with this Planned Commercial Development as requested and approved by the Metropolitan Transit Development Board and the Planning Department. Any future bus stops or shelters required to be constructed to serve this project shall be designed and constructed to provide, handicapped accessibility. An encroachment permit and encroachment removal agreement shall be obtained from the City Engineer for any bus shelters and bus stops located within the right of way.

19. The applicant shall dedicate a right-of-way of 15 feet in width on both sides of Executive Drive adjacent to the project for light rail transit (LRT) purposes. Applicant shall have the right to temporarily encroach in said right-of-way for landscaping and parking purposes, subject to the approval of the Planning Director, until such time as the right of way is needed for the LRT. Applicant shall waive any claim for future credit for this right of way dedication under any future assessment district formed for LRT purposes.

20. The applicant shall provide a \$75,000 grant to the City of San Diego to hire a consultant to prepare a Transportation System Management (TSM) Program which would include Council Policies, an implementing ordinance and a document explaining the program, conduct parking or other special studies such as public transit improvement studies, including but not limited to a feasibility study for future Light Rail Transit service. This grant shall be made available to the City on or before February 13, 1987.

21. This planned industrial development permit shall not become valid unless an amendment to the University Community plan regarding the 1980 Travel Forecast contained in Appendix 3 and also regarding a redesignation of land uses from business/industrial use to commercial office use is approved by the City Council.

22. 24-hour pedestrian access rights shall be made available for the pedestrian corridor through the project site and the pedestrian pathway shall be signed accordingly.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

(Permittee)

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

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JAN 20 1987

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Barbara Baxter* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-267519* Adopted *JAN 20 1987*