

RESOLUTION NUMBER R- **311609**

DATE OF FINAL PASSAGE **MAR 13 2018**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1748815 AND SITE DEVELOPMENT PERMIT NO. 1748818 FOR ARE ILLUMINA CAMPUS AMENDMENT – PROJECT NO. 498142 AND AMENDING PLANNED INDUSTRIAL DEVELOPMENT/RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0034.

WHEREAS, ARE-SD REGION NO. 32, LLC, a Delaware limited liability company, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit No. 1748815 (PDP) and Site Development Permit No. 1748818 (SDP), and an amendment to Planned Industrial Development/Resource Protection Ordinance Permit No. 99-0034, to construct a corporate headquarters, research and development facility located at 5200 Illumina Way in the IP-1-1 Zone and the Community Plan Implementation Overlay Zone (CPIOZ) Type A within the Central Subarea of the University Community Plan. The project site is legally described as Lots 1 through 15 inclusive, and Lot C of Amended Map of Nobel Research Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14847, filed in the Office of the County Recorder of San Diego County, August 2, 2004; and

WHEREAS, on December 14, 2017, the Planning Commission of the City of San Diego considered the PDP and SDP, and pursuant to Resolution No. 4913-PC voted to recommend City Council approval of the permits; 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 a public

hearing is required by law implicating due process rights of individuals affected by the decision and the Council is 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, 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 the PDP and the SDP:

A. PLANNED DEVELOPMENT PERMIT - SDMC SECTION 126.0605

Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan.

The ARE Illumina Campus, formerly known as Nobel Research Park, is a master planned development located in the eastern portion of the University Community Plan (UCP) area. The site is currently developed with industrial uses consistent with the Nobel Research Park entitlements, Planned Industrial Development (PID)/Resource Protection Ordinance (RPO) Permit No. 99-0034. Existing industrial development on-site includes 844,216 square feet of research and development, light manufacturing, corporate office and accessory uses within six buildings; other existing uses include a parking structure, surface parking lots, and athletic fields. The property is designated Scientific Research by the UCP and the uses contemplated by the community plan are research laboratories, supporting facilities, headquarters or administrative offices and personnel accommodations, and related manufacturing activities.

The proposed expansion of the campus would include 351,446 square feet of mixed corporate headquarters and research and development uses, and 100,386 square feet of ancillary mechanical and accessory uses on previously disturbed land currently occupied by surface parking. Supporting the additional uses, the existing parking structure would be expanded to include an additional 2,750 parking spaces. The project includes a Land Use Plan Amendment (LUPA) to the UCP to allow the transfer of 987 unused average daily trips (ADTs) from Subarea 47 to Subarea 37, to increase the maximum allowable development intensity at the site to 8,657 ADTs. The proposed amendment increases the allowable development intensity of Scientific Research use on-site by approximately 123,000 square feet and will not result in inconsistencies with the existing land use designation. The Industrial Element of the UCP emphasizes the city-

wide importance of and encourages the retention and growth of Scientific Research use in the community because of its proximity to the University of California San Diego (UCSD). Increased intensity is consistent with this emphasis and the community plan policies regarding retention and growth of Scientific Research in areas designated for industrial development.

The site is included in the General Plan's Economic Prosperity Element as Prime Industrial Land on Figure EP-1 which identifies areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research and development uses. These areas are part of even larger areas that provide a significant benefit to the regional economy and meet General Plan goals and objectives to encourage a strong economic base. The General Plan provides several policies which are intended to protect base sector industrial uses and those areas identified as prime industrial lands, including Policies EP-A.1 through A.5 and EP-A.12 through A.15.

Adding additional square footage in the UCP for Scientific Research use will allow for retention and expansion of important business activities at a location close to the UCSD campus and related research facilities that contribute significantly to the City's overall economy as export-oriented business activities. The increase of square footage will make better use of the site's designation as Prime Industrial Land and result in an increase in the number of quality employment opportunities in the City. The proposed project is therefore consistent with these UCP policies.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed expansion of the campus includes 351,446 square feet of mixed corporate headquarters and research and development uses, and 100,386 square feet of ancillary mechanical and accessory uses on previously disturbed land currently occupied by surface parking. Supporting the additional uses, the existing parking structure would be expanded to include an additional 2,750 parking spaces. The building has been designed to achieve Leadership in Energy and Environmental Design (LEED) Silver, which requires several energy- and insulation-efficiency measures to be included in the design of the structures.

Mitigated Negative Declaration (MND) No. 498142 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which address potential impacts to Paleontological Resources. A Mitigation, Monitoring and Reporting Program (MMRP) will be implemented with this project, which will reduce potential impacts to below a level of significance.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in PDP No. 1748815 and SDP No. 1748818, and other regulations

and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would 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 includes an amendment to the UCP to transfer 987 unused ADTs from Subarea 47 to Subarea 37, to increase the maximum allowable development intensity at the site to 8,657 ADTs. The proposed amendment will increase the allowable development intensity of Scientific Research use on-site by approximately 123,000 square feet and will not result in inconsistencies with the existing land use designation.

The proposed development will be located on private property and has been designed to address height, bulk and scale, materials, colors, sustainable features, and signage as required through application of CPIOZ-A and the project Design Guidelines. The project is not requesting nor does it require any deviations or variances from the applicable regulations and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the proposed development is in conformance with the applicable regulations of the Land Development Code (LDC).

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0505

1. Findings for all Site Development Permits

a. The proposed development will not adversely affect the applicable land use plan.

As outlined within Planned Development Permit Finding (A)(1), listed above, with the adoption of the LUPA, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

As outlined within Planned Development Permit Finding (A)(2), listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

As outlined within Planned Development Permit Finding (A)(3), listed above, with the adoption of the LUPA, the project is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the proposed development is in conformance with the applicable regulations of the Land Development Code.

2. Supplemental Findings - Environmentally Sensitive Lands (ESL)

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 site is currently developed with industrial uses consistent with the Nobel Research Park entitlements, PID/RPO Permit No. 99-0034, including 844,216, square feet of research and development, light manufacturing, corporate office and accessory uses within six buildings; other existing uses include a parking structure, surface parking lots, and athletic fields. The proposed expansion of the campus includes 351,446 square feet of mixed corporate headquarters and research and development uses, and 100,386 square feet of ancillary mechanical and accessory uses on previously disturbed land that is currently occupied by surface parking. Supporting the additional uses, the existing parking structure would be expanded to include an additional 2,750 parking spaces.

MND No. 498142 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Paleontological Resources. A MMRP will be implemented with this project, which will reduce the potential impacts to below a level of significance. All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no encroachment into, or impacts on any ESL located on the site. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to ESL.

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.

All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no encroachment into, or impacts on, any ESL located on the site. There are no geologic or flood hazards on the property. In addition, a Brush Management Plan will be implemented with the project and all landscaping proposed will utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site. MND No. 498142 has been prepared for the project in accordance with CEQA Guidelines and no impacts from geologic and erosional forces, flood hazards, or fire hazards resulting from the project have been identified. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would 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.

The project site contains Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources. A total of five vegetation types were located on-site, as shown in MND No. 498142 Table 4 and Figure 6. The City of San Diego Biology Guidelines identifies four tiers of sensitivity with Tiers I, II, and III considered sensitive and Tier IV not considered sensitive. The sensitive habitats on-site consist of Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, chamise chaparral, non-native grassland, and San Diego mesa hardpan vernal pools. The Diegan coastal sage scrub and disturbed Diegan coastal sage scrub is located within an open space lot (Lot 1) located at the northernmost point of the project site. The chamise chaparral, non-native grassland, and San Diego mesa hardpan vernal pools are located within a conservation easement (Lot 9) in the southeastern portion of the project site. Both the open space lot (Lot 1) and conservation easement (Lot 9) were established as part of the Nobel Research Park entitlements PID/RPO Permit No. 99-0034. The project is estimated to impact 9.2 acres of Developed Land (Tier IV) within the project site. Per the City's Biology Guidelines, impacts to Tier IV habitat do not require mitigation. The associated grading and construction activities will not impact the existing open space and conservation easement portions of the site, as grading and construction activities will not occur adjacent to or within these lots containing the vegetation and habitats. All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no encroachment into, or impacts on, any ESL located on the site. The proposed development will be sited and designed to prevent adverse impacts on any adjacent ESL.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The City's Multiple Species Conservation Program (MSCP) Subarea Plan identifies Multi-Habitat Planning Area (MHPA) lands, which are lands that have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. The project site is located approximately 225 feet away from the closest MHPA -designated land area and is separated from it by Interstate 805 and Nobel Drive. Due to these physical roadway barriers, the City's Land Use Adjacency Guidelines are not applicable to this project. No toxins or drainage will flow into the MHPA from the project and no immediate noise, invasive plant, or grading/land development concerns from the project will affect the MHPA due to I-805 and Nobel Drive buffering the MHPA from these issues. Any brush management that would occur on-site will not affect MHPA lands. Therefore, the proposed development will be consistent with the MSCP Subarea Plan.

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

The project site is located at 5200 Illumina Way, east of Judicial Drive, west of Interstate 805, and south of La Jolla Village Drive. The site is approximately 3.24-miles from the Pacific Ocean. The project site is a previously developed site and all of the proposed development will

occur within the previously disturbed and developed portion of the site and the project has been designed to limit drainage and irrigation so as to avoid impacts to ESL. Therefore, the project 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.

Fossils (paleontological resources) are the remains and/or traces of prehistoric life and represent an important and nonrenewable natural resource. Impacts to paleontological resources may occur during grading activities associated with project construction where excavation would be done in previously undisturbed geologic deposits/formations/rock units. According to the Geotechnical Investigation prepared for the project, the area is underlain by the Scripps Formation, which has been categorized as having a high paleontological resource sensitivity rating.

The project would involve approximately 105,000 cubic yards of cut and would excavate to a maximum depth of 18 feet. Considering the high paleontological sensitivity rating for underlying geology and the geologic formations encountered in borings conducted during the geotechnical investigation, the project grading activities have potential to disturb or destroy paleontological resources. MND No. 498142 has been prepared for the project in accordance with CEQA Guidelines and addresses potential impacts to Paleontological Resources. A MMRP will be implemented with this project, which will reduce the potential impacts to below a level of significance. Therefore, 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.

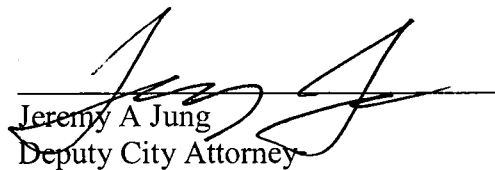
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1748815 and Site Development Permit No. 1748818, as modified to (i) the proposed B7 building not exceed seven stories and (ii) reduce the allowable parking ratio for new development to 3.5 spaces per 1,000 square feet, are granted to ARE-SD REGION NO. 32, LLC, a Delaware limited liability company, Owner/Permittee, under the terms and conditions set forth in the attached permit document, with the

aforementioned modifications, which is made a part of this resolution and that Planned Industrial Development/Resource Protection Ordinance Permit No. 99-0034 is thereby amended.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Jeremy A Jung
Deputy City Attorney

JAJ:jdf

02/20/18

03/13/18 COR. COPY

04/05/18 COR. COPY2

Or.Dept: DSD

Doc. No.: 1709342_2

Attachment(s): Planned Development Permit/Site Development Permit

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

**WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24006808

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 1748815
SITE DEVELOPMENT PERMIT NO. 1748818
ARE ILLUMINA CAMPUS AMENDMENT-PROJECT NO. 498142 [MMRP]
AMENDMENT TO PLANNED INDUSTRIAL DEVELOPMENT/
RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0034
CITY COUNCIL**

This Planned Development Permit No. 1748815 and Site Development Permit No. 1748818, an amendment to Planned Industrial Development/Resource Protection Ordinance Permit No. 99-0034, is granted by the City Council of the City of San Diego to ARE-SD REGION NO. 32, LLC, a Delaware Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0605 and 126.0505. The 42.6-acre site is located at 5200 Illumina Way in the IP-1-1 Zone and the Community Plan Implementation Overlay Zone (CPIOZ) Type A within the Central Subarea of the University Community Plan, The project site is legally described as Lots 1 through 15 inclusive, and Lot C of Amended Map of Nobel Research Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14847, filed in the Office of the County Recorder of San Diego County, August 2, 2004.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for construction of a corporate headquarters, research and development facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated (to be filled in), on file in the Development Services Department.

The project shall include:

- a. Construction of approximately 351,446 square feet of mixed corporate headquarters and research and development uses, and 100,386 square feet of ancillary mechanical and accessory uses; expansion of an existing parking structure to include an additional 2,750 parking spaces.
- b. Design Guidelines are adopted as part of this Permit to implement the building and parking structure expansion;
- c. Transfer of 987 average daily trips from Subarea 47 to Subarea 37 of the University Community Plan as allowed through University Community Plan Amendment No. 1748814;
- d. Leadership in Energy and Environmental Design (LEED) Silver certification;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking;
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City

Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

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

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" condition(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. The entitlement and conditions of Planned Industrial Development/Resource Protection Ordinance Permit No. 99-0034 shall remain in force and effect except where amended by this Permit.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A" and Design Guidelines.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. 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.

14. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 498142, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 498142, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Paleontological Resources

CLIMATE ACTION PLAN REQUIREMENTS:

16. 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" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AIRPORT REQUIREMENTS:

17. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

18. This Planned Development Permit and Site Development Permit shall comply with all Conditions of the Final Map for the Tentative Map No. 1814806.

19. 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 the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
20. The project proposes to export 97,500 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.
21. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct damaged western driveway with current 28-foot-wide City Standard driveway on Judicial Drive, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing curb ramp at the northwest corner of Illumina Way and Judicial Drive, with current City Standard curb ramp with Detectable/Tactile Warning Tile, satisfactory to the City Engineer.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.
25. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
26. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be 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.
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. 2009-0009DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

29. The Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."
30. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 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.

31. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square-foot-area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).

32. In the event a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department 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. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

34. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace 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.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

35. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."

36. The Brush Management Program shall be based on a standard Zone One of 35-feet in width and a Zone Two of 65-feet in width, exercising the Zone Two reduction option set forth under §142.0412(f). Existing Structures in Lots 3 and 8 shall observe a Brush Management program along the façades facing the native/naturalized condition of Lot 9 (conservation easement) as follows:

Bldg. P1: Zone One = 40'-00" / Zone Two = 57.5'-00"

Bldg. 3: Zone One = 60'-00" to 80'-00" / Zone Two = 27.5'-00" to 0'-00"

Bldg. 6: Zone One = 50'-00" to 80'-00" / Zone Two = 42.5'-00" to 0'-00"

37. Prior to issuance of any engineering permit for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

38. Prior to issuance of any Building Permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A." The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

39. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

40. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

- 41. 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.
- 42. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
- 43. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

COMMUNITY PLAN REQUIREMENTS:

- 44. Accessory commercial uses up to ten percent of the gross floor area are allowed per the University Community Plan. Accessory commercial uses are those uses which provide services that building users would normally drive to which may include: restaurant/deli, conference rooms, express mail/copy center, and/or athletic club facilities.
- 45. Accessory uses shall be designed as an integral part of the campus and may be located within buildings or freestanding. Accessory commercial uses shall be oriented for campus employees/tenants use and not for use by the general public.
- 46. Signs for accessory commercial uses shall be minimal and directed toward users within the campus. Any street-oriented signs shall be for directional purposes only. Advertising for the accessory commercial services shall be limited to the industrial tenants only.

TRANSPORTATION REQUIREMENTS:

- 47. The Alexandria Illumina Campus (formerly Nobel Research Park) shall be limited to a maximum traffic volume generation of 8,657 Average Daily Trips (ADTs). Prior to the issuance of any building permit for improvements that cause an increase in ADTs within the campus, the applicant shall provide a trip generation analysis using trip rates consistent with the University Community Plan; the analysis shall also provide an update of square footage actually built and occupancy statistics for the entire site, satisfactory to the City Engineer. No building permits shall be issued which cause the 8,657 ADT limitation to be exceeded.
- 48. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the San Diego Municipal Code (SDMC). All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.
- 49. Prior to the issuance of any construction permit, the Owner/Permittee shall provide a copy of a recorded mutual access agreement between all parcels/lots affected, satisfactory to the City Engineer.
- 50. Prior to the issuance of any construction permit, the Owner/Permittee shall record a shared parking agreement in favor of all parcels within the project site, satisfactory to the City Engineer.
- 51. Prior to any work within the public right-of-way, the Owner/Permittee shall obtain a Public Right-of-way Permit for Traffic Control, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

- 52. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s)[BFPDs], on each water service (domestic, fire and

irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

53. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

54. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

55. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

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

57. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral.

58. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on MAR 13 2018 by Resolution No. R-311609

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson
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.**

**ARE-SD Region No. 32, LLC,
a Delaware Limited Liability Company
Owner/Permittee**

By: Alexandria Real Estate Equities, L.P.,
a Delaware Limited Liability Partnership,
Managing Member

By: ARE-QRS CORP., a Maryland Corporation,
General Partner

By _____
Name:
Title:

J S Q RAM

000118-2

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

Passed by the Council of The City of San Diego on MAR 13 2018, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 MAR 13 2018


(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.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

311609