

RESOLUTION NUMBER R- 308289

DATE OF FINAL PASSAGE JUN 18 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING CONDITIONAL USE PERMIT
NO. 1008720 AND SITE DEVELOPMENT PERMIT
NO. 1008721 FOR THE LIVING LAB-OCEAN DISCOVERY -
PROJECT NO. 287114.

WHEREAS, OCEAN DISCOVERY INSTITUTE, a California Nonprofit Educational Foundation, Owner and Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP) and Site Development Permit (SDP) to demolish two single family dwelling units and construct an 11,737 square foot educational facility known as the Living Lab-Ocean Discovery project, located at 4255 Thorn Street, and legally described as Parcel 1: Lots 1 and 2 of Block 129 of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1007 filed in the Office of the County Recorder of San Diego County, October 3, 1906; together with that portion of Van Dyke Avenue, adjoining said land on the west, as vacated and closed by Resolution recorded March 17, 1958, in Book 6995, Page 388 of Official records; and together with that portion of the northwesterly 20.00 feet of Lexington Avenue, adjoining said land on the east, as vacated and closed to public use; and Parcel 2: Lots 3 and 4 of Block 129 of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1007 filed in the Office of the County Recorder of San Diego County, October 3, 1906; together with that portion of Van Dyke Avenue, adjoining said land on the west, as vacated and closed by Resolution recorded March 17, 1958, in Book 6995, Page 388 of Official records; and together with that portion of the northwesterly 20.00 feet of Lexington Avenue, adjoining said land on the east, as vacated and closed to public use; and together with that portion of Thorn Street formally known as Centre Street in the City of San Diego, County of San Diego, State of California, as dedicated

to public use on Map No. 1007 filed in the Office of the County Recorder of San Diego County, October 3, 1906. Beginning at the true point of beginning being the northeast corner of Lot 1 of said Map 1007; thence continued at the prolongation of said Lot 1, N 89° 03'14" E 25.15 feet to the northwesterly right-of-way line of Lexington Avenue vacated on May 1, 1916, per City Resolution No. 536; thence along the said right-of-way line N 38° 16'44" E 7.55 feet; thence N 89° 03'14" W 101.15 feet; thence N 00° 56'46" E 16.00 feet; thence N 89° 03'14" W 173.75 feet; thence S 01° 26'39" W 41.83 feet to a point of cusp; thence northeasterly along curve concave to the southeast having a radius of 20.00 feet, through a central angle of 89° 30'07" an arc length of 31.24 feet; thence S 89° 03'14" E 225.53 feet returning to the true point of beginning; and

WHEREAS, on May 23, 2013, the Planning Commission of the City of San Diego considered CUP No. 1008720 and SDP No. 1008721, and pursuant to Resolution No. 4911-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 June 18, 2013, 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 CUP No. 1008720 and SDP No. 1008721:

I. CONDITIONAL USE PERMIT - SDMC SECTION 126.0305

1. The proposed *development* will not adversely affect the applicable *land use plan*. The 0.64 acre project site is located at 4255 Thorn Street in the RS-1-7 Zone within the Central Urbanized Planned District Boundary, the City Heights Community of the Mid-City Communities Plan area, and the City Heights Redevelopment Project Area. The community plan designates the site for Residential (6-10 du/ac). The project site could accommodate one dwelling unit on the consolidated lots based on the underlying zone and 3 to 6 residential dwelling units based on the community plan.

The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence.

The proposed project is classified as an educational facility and would not adversely affect the goals and policies of the Mid-City Communities Plan, and would not adversely impact the community plan land use designation as educational uses are allowed within the residential land use designation and the residential zone through a CUP. The proposed project helps to implement the Public Facilities and Services Element, which promotes additional educational facilities within the community, including the location of alternative resources. Therefore, the proposed development will not adversely affect the Mid-City Communities land use plan.

2. The proposed *development* will not be detrimental to the public health, safety, and welfare. The 0.64 acre project site is located at 4255 Thorn Street. The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence. Public improvements include new curb, gutter, sidewalk, an approximately 4 foot high retaining wall, storm drain improvements, pavement, street parking, and the relocation of the water and sewer mains. At the intersection of Van Dyke Avenue and Thorn Street, new street signage, striping, crosswalk and accessible curb ramps would be provided, which will improve the access to this facility as well as to the Joyner Elementary school that is located immediately north of the site.

The City of San Diego conducted an environmental review of this site, including a historical assessment of the two single family dwelling units, in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15332, Infill Development Project, which allows for the construction of infill development within an urbanized area that can be adequately serviced by all required utilities and public services.

The permit for the project includes various conditions of approval and referenced exhibits relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons

residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in CUP No. 1008720 and SDP No. 1008721, and other regulations and guidelines pertaining to the subject property per the LDC. Therefore, the proposed development 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 allowable deviations pursuant to the Land Development Code. The 0.64 acre project site is located at 4255 Thorn Street. The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence. Public improvements include new curb, gutter, sidewalk, an approximately 4 foot high retaining wall, storm drain improvements, pavement, street parking, and the relocation of the water and sewer mains. At the intersection of Van Dyke Avenue and Thorn Street, new street signage, striping, crosswalk and accessible curb ramps would be provided, which will improve the access to this facility as well as the Joyner Elementary school that is located immediately north of the site.

The building design would achieve a Leadership in Energy and Environmental Design (LEED) Platinum level certification and would meet applicable themes of the Living Building Challenge (e.g., net zero for water and energy use, integrates opportunities for urban agriculture, etc.). Additionally, the site would be improved with 35,000 square feet of outdoor features and would provide increased accessibility to nature within the neighborhood. Landscaping would be woven throughout the site by incorporating a green roof and extending landscaping around the building into the canyon, and native plantings would represent local habitats and interpretive signage would be located to explain ongoing experiments. Space would be allocated to raise native plants for use in canyon restoration projects, which would provide opportunities for teaching and demonstrations about growing edible produce.

The proposed project includes a request for deviations to building height, street side yard setback, side yard setback, site wall height, and driveway width. Each of the deviations was reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. The proposed deviations have been determined to be appropriate for this location and will result in a more desirable project that efficiently utilizes the site and improves the environmental sustainability of the architectural design to achieve a net zero energy building, while meeting the purpose and intent of the development regulations.

The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the LDC, including any allowable deviations pursuant to the LDC.

4. The proposed use is appropriate at the proposed location. The 0.64 acre project site is located at 4255 Thorn Street in the RS-1-7 Zone within the Central Urbanized Planned District Boundary, the City Heights Community of the Mid-City Communities Plan

area, and the City Heights Redevelopment Project Area. The community plan designates the site for Residential (6-10 du/ac). The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of all new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence. Joyner Elementary school is located immediately north of the site and Manzanita Canyon is located east and south east of the project site.

The Ocean Discovery Institute's Living Lab would provide natural resources-based instructional services, access to local nature, youth development activities, and public programs, which have been designed to facilitate learning about science and conservation, inspiring participants to inquire, investigate, and innovate. The state-of-the-art laboratories would provide hands-on programming in science, technology, engineering, and mathematics.

The proposed project is classified as an educational facility and would not adversely affect the goals and policies of the Mid-City Communities Plan, and would not adversely impact the community plan land use designation as educational uses are allowed within the residential land use designation and the residential zone through a CUP. The proposed project helps to implement the Public Facilities and Services Element, which promotes additional educational facilities within the community, including the location of alternative resources. Therefore, the proposed use is appropriate at the proposed location.

II. SITE DEVELOPMENT PERMIT APPROVAL - SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The 0.64 acre project site is located at 4255 Thorn Street in the RS-1-7 Zone within the Central Urbanized Planned District Boundary, the City Heights Community of the Mid-City Communities Plan area, and the City Heights Redevelopment Project Area. The community plan designates the site for Residential (6-10 du/ac). The project site could accommodate one dwelling unit on the consolidated lots based on the underlying zone and 3 to 6 residential dwelling units based on the community plan.

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The proposed project is classified as an educational facility and would not adversely affect the goals and policies of the Mid-City Communities Plan, and would not adversely impact the community plan land use designation as educational uses are allowed within the residential land use designation and the residential zone through a CUP. The proposed project helps to implement the Public Facilities and Services Element, which promotes additional educational facilities within the community, including the location of alternative resources. Therefore, the proposed development will not adversely affect the Mid-City Communities land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 0.64 acre project site is located at 4255 Thorn Street in the RS-1-7 Zone within the Central Urbanized Planned District Boundary, the City Heights Community of the Mid-City Communities Plan area, and the City Heights Redevelopment Project Area. The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of all new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence. Public improvements include new curb, gutter, sidewalk, an approximately 4 foot high retaining wall, storm drain improvements, pavement, street parking, and the relocation of the water and sewer mains. At the intersection of Van Dyke Avenue and Thorn Street, new street signage, striping, crosswalk and accessible curb ramps would be provided, which will improve the access to this facility as well as to the Joyner Elementary school that is located immediately north of the site.

The City of San Diego conducted an environmental review of this site, including a historical assessment of the two single family dwelling units, in accordance with the CEQA guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15332, Infill Development Project, which allows for the construction of infill development within an urbanized area that can be adequately serviced by all required utilities and public services.

The permit for the project includes various conditions of approval and referenced exhibits relevant to achieving project compliance with the applicable regulations of the LDC in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in CUP No. 1008720 and SDP No. 1008721, and other regulations and guidelines pertaining to the subject property per the LDC. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The 0.64 acre project site is located at 4255 Thorn Street. The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of all new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence. Public improvements include new curb, gutter, sidewalk, an approximately 4 foot high retaining wall, storm drain improvements, pavement, street parking, and the relocation of the water and sewer mains. At the intersection of Van Dyke Avenue and Thorn Street, new street signage, striping, crosswalk and accessible curb ramps would be provided, which will improve the access to this facility as well to the Joyner Elementary school that is located immediately north of the site.

The building design would achieve a Leadership in Energy and Environmental Design (LEED) Platinum level certification and would meet applicable themes of the Living Building Challenge (e.g., net zero for water and energy use, integrates opportunities for urban agriculture, etc.).

Additionally, the site would be improved with 35,000 square feet of outdoor features and would provide increased accessibility to nature within the neighborhood. Landscaping would be woven throughout the site by incorporating a green roof and extending landscaping around the building into the canyon, and native plantings would represent local habitats and interpretive signage would be located to explain ongoing experiments. Space would be allocated to raise native plants for use in canyon restoration projects, which would provide opportunities for teaching and demonstrations about growing edible produce

The proposed project includes a request for deviations to building height, street side yard setback, side yard setback, site wall height, and driveway width. Each of the deviations was reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, the surrounding development, and the applicable regulations. It was determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and improves the environmental sustainability of the architectural design to achieve a net zero energy building, while meeting the purpose and intent of the development regulations.

The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Mid-City Communities Plan, LDC, and the General Plan, including any allowable deviations pursuant to the LDC.

III. SUPPLEMENTAL FINDINGS – DEVIATIONS FOR AFFORDABLE/IN-FILL HOUSING PROJECTS AND SUSTAINABLE BUILDING

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The building design would achieve a LEED Platinum level certification and would meet applicable themes of the Living Building Challenge (e.g., net zero for water and energy use, integrates opportunities for urban agriculture, etc.).

Among the many other sustainable design features included in the project are the use of sustainable construction materials and practices, green roof for reduced heat island effect, and construction waste management. Operational sustainable features include the use of high efficacy plumbing fixtures, Energy Star appliances, passive cooling and heating, enhanced natural ventilation and lighting, water conserving native and pest resistant plants in the landscape, a high efficiency irrigation system, and use of low VOC materials. The proposed development includes a storm water system that can be studied as water moves through the site and use of the photovoltaic panels above the parking stalls to provide shading for the parking area.

Therefore, the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

2. The development will not be inconsistent with the purpose of the underlying zone. The 0.64 acre project site is located at 4255 Thorn Street in the RS-1-7 Zone within the Central Urbanized Planned District Boundary, the City Heights Community of the Mid-City Communities Plan area, and the City Heights Redevelopment Project Area. The community plan designates the site for Residential (6-10 du/ac). The project site could accommodate one dwelling unit on the consolidated lots based on the underlying zone and 3 to 6 residential dwelling units based on the community plan.

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The proposed project is classified as an educational facility and would not adversely affect the goals and policies of the Mid-City Communities Plan, and would not adversely impact the community plan land use designation as educational uses are allowed within the residential land use designation and the residential zone through a CUP. Therefore, the proposed development will not be inconsistent with the purpose of the underlying zone.

3. Any proposed deviations 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. The 0.64 acre project site is located at 4255 Thorn Street. The project proposes the demolition of two single family dwelling units and construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The facility includes two laboratories, alcoves for small gatherings and classes, a kitchen and dining room, offices, storage space, and a 380 square foot residential studio for a visiting scientist-in-residence. Public improvements include new curb, gutter, sidewalk, an approximately 4 foot high retaining wall, storm drain improvements, pavement, street parking, and the relocation of the water and sewer mains. At the intersection of Van Dyke Avenue and Thorn Street, new street signage, striping, crosswalk and accessible curb ramps would be provided, which will improve the access to this facility as well as to the Joyner Elementary school that is located immediately north of the site.

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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 CUP No. 1008720 and SDP No. 1008721 are granted to OCEAN DISCOVERY INSTITUTE, a California Nonprofit Educational Foundation, 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 
Amanda L. Guy
Deputy City Attorney

ALG:jdf:hm
5/30/2013
Or.Dept:DSD
Doc. No. 571788

Passed by the Council of The City of San Diego on JUN 18 2013, 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

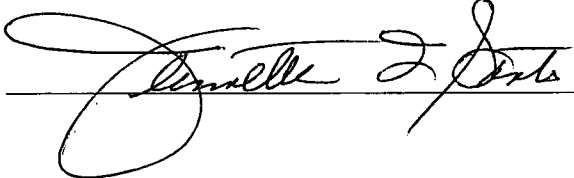
Date of final passage JUN 18 2013.

AUTHENTICATED BY:

BOB FILNER
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- 308289