

RESOLUTION NUMBER R- 311074

DATE OF FINAL PASSAGE APR 25 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING PLANNED DEVELOPMENT PERMIT NO. 1586342 AND SITE DEVELOPMENT PERMIT NO. 1586343; AMENDING PLANNED INDUSTRIAL DEVELOPMENT/ RESOURCE PROTECTION ORDINANCE PERMIT NO. 90-0892 AND PID/RPOZ PERMIT NOS. 82-0172, 86-0253 AND 88-0076 FOR TOWNE CENTRE DRIVE – PROJECT NO. 291342.

WHEREAS, Kilroy Realty, L.P., a Delaware Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit No. 1586342 and Site Development Permit No. 1586343, amending Planned Industrial Development/Resource Protection Ordinance Permit No. 90-0892 and PID/RPOZ Permit Nos. 82-0172, 86-0253 and 88-0076 to demolish an existing 47,091 square-foot office building and develop a five-story, 150,000 square-foot office building with structured parking, outdoor employee amenity space, including a lounge deck, outdoor seating area, landscaping and other improvements, known as the Towne Centre Drive project (Project), located at 9455 Towne Centre Drive in the IP-1-1 zone and the Airport Land Use Compatibility Overlay Zone, within the University Community Plan area; and

WHEREAS, the Project site is legally described as Parcel 3 of Parcel Map No. 16265, according to Map thereof No. 16255, filed October 18, 1990; and

WHEREAS, the Project includes approval of a Community Plan Amendment No. 1620745 to allow for the transfer of average daily traffic (ADT) to increase the University Community Plan allocated development intensity at the Project site; and

WHEREAS, on February 16, 2017, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1586342 and Site Development Permit No.

1586343, and pursuant to Resolution No.4838-PC voted to recommend approval of the Permit;
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; and

WHEREAS, the matter was set for public hearing on April 25, 2017, 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 it adopts the following findings with respect to Planned Development Permit No. 1586342 and Site Development Permit No. 1586343:

PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0604

Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The Towne Centre Drive project (Project) will demolish the existing office building and redevelop the site with a five-story 150,000 square-foot scientific research/office building. The Project will provide outdoor employee amenity space, including a lounge deck, outdoor seating area, landscaping and other improvements. The Project will provide 600 parking spaces, include 12 accessible spaces; 60 spaces for carpool and zero emission vehicles, 18 parking spaces designated specifically for electric vehicles (nine of the eighteen will include electrical equipment installed to provide active electric vehicle charging); and seven motorcycle spaces. The Project will provide 35 short-term bicycle parking spaces and 35 long-term bicycle parking spaces, for a total of 70 bicycle parking spaces. Additionally, the Project will provide 35 short-term bicycle parking spaces and 35 long-term bicycle parking spaces, for a total of 70 bicycle parking spaces.

The 3.9-acre proposed Project site is designated as Scientific Research in the University Community Plan. The General Plan designates the Project site as Industrial Employment and Prime Industrial Land.

The Project site, which is located in Subarea 12 of the University Community Plan, will be redeveloped with 150,000 square feet of development. The 102,909 square footage increase includes 36,687 square feet transferred from Off-site Transfer Area A in Subarea 12 through this Planned Development Permit, and 49,482 square feet transferred from Off-site Transfer Area B in Subarea 37 through the Community Plan Amendment which is concurrently processed with this Project. The overall development intensity of the University community will thus be increased by 16,740 square feet, and the development intensity of Subarea 12 will be increased by 66,222 square feet (49,482 square feet of which will be transferred from Off-site Transfer Area B). The Community Plan Land Use and Development Intensity table (Table 3) will be modified to show an increase in Subarea 12 from 2,356,990 square feet to 2,423,212 square feet.

Off-site Transfer Area A, which is Eastgate Technology Center Lots 5A, 5B, and 5C in Subarea 12 of the University Community Plan, is developed with scientific research uses. Off-site ADT Transfer Area B is undeveloped and vegetated in native and non-native habitats similar to adjacent undeveloped areas to the north, east, and south of that parcel. Off-site ADT Transfer Area B is privately owned and will be deeded to the City for Dedication as Park land as part of the Project. The Project does not propose any new development or changes to either Off-site ADT Transfer Area A or Area B. The Community Plan Amendment will change the designation of Off-site ADT Transfer Area B from Industrial to Open Space.

The Project will not adversely affect the applicable land use plan since the increase in development intensity on the Project site is accommodated by the Community Plan Amendment, this Planned Development Permit and the ADT transfers from Off-site Transfer Area A and Area B. The increase in development intensity on the Project site will not result in any significant transportation/traffic impacts with implementation of the proposed mitigation. Further, the proposed Project is consistent with the site's existing Scientific Research designation in the University Community Plan. The new development of the site is consistent with the land use designation and all other relevant policies of the University Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Planned Development Permit contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to ensure that construction will comply with all regulations, and the inspection of construction to ensure the Project will comply with all regulations. As a result, the proposed Project 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 Project complies with all development regulations of the applicable zone, with one exception. The Planned Development Permit will allow a deviation from the City's Landscape Regulations (SDMC Sec. 142.0406, Table 142-04D), which requires one tree to be planted within thirty feet of each parking space on the upper level of a parking structure. The Project proposes the use of solar shade structures on the upper level of the parking structure instead of planting trees in raised planters. These structures will serve the same purpose as trees by providing shade for the upper deck of the parking garage, will increase the amount of shade produced on the upper deck of the parking garage, and concurrently will allow the Project to reduce its greenhouse gas emissions by being fitted with photovoltaic solar panels for the generation of electricity on the site. The generation of shade on the roof of the parking garage and generation of electricity on the site represents a benefit of the Project that without the deviation will not be realized. The Project will result in a more desirable project than will be achieved if designed in strict conformance with the development regulations of the applicable zone. The Planned Development Permit is also required to amend the Planned Industrial Development Permit No. 90-0892. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504

Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The 3.9-acre proposed Project site is designated as Scientific Research in the University Community Plan. The General Plan designates the Project site as Industrial Employment and Prime Industrial Land. The project includes approval of a Community Plan Amendment to allow for the transfer of average daily traffic (ADT) to increase the University Community Plan allocated development intensity at the Project site and to designate an off-site parcel as Open Space. A Site Development Permit is required where new development includes a land use plan approval within the Airport Land Use Compatibility Overlay Zone.

The Project site, which is located in Subarea 12 of the University Community Plan, will be redeveloped with 150,000 square feet of development. The 102,909 square footage increase includes 36,687 square feet transferred from Off-site Transfer Area A in Subarea 12 through this Planned Development Permit, and 49,482 square feet transferred from Off-site Transfer Area B in Subarea 37 through the Community Plan Amendment which is concurrently processed with this Project. The overall development intensity of the University community will thus be increased by 16,740 square feet, and the development intensity of Subarea 12 will be increased by 66,222 square feet (49,482 square feet of which will be transferred from Off-site Transfer Area B). The Community Plan Land Use and Development Intensity table (Table 3) will be modified to show an increase in Subarea 12 from 2,356,990 square feet to 2,423,212 square feet.

Off-site Transfer Area A, which is Eastgate Technology Center Lots 5A, 5B, and 5C in Subarea 12 of the University Community Plan, is developed with scientific research uses. Off-site ADT Transfer Area B is undeveloped and vegetated in native and non-native habitats similar to adjacent undeveloped areas to the north, east, and south of that parcel. Off-site ADT Transfer Area B is privately owned and will be deeded to the City for Dedication as Park land as part of the Project. The Project does not propose any new development or changes to either Off-site ADT Transfer Area A or Area B. The Community Plan Amendment which is concurrently processed with this Project will change the designation of Off-site ADT Transfer Area B from Industrial to Open Space.

The Project will not adversely affect the applicable land use plan since the increase in development intensity on the Project site is accommodated by the Community Plan Amendment, this Planned Development Permit and the ADT transfers from Off-site Transfer Area A and Area B. The increase in development intensity on the Project site will not result in any significant transportation/traffic impacts with implementation of the proposed mitigation. Further, the proposed Project is consistent with the site's existing Scientific Research designation in the University Community Plan. The new development of the site is consistent with the land use designation and all other relevant policies of the University Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan. For additional information see Planned Development Permit Finding No. 1, above.

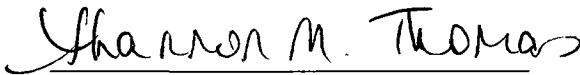
2. The proposed development will not be detrimental to the public health, safety, and welfare. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to ensure that construction will comply with all regulations, and the inspection of construction to ensure the Project will comply with all regulations. As a result, the proposed Project will not be detrimental to the public health, safety, and welfare. For additional information see Planned Development Permit Finding No. 2, above.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The Planned Development Permit will allow a deviation from the City's Landscape Regulations (SDMC Sec. 142.0406, Table 142-04D), which requires one tree to be planted within thirty feet of each parking space on the upper level of a parking structure. These structures will serve the same purpose as trees by providing shade for the upper deck of the parking garage, will increase the amount of shade produced on the upper deck of the parking garage, and concurrently will allow the Project to reduce its greenhouse gas emissions by being fitted with photovoltaic solar panels for the generation of electricity on the site. The proposed development will comply with all other relevant regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. For additional information see Planned Development Permit Finding No. 3, above.

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 Planned Development Permit No. 1586342 and Site Development Permit No. 1586343 is granted to Kilroy Realty, L.P., a Delaware Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
04/03/2017
Or.Dept:DSD
Doc. No.: 1450822

Attachment: Planned Development Permit No. 1586342 and Site Development Permit No. 1586343

**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: 24003121

**PLANNED DEVELOPMENT PERMIT NO. 1586342 and
SITE DEVELOPMENT PERMIT NO. 1586343**

TOWNE CENTRE DRIVE PROJECT NO. 291342 [MMRP]

**Amending Planned Industrial Development/Resource Protection Ordinance Permit No. 90-0892
and PID/RPOZ Permit Nos. 82-0172, 86-0253 and 88-0076**

CITY COUNCIL

This Planned Development Permit No. 1586342 and Site Development Permit No. 1586343, amending Planned Industrial Development/Resource Protection Ordinance Permit No. 90-0892 and PID/RPOZ Permit Nos. 82-0172, 86-0253 and 88-0076, is granted by the City Council of the City of San Diego to Kilroy Realty, L.P., a Delaware Limited Partnership, Owner/ Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0604 and 126.0504. The 3.9-acre site is located at 9455 Towne Centre Drive in the IP-1-1 zone of the University community plan. The project site is legally described as Parcel 3 of Parcel Map No. 16265, according to Map thereof No. 16255, filed October 18, 1990.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of an existing 47,091 square-foot office building and development of a five-story, 150,000 square-foot office building with structured parking, outdoor employee amenity space, including a lounge deck, outdoor seating area, landscaping and other improvements described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated **APR 25 2017**, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 47,091 square-foot office building and development of a five-story, 150,000 square-foot office building with structured parking, outdoor employee amenity space, including a lounge deck, outdoor seating area, landscaping and other improvements; and

- b. A deviation from SDMC Sec. 142.0406, Table 142-04D to allow solar shade structures fitted with photovoltaic solar panels for the generation of electricity on the site on the upper level of the parking structure instead of planting trees within thirty feet of each parking space; and
- c. Transfer of average daily traffic to increase the University Community Plan allocated development intensity at the Project site (per companion item CPA No. 1620745); and
- d. Landscaping (planting, irrigation and landscape related improvements); and
- e. Off-street parking; and
- f. 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 of City Council approval. 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 April 25, 2020
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.

11. Prior to the issuance of any building permit, the Owner/Permittee shall enter into a legally binding agreement (Agreement) with the owner of Eastgate Technology Center Lot 5A, 5B and 5C regarding the transfer ADT (development intensity) from transfer property (donor) to the Project site (recipient). The Agreement shall be recorded on the title of each property and copies of the recorded Agreement provided to the Development Services Department.

CLIMATE ACTION PLAN (CAP) REQUIREMENTS:

12. The Owner/Permittee shall comply with The Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements."

13. The Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented, to the satisfaction of the Development Services Department.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. 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.

15. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 291342, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 291342, 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:

**TRANSPORTATION/TRAFFIC
PALEONTOLOGICAL RESOURCES**

AIRPORT REQUIREMENTS:

17. Prior to issuance of any grading or building permits the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration.

ENGINEERING REQUIREMENTS:

18. Prior to the building occupancy, the Owner/Permittee shall dedicate an additional 2.5 feet of property for public right-of-way, along the project frontage on Towne Centre Drive, to provide a minimum of ten feet curb-to-property-line distance, satisfactory to the City Engineer.
19. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the replacement of the two existing driveways with a maximum twenty-six-foot-wide City standard driveway, on Towne Centre Drive and Eastgate Mall, satisfactory to the City Engineer.
20. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of a twenty-six-foot-wide City standard driveway, on Judicial Drive, satisfactory to the City Engineer.
21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drains located within the City's right-of-way, satisfactory to the City Engineer.
22. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate into the construction plans or specifications any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a technical report subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
25. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
26. Prior to the issuance of any building permits, 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.
27. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

28. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

29. The project proposes to export 52,610 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to the Exhibit "A."

31. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall provide a minimum forty- 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.

32. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

33. Prior to issuance of any construction permits for building structures (including building shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a minimum forty square foot area around each tree which is unencumbered by hardscape and utilities. Design of shade structure as shown on the top floor of the proposed parking structure shall be designed and constructed such that the shade material and/or construction members cast a minimum of fifty percent shade density on the roof surface.

34. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

35. 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 unless specifically noted in this Permit.

36. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards.

37. The Owner/Permittee shall maintain all landscape improvements within the public right-of-way adjacent to the property as shown on Exhibit “A.”

38. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, 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 Development Services Department within 30 days of damage or Certificate of Occupancy.

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. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

41. 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.

TRANSPORTATION REQUIREMENTS:

42. The Owner/Permittee shall maintain a minimum of 600 parking spaces, to include 12 accessible spaces; 18 parking spaces for electric vehicles, nine of which would include electrical equipment installed to provide active electric vehicle charging; 60 carpool/vanpool and low emitting/fuel efficient vehicles spaces; and seven motorcycle spaces. Additionally, the Project would provide 35 short-term bicycle parking spaces and 35 long-term bicycle parking spaces, for a total of 70 bicycle parking spaces as shown on the project's Exhibit “A.” Parking spaces 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

43. Prior to the issuance of any building permit, 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 the 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.

44. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new reclaimed irrigation service within Towne Centre Drive adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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

46. Prior to the issuance of any building permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. Back flow prevention devices shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

47. 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.

48. Prior to the issuance of any certificate 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.

49. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, 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.

- This property will be assessed a Maintenance Assessment District fee for landscape maintenance within the Eastgate Maintenance Assessment District.

APPROVED by the City Council of the City of San Diego on April 25, 2017, by Resolution No.
R- 311074

Permit Type/PTS Approval: PDP No. 1586342 & SDP No. 1586343
Date of Approval: APR 25 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Morris Dye
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.

KILROY REALTY, L.P.,
a Delaware Limited Partnership
Owner/Permittee

By _____
Robert Little
Senior Vice President

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

Passed by the Council of The City of San Diego on APR 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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"/>
Chris Cate	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 25 2017.

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

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By *Linda Irwin*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311074