

Item 200
Sub item C
Monday 2/24/14

RESOLUTION NUMBER R- 308756

DATE OF FINAL PASSAGE FEB 24 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING PLANNED DEVELOPMENT
PERMIT NO. 1153095 FOR LA JOLLA COMMONS III
PROJECT NO. 324553 [MMRP].

WHEREAS, HSPF La Jolla Commons III Investors LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit, an amendment to Planned Development Permit No. 252591, to construction one of three options: option one – a 15-story, 223,900 square foot (with both subterranean and above grade parking) office building; option two – an 11-story, 165,780 square foot hotel building (above subterranean parking) (264 hotel room maximum); and option three – a 13-story, 285,960 square foot office/hotel building (above subterranean parking) (175 hotel room maximum) known as the La Jolla Commons III project, located at 4727 Executive Drive, southeast corner of Executive Drive and Judicial Drive, and legally described as Lot 3 of the resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, according to Map No. 15848, filed in the Office of the County Recorder on November 22, 2011, in the CV-1-2 and IP-1-1 Zones, the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Area (FBA), the Parking Impact Overlay Zone (Campus Impact Area) within the University Community Plan area; and

WHEREAS, on January 30, 2014, the Planning Commission of the City of San Diego considered Planned Development Permit (PDP) Permit No. 1153095, and pursuant to Resolution No. 4579-PC voted to recommend to the City Council their approval; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

WHEREAS, the matter was set for public hearing on February 24, 2014, 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 City Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1153095:

PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located within the University Community Plan (UCP) and is consistent with the City's General Plan, adopted in 2008. The proposed development contains three options of constructing office, hotel, or a combination of office and hotel in a single high-rise tower, approximately 13 stories tall. The project site is designated for high density residential, visitor and office commercial, and scientific research uses in the UCP. The project site is located in Subarea 29 and 31 in the Land Use and Development Intensity Table of the Development Intensity Element of the UCP. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the University Town Center area, developing an equitable allocation of development intensity among properties based on the concept of the "urban node", and providing a workable circulation system.

The proposed development does not propose to include a residential component and is requesting a Community Plan Amendment to eliminate residential use from the La Jolla Commons campus. Within the past ten years, approvals of three amendments to the University Community Plan have resulted in the conversion of non-residential land to residential and commercial mixed-use land. These amendments have created the potential for development of approximately 1,200 additional residential units within close proximity to the project site. The reduction of 86 residential units at the project site would not result in a net decrease of residential units within the University Community. The Urban Node has been achieved at the La Jolla Commons campus to date with the pedestrian linkage and high intensity high-rise commercial office uses. The proposed hotel and/or office uses are consistent with the Urban Node objectives of high intensity mixed use development with the University Community. Therefore, the proposed development will not adversely affect the applicable land use plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development as currently designed will not be detrimental to the public health, safety, and welfare. The proposed development contains three options of constructing office, hotel, or a combination of office and hotel in a single high-rise tower, approximately 11 to 15 stories tall. The proposed development will construct necessary sewer and water facilities to serve the occupants. The proposed development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance and will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. The proposed building will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations.

The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Further, the project is being processed with the Sustainable Expedite Program. The existing Tower I office building, achieved Leadership in Energy and Environmental Design (LEED) CS Gold status and Tower II, currently under construction, has been designed to be the largest net zero energy office building in the United States. The LEED-CS target for Tower II is Platinum. The proposed development, which would be the third (and final) tower on the La Jolla Commons campus, will be designed to similar sustainable standards with an emphasis on studying new sustainable technologies and considering the implementation of those technologies sustainable design. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The proposed development complies with the relevant regulations of the Land Development Code. Conditions of approval require compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Planned Development Permit No. 1153095 and Vesting Tentative Map No. 1153096. The project proposes a total of three (3) deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the University Community Plan. The project site is located in Subarea 29 and 31 in the Land Use and Development Intensity Table of the Development Intensity Element of the UCP. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the University Town Center area, developing an equitable allocation of development intensity among properties based on the concept of the "urban node", and providing a workable circulation system.

A deviation is being requested for the maximum building height of the proposed building. The minimum height proposed is 225 feet, where 45 feet is allowed. Maximum height limits for each

project scenario shall comply with the building corners approved by Marine Corps Air Station (MCAS) Miramar: the northeast corner shall not exceed 577 feet mean sea level (MSL); the northwest corner shall not exceed 597 feet MSL, the southeast corner shall not exceed 582 feet MSL and the southwest corner shall not exceed 602 feet MSL. The two towers currently located on the La Jolla Commons campus are 13 stories tall, approximately 199 feet above grade, and the proposed building will be consistent with the established height on the La Jolla Commons campus. In order to incorporate an urban node development for the La Jolla Commons campus, the building height deviation is being requested.

A deviation is being requested for the required front and street setbacks. The project proposes an average front setback of 25 feet, where 10 feet maximum is required, and proposes a maximum street setback of 12 feet, where 10 feet maximum is required. The main arterial adjacent to the project is La Jolla Village Drive. The University Community Plan envisioned La Jolla Village Drive as an attractive parkway recognized for its landscaping, art, fountains, and night illumination. Allowing the building to set back beyond the 10 foot maximum front and street side setback will provide the opportunity for a landscaped frontage, achieving the vision of La Jolla Village Drive consistent with the University Community Plan.


A deviation is being requested for the required building articulation. The project proposes a single plane where 6 planes are required for a façade that extends greater than 100 feet. The proposed project will provide visual interest with changes in glass types, materials, and façade features, but will not be able to meet the required building articulation per the CV-1-2 Zone. The planned features of visual interest for the proposed project will allow the opportunity to compliment the two existing building facades on the La Jolla Commons campus. If the proposed building was built precisely to the requirements of the CV-1-2 Zone, the building would appear dissimilar and inconsistent with the other two existing buildings on the campus.

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

BE IT FURTHER RESOLVED, that the Planned Development Permit No. 1153095 is granted to HSPF La Jolla Commons III Investors LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
2/4/2014
2/12/2014 Cor. Copy
Or.Dept:DSD
Doc. No. 708606_2

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003787

PLANNED DEVELOPMENT PERMIT NO. 1153095
LA JOLLA COMMONS III - PROJECT NO. 324553 [MMRP]
AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 252591
CITY COUNCIL

This Planned Development Permit No. 1153095, Amendment to Planned Development Permit No. 252591, is granted by the City Council of the City of San Diego to HSPF La Jolla Commons III Investors LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 1.68 acre site (Lot 3) is located at 4727 Executive Drive, southeast corner of Executive Drive and Judicial Drive in the CV-1-2 and IP-1-1 Zones, the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Area (FBA), the Parking Impact Overlay Zone (Campus Impact Area), and the University Community Plan Area. The La Jolla Commons Campus is improved with an existing 13-story office building within Lot One, an existing 13-story office building within Lot Two and a 7-story parking structure on Lot Four. The project site is legally described as: Lots 1 through 5 of the resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, according to Map No. 15848, filed in the Office of the County Recorder on November 22, 2011.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of one of three options on Lot 3: option one – a 223,900 square foot (with both subterranean and above grade parking) office building; option two – a 165,780 square foot hotel building (above subterranean parking) (264 hotel room maximum); and option three – a 285,960 square foot office/hotel building (above subterranean parking) (175 hotel room maximum) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 24, 2014, on file in the Development Services Department.

The project shall include:

- a. Option One – Construction of an approximately 15 story, 223,900 square foot (with both subterranean and above grade parking) office building;
- b. Option Two – Construction of an approximately 11 story, 165,780 square foot (above subterranean parking) hotel building, with a maximum of 264 hotel rooms;
- c. Option Three – Construction of an approximately 13 story, 285,960 square foot office/hotel building (above subterranean parking) with a maximum of 175 hotel rooms;
- d. A deviation from the maximum allowable building height. The minimum height proposed is 225 feet, where 45 feet is required. Maximum height limits for each project scenario shall comply with the building corners approved by MCAS Miramar letter dated October 31, 2013: the northeast corner shall not exceed 577 feet mean sea level (MSL); the northwest corner shall not exceed 597 feet MSL, the southeast corner shall not exceed 582 feet MSL and the southwest corner shall not exceed 602 feet MSL.
- e. A deviation from the maximum front and street setback requirement. The project proposes an average front setback of 25 feet, where 10 feet is required and a maximum street setback of 12 feet, where 10 feet is required.
- f. A deviation from building articulation requirements. The project proposes a single plane where 6 planes are required for a façade that extends greater than 100 feet.
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking;
- i. Incorporation of sustainable building techniques sufficient to achieve, at a minimum, Leadership in Energy and Environmental Design (LEED) Silver Certification; and
- j. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC

requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 24, 2017.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid"

conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Addendum to Environmental Impact Report No. 99-0762, Project No. 324553, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 99-0762, Project No. 324553, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

AIRPORT REQUIREMENT:

14. Prior to issuance of a grading permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of the building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

20. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

21. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

22. This project proposes to export 44,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

23. This Planned Development Permit shall comply with the conditions of Vesting Tentative Map No. 1153096.

24. The drainage system proposed within this development and outside the public right-of-way shall be private, privately maintained and subject to the approval of the City Engineer.

GEOLOGY REQUIREMENTS:

25. Prior to issuance of a grading permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

27. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

28. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

29. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual: Landscape Standards.

30. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to Exhibit 'A', on file in the office of Development Services.

31. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

32. All required landscape improvements shall be maintained, on a permanent basis, by the Owner/Permittee. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

34. The Owner/Permittee shall be responsible for the installation of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

35. Prior to issuance of any construction permit for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

36. Prior to issuance of any construction permit for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

37. Prior to issuance of any grading permit, construction documents shall be submitted that includes one or a combination of the following for parking structures, with parking spaces open to the sky. (1) Cover all individual parking spaces open to the sky on the roof with solar panels (2) Provide one automatically irrigated 24-inch box tree in planter within 30 feet of each

individual parking space open to the sky (3) Provide shade structure, such as a trellis w/baffling, to shade 50% of each parking space open to the sky.

38. Owner/Permittee is subject to the requirement for a water budget and is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual that includes (1) All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work and (2) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.

PLANNING/DESIGN REQUIREMENTS:

39. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

40. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been registered with the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Silver Certification or equivalent. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application or LEED equivalent application.

41. The project will target 20% recycled content for construction materials. Upon completion of recycled content documentation, in advance of the Certificate of Occupancy, applicant will submit documentation to the City for verification.

42. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit "A".

43. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

44. This Planned Development Permit shall supersede all previous entitlements granted to Lot 3.

45. Prior to issuance of the building permit, the Owner/Permittee shall incorporate the requirements for noise permit conditions (as applicable based on the option selected) on the appropriate construction documents as described in the approved technical report (*La Jolla Commons Tower III, prepared by dB Associates, Inc., dated September 4, 2013*) to be verified at plan check by appropriate City staff.

46. Prior to issuance of the building permit, appropriate City staff shall verify the placement and incorporation of appropriate sound attenuation project design features / measures (if

applicable based on option selected) as identified in the technical report (*La Jolla Commons Tower III, prepared by dBF Associates, Inc., dated September 4, 2013*). The project design sound attenuation features/measures shall ensure that interior and exterior noise levels are achieved as outlined within the approved technical report.

47. Prior to Occupancy, the Owner/Permittee shall submit two copies of the final acoustical report with construction documents to the Building Inspector, and one copy to the Mitigation Monitoring Coordinator (MMC). MMC shall verify the sound attenuation project features / measures have been constructed in accordance with the construction documents and that interior and exterior acoustical levels have been achieved per the approved technical report.

TRANSPORTATION REQUIREMENTS:

48. Owner/Permittee shall maintain a minimum of the following, depending on option selected:

All Office (Option One) - 739 off-street parking spaces, including 15 disabled/accessible, 15 motorcycle, and 37 bicycle spaces;

All Hotel (Option Two) - 288 off-street parking spaces, including 7 disabled/accessible, 6 motorcycle, and 15 bicycle spaces;

Office/Hotel (Option Three) - 440 off-street parking spaces, including 9 disabled/accessible, 9 motorcycle, and 22 bicycle spaces.

All parking spaces shall be permanently maintained on the property within the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC. Note: Parking will be provided for the project in accordance with the parking tables shown on Sheet A1.1 of approved Exhibit "A" dated February 24, 2014.

49. The project's trip generation shall not exceed any of the following values: 10,319 Average Daily Trips (ADTs), 939 AM Peak hour inbound trips, 222 AM peak hour outbound trips, 382 PM peak hour inbound trips, and 896 PM peak hour outbound trips; to the satisfaction of the City Engineer.

These values were developed from the original EIR and analyzing the following scenarios:

All Office (Option One) – 7,971 ADT including 1,043 (939 in: 104 out) trips during the AM peak hours and 1,116 (220 in: 896 out) trips during the PM peak hours for the entire La Jolla Commons Campus.

All Hotel (Option Two) - 9,216 ADT including 1,020 (871 in: 149 out) trips during the AM peak hours and 1,132 (307 in: 825 out) trips during the PM peak hours for the entire La Jolla Commons Campus.

Office/Hotel (Option Three) - 9,182 ADT including 1,078 (939 in: 139 out) trips during the AM peak hours and 1,181 (288 in: 891 out) trips during the PM peak hours for the entire La Jolla Commons Campus.

The 10,319 ADT is based on the original project analyzed in EIR No. 99-0762.

50. The Owner/Permittee shall be required to comply with the approved Transportation Demand Management (TDM) Plan. The existing Plan shall be augmented as necessary to incorporate bike racks, lockers, showers, priority spaces for carpool vehicles and hybrid vehicles, and attempt to work with tenants regarding partially subsidized transit passes for employees and flexible work schedules, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

51. The Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection of existing unused water and sewer service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

52. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

53. The Owner/Permittee shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water and sewer easement, including but not limited to structures, enhanced paving, or landscaping; No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

54. All irrigation systems must be designed to utilize reclaimed water. This will necessitate a separate irrigation service.

55. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and within five feet of any water facilities.

56. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

57. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on February 24, 2014 and Resolution No. R-308756

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Laura C. Black, AICP
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

HSPF La Jolla Commons III Investors LLC
Owner/Permittee

By _____
Paul Twardowski
Senior Managing Director

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on FEB 24 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 24 2014.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By  Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308756