

Item 200
Sub item D
Monday 2/24/14

RESOLUTION NUMBER R- 308757
DATE OF FINAL PASSAGE FEB 24 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.
1153096 FOR LA JOLLA COMMONS III PROJECT NO. 324553
[MMRP].

WHEREAS, HSPF La Jolla Commons III Investors LLC, Subdivider, and Leppert Engineering Corporation, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1153096, amendment to Vesting Tentative Map No. 340259, for the La Jolla Commons III Project that requests the construction of 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). The project site 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) within the University Community Plan area. The property 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 thereof No. 15848, filed in the Office of the County Recorder on November 22, 2011; and

WHEREAS, the Map proposes the Subdivision of a 12.34 acre site into five (5) lots to reflect moving the westerly lot line of existing Lot 4 westerly approximately 4.6 feet so that the existing parking structure is entirely within Lot 4; alter the lot lines for Lot 5 adjacent to

Executive Drive to acknowledge the prior street vacations and adjust the line between Lots 2 and 3 to ensure that the currently proposed building is entirely within Lot 3; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491 (b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on January 30, 2014, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1153096, and pursuant to Resolution No. 4579-PC, the Planning Commission voted to recommend City Council approval of the map; 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, on February 24, 2014, the City Council of the City of San Diego considered Vesting Tentative Map No. 1153096, amendment to Vesting Tentative Map No. 340259, pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, 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 Vesting Tentative Map No. 1153096:

1. **The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).** The proposed subdivision modifications involve adjustments of existing lot lines for the existing five (5) lots. These adjustments are internal to the La Jolla Commons subdivision and do not impact the public right-of-way. The proposed development is consistent with the policies, goals, and objectives of the University Community Plan. The site is located in an Urban Node in a sub regional employment center in proximity to public transit. The site is across from existing residential with more units remaining to be developed. The proposed uses within the project allow for additional employment with office use and the potential for mixed use with development of a hotel. Both uses are encouraged in the high intensity mixed use Urban Node of the University Community Plan. The design of the proposed development will compliment the two existing office buildings at the La Jolla Commons subdivision.

2. **The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations 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 all project scenarios 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.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The site was mass graded between 2002 and 2006 for high intensity use and specifically for vertical high rise structures, consistent with the original entitlements for the La Jolla Commons subdivision. The formational material, coupled with some deep fill, allow vertical development and a number of foundation types that will work for the site. The acreage of the site and proximity to I-805 and La Jolla Village Drive allows for well positioned vertical development coupled with open space that is all within close proximity to transit and freeway access. The technical studies reviewed for the proposed development concluded that the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). The development was previously analyzed under Planned Development Permit No. 252591 and Vesting Tentative Map No. 340259 (Project No. 79804); approved by Planning Commission in June 2006 and subsequently mass graded. The prior development contained residential use which is proposed to be removed within this development as part of the Community Plan Amendment. The project site is designated for high density residential, visitor and office commercial, and scientific research uses in the University Community Plan (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 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. All other uses are the same for the current development. There are no sensitive habitats, species or water courses located on the site. Additionally, the proposed development includes the Addendum to Environmental Impact Report (EIR), Project No. 324553, Environmental Impact Report No. 99-0762/SCH No. 200003197, which properly analyzed potential impacts associated with the proposed development. No new mitigation will be required for the proposed development. In terms of sustainability and concerns for the environment, the first office tower built achieved LEED-CS Gold Certification and the second office tower, currently under construction, will be the largest net zero energy office building in the United States. A LEED-CS Platinum level of certification

is being pursued for that project. The third tower, the subject of this development, will be designed to achieve a similar caliber of sustainability.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). 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. The proposed development 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.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The design of the development is such that it will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed development as demonstrated by the City Engineer. A number of easements exist throughout the La Jolla Commons Campus, including a tunnel structure that bisects the site, which houses effluent and reclaimed water infrastructure, which has been constructed to where the access is convenient from an open air service yard. Utility easements exist within the La Jolla Commons Campus; however, support structures have been built over sewer infrastructure to provide adequate structural support to allow structures to be built over the infrastructure. Two easements are being modified with the proposed Vesting Tentative Map. An easement for access for maintenance of public sewer facilities has been modified due to this current campus building configuration. An easement for a 42" sewer easement has been modified to the correct, and final, location on the map. All easements granted to the City over the property have been left in place or have been relocated and improved in a manner that allows for public access that is better than

access formerly provided by the unimproved easements, as reflected on the Vesting Tentative Map.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The proposed subdivision and associated project have the potential for passive cooling design, where an air economizing strategy is implemented. The air economizing strategy would increase the volume of outside air at seasonally appropriate times to reduce the burden on the building's cooling system. This practice reduces the energy demand on the building and potentially further enhances occupant comfort by providing more fresh air to the building environment. The proposed building shape of a compact square or L and the use of highly efficient glass and envelope materials will assist in the insulation of the interior from solar heat gain as well as air infiltration. Passive heating techniques being considered include the use of filtered ceiling plenum air mixing with primary cooler discharge air to meet the comfort of the occupant's space. The use of plenum air reduces the demand on the building's heating system during cooler months. Additional strategies such as photo-voltaic embedded glass and vacuum glass are being studied and may be considering in the final building design. The second office tower, currently under construction within the subdivision, consists of an under floor air system throughout the building as well as high efficiency glass.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The proposed subdivision is an existing urbanized area and the subdivision as a whole is less intense than what was approved in previous entitlements. Therefore, the burden on public services and availability for fiscal and environmental resources had been considered for a larger scale than what will ultimately be built. That is due in large part on the height constraints in place relative to MCAS Miramar. With respect to housing needs, the proposed subdivision includes the elimination of the currently approved 86 residential units from the University Community Planning area. Residential growth has been significant in the University Community Planning area and there are still a number of units in the pipeline to be built including 309 units at La Jolla Crossroads (directly across the street), 250 units at University Towne Center and 560 units at Monte Verde. The currently proposed project within the subdivision consisting of office, hotel, or a combination of those two uses will provide the residents in the Community with enhanced employment opportunities in an existing sub regional employment center per the General Plan's Economic Prosperity as well as reduced traffic to travel to the project based on proximity to public transit. The hotel use would serve the existing office sector in accommodating visiting business clientele in addition to increasing employment opportunities in the service sector.

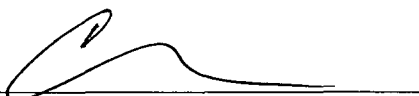
The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced.

against the needs for public services and the available fiscal and environmental resources and found that elimination of residential uses at this specific site will not impact the housing needs anticipated for the University Community Planning area.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1153096, is hereby granted to HSPF La Jolla Commons III Investors LLC, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
2/24/2014
Or.Dept:DSD
Doc. No. 708618

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1153096
LA JOLLA COMMONS III - PROJECT NO. 324553 [MMRP]
AMENDMENT TO VESTING TENTATIVE MAP NO. 340259

ADOPTED BY RESOLUTION NO. R-308757 ON FEB 24 2014

GENERAL

1. This Vesting Tentative Map will expire February 24, 2017.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 1153095.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

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AIRPORT

6. Prior to recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
11. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
12. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet

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thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

GEOLOGY

13. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

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- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24003787

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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.

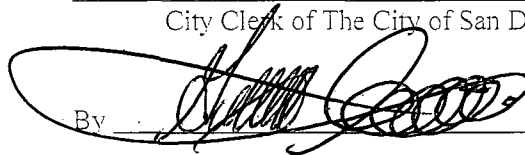
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 308757