

RESOLUTION NUMBER R- 301157
DATE OF FINAL PASSAGE JAN 17 2006

WHEREAS, Michael J. Reidy, Owner/Permittee, filed an application with the City of San Diego for a site development permit to construct three buildings on existing undeveloped lots to include. Building 1, approximately 50-foot high, 3- story structure with a gross floor area of approximately 49,920 square feet; Building 2, approximately 50-foot high, 2- story structure with a gross floor area of approximately 89,678 square feet, Building 3, approximately 50-foot high, 2- story structure with a gross floor area of approximately 51,858 square feet, and, the extension of Executive Drive eastward to new terminus at the project site, for the project known as the Nexus University Science Center project, located east of Executive Drive and northwest of Interstate 805/La Jolla Village Drive interchange, and legally described as Parcel A, the south half of the west half of the northeast quarter of the northeast quarter of Pueblo Lot 1307, in the City of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the Office of the County Recorder of San Diego County, November 14, 1921, Miscellaneous Map No 36; Parcel B, that portion of the west half of the southwest quarter of the northeast quarter of Pueblo Lot 1307, in the City of San Diego, State of California, according to Map of the Pueblo Lands of San Diego, made by James Pascoe in 1870, on file in the Office of the City Clerk of said City, and, Parcel C, that portion of the east half of the southeast quarter of the northeast quarter of Pueblo Lot 1307, in the City of San Diego, State of California, according to Map thereof the Pueblo Lands of San Diego, made by James Pascoe in May A D. 1870, in the

University Community Plan area, in the RS-1-14 zone (previously referred to as the R-1 zone) which is proposed to be rezoned to the IP-1-1 zone, and

WHEREAS, on November 17, 2005, the Planning Commission of the City of San Diego considered Site Development Permit No 9754, and pursuant to Resolution No 3889-PC voted to recommend City Council 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 JAN 17 2006, 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 SDP Permit No 9754.

A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504

1. Findings for all Site Development Permits

a. The proposed development will not adversely affect the applicable land use plan. The proposed project is located in the University Community Planning area and is designated for industrial land uses. According to the University Community Plan, Industrial Element, the project site is within an area designated for scientific research development with uses to include research laboratories, supporting facilities, headquarters or administrative offices and personnel accommodations, and related manufacturing activities. Furthermore, the Community Plan Implementation Overlay Zone Type “A” has been applied to the site to ensure that the development intensity element of the community plan is not exceeded.

The project is also located within the 65-70 dB Community Noise Equivalent Level [CNEL] contours and Accident Potential Zone [APZ] 1 of the Comprehensive Land Use Plan [CLUP], MCAS Miramar. Industrial uses within the CNEL and APZ 1 are allowable and therefore, the proposed shell buildings for scientific research uses would be consistent with the applicable land use plans

b. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance's with the City's regulations and 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. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

c. The proposed development will comply with the applicable regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No 9754. Development of the property shall meet all requirements of the regulations and development criteria of the IP-1-1 zone

2. Supplemental Findings--Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The combined three lots' "L" shaped development site is bordered to the west, north and south by roadways and existing development, and Interstate 805 to the east. The site contains generally east facing slopes leading from high points on the northwestern and southwestern portions of the site towards the middle portion which contains a small valley that slopes to the east. The site does contain sensitive vegetation communities however, they are isolated by the surrounding existing development and the site does not provide a corridor for wildlife habitat. The project site is not located within nor is it adjacent to the City's Multiple Species Conservation Program [MSCP] / Multi-Habitat Planning Area [MHPA]

In order to fulfill the purpose of the project and the objectives of the adopted University Community Plan, the development will provide approximately 191,456 square feet of building space in three buildings on site. To accommodate the parking requirements associated with the proposed square footage of the project, both surface parking and a subterranean parking are proposed. The proposed development of the property requires the grading of the entire site and therefore would impact all vegetation communities on the site. Considering the sites' isolated location of habitat and non-connectivity to MSCP/MHPA, the siting of the proposed development would have a negligible affect on the functions of environmentally sensitive lands. However, the values of the upland habitat will need to be mitigated accordingly.

The Permittee shall be required to fully mitigate the impacts with either the acquisition of off-site upland habitat of 0.7 acres of Tier I and 4.7 acres of Tier I to Tier III

within the MHPA, payment into the City's Habitat Acquisition Fund the amount necessary to purchase aforementioned habitat, or the purchase of land outside the MHPA provided the higher mitigation ratios as described in the City's Biology Guidelines are met. As a result, the project would be consistent with the City's policy that development is directed into non-MHPA areas and mitigation is directed into the MHPA.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The University Community Plan was designed to accommodate development of the community with a full range of land uses while preserving the unique character of the community prior to development. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the Region-wide erosion control plan. The plan exceeds the otherwise City-wide applicable requirements related to storm water runoff and best management practices as related to storm water runoff. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. When adopted, the University Community Plan analyzed environmentally sensitive lands within the plan area per City Council Policy 600-40. The proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations. The proposed project site is surrounded by urban land uses, Interstate 805, and is not located within nor is it adjacent to the City's MSCP / MHPA or properties containing environmentally sensitive lands. Therefore, the proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The proposed project will be consistent with the Environmentally Sensitive Lands regulations. Project specific mitigation is proposed to counter impacts to sensitive habitats of scrub oak chaparral, Diegan coastal sage scrub, baccharis scrub, native grasslands and southern mixed chaparral. The project site is not within or adjacent to the City's Multi-Habitat Planning Area for the MSCP. Impacts to sensitive biological resources will occur and mitigation will be provided pursuant to the City's Biology Guidelines. All other requirements of the MSCP have been met or exceeded for the developable portions of the proposed development. Therefore, the proposed project will be consistent with the City's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located approximately three miles east of the Pacific Ocean's beaches and local shoreline. The on-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply in that all current water quality and erosion control measures will be required of the project during construction and post-construction. All drainage will be directed to the existing public storm drain system and to the extent possible will substantially decrease the

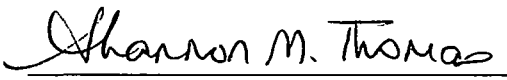
potential for downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The Mitigated Negative Declaration No. 5906 prepared during the California Environmental Quality Act [CEQA] review process included a site specific impact analysis for this proposed development. An initial study has been conducted for the proposed development on this site and concluded that Mitigated Negative Declaration No. 5906 should include requirements to mitigate for potential impacts to Transportation/Circulation, Paleontological Resources, Historical (Archaeological) Resources and Biological Resources and in fact the development will mitigate for these impacts with the implementation of the project. All mitigation is related to and calculated to alleviate impacts created by the proposed development and has been or will be incorporated into the conditions of the development permit.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 9754 is granted to Michael J. Reidy, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

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