

(R-93-1547)

RESOLUTION NUMBER R-281673

ADOPTED ON MARCH 23, 1993

WHEREAS, on March 11, 1993, the Planning Commission recommended that the City Council approve Planned Industrial Development ("PID") Permit No. 91-0360 submitted by Eli Lilly and Company, an Indiana Corporation, Owner/Permittee, for the development of up to 1,209,000 square feet of floor area of scientific research use, located the northerly terminus of Campus Point Drive, north of Genesee Avenue, and described as Parcels 1 and 2, Parcel Map No. 10898, in the University Community Plan area, in the SR zone; and

WHEREAS, the matter was set for public hearing on March 23, 1993, 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. 91-0360:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the University Community Plan. The proposed use of a scientific research project is consistent with the Scientific Research designation of the University Community Plan.

2. The proposed use, because of the conditions that have been applied to it, 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. Through the approved Transportation Demand Management Plan, the development intensity of the proposed project is reduced to a level of 18,000 square feet of development per acre which is consistent with the adopted community plan.

3. The proposed use will comply with the relevant regulations in the Municipal Code. This project will be of new construction and will meet all current development standards.

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 recommendation of the Planning Commission is sustained, and Planned Industrial Development Permit No. 91-0360 is hereby granted to Eli Lilly and Company, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
05/19/93
Or.Dept:Clerk
R-93-1547
Form=r.permit

PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. 91-0360
ELI LILLY/IVAC - CAMPUS POINT

CITY COUNCIL

This Planned Industrial Development ("PID") Permit is granted by the Council of The City of San Diego to ELI LILLY and COMPANY, an Indiana Corporation, Owner/Permittee, pursuant to Section 101.0920 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a Planned Industrial Development located at the northerly terminus of Campus Point Drive, north of Genesee Avenue and east of Interstate 5 Freeway, described as Parcels 1 and 2, Map No. 10898, in the SR Zone.
2. The facility shall consist of the following:
 - a. Seven new buildings and the addition to an existing building with a maximum square footage of 1,209,000 square feet of floor area;
 - b. Landscaping;
 - c. Off-street Parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.
4. Not fewer than two (2) spaces for each 1,000 square feet or a maximum of two and one half (2.5) spaces for each 1,000 square feet of floor area of off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 23, 1993, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, 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 clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
5. 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;

R-281673

- b. The Planned Industrial Development Permit is recorded in the office of the County Recorder.
6. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit A, " dated March 23, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
7. 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 March 23, 1993, 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 and is to be maintained in a disease, weed and litter free condition at all times.
8. 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.
9. The effective date of this permit shall be the date of final action following all appeal dates and proceedings or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0920(M) of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Director; 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.

12. The property included within this Planned Industrial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
13. This Planned Industrial Development Permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
14. This Planned Industrial Development Permit is a covenant running with the subject property 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 in this permit and all referenced documents.
15. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated March 23, 1993, on file in the office of the Planning Department. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to City-wide sign regulations and be administered by the Sign Code Administration Division of the Planning Department.
16. This Planned Industrial Development may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to an approved by the Planning Director.
17. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
18. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
19. This permit shall comply with the conditions and requirements of the City Council approved Transportation Demand Management Plan if development exceeds an intensity of development of 18,000 square feet per acre. Prior to any building permit issuance, the building plan(s) shall be reviewed and approved by the Transportation Demand Management ("TDM") administrator to the satisfaction of the Planning Director.

20. Prior to the issuance of any building permits, the applicant shall provide a mutual access agreement and a mutual parking agreement if necessary in order that Lots 6, 7 and 8 comply with parking requirements to the satisfaction of the City Engineering.
21. The driveways shall be standard City driveways; curb returns are not allowed.
22. The PID Permit shall comply with the conditions of the final map (Vesting Tentative Map No. 91-0360).
23. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement from the City Engineer for all substandard pavements and landscaping within the right-of-way.
24. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a (5) five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, on both sides of the public streets, satisfactory to the City Engineer.
25. The service road on the south subdivision boundary shall be an access easement for utilities and not a dedicated right-of-way, satisfactory to the City Engineer.
26. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code ("UFC") 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
 - d. Provide temporary street signs.
 - e. Comply with the *City of San Diego Landscaping Technical Manual* regarding brush and landscaping.
 - f. Post indicator valves, Fire Department connections, and alarm bell are to be located on the address/access side of the structure (UFC 10.301).
27. This subdivision may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with

procedures established by the Director of Building Inspection.

28. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
29. All mitigation measures listed in the Environmental Impact Report ("EIR") DEP No. 91-0360 of February 26, 1993 are incorporated as conditions within this permit by reference.

Traffic

Partial mitigation of the direct and cumulative traffic impacts of the project would be made conditions of the Vesting Tentative Map and PID. Mitigation monitoring would be achieved by implementation of the following measures to the satisfaction of the City Engineer prior to issuance of building permits for the project:

- a. A TDM plan shall be approved by the City Council which shall assure the trip reduction goals and enforcement provision set forth in the TDM Plan contained in the final EIR.
- b. The westbound approach of Genesee Avenue and Campus Point Drive shall be reconstructed to provide one right-turn lane, one shared through/right-turn lane, two through lanes and two left-turn lanes. In addition, the southbound approach shall be constructed to provide one right-turn lane, one shared through/right-turn lane and two left-turn lanes.
- c. Facility Benefit Assessment ("FBA") fees shall be paid to assist in the financing of various necessary street improvements including but not limited to the improvements of the intersection of Genesee Avenue/Regents Road and the I-5/Genesee Avenue interchange.

Safety/Hazardous Materials

Implementation of the brush management program would address fire/safety conditions along the western boundary of the project site.

Hydrology/Water Quality

The project would include temporary desilting basins, sandbagging and landscaping to mitigate short-term erosion impacts during construction. The required non-point source urban runoff plan developed in conjunction with the City-wide Best Management Practices ("BMP") would mitigate the project's contribution to cumulative water quality impacts.

Those measures which must be completed to the satisfaction of the City Engineer prior to issuance of building permits are:

- a. An Urban Stormwater Management Plan that meets Federal and State standards for BMP plans program shall be developed to manage and control nonpoint source pollution. The plan shall be in accordance with design criteria established by the City of San Diego.
- b. Water pollution control devices, including desilting basins, shall be installed to intercept flow before discharge into the natural drainage system to the extent determined feasible by the City Engineer.

The following measure must be completed to the satisfaction of the City Engineer as a condition of issuance of a land development permit. Prior to issuance of the land development permit, the Director of Planning shall review the plans to ensure the adequacy of the plan.

- a. An erosion control plan shall be prepared. During construction each graded lot shall contain temporary desilting basins which will keep sediment from the graded pads from entering the storm drain system. The collected silt shall be removed from these inlet structures after each major rainfall. Sandbagging along street and utility trenches shall be used for temporary erosion control prior to completion of final improvements.

Biology

Native vegetation occurs on the north, northeast and east edges of the proposed development area. Grading of these areas would have a significant impact on biology.

The tentative map identifies open space or non-building easements over all but one of these areas. Thus, prior to or concurrent with the recordation of the final map for the project, the following mitigation shall be completed to the satisfaction of the Planning Director.

- a. Open space or negative open space easements (as appropriate) shall be dedicated over all natural vegetation which is not contained within the grading limits shown on the project tentative map.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

30. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

APPROVED by the Council of The City of San Diego on March 23, 1993, by Resolution No. R-281673.

AUTHENTICATED BY:

SUSAN GOLDING, 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 _____, 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 SUSAN GOLDING 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.

ELI LILLY AND COMPANY
Owner/Permittee

By _____

By _____

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

R-281673

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

MAR 23 1993

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Branda B. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number B-281673 Adopted MAR 23 1993