

RESOLUTION NUMBER R- 315443DATE OF FINAL PASSAGE MAR 19 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF AN INDEMNIFICATION AGREEMENT WITH STERLING CITY SCIENCE SOUTH DEVELOPMENT, LLC REGARDING THE 5975 PACIFIC MESA COURT PROJECT- PROJECT NO. 1070889.

WHEREAS, on February 14, 2023, the Sterling City Science South Development, Limited Liability Corporation, LLC, submitted a Slope Easement Vacation Project (Project) application to the Development Services Department to vacate Slope Easements, being described as Slope Easement Vacation No. 3204100 (Slope Easement Vacations No. 83-055695 and No. 83-055696), on a 0.18 acre site located at 5975 Pacific Mesa Court; and

WHEREAS, the site is legally described as within Lot 8 of Pacific Corporate Center Unit No. 8, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11988 filed in the Office of the County Recorder of San Diego County on January 13, 1988.; and

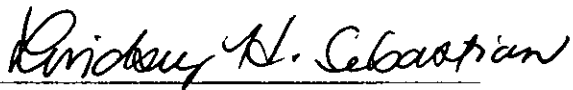
WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

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, the Mayor, or his designee, is authorized and directed to execute, for and on behalf of the City, the Indemnification Agreement regarding Slope Easement Vacations and Environmental Review of the 5975 Pacific Mesa Court Project No. 1070889, on file in the Office of the City Clerk as Document No.

RR- **315443** .

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Lindsey H. Sebastian  
Deputy City Attorney

LJS:nja  
03/11/2024  
Or. Dept: DSD  
Doc. No. 3588264

Attachment: Indemnification Agreement

**INDEMNIFICATION AGREEMENT REGARDING DISCRETIONARY ACTIONS FOR  
AND ENVIRONMENTAL REVIEW OF THE 5975 PACIFIC MESA COURT--  
PROJECT NO. 1070889**

This Indemnification Agreement (Agreement) is made by and between the City of San Diego (City) and Sterling City Science South Development, LLC (Applicant), collectively referred to as "the Parties." Applicant is seeking approval from City for various entitlements, including, but not limited to, Slope Easement Vacation No. 3204100 (Slope Easement No. 83-055695 and No. 83-055696) for the 5975 Pacific Mesa Court Project No. 1070889 (Project).

The Parties hereby agree as follows:

1. With respect to **all of the approvals** related to Slope Easement Vacation No. 3204100 (Slope Easement No. 83-055695 and No. 83-055696)(collectively, Project Slope Easements), Applicant shall defend, indemnify, and hold harmless the City, including its agents, officers, and employees (together, "Indemnified Parties"), from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City and/or any Indemnified Parties, relating to the City's actions in processing or issuing of any permits, approvals or entitlements for the Project Slope Easements, including, but not limited to, any action to attack, set aside, void, challenge, or annul any development approvals and any California Environmental Quality Act (CEQA) determination, environmental document or decision associated with the Project Slope Easements. The City shall promptly notify Applicant of any claim, action, or proceeding. In the event of a conflict of interest between the Parties, 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, and Applicant 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 Applicant regarding litigation issues, City shall have the authority to make litigation-related decisions on its own behalf related to settlement or other disposition of the matter. However, Applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.
  
2. The Parties agree that the obligations of this Agreement are effective upon execution of this Agreement by the Parties and that such obligations shall survive any invalidation of the entitlements, environmental documents, or any other approvals associated with the Project.

**APPLICANT, STERLING CITY SCIENCE SOUTH DEVELOPMENT, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY, THE CITY OF SAN DIEGO, a California municipal corporation**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

MARA ELLIOT, City Attorney

By: \_\_\_\_\_

Lindsey Sebastian, Deputy City Attorney

Date: \_\_\_\_\_

Passed by the Council of The City of San Diego on MAR 19 2024, 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"/>
District 4 - vacant	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 19 2024

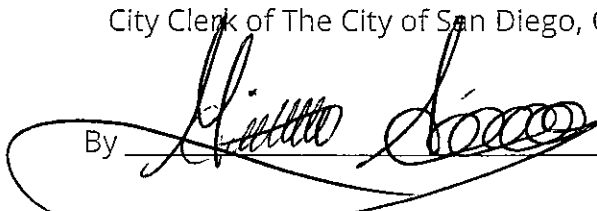
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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

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