

RESOLUTION NUMBER R- 315101

DATE OF FINAL PASSAGE SEP 11 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 2342720 AND RESCINDING PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. 86-0459 FOR THE ALEXANDRIA SCIENCE VILLAGE PROJECT - PROJECT NO. 647676.

WHEREAS, Alexandria Real Estate Equities (ARE) - ARE-SD Region No. 20 LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a General Plan/Community Plan/Specific Plan Amendment No. 2342722, Rezone No. 2367486, and Planned Development Permit No. 2342720 to demolish three existing scientific research buildings and construct two four-story research and development buildings with associated accessory uses and a three-level below-grade parking garage totaling 789,692 square feet known as the Alexandria Science Village project, located at 9363, 9373, and 9393 Towne Centre Drive within the RS-1-14 (Residential – Single Unit) zone and the University Community Plan area; and

WHEREAS, the project site is legally described as: Parcel A: Lots 4 and 5 of Nexus Technology Centre Unit No. 1 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11876, filed in the Office of the County Recorder of San Diego County, August 7, 1987, Parcel B: Easements for parking and access, maintenance and common wall as set forth in a document entitled “Grant of Easement” recorded September 11, 1987 as file no. 87-515736 of official records, affecting Lot 4 and 5 of Nexus Technology Centre Unit No. 1 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11876, filed in the Office of the County Recorder of San Diego County,

August 7, 1987, above as more particularly described in said document, APN: 345-200-04 & 05;
and

WHEREAS, on July 20, 2023, the Planning Commission of the City of San Diego considered General Plan/Community Plan/Specific Plan Amendment No. 2342722, Rezone No. 2367486, and Planned Development Permit No. 2342720, and pursuant to Resolution No. 5251-PC voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on September 11, 2023, testimony having been heard, evidence having been submitted, and the San Diego City Council (City Council) having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including, information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 2342720:

A. PLANNED DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605

1. Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The 3.97-acre site is in the RS-1-14 Zone which is proposed to be rezoned to the

EMX-2 (Employment Mixed-Use) Zone and is located on three parcels which include 9363, 9373, and 9393 Towne Centre Drive within the University Community Plan area. The General Plan designates the site as Industrial Employment and Prime Industrial Lands, and the University Community Plan designates the site as Scientific Research. The Alexandria Science Village project will demolish three existing scientific research buildings and redevelop the site with approximately 369,878 square-feet of mixed-use research, retail, and office uses across two buildings. The project will consist of approximately 310,416 square-feet of Research and Development and 59,462 square-feet are planned as accessory and amenity space. The accessory and amenity space is expected to consist of a 7,655-square-foot market, 563 square-feet of food and beverage space, a 23,397-square-foot fitness center, and 27,847 square-feet of conference space. Additionally, a three-level subterranean parking garage with approximately 938 parking spaces totaling 419,814 square-feet is proposed.

The project requires a General Plan Amendment, Community Plan Amendment to the University Community Plan, and a Specific Plan Amendment to the Nexus Technology Centre Specific Plan, as detailed below:

University Community Plan Amendment – A University Community Plan Amendment is required to change the gross area of Subarea 30 (Nexus Specific Plan) from 22.50 acres to 18.63 acres. The amendment also includes adding the project site Subarea 102 (Science Village (PDP)) as a new 3.97-acre Subarea to the Land Use and Development Intensity Table 3 within the Development Intensity Element. The transfer of development intensity rights (3,733 ADT) from Subarea 37 (City Ownership) to Subarea 10 (Campus Point) and newly created Subarea 102 (Science Village (PDP)) will result in increased development intensity of the project site. The amendment would also entail a revision of the “Commercial Encroachment” provisions of the Industrial Element of the Community Plan to allow the proposed commercial uses to serve the surrounding community, and for the redesignation of the southern portion of Subarea 37 (south of Nobel Drive) from Scientific Research to Open Space.

General Plan Amendment – A General Plan Amendment is required relative to the revisions proposed to the University Community Plan. The General Plan currently designates the project site for Industrial Employment and Prime Industrial Lands. The amendment will redesignate a portion of Subarea 37 (City Ownership) south of Nobel Drive totaling 36.6 acres from Industrial Employment to Parks, Open Space, and Recreation.

Specific Plan Amendment – A Specific Plan Amendment is required to remove the project site from the Nexus Technology Centre Specific Plan. The project site is composed of Lots 7 and 8 in the Nexus Specific Plan. The amendment would remove Lots 7 and 8 from the Nexus Specific Plan.

The General Plan Amendment and Community Plan Amendment would transfer development intensity rights (3,744 average daily trips or “ADT”) from the University Community Plan Area Subarea 37 (City Ownership) to Subarea 102 and Subarea 10 as follows: 1,933 ADT transferred to new Subarea 102 (project

site), which will allow an additional 241,600 square-feet of Scientific Research/Research & Development; and 1,811 ADT transferred to Subarea 10 (Campus Point), which will allow an additional 226,400 square-feet of Scientific Research/Research and Development space.

The increase in Scientific Research/Research and Development use would help provide quality job opportunities including middle-income jobs and provide secondary employment and supporting uses. Retention and growth of scientific research use in this area would provide greater opportunities for collaboration with other scientific research uses in the immediate vicinity, in the Central area of the community as well as the University of California San Diego UC San Diego. The project will not adversely affect the University Community Plan as the applicable land use plan since the increase in development intensity is accommodated by the Community Plan Amendment and ADT transfer from Subarea 37.

The proposed project does not change the Scientific Research use designation for the project site in the University Community Plan. The project is consistent with the General Plan Industrial Employment and the University Community Plan Scientific Research land use designations for the property. The project site is identified as "Prime Industrial Land" in the General Plan Economic Prosperity Element. The project implements policies EP-A.1 through EP-A.5 and EP-A.12 of the Economic Prosperity Element through its support of Base Sector Industrial Uses. It will increase the floor area of these uses consistent with the goals of both plans and make better use of the limited prime industrial lands. The proposed project would allow expansion of business activities at a location close to the UC San Diego campus and related research facilities that contribute significantly to the City's overall economy as export-oriented business activities. The increase of square footage would make better use of the site's identification as Prime Industrial Land, particularly considering the reduction in availability of such land both in the City and the University Community Planning area.

The Development Intensity Element of the University Community Plan establishes guidelines for intensity of development in the University community. The development intensities listed in the community plan are the building square footage or dwelling unit limits for any given subarea as listed in the Land Use and Development Intensity Table 3. The project conforms with the Land Use and Development Intensity Table 3 within the Development Intensity Element of the University Community Plan as amended. The project and its design or improvements are consistent with the policies, goals, and objectives of the University Community Plan as the applicable land use plan.

The project is consistent with the Scientific Research designation in the University Community Plan and supports the design requirements, goals, and policies including:

1. Encourage the development of life sciences-research facilities which maximize the resources of the University (Page 17).

The project will encourage and provide an office setting for large regional industrial employers to utilize which supports the scientific research development land use designation.

2. Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre and La Jolla Village Square (Page 17).

The project will contribute to community activities in the Towne Centre and La Jolla Village Square by providing accessory uses including conference centers, a fitness center, and amenity space for tenants. The primary use of scientific research and development will contribute to the professional community activity desired in the University Community Plan.

3. Ensure that every new development contributes to the public realm and street livability by providing visual amenities and a sense of place (Page 44).

The project enhances the public realm and street livability by providing non-contiguous parkways and non-contiguous sidewalks along Towne Centre Drive and Executive Drive. This enhanced street frontage improves the relationship with pedestrians and provides a comfortable walking environment as well as access to the building's market space.

4. Retrofit development bordering the Urban Node Pedestrian Network with pedestrian-oriented uses and amenities which contribute to street vitality (Page 80).

The project creates a pedestrian-oriented street environment within the Urban Node through landscaping and its building design. The project also connects to the Primary Pedestrian Network along Towne Centre Drive and Executive Drive.

5. Complete the missing links of the proposed bicycle system shown in Figure 23, and thus reaffirm the importance of bicycles as effective alternative modes of transportation in the University community (Page 85).

The project will be compatible with the proposed Class II bicycle lane along Towne Centre Drive and the proposed Class IV one-way cycle track along Executive Drive through curb striping that prohibits parking along the building frontage.

6. Improve the central community's urban form and cohesiveness as new construction activity continues (Page 113).

The project follows the urban design objectives in the University Community Plan through setbacks that define the street edge and are appropriate to the scale of the building, access to the public space from the street level, as well as building articulation that provides different textures, planes, and materials to the building.

The Airport Land Use Compatibility Overlay Zone (ALUCOZ) implements the adopted Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar to ensure that new development located within the airport influence area is compatible with respect to airport-related noise, safety, airspace protection, and aircraft overflight. The project is in the Airport Influence Area (AIA) Review Area 1 for MCAS Miramar. The project is in the 60 to 65 decibel (dB) Community Noise Equivalent Level (CNEL). SDMC Table 132-15D permits the Commercial, Employment and Retail uses within this noise contour. The project is not located in a Safety Zone.

Pursuant to SDMC 132.1550(c)(4), the project is required to obtain a determination of consistency from the San Diego County Regional Airport Authority, which acts as the Airport Land Use Commission (ALUC) for San Diego County since the project includes a rezone and an amendment of a land use plan within Review Area 1 of the ALUCOZ. A letter was received from the ALUC on May 2, 2022, indicating that the site lies within the AIA for the MCAS Miramar ALUCP. The letter indicated that the ALUC had reviewed the project and determined that, in accordance with the San Diego Regional Airport Authority Policy 8.30 and applicable provisions of the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), the project is conditionally consistent with the MCAS Miramar ALUCP, based upon the findings summarized in the letter.

As a condition of project approval from ALUC, application of the airspace protection policies of the ALUCP through the ALUCOZ must ensure that structures and objects developed under the project are determined by the FAA not to be hazards to air navigation, or include marking or lighting, if determined to be obstructions. Alternatively, the project applicant may certify that notice to the FAA is not required because the structures or objects are located within an urbanized area, are substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation. The project applicant's professional, licensed by the State of California, has completed self-certification and added a note to the development plans. Prior to issuance of any building permits, the applicant shall provide a copy of the signed agreement [DS-503] No FAA Self-Certification Agreement and show certification on the building plans verifying that the structures do not require FAA notice of Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation. The project has been designed in accordance with relevant height and safety regulations pertaining to airport operations and conforms with the allowed use of the subject site.

While the project proposes amendments to the general plan, community plan, and specific plan, the project is consistent with the goals and objectives of the applicable land use

plans and therefore 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. The project will not be detrimental to the public health, safety, and welfare because the permits controlling the development and use of the site requires compliance with City codes, policies, and other regional, state, and federal regulations. Construction plans will be reviewed by City Staff to ensure compliance with all building code regulations. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. The project will be inspected by certified building and engineering inspectors to assure construction is in accordance with approved plans and regulations.

Pursuant to SDMC 132.1550(c)(4), the project is required to obtain a determination of consistency from the San Diego County Regional Airport Authority, which acts as the ALUC for San Diego County since the project includes a rezone and an amendment of a land use plan within Review Area 1 of the ALUCOZ. A letter was received from the ALUC on May 2, 2022, indicating that the site lies within the AIA for the MCAS Miramar ALUCP. The letter indicated that the ALUC had reviewed the project and determined that, in accordance with the San Diego Regional Airport Authority Policy 8.30 and applicable provisions of the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), the project is conditionally consistent with the MCAS Miramar ALUCP, based upon the findings summarized in the letter.

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The project incorporates design features that enhance the pedestrian environment by installing non-contiguous sidewalks and encouraging alternative modes of transportation by installing bicycle facilities on both of its street frontages. The project also promotes energy efficiency by including sustainable design features consistent with the requirements of the Voluntary Tier 1 and Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code(CGBSC) in effect at the time the building permit application is deemed complete per SDMC 143.0915(c).

Tiered Mitigated Negative Declaration No. 647676/SCH No. 2019060003 has been prepared for the project in accordance with CEQA Guidelines Section 15152, which allows a lead agency to prepare a tiered environmental document to a broad Environmental Impact Report or Negative Declaration and concentrate the later tiered environmental document solely on the issues specific to the later project. The proposed project results in impacts to Noise and Transportation/Circulation, therefore, a Mitigation Monitoring and Reporting Program (MMRP) is required. However, implementation of the measures below would minimize Noise and Vehicle Miles Traveled (VMT) impacts to the extent feasible:

- To reduce construction noise, a temporary noise barrier or enclosure shall be installed prior to the initiation of demolition and maintained through the end of construction along the eastern and southern property lines to break the line of sight between the construction equipment and adjacent residences;
- Provide short-term bicycle parking spaces that are available to the public, at least 10 percent beyond the minimum requirement;
- Provide long-term bicycle parking spaces, at least 10 percent beyond the minimum requirement;
- Provide an on-site bicycle repair station offering a minimum of an air pump and basic repair and maintenance tools for bicycles; and
- Provide on-site multi-modal kiosks (above minimum kiosk requirement to serve a larger site).

The permit for the project also includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions will avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. Permit requirements include obtaining a bonded grading permit prior to the issuance of any building permits; removing and constructing new City-standard driveways, curbs, gutters, and sidewalks adjacent to Towne Centre Drive and Executive Drive; constructing a new City-standard curb inlet, storm drain pipe and cleanout; obtaining an Encroachment Maintenance and Removal Agreement for private storm drain pipe on Executive Drive and landscaping/irrigation and trees adjacent to the site on Towne Centre Drive and Executive Drive Public-Right-of-Way; implementing construction Best Management Practices (BMP), including a Maintenance Agreement for ongoing permanent BMP maintenance and maintenance of all landscape improvements; re-striping of northbound Towne Centre Drive from Executive Drive to Eastgate Mall to remove on-street parking and provide 10 to 11-foot wide travel lanes and a 6-foot wide Class II bike lane with 0 to 4-foot wide buffer and conflict striping at driveway openings within the existing 26 to 32-foot median curb-to-curb pavement width; re-striping of westbound Executive Drive from Towne Centre Drive to Judicial Drive to remove on-street parking and provide 12-foot wide left turn lane, 11-foot wide travel lanes, and a Class IV one-way westbound cycle track with 5-foot wide lane, 3-foot wide buffer with vertical delineators, and conflict striping at driveway openings

within the existing 42-foot median curb-to-curb pavement width; implementing VMT reduction measures as outlined in the Mitigation Monitoring and Reporting Program; implementing an upgraded 2070 traffic signal controller (including software update) and audible pedestrian signals, bicycle loop detectors through a traffic signal modification, backplates with retroreflective borders through a traffic signal modification, high visibility crosswalks and necessary traffic signal modifications at nearby intersections; installing appropriate private back flow prevention devices on each water service; and constructing all public water facilities per the City's water design regulations and standards, as shown on the Exhibit A. The project will comply with the development conditions in effect for the subject property as described in Planned Development Permit No. 2432720, and other regulations and guidelines pertaining to the subject property per the Land Development Code. Therefore, the proposed development would 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 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 pursuant to the Land Development Code. The proposed project is described in Planned Development Permit (PDP) Finding A.1.a, incorporated by reference herein. The project complies with the development regulations of the Land Development Code (LDC) with requested deviations to the landscape requirements and driveway width requirements of the SDMC. The proposed deviations that are requested as part of the project are processed through the approval of a PDP in accordance with SDMC section 126.0602(b)(1), and make the project more desirable as further described below:

- SDMC Sections 142.0404 and 142.0405 to provide 30 percent planting area on a structural podium courtyard in lieu of 30 percent planting area around parcel perimeter within the remaining yard, as required for commercial development.
- SDMC section 142.0560(j) to provide one, 30-foot two-way driveway on Towne Centre Drive where a maximum of 25 feet is allowed in a Parking Impact Area.
- SDMC section 142.0560(j) to provide one, 25-foot one-way driveway on Executive Drive where a maximum of 20 feet is allowed in a Parking Impact Area.

The deviation to provide 30 percent planting area on a structural podium courtyard in lieu of 30 percent planting area around parcel perimeter within the remaining yard, as required for commercial development will allow the project to have vehicular access along the project site's northern and eastern perimeter. One 30-foot two-way driveway referred to as "the northwest driveway" will allow access through Towne Centre Drive, and one 25-foot-wide one-way right-out-only driveway referred to as the "southeast driveway" will be located along Executive Drive. The two private driveways will be constructed within the area where commercial development would require a 30 percent planting area in the remaining yard. These deviations result in the project providing landscaping within the project site's courtyard while establishing sufficient vehicular access for cars, semi-trucks, and fire apparatuses.

The deviation for a 30-foot-wide driveway on Towne Centre Drive exceeds the maximum allowable width of 25 feet for two-way driveways in parking impact areas. The proposed 30-foot-wide driveway is necessary to allow large semi-trucks (WB- 65) that are required to serve the project. The 30-foot driveway also lessens the required turning radius for smaller semi-trucks (WB-50). This allows the WB-50 trucks to enter the site without needing to cross multiple turn lanes while turning into the project site and avoid conflict with the raised median on Towne Centre Drive as evaluated using turning radius diagrams. There will be no parking on Towne Centre Drive, therefore the wider driveway will not affect any on-street parking.

The deviation for the 25-foot-wide driveway on Executive Drive is necessary to allow large semi-trucks (WB-65) to exit the site. The proposed 25-foot width allows the truck wheels to fit between the driveway opening without traveling over the 6-inch curb and sidewalk when exiting the site.

The proposed 30-foot-wide driveway and 25-foot-wide driveway would not affect the proposed Class II bicycle lane along Towne Centre Drive and the proposed Class IV one-way cycle track along Executive Drive, respectively, that the project will install along its frontages. With the implementation of the proposed bicycle facilities, existing on-street parking will be removed and prohibited along these frontages.

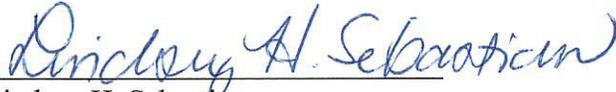
Each of the requested deviations have been reviewed as they relate to the proposed project and the impact on the surrounding community. The requested deviations are appropriate and will result in a project that efficiently utilizes the subject property and provides a use consistent with the Scientific/Research designation of the University Community Plan. The project has been designed to conform to Community Plan Implementation Overlay Zone (CPIOZ)-A regulations which limits the uses and development intensity to the levels specified in the amended Land Use and Development Intensity Table within the University Community Plan (Table 3). Therefore, with the requested deviations, the proposed development would comply with the applicable zoning and development regulations of the LDC, including any proposed deviations pursuant to SDMC 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, pursuant to the LDC.

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. 2432720 is granted to ARE-SD Region No. 20 LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, and contingent upon final passage of San Diego Resolution R-315101

approving amendments to the General Plan, University Community Plan, and Nexus Technology Centre Specific Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
08/22/2023
Or. Dept: DSD
Doc. No. 3393569

Attachment: Planned Development Permit No. 2342720

**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: 24008392

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 2342720
ALEXANDRIA SCIENCE VILLAGE - PROJECT NO. 647676 [MMRP]
CITY COUNCIL**

This Planned Development Permit No. 2342720 is granted by the City Council of the City of San Diego to Alexandria Real Estate Equities (ARE) ARE-SD Region No. 20, LLC, a Delaware Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0602. The 3.97-acre site is located at 9363, 9373, and 9393 Towne Centre Drive in the EMX-2 Zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Area (MCAS Review – Review Area 1), Community Plan Implementation Overlay Zone - A, Parking Impact Overlay Zone (Campus), Parking Standards Transit Priority Area, Prime Industrial Lands, Transit Priority Area, and FAA Part 77 Notification Area within the University Community Plan area. The project site is legally described as: Parcel A: Lots 4 and 5 of Nexus Technology Centre Unit No. 1 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11876, filed in the Office of the County Recorder of San Diego County, August 7, 1987, Parcel B: Easements for parking and access, maintenance and common wall as set forth in a document entitled “Grant of Easement” recorded September 11, 1987 as file no. 87-515736 of official records, affecting Lot 4 and 5 of Nexus Technology Centre Unit No. 1 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11876, filed in the Office of the County Recorder of San Diego County, August 7, 1987, above as more particularly described in said document. APN: 345-200-04 & 05.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish three existing scientific research buildings and construct two four-story research and development buildings with associated accessory uses and a three-level below-grade parking garage as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 11, 2023, on file in the Development Services Department.

The project shall include:

- a. Rescinding Planned Industrial Development Permit No. 86-0459;

- b. Demolition of three existing scientific research buildings totaling approximately 138,400 square-feet;
- c. Construction of two new four-story scientific research and development buildings with accessory space, amenity space, and a three-level below-grade parking garage totaling 789,692 square-feet;
- d. Allowable deviations from the development regulations pursuant to the following sections of the San Diego Municipal Code (SDMC);
 - SDMC sections 142.0404 and 142.0405 to provide 30 percent planting area on a structural podium courtyard in lieu of 30 percent planting area around parcel perimeter within the remaining yard, as required for commercial development.
 - SDMC section 142.0560(j) to provide one, 30-foot two-way driveway on Towne Centre Drive where a maximum of 25 feet is allowed in a Parking Impact Area.
 - SDMC section 142.0560(j) to provide one, 25-foot one-way driveway on Executive Drive where a maximum of 20 feet is allowed in a Parking Impact Area.
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking; and
- 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 September 26, 2026.
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:

- The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- 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. 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."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] outlined in Tiered Mitigated Negative Declaration No. 647676/State Clearing House No. 2019060003 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Tiered Mitigated Negative Declaration No. 647676/State Clearing House No. 2019060003 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Tiered Mitigated Negative Declaration No. 647676/State Clearing House No. 2019060003 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:

Noise and Transportation/Circulation

CLIMATE ACTION PLAN REQUIREMENTS:

15. 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:

16. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [Form DS-503 No FAA Notification Self-Certification Agreement] 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 the SDMC and Information Bulletin 520.

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate an additional 4-feet on Towne Center Drive and Executive Drive to provide a 14-foot curb-to-property-line distance, satisfactory to the City Engineer.

18. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond, the construction of one current City Standard 30-foot two-way driveway on Towne Centre Drive adjacent to the site where a maximum of 25 feet is allowed in a Parking Impact Area, and one current City Standard 25-foot one-way driveway on Executive Drive adjacent to the site where a maximum of 20 feet is allowed in a Parking Impact Area, satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond to remove and replacement of existing curb/gutter and sidewalk per current City Standard adjacent to the site on Towne Center and Executive Drive satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct directional (dual) curb ramps on the southeast corner of Towne Center and Executive Drive per current City Standard satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new curb inlet, storm drain pipe and clean out per current City Standards, adjacent to the site on Executive Drive satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for private storm drain pipe on Executive Drive, landscaping/irrigation and trees adjacent to the site on Towne Center and Executive Drive public right of way.

23. The project proposes to export 314,900 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"), 2018 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

24. 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.
25. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
28. 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.
29. 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.
30. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
31. The project is subject to San Diego Municipal Code Section 142.0151 and paleontological monitoring shall be required as outlined therein.

LANDSCAPE REQUIREMENTS:

32. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and

to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

33. Prior to issuance of any construction permit for public 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 40-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.

34. Prior to issuance of any construction permit for building (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," Landscape Development Plan, on file in the Development Services Department. Construction plans shall include all required yard calculations, including courtyard planting in lieu of remaining yard, and shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

35. In the event that 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," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

36. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. 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.

37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, 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.

PLANNING/DESIGN REQUIREMENTS:

38. The automobile, motorcycle and bicycle parking spaces and drive aisles must be constructed in accordance with the requirements of the 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 authorized by the appropriate City decision maker in accordance with the SDMC.

39. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

40. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

41. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

42. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the re-striping of northbound Towne Centre Drive from Executive Drive to Eastgate Mall to remove on-street parking and provide 10 to 11-foot wide travel lanes, and a 6-foot wide Class II bike lane with 0 to 4-foot wide buffer and conflict striping at driveway openings within the existing 26 to 32-foot median curb-to-curb pavement width (per Exhibit "A"), satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

43. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the re-striping of westbound Executive Drive from Towne Centre Drive to Judicial Drive to remove on-street parking and provide 12-foot wide left turn lane, 11-foot wide travel lanes, and a Class IV one-way westbound cycle track with 5-foot wide lane, 3-foot wide buffer with vertical delineators, and conflict striping at driveway openings within the existing 42-foot median curb-to-curb pavement width (per Exhibit "A"), satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

44. Prior to first occupancy, the Owner/Permittee shall provide and maintain the following VMT Reduction measures:

- On-site bicycle repair station offering a minimum of an air pump and basic repair and maintenance tools for bicycles.
- On-site multi-modal kiosks (above minimum kiosk requirement to serve a larger site)
- Short-term bicycle parking spaces that are available to the public, at least 10% beyond the minimum requirement
- Long-term bicycle parking spaces, at least 10% beyond the minimum requirement

45. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the implementation of an upgraded 2070 traffic signal controller (including software update) and audible pedestrian signals at the following intersection locations through a traffic signal modification, satisfactory to the City Engineer:

- Towne Centre Drive & Eastgate Mall
- Towne Centre Drive & Executive Drive

- Judicial Drive & Golden Haven Drive/Brook Lane

All improvements shall be completed and operational prior to first occupancy.

46. Prior to the issuance of any building permit, the Owner/Permittee shall engage in a private agreement with University of California, San Diego to pay an 11.9 percent fair share contribution towards the implementation of adaptive traffic signal control at the Towne Centre Drive & La Jolla Village Drive intersection, satisfactory to the City Engineer.

47. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the implementation of bicycle loop detectors at the following intersection approach locations through a traffic signal modification, satisfactory to the City Engineer:

- Towne Centre Drive & Executive Drive - Northbound approach
- Towne Centre Drive & Towne Centre Driveway - Northbound and southbound approaches
- Judicial Drive & Judicial Driveway - Northbound and southbound approaches
- Judicial Drive & Golden Haven Drive/Brook Lane - Northbound and southbound approaches

All improvements shall be completed and operational prior to first occupancy.

48. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the implementation of backplates with retroreflective borders at the following intersection locations through a traffic signal modification, satisfactory to the City Engineer:

- Towne Centre Drive & Eastgate Mall
- Towne Centre Drive & Executive Drive
- Towne Centre Drive & Towne Centre Driveway
- Towne Centre Drive & La Jolla Village Drive
- Judicial Drive & Golden Haven Drive/Brook Lane
- Interstate 805 Southbound Ramps & La Jolla Village Drive

All improvements shall be completed and operational prior to first occupancy.

49. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the implementation of high visibility crosswalks at the following intersection approach locations and any necessary traffic signal modifications, satisfactory to the City Engineer:

- Towne Centre Drive & Towne Centre Driveway - north and east
- Judicial Drive & Judicial Driveway - north, east and west

All improvements shall be completed and operational prior to first occupancy.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

50. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
51. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow 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.
52. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
53. 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.
54. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.
55. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

- The issuance of this discretionary 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 Council of the City of San Diego on SEP 11 2023, by San Diego Resolution R- 315101.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Benjamin Hafertepe
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. 20 LLC, a
Delaware Limited Liability Company
Owner/Permittee**

By _____
NAME:
TITLE:

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

Passed by the Council of The City of San Diego on SEP 1 1 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 1 1 2023.

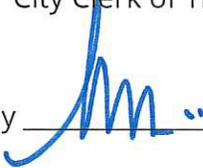
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

315101
Resolution Number R-_____