THE CITY OF SAN DIEGO

# Report to the Hearing Officer 

DATE ISSUED:
July 11, 2018
REPORT NO. HO-18-043

HEARING DATE: July 18,2018
SUBJECT: SPECTRUM III AND IV AMENDMENTS. Process Three Decision
PROJECT NUMBER: $\underline{566056}$
REFERENCE: $\quad$ Hearing Report No. Ho-15-070; Spectrum 1 \& 2/La Jolla Spectrum; Project No. 383639; for 3013-3033 Science Park Road and 3115-3215 Merryfield Row

Planning Commission Report No. PC-16-076; Spectrum III And IV; Project No. 422478; City Council Executive Summary- Agenda Item 202 October 17, 2016; for 3115-3215 Merryfield Row

OWNER/APPLICANT: ARE-SD REGION 23, LLC, a Delaware Limited Liability Company ARE-SD REGION 35, LLC, a Delaware Limited Liability Company ARE-SD REGION 41, LLC, a Delaware Limited Liability Company

## SUMMARY:

Issues: Should the Hearing Officer approve an application to increase the size of a previously approved research and development building located at 3115-3215 Merryfield Row (Building A/Spectrum III) on a 13.77-acre site, and allow for a transfer of unutilized development rights from 3050 Callan Road and 3013-3033 Science Park Road to the 3115 Merryfield Row site in the University Community Plan area?

## Staff Recommendations:

1. ADOPT Addendum No. 566056 to Mitigated Negative Declaration No. $422478 /$ SCH No. 2016061047 and Mitigated Negative Declaration No. 383639, and ADOPT the Mitigation, Monitoring, and Reporting Program; and
2. APPROVE Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, and Planned Development Permit No. 1992326 for 3115-3215 Merryfield Row; and
3. APPROVE Tentative Map No. 1994465 for 3115-3215 Merryfield Row; and

4 APPROVE Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, and Planned Development Permit No. 2145623 for 3013-3033 Science Park Road; and
5. APPROVE Coastal Development Permit No. 2145619 and Planned Development Permit No. 2145620 for 3050 Callan Road.

Community Planning Group Recommendation: On June 12, 2018, the University Community Planning Group voted 9-5-1 to recommend approval of the project with one condition (Attachment 18).

Environmental Review: Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project.

Housing Impact Statement: There is no housing impact associated with this proposal.

## BACKGROUND

The project sites are located at 3115-3215 Merryfield Row, 3013-3033 Science Park Road, and 3050 Callan Road, which are located east of North Torrey Pines Road. All the properties are located in the IP-1-1 Zone within the University Community Plan (UCP) area, Prime Industrial Lands, Community Plan Implementation Overlay Zone-B (CPIOZ-B), Coastal Height Limitation Overlay Zone, the First Public Roadway Overlay Zone, and Coastal Overlay Zone (Non-Appealable Area 1 and Appealable Area) (Attachments 1-6). In addition, the properties are located within the Transit Priority Area, the City's Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1) and the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar. The IP-1-1 zone allows for research and development uses with some limited manufacturing and the UCP designates the site as Industrial and the Industrial Element of the plan more specifically identifies the site for Scientific Research. The surrounding properties are zoned IP-1-1 and developed with research and development uses, and the UCP designates the properties as Industrial.

The project site located at 3115-3215 Merryfield Row is a trapezoid shaped lot that follows the curvature of the adjacent canyon edge. Merryfield Row is a private driveway that takes access from Science Park Road. The project site contains Environmental Sensitive Lands (ESL) in the form of steep hillsides and sensitive biological resources. The project site lies within the boundaries of the City's Multiple Species Conservation Plan (MSCP) Subarea, and the Multi-Habitat Planning Area (MHPA) is mapped onsite and adjacent to the project (Attachment 7). The parcel was previously graded and developed with two research and development buildings that were constructed in 19961997 (Figure 1). On October 17, 2016, the City Council approved Coastal Development Permit (CDP) No. 1580366, Site Development Permit (SDP) No. 1580368, Tentative Map No. 1580398 (Attachment
9), for the demolition of the two-existing research and development buildings and construction of a 57,372-square-foot research and development building located at 3115 Merryfield Row and a 145,828-square-foot research and development building located at 3215 Merryfield Row. The approvals included a MHPA -Boundary Line Correction to correct the MHPA

Figure 1-Site Plan with 1996-1997 Buildings
 boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP. On November 10, 2016, the City issued the demolition permits for the two buildings and the work was completed on January 31, 2017. On December 6, 2016, the grading and right-of-way (ROW) permit was issued per Drawing No. 39307-D, and the grading has been completed and portions of the ROW work is pending. On January 30, 2017, the building permit was issued for 3215 Merryfield Row, which is currently under construction.

The site located at 3013-3033 Science Park Road is a trapezoid shaped lot with frontage on Science Park Road, and adjacent to 3115-3215 Merryfield Row site (Figure 2). The parcel was previously graded and developed with two research and development buildings and a parking structure that were constructed in 1979. On June 10, 2015, the Hearing Officer of the City of San Diego approved CDP No. 1390732 and SDP No. 1390733 (Attachment 10), for the demolition of the research and development building located at 3013 Science Park Road and the adjacent parking structure, and construction of a two-story, 62,753 square foot research and development building, and a

Figure 2-Site Plan with 1979 Buildings and Parking Structure
 four-level, 141,238 square foot parking structure. The existing 110,588-square-foot building located at 3033 Science Park Road remained. On July 14, 2015, the City issued the demolition permits for the building and parking structure, and the work was completed on August 25, 2015. On September 9, 2015, the grading and ROW permit was issued per Drawing No. 38698-D, and the grading and the ROW work have been completed (As-Built drawings pending). On September 28, 2015, the building permits were issued for 3013 Science Park Road and adjacent parking structure, which were completed on March 17, 2017.

The site located at 3050 Callan Road is a vacant parcel of land on the north side of Callan Road (Figure 3). The site is surrounded by existing research and development buildings to the north, west, and southeast, and open space to the northeast. The project site contains ESL in the form of steep hillsides (a natural canyon). The topography of the site changes from 400 -feet above mean sea level (MSL) along the western property line down to 330 -feet MSL next to the open space to the east (approximately a 70 -foot differential). The site is located approximately 1,250 feet from 3115-3215 Merryfield Row.

Figure 3-Callan Rd Site and Merryfield Row sites


## DISCUSSION

## Council Policy No. 600-27 and 900-14:

The project application was deemed complete on September 28, 2017, and the project is utilizing the Affordable/In-Fill Housing and Sustainable Buildings Expedite program (Program) qualifications and San Diego Municipal Code (SDMC) regulations that were in effect at the time of the submittal. On July 31, 2017, the City Council adopted Resolution No. R-311256 amending Council Policy No. 600-27 regarding the Program. This resolution went into effect upon the adopted associated amendments to the SDMC regarding the qualifications for the Program pursuant to Ordinance No. O-20856 (New Series). The qualifications and regulations for the affordable, in-fill housing and sustainable buildings project became effective outside of the coastal overlay zone on October 20, 2017, which replaces the qualification requirements for private development from Council Policy 900-14 (2003 version) to the SDMC. On February 8, 2018, the California Coastal Commission certified the SDMC amendments within Ordinance No. O-20856 (New Series), and they are now in effect within the coastal overlay zone, but would not apply to this application.

The project will achieve a Leadership in Energy and Environmental Design (LEED) Silver certification and qualifies as Sustainable Buildings; therefore, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

## Project Description:

The project proposes to increase the size of the previously approved research and development building (Building A/Spectrum III) located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a Transfer of Development Rights (TDR) that have not been utilized from 3050 Callan Road (Transfer Site No. 1 of 49,290 square feet) and 3013-3033 Science Park Road (Transfer Site No. 2 of 12,269 square feet). The UCP-Development Intensity Element - Section V. Implementation of Development Intensity Element (page 175) allows for TDR within subdivisions in conjunction with a Planned Development Permit (PDP), restricting both the sending and receiving sites. All three sites are located within Subarea 9 of the UCP. The project includes the reconfiguration of the Lots lines.

With the TDR, Building A would be modified from a two-story with two-levels of subterranean parking to a three-story with three-levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls. The building will also be reconfigured on the site, which moves the building further away from the adjacent canyon. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other environmentally sensitive lands located on the site. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

The property is located approximately 0.9 miles from the Pacific Ocean in an area just east of Torrey Pines Road between the sea and the first public roadway paralleling the sea. Merryfield Row is not designated as a public view corridor and does not contain intermittent or partial vistas, viewshed or scenic overlooks with views toward the Pacific Ocean. The proposed development will not encroach upon any existing physical accessway that is legally used by the public to access the coast, or any proposed public accessway as identified in the UCP and the Local Coastal Program Land Use Plan.

The buildable footprint area ranges from approximately 358 feet above MSL at the east end of the Building A and is located above the 100-year floodplain. The topography of the site creates various building heights for the proposed buildings (Attachment 20). Sheet A4.2 through A4.3 of the development plans, provides 10 elevation exhibits demonstrating that the structures and any projections will not exceed the maximum height limit allowed by the City's Coastal Height Limitation Overlay Zone.

## Required Approvals:

The proposed development will be located on private property and proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site. Due to process consolidation, all actions are processed concurrently as a Process Three. Development of the proposed project requires:

- 3115-3215 Merryfield Row (receiving site) - Process Three CDP (Appealable Area) and Process Three SDP to amend CDP No. 1580366 and SDP No. 1580368 for the proposed modifications to Building A; Process Three Tentative Map (TM) to amend TM No. 1580398 for the reconfiguration of the lots lines; and a Process Three Planned Development Permit (PDP) to transfer the unutilized development rights from 3013-3033 Science Park Road and 3050 Callan Road to the project site.
- 3013-3033 Science Park Road (transfer site) - Process Two CDP (Non-Appealable Area 1) and Process Three SDP to amend CDP No. 1390732 and SDP No. 1390733; and a Process Three PDP to transfer 12,269 square feet of development rights to 3115 Merryfield Row.
- 3050 Callan Road (transfer site) - Process Two CDP (Non-Appealable Area 1) and Process Three PDP to transfer 49,290 square feet of development rights to 3115 Merryfield Row.


## Community Plan Analysis:

The project site is located within the Subarea 9 of the UCP. The UCP designates the site as Industrial, and the Industrial Element of the plan more specifically identifies the site for scientific research. The sites are also subject to CPIOZ-B. The purpose of the CPIOZ is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City to ensure that new development is consistent with the goals, objectives and proposals of the community plan or compatible with surrounding development. The CPIOZ was incorporated into the UCP on January 12, 1988 (Resolution No. R-270138) and addresses land use and intensity, bulk and scale, and architectural design of buildings, structures and signs.

The UCP was divided into subareas (Figure 26-Page 164) and assigned land uses and development intensities in accordance with the goals of the plan which were tested in a community-wide traffic forecast. The traffic forecast studies, using a computer model, indicated circulation improvements to accommodate the level and types of development expected at buildout. Table 3 (Page 165-169) identifies, by subarea, the permitted land use and development intensity indicating building square footage, dwelling units per net acre and in some cases average daily trips per acre.

The major land uses in the University community are: (1) industrial development with sub-categories of scientific research and restricted industrial; (2) commercial development with sub-categories of office, visitor, and regional, community and neighborhood retail service; and (3) residential development. These categories are specifically described in the land use elements of the plan. The development intensities are provided in Table 3. For that portion of the University community designated for restricted industrial development the building square footage is based on a "sliding scale" of land uses included in Table 4 (Page 170).

The project has been determined to be in conformance with Table 3 of the Land Use and Development Intensity Element of the UCP which calls for Scientific Research use at existing or approved development at the time of adoption of the UCP. With the TDR, the project would not exceed this development intensity and ensure consistency with the goals, objectives and proposals of the UCP, the development plans have been designed to address height, bulk and scale, materials, colors and signs as required through application of CPIOZ-B.

## Community Planning Group Recommendation:

On June 12, 2018, the University Community Planning Group voted 9-5-1 to recommend approval of the project with the condition that the Callan site be encumbered by a "no-build" easement. As noted in the minutes (Attachment 18), after the vote, there was discussion that most of those not in favor of the substitute motion actually were in favor of the First Motion to approve without the condition, but voted against because they did not agree with the suggested easement or encumbrance suggested in the Substitute Motion. Thus, the 9:5:1 vote may not truly reflect all member's intentions.

Staff Response: The permits for the 3050 Callan Road site transfers all of the development rights to 3115 Merryfield Row; therefore, staff does not support encumbrance of the site with a "no-build" easement.

## Conclusion:

The project meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted UCP, SDMC, and the General Plan, thus, staff recommends approval of the project.

## ALTERNATIVES

1. ADOPT Addendum No. 566056 to Mitigated Negative Declaration No. $422478 /$ SCH No. 2016061047 and Mitigated Negative Declaration No. 383639, and ADOPT the Mitigation, Monitoring, and Reporting Program; and APPROVE Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, Planned Development Permit No. 1992326, Tentative Map No. 1994465, Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, Planned Development Permit No. 2145623, Coastal Development Permit No. 2145619, and Planned Development Permit No. 2145620 with modifications.
2. DO NOT ADOPT Addendum No. 566056 to Mitigated Negative Declaration No. 422478/SCH No. 2016061047 and Mitigated Negative Declaration No. 383639, and ADOPT the Mitigation, Monitoring, and Reporting Program; and DENY Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, Planned Development Permit No. 1992326, Tentative Map No. 1994465, Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, Planned Development Permit No. 2145623, Coastal Development Permit No. 2145619, and Planned Development Permit No. 2145620 with modifications, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


Attachments:

1. Location Map
2. Aerial Photograph
3. Zoning Map
4. Community Plan Land Use Map
5. First Public Road Map
6. Coastal Overlay Jurisdiction Map
7. MHPA Boundary and Vegetation Map
8. Site Photographs
9. CDP No. 1580366, SDP No. 1580368, and TM No. 1580398
10. CDP No. 1390732 and SDP No. 1390733
11. Draft Permit Resolution with Findings
12. Draft Permit with Conditions for 3115-3215 Merryfield Row
13. Draft Permit with Conditions for 3013-3033 Science Park Road
14. Draft Permit with Conditions for 3050 Callan Road
15. Draft Tentative Map Resolution with Findings for 3115-3215 Merryfield Row
16. Draft Tentative Map Conditions3115-3215 Merryfield Row
17. Draft Environmental Resolution with MMRP
18. Community Planning Group Recommendation
19. Ownership Disclosure Statement
20. Project Plans

Internal Order Number: 24007410










PHOTOGRAPHIC
SURVEY KEY MAP














## ATTACHMENT 9

RECORDING REQUESTED<br>WHEN RECORDED MAIL TO<br>CITY OF BY SAN DIEGO<br>DEVELOPMENT SERVICES<br>PERMIT INTAKE, MAIL STATION 501 CITY CLERK MAIL STATION 2A

Nov 09, $2016 \quad$ 10:02 AM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr., FEES COUNTY RECORDER

INTERNAL ORDER NUMBER: 24005849 SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1580366<br>SITE DEVELOPMENT PERMIT NO. 1580368<br>SPECTRUM III AND IV - PROJECT NO. 422478 (MMRP) AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 1447486, SITE DEVELOPMENT PERMIT NO. 1447488, AND COASTAL DEVELOPMENT PERMIT/ HILLSIDE REVIEW PERMIT NO. 96-7939 CITY COUNCIL

This Coastal Development Permit No. 1580366 and Site Development Permit No. 1580368, an amendment to Coastal Development Permit No. 1447486, Site Development Permit No. 1447488, and Coastal Development Permit / Hillside Review Permit No. 96-7939 is granted by the City Council of the City of San Diego to ARE-SD REGION 23, LLC, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0504 and 126.0708. The 13.77 acre site is located at $3115-3215$ Merryfield Row in the IP-11 Zone within the University Community Plan, Prime Industrial Lands, Community Plan Implementation Overlay Zone (CPIOZ-B), Coastal Height Limitation Overlay Zone, First Public Roadway Overlay Zone, and Coastal Overlay Zone (Non-Appealable Area 1 and Appealable Area). In addition, the property is located within the Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar, and Council District 1. The project site is legally described as: Lots 9 through 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of two existing research and development buildings and construction of two research and development buildings, and a Multiple Habitat Planning Area Boundary Line correction, described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated $\qquad$ , on file in the Development Services Department.

## ATTACHMENT 9

REV. COPY 1
The project shall include:
a. Demolition of two existing research and development buildings totaling 156,653 square feet and construction of a 57,372 square foot research and development building located at 3115 Merryfield Row and a 145,828 square foot research and development building located at 3215 Merryfield Row;
b. Multiple Habitat Planning Area Boundary Line Correction;
c. Landscaping (planting, irrigation and landscape related improvements);
d. Off-street parking;
e. A 10,576 square foot accessory mechanical enclosure;
f. Leadership in Energy and Environmental Design (LEED) Silver Level Certification; 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 _October 17, 2019 .
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.

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4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. All of the conditions contained in this Permit have been considered and were determinednecessary 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" conditions(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.
11. 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

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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.
12. This Permit supersedes Coastal Development Permit No. 1447486, Site Development Permit No. 1447488, and Coastal Development Permit/Hillside Review Permit No. 96-7939.

## 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. 422478/SCH NO. 2016061047, 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. 422478/SCH NO. 2016061047, 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:

Biological Resources
Paleontological Resources
Transportation/Circulation

## CLIMATE ACTION PLAN (CAP) REOUIREMENTS:

16. The Owner/Permittee shall comply with The Climate Action Plan (CP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first 3 sheets of the construction plans under the heading "Climate Action Plan Requirements."
17. The Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

## ATTACHMENT 9

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## GEOLOGY REQUIREMENTS:

18. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The Owner/Permittee shall obtain a determination of adequacy from the Geology Section of the Development Services Department regarding the report or letter prior to issuance of any construction permits.
19. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The Owner/Permittee shall obtain a determination of adequacy from the Geology Section of the Development Services Department regarding the as-graded geotechnical report prior to exoneration of the bond and grading permit close-out.

## ENGINEERING REQUIREMENTS:

20. The Owner/Permittee shall demonstrate that this Coastal Development Permit/Site Development Permit complies with all Conditions of the Final Map for the Tentative Map No. 1580380 .
21. The project proposes to export 14,086 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"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
22. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
23. 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.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
25. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices (BMPs) 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

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the Municipal Storm Water Permit, Order No. R9-2007-0001, 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. 2009-0009-DWQ and a copy shall be submitted to the City.

## LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards 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 Office of the Development Services Department.
30. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit complete Landscape Construction Documents showing the brush management zones on the property in substantial conformance with Exhibit 'A' in accordance with the Landscape Standards and to the satisfaction of the Development Services Department.
31. 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 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.
32. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
33. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents 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 show, label, and dimension a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under San Diego Municipal Code section 142.0403(b)(5).

## ATTACHMENT 9

REV. COPY 1
34. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit documentation that substantiates the material for the wood decking will meet the Wildland Urban Interface Class 'A' requirements for flame spread.
35. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per San Diego Municipal Code section 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.
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, consistent with the Landscape Standards 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 in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

## MULTIPLE SPECIES CONSERVATION PROGRAM:

38. Prior to issuance of any construction permits, the on-site Multiple Habitat Planning Area (MHPA) not currently encumbered by existing Open Space Easement shall be conveyed to the City's Multiple Species Conservation Program (MSCP) preserve through either a dedication in fee title to the City, or covenant of easement granted in favor of the City and wildlife agencies. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. To facilitate MHPA conveyance, any non-fee areas shall have covenant of easements for MHPA lands placed over them if located in the MHPA, and be maintained in perpetuity by the Owner/Permittee unless otherwise agreed to by the City for acceptance of dedicated land in fee title.
39. The issuance of this permit by the City of San Diego does not authorize the 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.).
40. In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish \& Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the

## ATTACHMENT 9

REV. COPY 1
issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.

Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA.

For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

## PLANNING/DESIGN REOUIREMENTS:

41. Processing, manufacturing, or storage of bulk quantities of hazardous materials (greater than 10,000 gallons) shall not be permitted on the premises.
42. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been submitted to the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Silver Certification. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application.
43. A topographical survey conforming to the provisions of the San Diego Municipal Code 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.
44. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.
45. 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 San Diego Municipal Code.

## TRANSPORTATION REQUIREMENTS:

46. The Owner/Permittee shall provide parking at all times in accordance with the San Diego Municipal Code for research and development use at a minimum ratio of 2.5 vehicle parking spaces per 1,000 square feet of use and maximum ratio of 4.0 vehicular parking spaces per 1,000 square feet of use ( 625 spaces proposed) in the approximate locations shown on Exhibit 'A.' All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's

## ATTACHMENT 9

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Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate decision maker.
47. The Owner/Permittee shall not convert the space shown on Exhibit ' $A$ ' as mechanical, electrical, ventilation, utility, or amenity space from its designated use to any trip generating use unless an equal or greater amount of trip generating square footage is removed or designated as non-trip generating square footage through appropriate review of the Development Services Department.
48. Prior to the issuance of any certificate of occupancy, the Owner/Permittee shall implement the Transportation Demand Management (TDM) Plan as outlined in the access analysis dated April 28, 2016 and submit annual monitoring reports for a period of five (5) years for review and approval by the City Engineer.
49. Prior to Final Inspection for Building A, the I-5/Genesee Avenue Interchange Project must be fully constructed and open to traffic.

## PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

50. Prior to the issuance of any building permits, the Owner/Permittee shall vacate the existing water easements as shown on the approved Exhibit 'A,' in a manner satisfactory to the Public Utilities Director and the City Engineer.
51. Prior to the recordation of the easement vacation, all public water facilities shall be abandoned or privatized, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
52. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new public 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 right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
53. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), 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.
54. 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.
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

## ATTACHMENT 9

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## INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 $\qquad$ OCT 172016 , by Resolution No. $\qquad$ .

## ATTACHMENT 9

REV. COPY 1
Permit Type/PTS Approval No.: CDP No. 1580366 \&
SDP No. 1580368
Date of Approval: OCT 172016
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


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. 23, LLC, a Delaware limited liability company Owner/Permittee

By: Alexandria Real Estate Equities, L.P., a Delaware limited partnership, Managing Member

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

By: NamA
Title: CHIEF DEVEZOPMENT OFFICER

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

## ATTACHMENT 9

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

| State of California | ) |
| :---: | :---: |
| County of San Diego | ) |
| On November 8, 2016 | before me, Vivian M. Gies, Notary Public |
| Date | Here Insert Name and Title of the Officer Jeffrey A. Peterson |
|  | Name(s) of Signer(s) |

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/se/they executed the same in his/hor/their authorized capacity(fes), and that by his/her/their signature(s) on the instrument the person( $\theta$ ), or the entity upon behalf of which the person(3) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
 is true and correct.

WITNESS my hand and official seal.


Place Notary Seal Above

## OPTIONAL

| Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. |  |
| :---: | :---: |
| Description of Attached Document PTS \#422478/Spectrum III and IV/CDP \#1580366 |  |
| Title or Type of Document: SDP \#1580368 |  |
| Number of Pages: ___ Signer(s) Other Tha | Named Above: |
| Capacity(ies) Claimed by Signer(s) |  |
| Signer's Name: | Signer's Name: |
| $\square$ Corporate Officer - Title(s): | $\square$ Corporate Officer - Title(s): |
| $\square$ Partner - $\square$ Limited $\square$ General | $\square$ Partner - $\square$ Limited $\square$ General |
| $\square$ Individual $\quad \square$ Attorney in | $\square$ Individual $\quad \square$ Attorney in Fact |
| $\square$ Trustee $\quad \square$ Guardian or Conservator | $\square$ Trustee $\quad \square$ Guardian or Conservator |
| $\square$ Other: | $\square$ Other: |
| Signer Is Representing: | Signer Is Representing: |
| nenenerenernernenerench | (erner |
|  | -1-800-US NOTARY (1-800-876-6827) Item \#5 |

## ATTACHMENT 9

> "A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

## State of California <br> County of San Diego

On $11 / 3 / 16$ before me, Theena Nguyen "Notary Public", personally appeared Vincent R. Ciruzzi,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature


## CITY COUNCIL

CONDITIONS FOR TENTATIVE MAP NO. 1580398
EASEMENT VACATION NO. 1580371
SPECTRUM III AND IV PROJECT NO. 422478
ADOPTED BY RESOLUTION NO. R-310\%11ON OCT 172016

## GENERAL

1. This Tentative Map will expire on October 19, 2019.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Parcel Map to subdivide the lots shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Tentative Map No. 1580398 and Easement Vacation No. 1580371 shall conform to the provisions of Coastal Development Permit No. 1580366 and Site Development Permit No. 1580368.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees (together, "Indemnified Parties") harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

## ENGINEERING

7. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

## ATTACHMENT 9

8. The Subdivider 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
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## MAPPING

10. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
11. The Parcel Map shall:
a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.
12. All Easement Vacations within the project boundary shall be vacated per California Streets and Highways Code prior to the recordation of the Parcel Map.

## PUBLIC UTILITIES DEPARTMENT

13. The existing water easements shall be vacated prior to the recordation of the Parcel Map.
14. Prior to the recording of the Parcel Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

## ATTACHMENT 9

## MULTIPLE SPECIES CONSERVATION PROGRAM

15. Prior to issuance of any construction permits, the on-site Multiple Habitat Planning Area (MHPA) not currently encumbered by existing Open Space Easement shall be conveyed to the City's Multiple Species Conservation Program (MSCP) preserve through either a dedication in fee title to the City, or covenant of easement granted in favor of the City and wildlife agencies. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. To facilitate MHPA conveyance, any non-fee areas shall have covenant of easements for MHPA lands placed over them if located in the MHPA, and be maintained in perpetuity by the Owner/Permittee unless otherwise agreed to by the City for acceptance of dedicated land in fee title.
16. The issuance of this permit by the City of San Diego does not authorize the 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.).

In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish \& Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.

Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA.

For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

## INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal


## ATTACHMENT 9

Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

RECORDING REQUESTED BY
PAGES: 42
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501
PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE
INTERNAL ORDER NUMBER: 24004990

> COASTAL DEVELOPMENT PERMIT NO. 1390732 SITE DEVELOPMENT PERMIT NO. 1390733
> SPECTRUM $1 \& 2$ - PROJECT NO. 383639 [MMRP] AMENDMENT TO COASTAL DEVELOPMENT PERMIT/ HILLSIDE REVIEW PERMIT NO. $96-7939$ HEARING OFFICER

This Coastal Development Permit No. 1390732 and Site Development Permit No. 1390733, an amendment to Coastal Development Permit/Hillside Review Permit No. 96-7939, is granted by the Hearing Officer of the City of San Diego to ARE-SD REGION 35, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504 and 126.0708. The proposed 7.068-acre site is located at 3013-3033 Science Park Road in the IP-1-1 Zone within the University Community Planning Area, Prime Industrial Lands, Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Non-Appealable Area 1 and Appealable Area), Community Plan Implementation Overlay Zone (CPIOZ-B), First Public Roadway, Parking Impact Overlay Zone (Coastal and Campus Impact Areas), and Council District 1. The project site is legally described as: Parcel 2 of Parcel Map No. 2411, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on March 4, 1974; and Lot 4 of Torrey Pines Science Park Unit 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof 6229 filed in the Office of the County Recorder of San Diego County on November 21, 1968; Portion of Lot 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish one of the two existing buildings and demolish of the existing parking structure, and to construct a research and development building, and a parking structure that includes a lot line adjustment with the adjacent property; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 10, 2015, on file in the Development Services Department.

The project shall include:
a. An amendment to Coastal Development Permit/Hillside Review Permit No. 96-7939 for a lot line adjustment of 12,796 square feet from Lot 12 of Map No. 12990 located at 3115-3215 Merryfield Row and transfers the area to Lot 4 of Map No. 6229 located at 3013-3033 Science Park Road;
b. Demolition of the existing building located at 3013 Science Park Road and the adjacent existing parking structure, and to construct a two-story, 62,753 square foot research and development building, and a four-level, 141,238 square foot parking structure. The existing 110,588 square foot building (includes the basement square footage) located at 3033 Science Park Road shall remain;
c. Landscaping (planting, irrigation and landscape related improvements);
d. Off-street parking;
e. A Leadership in Energy and Environmental Design (LEED) Gold Level Certification; and
f. 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 July 1, 2018.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. All of the conditions contained in this Permit have been considered and were determinednecessary 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" conditions(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.
11. 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.

## ENVIRONMENTAL/MITIGATION REOUIREMENTS:

12. 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.
13. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION, NO. 383639 , 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 MITIGATED NEGATIVE DECLARATION, NO. 383639, 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:

Biological Resources
Historical Resources (archaeology)
Paleontological Resources

## ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the closure of the existing non-utilized driveway, on Science Park Road, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.
16. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp with City standard curb ramp with truncated dome, on the south side of the intersection of Science Park Road and Torreyanna Road, satisfactory to the City Engineer.
17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drain located within the existing water easement, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
20. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
21. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
22. 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 requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
23. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 in accordance with Order No. 2009-0009DWQ, 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.
24. 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.

## GEOLOGY REQUIREMENTS:

25. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The
as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit closeout.

## MAP CHECK REQUIREMENTS:

27. Prior to the issuance of any construction permit, a lot line adjustment Parcel Map shall be recorded at the County to adjust the lines between Lot 4 of Map No. 6229 and Lot 12 of Map No. 12990.

## LANDSCAPE REOUIREMENTS:

28. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents 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 Office of the Development Services Department. Construction plans shall take into account a 40 squarefoot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).
29. Driveways and utilities shall be designed so as not to prohibit the placement of street trees. In the event of a design conflict, the Public Improvement Plan shall be revised to be consistent with the Exhibit 'A' Landscape Development Plan
30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.
31. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards 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 in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

## BRUSH MANAGEMENT PROGRAM REQUIREIMENTS:

32. Pursuant to SDMC 142.0412(i), the proposed scope of work includes a modified Brush Management Program. This modification includes a Brush Management Zone One varying from 23-35 feet, and a Brush Management Zone Two varying from 24-65 feet, as approved by the Fire Marshal. This Brush Management Program shall be shown on subsequent engineering and building plans.

## PLANNING/DESIGN REQUIREMENTS:

33. The amendment to Coastal Development Permit/Hillside Review Permit No. 96-7939 is for only the lot line adjustment. All of the conditions contained in Coastal Development Permit/Hillside Review Permit No. 96-7939 shall remain in effect.
34. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been submitted to the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Gold Certification. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application.
35. Processing, manufacturing, or storage of bulk quantities of hazardous materials (greater than 10,000 gallons) shall not permitted on the premises.
36. 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.
37. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
38. 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.

## LONG RANGE PLANNING/DESIGN REQUIREMENTS:

39. Structures shall be designed to create smooth transitions in form, height and scale between adjacent buildings.
40. Structures shall use variations in the planes of wall surfaces, e.g., angled or recessed walls and pronounced architectural elements and techniques to avoid a boxy square building.
41. Structures shall use slanting, pitched, or other varied roof forms which are more compatible with sloping topography.
42. Structures should use a compatible variety of materials and textures and avoid highly reflective surfaces and contrasting color combinations which are inconsistent with the natural character of the Torrey Pines Subarea. Structures should utilize earth tone colors and materials which are better suited to the natural character of the area.
43. All mechanical equipment, trash storage, service areas and utility appurtenances shall be screened from public view. Screening devices may include walls, doors or landscaping.
44. Signs shall be designed as integral parts of developments. Corporate symbols or logos should be used rather than corporate names. Such logos should not be located on the roof of a building nor be freestanding on a pole. Project identification and directional signage including building address numbers should be placed in locations clearly visible from the public street. Such numbers should also be of a size and height convenient to the motorist. The permitted number and size of signs should conform to the City's Sign Regulations

## TRANSPORTATION REQUIREMENTS

45. No fewer than 430 parking spaces including 34 carpool/zero emissions spaces, 20 short term bicycle spaces, 20 long term bicycle spaces, 8 motorcycle spaces and 9 accessible spaces ( 504 parking spaces provided with 36 carpool/zero emissions spaces, 20 short term and 20 long term bicycle spaces, 8 motorcycle spaces, and 10 accessible spaces) shall be maintained at all times in the approximate location shown on Exhibit "A." All on-site and off-site parking stalls and aisle widths shall be in compliance with the requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purposes, unless otherwise authorized in writing by the appropriate Decision Maker in accordance with the SDMC.

## PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

46. 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 Director of Public Utilities 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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 and install new sewer lateral(s) which must be located outside of any driveway or vehicular use area.

52. 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 use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 Hearing Officer of the City of San Diego on June 10, 2015 and Resolution No. HO-6831-1.

## AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



Alex Hempton
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. 35, LLC, a Delaware limited liability company
By: Alexandria Real Estate Equities, L.P., a Delaware limited partnership, Managing Member

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

Signature: Name (Print):
Title:-

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


CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the fruthfulness, accuracy, or validity of that document.

who proved to me on the basis of satisfactory evidence to be the person(8) whose name( $(\mathbf{y})$ is/aresubscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacityfies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the personf(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.


Place Notary Seal Above

## OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.
 Number of Pages: 10 Signer(s) Other Than Named Above:

## Capacity(ies) Claimed by Signer(s)

Signer's Name:
$\square$ Corporate Officer - Title(s):Partner - $\square$ Limited $\square$ GeneralIndividual $\square$ Trustee
$\square$ Attorney in Fact
$\square$ Other:
Signer Is Representing:

Signer's Name:
$\square$ Corporate Officer - Title(s): $\qquad$$\square$ Partner - $\square$ Limited $\square$ General
$\square$ Individual
[7 Trustee
$\square$ Attorney in Fact $\square$ Guardian or Conservator
$\square$ Other:
Signer Is Representing:

[^0] ©2014 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item \#5907

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. 35, LLC, a Delaware limited liability company
By: Alexandria Real Estate Equities, L.P., a Delaware limited partnership, Managing Member


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

> "A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."
State of California
County of San Diego
On 7/1/15 before me, Theena Nguyen "Notary Public", personally appeared
Vincent Cimzz $i$
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.
WITNESS my hand and official seal.
Signature

HEARING OFFICER<br>RESOLUTION NO.<br>COASTAL DEVELOPMENT PERMIT NO. 1992324 SITE DEVELOPMENT PERMIT NO. 1992325<br>PLANNED DEVELOPMENT PERMIT NO. 1992326<br>COASTAL DEVELOPMENT PERMIT NO. 2145621<br>SITE DEVELOPMENT PERMIT NO. 2145622<br>PLANNED DEVELOPMENT PERMIT NO. 2145623<br>COASTAL DEVELOPMENT PERMIT NO. 2145619<br>PLANNED DEVELOPMENT PERMIT NO. 2145620<br>\title{ SPECTRUM III AND IV AMENDMENTS - PROJECT NO. 566056 [MMRP]<br><br>AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 1580366<br><br>SITE DEVELOPMENT PERMIT NO. 1580368<br><br>COASTAL DEVELOPMENT PERMIT NO. 1390732 }

SITE DEVELOPMENT PERMIT NO. 1390733

WHEREAS, ARE-SD REGION 23, LLC, ARE-SD REGION 35, LLC, and ARE-SD REGION 41, LLC, Delaware Limited Liability Companies, Owner/Permittee, filed an application with the City of San Diego for a permit to increase the size of a previously approved research and development building located at 3115-3215 Merryfield Row (Building A/Spectrum III) on a 13.77-acre site, and for a transfer of development rights from 3050 Callan Road and 3013-3033 Science Park Road to 3115 Merryfield Row (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1992324, 1992325, 1992326, 2145621, 2145622, 2145623, 2145619, and 2145620), on portions of the sites;

WHEREAS, the project sites are located at 3115-3215 Merryfield Row, 3013-3033 Science Park Road, and 3050 Callan Road, which are located east of North Torrey Pines Road. All the properties are in the IP-1-1 Zone within the University Community Plan (UCP) area, Prime Industrial Lands, Community Plan Implementation Overlay Zone-B (CPIOZ-B), Coastal Height Limitation Overlay Zone, the First Public Roadway Overlay Zone, and Coastal Overlay Zone (Non-Appealable Area 1 and Appealable Area). In addition, the properties are located within the Transit Priority Area, the City's Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1) and the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar;

WHEREAS, the project sites are legally described as: Lots 11 through 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992; ; Lot B of Parcel Map No. 17873, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on July 2, 1997; and Parcel 2 of Parcel Map No. 21376, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on August 25, 2016 (3115-3215 Merryfield Row); Parcel 2 of Parcel Map No. 2411, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on March 4, 1974; and Lot 4 of Torrey Pines Science Park Unit 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof 6229 filed in the Office of the County Recorder of San Diego County on November 21, 1968; Portion of Lot 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of

California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992 (3013-3033 Science Park Road); Parcel 2 of Parcel Map No. 12041, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on April 2, 1982 (3050 Callan Road);

WHEREAS, on July 18, 2018, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, Planned Development Permit No. 1992326, Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, Planned Development Permit No. 2145623, Coastal Development Permit No. 2145619, and Planned Development Permit No. 2145620 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings dated July 18.

## A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]

1. Findings for all Coastal Development Permits SDMC Section 126.0708(a):
a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

On October 17, 2016, the City Council approved Coastal Development Permit (CDP) No. 1580366 and Site Development Permit (SDP) No. 1580368, for the demolition of two-existing research and development buildings and construction of a 57,372-square-foot research and development building located at 3115 Merryfield Row (Building A/Spectrum III) and a 145,828-square-foot research and development building located at 3215 Merryfield Row (Building B/Spectrum IV). The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet.

The additional 61,559-square-foot increase would be obtained through a Transfer of Development Rights (TDR) that have not been utilized from 3050 Callan Road (Transfer Site No. 1 of 49,290 square feet) and 3013-3033 Science Park Road (Transfer Site No. 2 of 12,269 square feet). With the TDR, Building A would be modified from a two-story with two-levels of subterranean parking to a three-story with three-levels of subterranean parking ( 295 subterranean parking spaces) and 40 surface parking stalls. The building will also be reconfigured on the site, which moves the building further away from the adjacent canyon. As a component of the proposed project, the proposed new research and development building would achieve a Leadership in Energy and Environmental Design (LEED) Silver Certification.

All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other environmentally sensitive lands (ESL) located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

The property is in an area just west of Sorrento Valley Road between the sea and the first public roadway paralleling the sea. The property is located approximately 0.9 miles from the Pacific Ocean in an area just east of Torrey Pines Road between the sea and the first public roadway paralleling the sea. Merryfield Row is not designated as a public view corridor and does not contain intermittent or partial vistas, viewshed or scenic overlooks with views toward the Pacific Ocean. The proposed development will not encroach upon any existing physical accessway that is legally used by the public to access the coast, or any proposed public accessway as identified in the University Community Plan (UCP) and the Local Coastal Program Land Use Plan.

The buildable footprint area ranges from approximately 358 feet above MSL at the east end of the Building A and is located above the 100-year floodplain. The topography of the site creates various building heights for the proposed buildings. Sheet A4.2 through A4.3 of the Exhibits provides 10 elevation exhibits demonstrating that the structures and any projections will not exceed the maximum height limit allowed by the City's Coastal Height Limitation Overlay Zone

The proposed development will be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development has been designed to meet the development regulations of the underlying zone and would enhance and protect any public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan.

## b. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project site is a trapezoid shaped lot that follows the curvature of the adjacent canyon edge. Merryfield Row is a private driveway that takes access from Science Park Road. The project site contains ESL in the form of steep hillsides and sensitive biological resources. The project site lies within the boundaries of the City's Multiple Species Conservation Plan (MSCP) Subarea, and the Multi-Habitat Planning Area (MHPA) is mapped onsite and adjacent to 3215 Merryfield Row (Building B/Spectrum IV).

On October 17, 2016, the City Council approved CDP No. 1580366 and SDP No. 1580368, for the demolition of two-existing research and development buildings and
construction of a 57,372-square-foot research and development building located at 3115 Merryfield Row (Building A/Spectrum III) and a 145,828-square-foot research and development building located at 3215 Merryfield Row (Building B/Spectrum IV). The approvals included an MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, for these reasons, the proposed coastal development would not adversely affect ESL.

## c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559 -square-foot increase would be obtained through a TDR that have not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. With the TDR, Building A would be modified from a two-story with two-levels of subterranean parking to a three-story with three-levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls. The building will also be reconfigured on the site, which moves the building further away from the adjacent canyon.

All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. The property is located approximately 0.9 miles from the Pacific Ocean in an area just east of Torrey Pines Road between the sea and the first public roadway paralleling the sea. Merryfield Row is not designated as a public view corridor and does not contain intermittent or
partial vistas, viewshed or scenic overlooks with views toward the Pacific Ocean. The proposed development will not encroach upon any existing physical accessway that is legally used by the public to access the coast, or any proposed public accessway as identified in the UCP and the Local Coastal Program Land Use Plan. The buildable footprint area ranges from approximately 358 feet above MSL at the east end of the Building A and is located above the 100-year floodplain. The topography of the site creates various building heights for the proposed buildings. Sheet A4.2 through A4.3 of the Exhibits, provides 10 elevation exhibits demonstrating that the structures and any projections will not exceed the maximum height limit allowed by the City's Coastal Height Limitation Overlay Zone

The proposed development will be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, for these reasons, the development is in conformity with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.
d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The property is in an area just west of Sorrento Valley Road between the sea and the first public roadway paralleling the sea. The property is located approximately 0.9 miles from the Pacific Ocean in an area just east of Torrey Pines Road between the sea and the first public roadway paralleling the sea. The proposed development would be located on private property and would occur within the previously disturbed and developed portion of the site. The proposed development would not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway as identified in the UCP and the Local Coastal Program Land Use Plan.

The project is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site and public access to the water, public recreation facilities, or public parking facilities would not be adversely affected by the approval of this development. Therefore, the proposed development complies with the public access and recreation policies of Chapter 3 of the California Coastal Act.

## B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0504]

1. Findings for all Site Development Permits SDMC Section 126.0504(a):

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

On October 17, 2016, the City Council approved CDP No. 1580366 and SDP No. 1580368, for the demolition of two-existing research and development buildings and construction of a 57,372-square-foot research and development building located at 3115 Merryfield Row (Building A/Spectrum III) and a 145,828-square-foot research and development building located at 3215 Merryfield Row (Building B/Spectrum IV). The approvals included a MHPA -Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that have not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. With the TDR, Building A would be modified from a two-story with two-levels of subterranean parking to a three-story with three-levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls. The building will also be reconfigured on the site, which moves the building further away from the adjacent canyon. As a component of the proposed project, the proposed new research and development building would achieve a LEED Silver Certification.

All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. The proposed development would be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents.

The IP-1-1 zone allows for research and development uses with some limited manufacturing and the project site is located within the Torrey Pines Subarea of the UCP. The UCP designates the site as Industrial, and the Industrial Element of the plan more specifically identifies the site for scientific research. The sites are also subject to CPIOZ-B. The purpose of the CPIOZ is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City to ensure that new development is consistent with the goals, objectives and proposals of the community plan or compatible with surrounding development. The CPIOZ was incorporated into the UCP on January 12, 1988 (Resolution No. R-270138) and addresses land use and intensity, bulk and scale, and architectural design of buildings, structures and signs.

The UCP-Development Intensity Element - Section V. Implementation of Development Intensity Element (page 175) allows for TDR within subdivisions in conjunction with a Planned Development Permit, restricting both the sending and receiving sites. All three sites are located within Subarea 9 of the UCP. The project has been determined to be in conformance with Table 3 of the Land Use and Development Intensity Element of the UCP, which calls for Scientific Research use at
existing or approved development at the time of adoption of the UCP. The project would not exceed this development intensity and to ensure consistency with the goals, objectives, and proposals of the UCP, the development plans have been designed to address height, bulk and scale, materials, colors and signs as required through application of CPIOZ-B. Therefore, the proposed development would 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 in SDP Finding (B)(1)(a) listed above, the project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-squarefoot increase would be obtained through a TDR that have not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. With the TDR, Building A would be modified from a two-story with two-levels of subterranean parking to a threestory with three-levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls. The building will also be reconfigured on the site, which moves the building further away from the adjacent canyon.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project.

The project is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. 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 within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in CDP No. 1992324, SDP No. 1992325, and Planned Development Permit No. 1992326, and other regulations and guidelines pertaining to the subject property per the SDMC for the 3115 Merryfield Row project site. The approvals for 3050 Callan Road and 30133033 Science Park Road allows for TDR to 3115 Merryfield Row, and propose no new construction. 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.
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 in SDP Finding (B)(1)(a) listed above, all three sites are located within Subarea 9 of the UCP. The project has been determined to be in conformance with Table 3 of the Land Use and Development Intensity Element of the UCP, which calls for Scientific Research use at existing or approved development at the time of adoption of the UCP. The project would not exceed this development intensity and to ensure consistency with the goals, objectives, and proposals of the UCP, the development plans have been designed to address height, bulk and scale, materials, colors and signs as required through application of CPIOZ-B.

The proposed development would be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, 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).
2. Supplemental Findings SDMC Section $126.0504(b)$ - Environmentally Sensitive Lands:
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.

As outlined in SDP Finding (B)(1)(a) listed above, the prior approvals included a MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that have not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, the site is physically suitable for the design and siting of the proposed development and the development would 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.

As outlined in SDP Finding (B)(1)(a) listed above, all the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project.

The project's development footprint has been located to minimize erosion, flood, and fire hazards. No floodplains exist on site and proper design features have been incorporated into the site plan, including observance of required setbacks and integration of brush management, to prevent fire hazards. Development will comply with the region-wide erosion control plan, which requires pre- and post-construction measures to prevent erosion and sedimentation of downstream areas. The project will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance; will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and will 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.

As outlined in SDP Finding (B)(1)(a) listed above, the prior approvals included a MHPA -Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559 -square-foot increase would be obtained through a TDR that have not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, 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.

As outlined in SDP Finding (B)(1)(a) and (B)(2)(a) listed above, the prior approvals included a MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP. Therefore, the proposed development is consistent with the City of San Diego's 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 3115-3215 Merryfield Row, east of North Torrey Pines Road, and is approximately 0.9 miles from the Pacific Ocean. The property is in an area just east of Torrey Pines Road and the entire area is located between the sea and the first public roadway paralleling the sea. The proposed development will be located on private property and will occur within the previously disturbed and developed portion of the site. Therefore, the proposed development 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.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, the mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, any negative impacts created by the proposed development.

## C. PLANNED DEVELOPMENT PERMIT [SDMC Section 126.0604]

1. Findings for all Planned Development Permits SDMC Section 126.0604(a):
a. The proposed development will not adversely affect the applicable land use plan.

As outlined in SDP Finding (B)(1)(a) listed above, the project is consistent with the goals, objectives, and proposals of the UCP, the development plans have been designed to address height, bulk and scale, materials, colors and signs as required through application of CPIOZ-B. Therefore, the proposed development would 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 in SDP Finding (B)(1)(b) listed above, the permit for the project 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 within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.
c. 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.

As outlined in SDP Findings (B)(1)(a) and (c) listed above, the proposed development would be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, 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 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, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, Planned Development Permit No. 1992326, Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, Planned Development Permit No. 2145623, Coastal Development Permit No. 2145619, and Planned Development Permit No. 2145620, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1992324, 1992325, 1992326, 2145621, 2145622, 2145623, 2145619, and 2145620, a copy of which is attached hereto and made a part hereof.

[^1]Adopted on: July 12, 2018
Internal Order Number: 24007410

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

## COASTAL DEVELOPMENT PERMIT NO. 1992324 SITE DEVELOPMENT PERMIT NO. 1992325 <br> PLANNED DEVELOPMENT PERMIT NO. 1992326 <br> SPECTRUM III AND IV AMENDMENTS - PROJECT NO. 566056 [MMRP] <br> AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 1580366 <br> SITE DEVELOPMENT PERMIT NO. 1580368 <br> HEARING OFFICER

This Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, and Planned Development Permit No. 1992326, an amendment to Coastal Development Permit No. 1580366 and Site Development Permit No. 1580368, is granted by the Hearing Officer of the City of San Diego to ARE-SD REGION 23, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504, 126.0604, and 126.0708. The 13.77-acre site is located at 3115-3215 Merryfield Row in the IP-1-1 Zone within the University Community Plan, Prime Industrial Lands, Community Plan Implementation Overlay Zone (CPIOZ-B), Coastal Height Limitation Overlay Zone, First Public Roadway Overlay Zone, and Coastal Overlay Zone (Non-Appealable Area 1 and Appealable Area). In addition, the property is located within the Transit Priority Area, Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar, and Council District 1. The project site is legally described as: Lots 11 and 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992; Lot B of Parcel Map No. 17873, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on July 2, 1997; and Parcel 2 of Parcel Map No. 21376, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on August 25, 2016.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to receive unutilized development rights from 3050 Callan Road and 3013-3033 Science Park Road, and to increase the size of the previously approved research and development building (Building A/Spectrum III) located at 3115 Merryfield Row, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 18, 2018, on file in the Development Services Department.

The project shall include:
a. An increase in the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. Building A/Spectrum III would be modified from a two-story with two-levels of subterranean parking to a threestory with three-levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls;
b. A transfer of 12,269 square feet of unutilized development rights from 3013-3033 Science Park Road, pursuant to Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, and Planned Development Permit No. 2145623;
c. A transfer of 49,290 square feet of unutilized development rights from 3050 Callan Road, pursuant to Coastal Development Permit No. 2145619 and Planned Development Permit No. 2145620;
d. Landscaping (planting, irrigation and landscape related improvements);
e. Off-street parking;
f. Sustainable building design measures by achieving a Leadership in Energy and Environmental Design (LEED) Silver certification, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program; 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 $\qquad$ .
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. 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" conditions(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.
11. 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.
12. Coastal Development Permit No. 1580366 and Site Development Permit No. 1580368 shall remain in force and effect except as amended by this Permit.

## 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 Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047, 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 Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047, 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:

Biological Resources
Paleontological Resources
Transportation/Circulation

## 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.

## GEOLOGY REQUIREMENTS:

17. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The Owner/Permittee shall obtain a determination of adequacy from the Geology Section of the Development Services Department regarding the report or letter prior to issuance of any construction permits.
18. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The Owner/Permittee shall obtain a determination of adequacy from the Geology Section of the Development Services Department regarding the as-graded geotechnical report prior to exoneration of the bond and grading permit close-out.

## ENGINEERING REQUIREMENTS:

19. The Coastal Development / Site Development Permit shall comply with all Conditions of the Parcel Map for the Tentative Map No. 1994465.
20. The project proposes to export 14,086 cubic yards of soil, which 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 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.
23. 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.
24. 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.
25. 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.
26. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, 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.
27. 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.

## LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any grading permit, 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, Stormwater 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.
29. Prior to issuance of any public improvement permit, 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.
30. Prior to issuance of any building permit, 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 provide a 40 -square foot. area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).
31. 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.
32. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) 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:

33. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," on file in the Development Services Department.
34. 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, extending out from the structure towards the native/naturalized vegetation, consistent with $\$ 142.0412$. Zone One shall range from 42 -feet to 79 -feet in width with a corresponding Zone Two of 0 -foot to 54.5 -feet in width, exercising Zone Two reduction options under §142.0412(f).
35. Prior to issuance of any grading permit, 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."
36. Prior to issuance of any building permit, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A," on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.
37. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, onehour fire-rated, and/or heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.
38. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

## MULTIPLE SPECIES CONSERVATION PROGRAM:

39. The issuance of this permit by the City of San Diego does not authorize the 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.).

In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish \& Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.

Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA.

For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

## PLANNING/DESIGN REQUIREMENTS:

40. Processing, manufacturing, or storage of bulk quantities of hazardous materials (greater than 10,000 gallons) shall not be permitted on the premises.
41. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been submitted to the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Silver certification. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application.
42. 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.
43. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit " $A$ " or City-wide sign regulations.
44. 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

45. All automobile, motorcycle and bicycle parking spaces 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 by the appropriate City decision maker in accordance with the SDMC.
46. The Owner/Permittee shall not convert the space shown on Exhibit "A," as mechanical, electrical, ventilation, utility, or amenity space from its designated use to any trip generating use
unless an equal or greater amount of trip generating square footage is removed or designated as non-trip generating square footage through appropriate review of the Development Services Department.
47. Prior to the issuance of any certificate of occupancy, the Owner/Permittee shall implement the Transportation Management (TDM) Plan as outlined in the focused transportation study and submit annual monitoring reports for a period of five (5) years for review and approval by the City Engineer.
48. Prior to the issuance of any certificate of occupancy, the Owner/Permittee shall provide a copy of a recorded joint use driveway/mutual access agreement between all parcels/lots affected, satisfactory to the City Engineer.
49. Prior to Final Inspection for Building A, the I-5/Genesee Avenue Interchange Project must be fully constructed and open to traffic.

## PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

50. Prior to the issuance of any building permits, the Owner/Permittee shall vacate the existing water easements as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.
51. Prior to the recordation of the easement vacation, all public water facilities shall be abandoned or privatized, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
52. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new public 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 right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.
53. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), 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.
54. 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.
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 Hearing Officer of the City of San Diego on $\qquad$ and [Approved Resolution Number].
$\qquad$

# AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 

Jeffrey A. Peterson<br>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. 23, LLC,
a Delaware Limited Liability Company

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

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

By: $\qquad$
Name:
Title:

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

# RECORDING REQUESTED BY <br> CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501 <br> WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501 

INTERNAL ORDER NUMBER: 24007410
SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2145621
SITE DEVELOPMENT PERMIT NO. 2145622
PLANNED DEVELOPMENT PERMIT NO. 2145623
3013-3033 SCIENCE PARK ROAD - PROJECT NO. 566056 [MMRP]
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 1390732
SITE DEVELOPMENT PERMIT NO. 1390733
HEARING OFFICER
This Coastal Development Permit No. 2145621, Site Development Permit No. 2145622, and Planned Development Permit No. 2145623, an amendment to Coastal Development Permit No. 1390732 and Site Development Permit No. 1390733, is granted by the Hearing Officer of the City of San Diego to ARE-SD REGION 35, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504, 126.0604, and 126.0708. The 7.08-acre site is located at 3013-3033 Science Park Road in the IP-1-1 Zone within the University Community Plan, Prime Industrial Lands, Community Plan Implementation Overlay Zone (CPIOZ-B), Coastal Height Limitation Overlay Zone, First Public Roadway Overlay Zone, and Coastal Overlay Zone (NonAppealable Area 1). In addition, the property is located within the Transit Priority Area, Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar, and Council District 1. The project site is legally described as: Parcel 2 of Parcel Map No. 2411, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on March 4, 1974; and Lot 4 of Torrey Pines Science Park Unit 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof 6229 filed in the Office of the County Recorder of San Diego County on November 21, 1968; Portion of Lot 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to transfer 12,269 square feet of unutilized development rights to 3115 Merryfield Row; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 18, 2018, on file in the Development Services Department.

The project shall include:
a. A transfer of 12,269 square feet of unutilized development rights to 3115 Merryfield Row.

## 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 August 1, 2021.
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" conditions(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. Coastal Development Permit No. 1390732 and Site Development Permit No. 1390733 shall remain in force and effect except as amended by this Permit.

## ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.
13. The mitigation measures specified in the MMRP and outlined in Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 383639, 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 Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 383639, 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
Historical Resources (Archaeology)

## DEVELOPMENT REQUIREMENTS:

15. All the conditions outlined in Coastal Development Permit No. 1390732 and Site Development Permit No. 1390733 shall remain in effect.

## 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.

APPROVED by the Hearing Officer of the City of San Diego on July 18, 2018 and [Approved Resolution Number].

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. 35, LLC, a Delaware Limited Liability Company

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

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

By: $\qquad$
Name:
Title:

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

# RECORDING REQUESTED BY <br> CITY OF SAN DIEGO <br> DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501 <br> WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501 

COASTAL DEVELOPMENT PERMIT NO. 2145619
PLANNED DEVELOPMENT PERMIT NO. 2145620

## 3050 CALLAN ROAD - PROJECT NO. 566056 [MMRP]

HEARING OFFICER

This Coastal Development Permit No. 2145619 and Planned Development Permit No. 2145620, is granted by the Hearing Officer of the City of San Diego to ARE-SD REGION 41, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0604, and 126.0708. The 3.18-acre site is located at 3050 Callan Road in the IP-1-1 Zone within the University Community Plan, Prime Industrial Lands, Community Plan Implementation Overlay Zone (CPIOZ-B), Coastal Height Limitation Overlay Zone, First Public Roadway Overlay Zone, and Coastal Overlay Zone (Non-Appealable Area 1). In addition, the property is located within the Transit Priority Area, Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar, and Council District 1. The project site is legally described as: Parcel 2 of Parcel Map No. 12041, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on April 2, 1982.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to transfer 49,290 square feet of unutilized development rights to 3115 Merryfield Row; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 18, 2018, on file in the Development Services Department.

The project shall include:
a. A transfer of 49,290 square feet of unutilized development rights to 3115 Merryfield Row.

## 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 August 1, 2021.
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. 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" conditions(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.
8. 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.

## DEVELOPMENT REQUIREMENTS:

9. This Permit allows for the transfer of development rights, and does not allow for any construction or improvements to the vacant site.

## 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.

APPROVED by the Hearing Officer of the City of San Diego on July 18, 2018 and [Approved Resolution Number].

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Jeffrey A. Peterson
Development Project Manager
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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. 41, LLC, a Delaware Limited Liability Company

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

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

By: $\qquad$
Name:
Title:

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

HEARING OFFICER
RESOLUTION NUMBER R- $\qquad$
TENTATIVE MAP NO. 1994465; SPECTRUM III AND IV AMENDMENTS PROJECT NO. 566056 [MMRP]; AN AMENDMENT OF TENTATIVE MAP NO. 1580398

WHEREAS, ARE-SD REGION 23, LLC, a Delaware Limited Liability Company, Subdivider and Permittee, and RICK ENGINEERING COMPANY, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 1994465), to amend Tentative Map No. 1580398, for the Spectrum III and IV project (Project) for the relocation of Spectrum III building within the property boundary and reduce the lots to a total of two. The project site is located at 3115-3215 Merryfield Row in the IP-1-1 Zone within the University Community Plan, Prime Industrial Lands, Community Plan Implementation Overlay Zone (CPIOZ-B), Coastal Height Limitation Overlay Zone, First Public Roadway Overlay Zone, and Coastal Overlay Zone (Non-Appealable Area 1 and Appealable Area). In addition, the property is located within the Transit Priority Area, the Parking Impact Overlay Zone (Coastal and Campus Impact Areas), Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Accident Potential Zone for Marine Corps Air Station (MCAS) Miramar, and Council District 1. The property is legally described as Lots 9 through 12 of La Jolla Spectrum, in the City of San Diego, County of San Diego, State of California, according to Map thereof 12990 filed in the Office of the County Recorder of San Diego County on December 4, 1992; and

WHEREAS, the Map proposes the Subdivision of a 13.77-acre site into two (2) lots for a commercial development; and

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

WHEREAS, on July 18, 2018, the Hearing Officer of the City of San Diego considered Tentative Map No. 1994465, and pursuant to San Diego Municipal Code sections 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1994465:

1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

On October 17, 2016, the City Council approved Coastal Development Permit (CDP) No. 1580366 and Site Development Permit (SDP) No. 1580368, for the demolition of two-existing research and development buildings and construction of a 57,372-square-foot research and development building located at 3115 Merryfield Row (Building A/Spectrum III) and a 145,828-square-foot research and development building located at 3215 Merryfield Row (Building B/Spectrum IV). The project site lies within the boundaries of the City's Multiple Species Conservation Plan (MSCP) Subarea, and the Multi-Habitat Planning Area (MHPA) is mapped onsite and adjacent to 3215 Merryfield Row (Building B/Spectrum IV). The approvals included a MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP. In addition, the City Council approved Tentative Map No. 1580398 and Easement Vacation No. 1580371, to consolidate the four lots into two and to vacate four 24 -foot wide water easements on site.

On December 6, 2016, the grading and right-of-way (ROW) permit was issued per Drawing No. 39307-D, which included work to finalize the vacation of the water easements. The grading has been completed and portions of the ROW work is pending. On January 30, 2017, the building permit for 3215 Merryfield Row was issued, which is currently under construction.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a Transfer of Development Rights (TDR) that have not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. With the TDR, Building A would be modified from a two-story with two-levels of subterranean parking to a three-story with three-levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls. In addition, the project proposes to reconfigure the lots lines between the two buildings.

All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other environmentally sensitive lands (ESL) located on the site. The proposed development would be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents.

The IP-1-1 zone allows for research and development uses with some limited manufacturing and the project site is located within the Torrey Pines Subarea of the UCP. The UCP designates the site as Industrial, and the Industrial Element of the plan more specifically identifies the site for scientific research. The sites are also subject to CPIOZ-B. The purpose of the CPIOZ is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City to ensure that new development is consistent with the goals, objectives and proposals of the community plan or compatible with surrounding development. The CPIOZ was incorporated into the UCP on January 12, 1988 (Resolution No. R-270138) and addresses land use and intensity, bulk and scale, and architectural design of buildings, structures and signs.

The UCP-Development Intensity Element - Section V. Implementation of Development Intensity Element (page 175) allows for TDR within subdivisions in conjunction with a Planned Development Permit, restricting both the sending and receiving sites. All three sites are located within Subarea 9 of the UCP. The project has been determined to be in conformance with Table 3 of the Land Use and Development Intensity Element of the UCP, which calls for Scientific Research use at existing or approved development at the time of adoption of the UCP. The project would not exceed this development intensity and to ensure consistency with the goals, objectives, and proposals of the UCP, the development plans have been designed to address height, bulk and scale, materials, colors and signs as required through application of CPIOZ-B. Therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

## 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

As outlined in TM Findings 1 listed above, the proposed development would be located on private property and is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, 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).

## 3. The site is physically suitable for the type and density of development.

As outlined in TM Findings 1 listed above, the prior approvals included a MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that has not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, the site is physically suitable for the type and density of development.

## 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

As outlined in TM Findings 1 listed above, the prior approvals included a MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP. The property is located approximately 0.9 miles from the Pacific Ocean in an area just east of Torrey Pines Road between the sea and the first public roadway paralleling the sea. Merryfield Row is not designated as a public view corridor and does not contain intermittent or partial vistas, viewshed or scenic overlooks with views toward the Pacific Ocean.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that has not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a

Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, the site is physically suitable for the type and density of development. Therefore, the subdivision or the proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

## 5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

As outlined in TM Findings 1 listed above, the project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that has not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and droughttolerant plants throughout the site.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project.

The permit for the project 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 within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Tentative Map (TM) No. 1994465, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the subdivider/permittee shall be required to obtain grading and public improvement permits. Therefore, the proposed subdivision or the type of improvement would not be detrimental to the public health, safety and welfare.
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

On October 17, 2016, the City Council approved CDP No. 1580366 and SDP No. 1580368, for the demolition of two-existing research and development buildings and construction of a 57,372-square-foot research and development building located at 3115 Merryfield Row (Building A/Spectrum III) and a 145,828-square-foot research and development building located at 3215 Merryfield Row (Building B/Spectrum IV). The approvals included a MHPA Boundary Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's MSCP. A condition of approval was to record a Covenant of Easement for ESL over the portions of the property located within the MHPA. On May 11, 2018, the Covenant of Easement was recorded pursuant to Drawing No. 40707-B.

In addition, the City Council approved Tentative Map No. 1580398 and Easement Vacation No. 1580371, to consolidate the four lots into two and to vacate four 24 -foot wide water easements on site. On December 6, 2016, the grading and right-of-way (ROW) permit was issued per Drawing No. 39307-D, which included work to finalize the vacation of the water easements. The grading has been completed and portions of the ROW work is pending. On January 30, 2017, the building permit for 3215 Merryfield Row was issued, which is currently under construction.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that has not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. All the proposed development will occur within the previously disturbed and developed portion of the site and there would be no encroachment into, or impacts on, any steep slopes or other ESL located on the site. To protect the adjacent ESL, the project would comply with all MHPA Land Use Adjacency Guidelines. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

Addendum No. 566056 to MND No. 422478/SCH No. 2016061047 and MND No. 383639 has been prepared for the project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous MNDs, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. Therefore, the site is physically suitable for the type and density of development.
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that has not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. As a component of the proposed project,
the proposed new research and development building would achieve a Leadership in Energy and Environmental Design (LEED) Silver certification. The design of the subdivision has taken into account the best use of the land to minimize grading. With the design of the proposed subdivision, each structure will have the opportunity through building materials, site orientation, architectural treatments, placement, and selection of plant materials, to provide to the extent feasible for future passive or natural heating and cooling opportunities.
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The project site is located in an urban area developed with non-residential uses; and is surrounded by similar development. The site currently receives water and sewer service from the City, and no extension of infrastructure to new areas would be required. There are no residential uses; therefore, no replacement housing would be necessary. Additionally, the project site is designated Industrial (Scientific Research) pursuant to the UCP and is zoned IP-1-1 (Industrial Park). The project proposes to increase the size of the previously approved research and development building located at 3115 Merryfield Row from 57,372 to 118,931 square feet. The additional 61,559-square-foot increase would be obtained through a TDR that has not been utilized from 3050 Callan Road and 3013-3033 Science Park Road. The project would not induce population growth as the site is located in an urban area developed with non-residential uses with existing infrastructure. Furthermore, the project would not displace housing as there are no existing residential uses. Therefore, the proposed commercial subdivision would not have any effects on the housing needs of the region.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing
Officer, Tentative Map No. 1994465, is hereby granted to ARE-SD REGION 23, LLC, a Delaware
Limited Liability Company, Subdivider and Permittee, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED:

By
Jeffrey A. Peterson
Development Project Manager
Development Services Department
ATTACHMENT: Tentative Map Conditions
Internal Order No. 24007410

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP NO. 1994465

## SPECTRUM III AND IV AMENDMENTS - PROJECT NO. 566056 [MMRP]

ADOPTED BY RESOLUTION NO. R- $\qquad$ ON $\qquad$

## GENERAL

1. This Tentative Map will expire on $\qquad$ .
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Parcel Map to subdivide the lots shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated $\$ 34.00$ compliance fee to avoid delaying the recordation of the Parcel Map.
5. The Tentative Map No. 1994465 shall conform to the provisions of Coastal Development Permit No. 1992324, Site Development Permit No. 1992325, and Planned Development Permit No. 1992326.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

## ENVIRONMENTAL/MITIGATION

7. 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.
8. The mitigation measures specified in the MMRP and outlined in Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047 and MND No. 383639, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
9. The Owner/Permittee shall comply with the MMRP as specified in Addendum No. 566056 to Mitigated Negative Declaration (MND) No. 422478/SCH No. 2016061047 and MND No. 383639, 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:

Biological Resources
Paleontological Resources
Transportation/Circulation

## ENGINEERING

10. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
11. The Subdivider 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
12. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## MAPPING

13. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
14. Parcel Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495
15. The Parcel Map shall:
a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid
divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.

## PUBLIC UTILITIES DEPARTMENT

16. Prior to the recording of the Parcel Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

## MULTIPLE SPECIES CONSERVATION PROGRAM

17. The issuance of this permit by the City of San Diego does not authorize the 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.).

In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish \& Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.

Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA.

For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

## INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- $\quad$ Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24007410

HEARING OFFICER
RESOLUTION NUMBER R-
$\qquad$

A RESOLUTION ADOPTING ADDENDUM NO. 566056 TO MITIGATED NEGATIVE DECLARATION NO. 422478/SCH NO. 2016061047 AND MITIGATED NEGATIVE DECLARATION NO. 383639, ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM; SPECTRUM III AND IV AMENDMENTS - PROJECT NO. 566056

WHEREAS, on December 8, 2015, ARE-SD REGION 23, LLC, a Delaware Limited Liability company submitted an application to Development Services Department for a Coastal Development Permit, Site Development Permit, Tentative Map, and Easement Vacation for the Spectrum III \& IV Amendment project; and

WHEREAS, on August 27, 2014, ARE-SD Region 35, LLC, a Delaware limited Liability company submitted an application to Development Services Department for a Coastal Development Permit and Site Development Permit for the Spectrum I and II/La Jolla Spectrum project; and

WHEREAS, on October 17, 2016, the City Council adopted Resolution No. R-310709, Adopting Mitigated Negative Declaration No. $422478 /$ SCH No. 2016061047, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on June 10, 2015, the Hearing Officer adopted Resolution No. HO-6831-3, Adopting Mitigated Negative Declaration No. 383639, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on August 2, 2017, ARE-SD REGION 23, LLC, a Delaware Limited Liability company submitted an application to the Development Services Department for approval of Site Development Permit, Coastal Development Permit, Planned Development Permit, and a Tentative Map for amendments to the Spectrum III \& IV project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Mitigated Negative Declaration if such Addendum meets the requirements of CEQA; and

BE IT RESOLVED, by the Hearing Officer of the City of San Diego as follows:

1. That the information contained in the final Mitigated Negative Declaration No. 422478/ SCH No. 2016061047 and Mitigated Negative Declaration No. 383639 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this Hearing Officer prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Mitigated Negative Declaration for the Project.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Mitigated Negative Declaration or that any significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration.
4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.
5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the Hearing Officer adopts Addendum to Mitigated Negative Declaration No. $422478 /$ SCH No. 2016061047 with respect to the Project, a copy of which is on file in the office of the Development Services Department.
6. That Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

ADOPTED by the Hearing Officer:

[^2]
## EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
COASTAL DEVELOPMENT PERMIT NO. 1992324 SITE DEVELOPMENT PERMIT NO. 1992325
PLANNED DEVELOPMENT PERMIT NO. 1992326
COASTAL DEVELOPMENT PERMIT NO. 2145621
SITE DEVELOPMENT PERMIT NO. 2145622
PLANNED DEVELOPMENT PERMIT NO. 2145623
COASTAL DEVELOPMENT PERMIT NO. 2145619
PLANNED DEVELOPMENT PERMIT NO. 2145620
TENTATIVE MAP NO. 1994465
PROJECT NO. 566056

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Mitigated Negative Declaration No. 566056 shall be made conditions of Site Development Permit, Coastal Development Permit, Planned Development Permit, and a Tentative Map as may be further described below.

## A. GENERAL REQUIREMENTS - PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice to Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director'sEnvironmental Designee (ED) shall review and approve all Construction Documents (CD),(plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
http://www.sandiego.gov/development-
services/industry/information/standtemp.standtemp.shtml
4. The TITLE INDEX SHEET must also show on which pages the "Environmental/ Mitigation Requirements" notes are provided.
5. SURETY AND COST RECOVERY - The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holdersto ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
B. GENERAL REQUIREMENTS - PART II Post Plan Check (After permit issuance/Prior to start of construction)
6. PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent, and the following consultants: Qualified Biologist and Paleontological Monitor

NOTE: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:
a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division-858-627-3200
b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call RE and MMC at 858-627-3360
2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) Number 566056 and/or Environmental Document Number 566056, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

NOTE: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.
3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for reviewand acceptance prior to the beginning of work or within one week of the PermitHolder obtaining documentation of those permits or requirements. Evidence shall include
copies of permits, letters of resolution, or other documentation issued by the responsible agency: Not Applicable
4. MONITORING EXHIBITS: All consultants are required to submit, to RE and MMC, a monitoring exhibit on a $11 \times 17$ reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, scope of that discipline's work, and notes indicating when in the construction schedule that work would be performed. When necessary for clarification, a detailed methodology of how the work would be performed shall be included.

NOTE: Surety and Cost Recovery - When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure thelong- term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
5. OTHER SUBMITTALS AND INSPECTIONS: The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

| DOCUMENT SUBMITTAL/INSPECTION CHECKLIST |  |  |
| :--- | :--- | :--- |
| Issue Area | Document Submittal | Associated |
| General | Consultant Qualification Letters | Prior to Pre-construction Meeting |
| General | Consultant Construction <br> Monitoring Exhibits | Prior to or at Pre-constructionMeeting |$|$| Land Use | Land Use Adjacency Issues CVSRs | Land Use Adjacency Issue <br> Site Observations |
| :--- | :--- | :--- |
| Biology | Biologist Limit of WorkVerification | Limit of Work Inspection |
| Biology | Paleontology Reports | Biology/Habitat Restoration Inspection |
| Paleontology | Traffic Reports | Paleontology Site Observation |
| Traffic | Waste Management Reports | Traffic Features Site Observation |
| Waste <br> Managemen | Request Letter for Bond Release | Final MMRP Inspections Prior to <br> Bond Release |
| Bond Release |  |  |

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES (RESOURCE PROTECTION DURING CONSTRUCTION)

## I. Prior to Construction

A. Biologist Verification - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
B. Pre-construction Meeting - The Qualified Biologist shall attend the pre-construction meeting, discuss the project's biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
C. Biological Documents - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), environmentally sensitive land(ESL) Ordinance, project permit conditions; California Environmental Quality Act(CEQA); endangered species acts (ESAs); and/or other local, state, or federal requirements.
D. BCME - The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlifesurveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service[USFWS] protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, written and graphic depiction of the project'sbiological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the constructiondocuments.
E. Avian Protection Requirements - To avoid any direct impacts to raptors and/orany native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submitthe results of the preconstruction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be preparedand include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for
review and approval and implemented to the satisfaction of the City. TheCity's MMC Section or Resident Engineer, and Biologist shall verify and approve that allmeasures identified in the report or mitigation plan are in place prior to and/or during construction.
F. Resource Delineation - Prior to construction activities, the Qualified Biologistshall supervise the placement of orange construction fencing or equivalent along the limitsof disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
G. Education - Prior to commencement of construction activities, the Qualified Biologistshall meet with the owner/permittee or designee and the construction crew and conduct an on- site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avianand wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

A. Monitoring - All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). TheCSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
B. Subsequent Resource Identification - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on-site (e.g., flag plant specimensfor avoidance during access, etc.). If active nests or other previously unknownsensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

## BIOLOGICAL RESOURCES (RAPTOR NESTING)

To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. Thepre- construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities.

If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. If Cooper Hawk is present, a 300 -foot avoidance buffer shall be established around an active nest within the MHPA consistent with the City MSCP Subarea Plan and the Biology Guidelines (2012). The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve thatall measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the preconstruction survey, no further mitigation is required.

## Land Use (MSCP)

Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications forPublic Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) MultiHabitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:
A. Grading/Land Development/MHPA Boundaries - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
B. Drainage - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are
designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
C. Toxics/Project Staging Areas/Equipment Storage - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shallbe incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
D. Lighting - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
E. Barriers - New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
F. Invasives - No invasive non-native plant species shall be introduced into areas within or adjacentto the MHPA.
G. Brush Management - New development adjacent to the MHPA shall be set back from the MHPAto provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consist with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.
H. Noise - Due to the site's location adjacent to or within the MHPA where the Qualified Biologisthas identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: coastal California Gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitatduring the breeding season for the aforementioned listed species, presence shall be assumedwith implementation of noise attenuation and biological monitoring. When applicable (i.e., habitatis occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

COASTAL CALIFORNIA GNATCATCHER (FederallyThreatened)

1. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:
A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(a)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fishand Wildlife service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:
I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding $60 \mathrm{~dB}(\mathrm{a})$ hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed $60 \mathrm{~dB}(\mathrm{a})$ hourly average at the edge of occupied habitat must be completed by a qualified acoustician(possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist;or
III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities willnot exceed $60 \mathrm{~dB}(\mathrm{a})$ hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed $60 \mathrm{~dB}(\mathrm{a})$ hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise monitoring shall continue to be monitored at least twice weeklyon varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 $d B(A)$ hourly average or to the ambient noise level if it already exceeds $60 \mathrm{~dB}(\mathrm{~A})$ hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 $\mathrm{dB}(\mathrm{A})$ hourly average or to the ambient noise level if it already exceeds $60 \mathrm{~dB}(\mathrm{~A})$ hourly average. Such measuresmay include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.lll shallbe adhered to as specified above.
II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.


## PALEONTOLOGICAL RESOURCES

## I. Prior to Permit Issuance

## A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans, but prior to the first precon meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents.
B. Letters of Qualification have been submitted to ADD
2. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City Paleontology Guidelines.
3. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
4. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

## //. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a
confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

## B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a precon meeting that shall include the PI, CM, and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related precon meetings to make comments and/or suggestions concerningthe paleontological monitoring program with the CM and/or Grading Contractor.
a. If the PI is unable to attend the precon meeting, the Applicant shall schedulea focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to $11 \times 17$ ) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
a. Prior to the start of any work, the PI shall also submit a construction scheduleto MMC through the RE indicating when and where monitoring will occur.
b. The PI may submit a detailed letter to MMC prior to the start of work orduring construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

## ///. During Construction

## A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full time during grading/excavation/ trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The CM is responsible for notifying the RE, PI , and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching
activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the CSVR. The CSVRs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. There shall forward copies to MMC.

## B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI ) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

## C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be atthe discretion of the PI.
b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resourcesmust be mitigated before ground disturbing activities in the area of discovery willbe allowed to resume.
c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils), the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

## IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract.

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
a. No Discoveries - In the event that no discoveries were encountered duringnight and/or weekend work, the PI shall record the information on the CSVR and submitto MMC via fax by 8 A.M. on the next business day.
b. Discoveries - All discoveries shall be processed and documented using the
existing procedures detailed in Section III - During Construction.
c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III -During Construction shall be followed.
d. The PI shall immediately contact MMC, or by 8 A.M. on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
B. If night work becomes necessary during the course of construction
3. The CM shall notify the RE , or BI , as appropriate, a minimum of 24 hours before the work is to begin.
4. The RE, or BI , as appropriate, shall notify MMC immediately.
C. All other procedures described above shall apply, as appropriate.

## V. Post Construction

## A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even ifnegative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the paleontological monitoring program (with appropriate graphics) to MMC for review and approval within 90 days followingthe completion of monitoring,
a. For significant paleontological resources encountered during monitoring, the paleontological recovery program shall be included in the Draft Monitoring Report.
b. Recording Sites with the San Diego Natural History Museum - The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the paleontologicalmonitoring program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the FinalMonitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or Bl , as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
B. Handling of Fossil Remains
6. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
7. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
C. Curation of fossil remains: Deed of Gift and Acceptance Verification
8. The PI shall be responsible for ensuring that all fossil remains associated withthe monitoring for this project are permanently curated with an appropriate institution.
9. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
D. Final Monitoring Report(s)
10. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
11. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## Transportation / Circulation

- Prior to issuance of occupancy of Building A, the I-5/Genesee Avenue Interchange Project shall be fully constructed and open to traffic.
- Science Park Road shall be widened to become a four-lane collector (two lanes in each direction) through elimination of on-street parking, per the conceptual striping plan provided in Appendix M of the Spectrum 3 Focused Transportation Study (Urban Systems Associates, February2018). Parking shall be prohibited along the street via "red curb." The developer shall be responsible for notifying the adjacent property owners and removing parking.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

UNIVERSITY COMMUNITY PLANNING GROUP<br>DRAFT Meeting Minutes<br>10300 Campus Pointe Drive, 2nd Floor<br>6 P.M. June 12, 2018

Directors present: Chris Nielsen (CN) (Chair), Meagan Beale (MB) (Vice Chair), Andrew Wiese (AW), Nancy Groves (NG) John Bassler (JB), Caryl Lees Witte (CW), Nan Madden (NM), Joann Selleck (JS), Isabelle Kay (IK), Ash Nasseri (AN), Rebecca Robinson (RR), Michael Leavenworth (ML), Roger Cavnaugh (RC), Alice Buck (ABu), Ryan Perry (RP), Jason Moorhead (JM), Kristin Camper (KC), Anu Delouri (AD), Amber TerVrugt

Directors absent: Kristopher Kopensky (KK), Petr Krysl (PK)

1. Call the Meeting to Order - Chair Nielsen, Vice Chair
2. Pledge of Allegiance followed by Moment of Silence
3. Agenda - Call for additions/deletions: Adoption
a. Motion: Motion to approve
b. Vote: No additions or deletions. APPROVED
4. Approval of Minutes: May 8, 2018
a. Motion: Amend as Anu was present in last meeting
b. Vote: APPROVED with grammatical corrections and addition of Anu
5. Presentation of Awards of Service to Janay Kruger
i. Senator Toni Atkins - Recognition
ii. Councilmember Barbara Bry (Bridger Langfur) - Awarded Janay with a Janay Kruger Day
b. Information Items: Janay Kruger to present on "Trees 1000 Foundation".
i. Marti Emerald - Director Trees 1000.
6. Announcements: Chair: Letters/meetings, SDPD Update
a. Business Seat 3B: Amber Ter-Vrugt with Scripps Health has agreed to serve. Call for other nominations, vote.
i. Amber gave self-introduction. SD Native.
ii. Motion to Vote
iii. VOTE: 13 Aye: 0 Nay
b. Parks Master Plan Update: Regional workshop June 21, Stanley Rec Center, 6 pm to 8pm. Open House format.
7. Membership Report - John Bassler
a. John asked all guests to sign in.
8. MCAS Miramar - K. Camper
9. SANDAG - Terry Martin, Frank Oswainy
a. Question by RP - Plan for closures on Genesee between La Jolla Village and Nobel? Terry to address in detail next meeting.
b. Question by RS: Access over Gilman? TM: Temp bridge, delay for people coming from LJ Colony - all night work.
c. Discussion on bike lanes, with suggestion to move k-rail for improved safety.
10. Councilperson Barbara Bry - Bridger Langfur
a. Invited everyone to budget committee on June $20^{\text {th }} 9: 00-$ Noon.
b. Boards and commissions is on City website, looking for various board members.
11. Senator Toni Atkins - Chevelle Tate
a. Senate and Assembly has until Friday to sign Budget; will return with budget numbers and how much money we will receive from SB2 for homeless.
b. Socks are being collected in UC library donation box for veterans.
12. Planning Department - Dan Monroe
a. Absent (it’s his Birthday).
13. Assemblyman Todd Gloria - Javier Gomez
a. Mikela (SP?) - New contact for Assembly member Gloria. Coffee at Normal Heights community Center. Working on Legislature's budget
14. Congressman Scott Peters - Erin Magee (not present)
15. UCSD - Anu Delour
a. Roland Bartch - Gilman Sewer Improvement Project. Scheduled for completion Aug. 2018. 6,000 lineal feet of sewer line being replaced, $\sim 50-$ 60 feet deep. Phase II was summarized. UCSD to return in July with an update. IK Commented that the signs are in the bike lane, and several other notes on areas where bike access is limited. Group discussion on how the project was not presented in phases originally and is behind schedule. Also, discussion about improving safety of streets during construction.
16. Public Comment: Non-Agenda Items - 3 minutes per speaker
a. No public comments were made. by UCPG in May, 2016), Alexandria, PTS 422478. New amendment proposed by Alexandria. Process 3.
a. Kim Elliott - Alexandria Real Estate Equities, Inc.
b. Amendment to Proj. approved in 2016, Spectrum III/V
c. Transferring square footage from Callan Road and Spectrum I\&II to Spectrum III
d. Building moved from canyon side to Merryfield Row street side of lot.
e. Minimum LEED ${ }^{\circledR}$ Silver Certification targeted.
f. $100 \%$ of development intensity will be moved from Callan Rd, and plan is to use Callan property as mitigation land for a future project.
g. Hearing Officer will hear on July $18^{\text {th }}$.
i. Questions: Can it be surfaced parked? A: Parking will be mixed surface and subterranean, at 2.8:1000. Q (IK): - What would happen if Callan was sold? A: Development rights would go and a
buyer could not build. Development permit will encumber the site. Q (IK): It's going to be twice as big, how can you do and MND amendment? A: Community plan deals with trips, and trips are just being transferred to an already developed lot. Q (AW): Why move to the canyon side? A: The size of the building works better, new entry to the Spectrum Collection that works better, pedestrian connection works better. Q (AW): What prevents us from placing a 'no build' easement on Callan? A: If we do anything now, we could limit the ability to use it as mitigation land. Comment (AB): How can we ask Alexandria to give up a value, which is future value for mitigation. Comment (Debbie Knight): Pleased with the concept, looked at the site - has seen many parties come and go and has concern that there is not a binding conservation agreement on the land, it can go sideways. AB : Concerned about burdening the property with a questionable3 requirement which could impact its use for mitigation in the future.
h. Motion: AB - Motion to approve the request for the amendment as proposed. Second by RP. AW moves with a substitute motion to approve the project with transfer of density that the Callan site be encumbered by a 'no-build' easement, which would not inhibit the future use for mitigation. Second by John Basser.
i. Discussion over procedure of Substitute Motions
j. Vote: Aye: 9, Nay: 5 Recuse: 1
k. NOTE: After the vote, there was discussion that most of those not in favor of the substitute motion actually were in favor of the First Motion, but voted against because they did not agree with the suggested easement or encumbrance suggested in the Substitute Motion. Thus, the 9:5:1 vote may not truly reflect all member's intentions.
17. Action Item - Approval of annual Report by UCPG to the City. Vote required. Deferred by May 8 meeting.
a. Motion: UCPG approval of annual report
b. Vote: 14:0:1 abstention from new member who did not receive the material.
18. Action item: Review of current subcommittees and membership. Make any changes, authorize, and discuss an annual schedule for this task.
a. Q: (AW) - What is the purpose? A (CN) Per the bylaws, we need to have clear lists of the standing subcommittees
b. Motion: Chris Neilson - Requested to DEFER
c. Vote: APPROVED UNANIMOUSLY
19. Ad Hoc Committee Reports
a. Fire Station 50 - Ash Nasseri
b. Bicycle Safety - Peter Krysl, Andy Wiese
20. Adjournment

UCPG 12June2018 ATTENDEE LIST:
UCPG AHendance
12 Jone 2018
NAME SIGNNTURE
V Rason Moonhead
Amber Tervingt
Andy Wiere
Isdbelle Kay
Joann Sellect
Rebocien Robisen Wood Cebocentalundivod
Roger Calnaugh
Kristin Camper Chins Nielen
Moncy Groves Nan Madden
ANU. DELARI
Michael Leavenworth CARYL LEES WITE Qohn Basslar Alice Buck. Ash Nassen



## Supolement to Ownership Disclosure Form

## for Alexandria Spectrum Ill \& IV (Proiect No. 566056)

3115 and 3215 Merryfield Row (Development Site)

## ARE-SD Region No. 23. LLC. a Delaware limited liability company

Managing (and Sole) Member: Alexandria Real Estate Equities, L.P., a Delaware limited partnership

## Alexandria Real Estate Equities, L.P., a Delaware limited partnership

General Partner: ARE-QRS CORP., a Maryland corporation

## ARE-QRS CORP. a Maryland corporation

Joel S. Marcus, CEO and Founder
Dean A. Shigenaga, Executive VP, CFO and Treasurer
Jennifer J. Banks, General Counsel and Corporate Secretary
Gary Dean, Senior VP
Daniel J. Ryan, Executive VP, Regional Marketing Director
Bret E. Gossett, Senior VP
Vincent R. Ciruzzi, Senior VP
Stephen Pomerenke, VP
These individuals are a subset of ARE-QRS Corp officers and oversee and are responsible for the San Diego region

FORM

Approval Type：Check appropriate box for type of approval（s）requested：Neighborhood Use Permit 凶 Coastal Development Permit $\square$ Neighborhood Development Permit $凶$ Site Development Permit 凶 Planned Development Permit $\square$ Conditional Use Permit $\square$ Variance ® Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment •区 Other copisop мменомект

Project Title：SPECTRUM III IV AMENDMENTS
Project No．For City Use Only：
366056
Project Address： 3013 － 3033 SCIENCE PARK ROAD，SAN DIEGO，CA 92121

Specify Form of Ownership／Legal Status（please check）：
凶 Corporation Limited Liability－or－$\square$ General－What State？DE
Corporate Identification No．
$\square$ Partnership Individual
By signing the Ownership Disclosure Statement，the owner（s）acknowledge that an application for a permit，map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property．Please list below the owner（s），applicant（s），and other financially interested persons of the above referenced property．A financially interested party includes any individual，firm，co－partnership，joint venture，association，social club，fraternal organization，corporation，estate，trust，receiver or syndicate with a financial interest in the application．If the applicant includes a corporation or partnership，include the names，titles，addresses of all individuals owning more than $10 \%$ of the shares．If a publicly－owned corporation，include the names，titles，and addresses of the corporate officers．（A separate page may be attached if necessary．）If any person is a nonprofit organization or a trust，list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization． A signature is required of at least one of the property owners．Attach additional pages if needed．Note：The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered．Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property．Failure to provide accurate and current ownership information could result in a delay in the hearing process．

## Property Owner

Name of Individual：ARE－SD REGIONNO．35．LLC－Owner Tenant／Lessee Successor Agency
Street Address： 10996 Torreyana Road，SUITE 250


Printed on decycled paper．Visit our web site at www．sandiego．gov／development－services．
Upon request，this information is available in alternative formats for persons with disabilities．

## Supplement to Ownershio Disclosure Form

for Alexandria Spectrum Ill \& IV (Project No. 566056)

## 3013 \& 3033 Science Park Road (Development Intensity Transferring Site)

## ARE - SD Region No. 35. LLC. a Delaware limited liability company

Managing (and Sole) Member: Alexandria Real Estate Equities, L.P., a Delaware limited partnership

## Alexandria Real Estate Equities, L.P., a Delaware limited partnership

General Partner: ARE-QRS CORP., a Maryland corporation

## ARE-QRS CORR. a Maryland corporation

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These individuals are a subset of ARE-QRS Corp officers and oversee and are responsible for the San Diego region


City of San Diego Development Services

1222 First Ave., MS 302
San Diego, CA 92101
(619) 446-5000


Printed on recycled paper. Visit our web site at www. sandiego. gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

## Supplement to Ownership Disclosure Form

## for Alexandria Spectrum \& \& /V (Project No. 566056)

## 3050 Callan Road (Development Intensity Transferring Site)

## ARE_ SD Region No. 41. LLC._ a Delaware limited liability company

Managing (and Sole) Member: Alexandria Real Estate Equities, L.P., a Delaware limited partnership

## Alexandria Real Estate Equities, L.P., a Delaware limited partnership

General Partner: ARE-QRS CORP., a Maryland corporation

## ARE-QRS CORP_ a Maryland cornoration

Joel S. Marcus, CEO and Founder
Dean A. Shigenaga, Executive VP, CFO and Treasurer
Jennifer J. Banks, General Counsel and Corporate Secretary
Gary Dean, Senior VP
Daniel J. Ryan, Executive VP, Regional Marketing Director
Bret E. Gossett, Senior VP
Vincent R. Ciruzzi, Senior VP
Stephen Pomerenke, VP
These individuals are a subset of ARE-QRS Corp officers and oversee and are responsible for the San
Diego region

## SPECTRUM III \& IV

## SDP/CDP AMENDMENT AND PDP SUBMITTAL PACKAGE

| PROJECT DIRECTORY |
| :--- | :--- |


| ELOPMENT SUMMARY |  |  |  |
| :---: | :---: | :---: | :---: |
| PROJECT DESCRPTIIN: |  |  |  |
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| PROJECT SITE INFORMATION: SITE ADDRESSES |  |  |  |
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| $\begin{aligned} & \text { ASSESSOR'S PARCEL NUMBER } \\ & 340-200-09,340-200-10,340-200-11,340-200-12 \end{aligned}$ |  | Lealoscosprion |  |
|  |  | $\begin{array}{ll}340-200-09,340-200-10,340-200-11,340-200-12 & \text { LOT } 9 \text { (A } \\ & 17873,2 \\ & \text { SPECTR }\end{array}$ | sor frich |
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| TRANSFER SITE \#1 INFORMATION: |  |  |  |
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| TRANSFER SITE \#2 INFORMATION: |  |  |  |
| SITE ADDRESSES <br> 3013-3033 SCIENCE PARK ROAD, SAN DIEGO 92121 |  |  |  |
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| PROJECT BUILDING USE: |  |  |  |
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| PROJECT BUILDING DATA: |  |  |  |
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| REQURED PERMITS: |  |  |  |
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| LAND USE INFORMATION AND OVERLAYS |  |  |  |
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| MAXIMUM BUILDING HEIGHT ALLOWED |  |  |  |
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## APPLICABLE CODES



GENERAL NOTES




OWNERS CERTIFICATE:



DECLARATION OF RESPONSIBLE CHARGE


carson P. Eooncron r.e. No. $76519 \quad$ EXP. 12-31-18






ATTACHMENT 20


PROJECT DESCRPTION





## LEGAL DESCRIPTION




| $\begin{array}{l}340-200-9,9,1,1,12 \pm 20 \\ \text { NUMBER OF LOTS }\end{array}$ |
| :--- |









ABBREVIATONS


SPECTRUM PROJECT
TENTATIVE MAP NO. 1994465


SDP NO 1992325 CDP NO. 1992324
SITE DEVELOPMENT PERMIT COASTAL DEVELOPMFNT PERMIT TIENTATIVF MAP IEASEMENT VACATION




3115 MERRYFIIELD ROW
3-STROY BUULDING
W/ 3-STORY SUBTERRANEAN PARKING
STRUCTUE (WI APRPOX W/ 3-STORY SUBTERRANEANP
STRUCTUE (WW APROX 25,5
SUB-GRADE SPACE)

ATTACHMENT 20



ATTACHMENT 20



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ATTACHMENT 20

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ATTACHMENT 20


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UTLLTTY PLAN


ATTACHMENT 20


LEGEND








UTLITY PLAN
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BIORETENTION SOIL MIX SPECIFCATION CONTINUED
ATTACHMENT 20

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WATER QUALTY TECHNCAL REPORT






MEMBRANE CONNECTION DETALL BLOWUP


ATTACHMENT 20

ATTACHMENT 20






BRUSH MANAGEMENT NOTES

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BRUSH MANAGEMENT IMPLEMENTATION


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BRUSH MANAGEMENT PLAN $\left.\left.\right|_{r=40} ^{0}\right|_{01} ^{20}$

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IRRIGATION MAINTENANCE NOTES



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LANDSCAPE NOTES



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ATTACHMENT 20



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## PARKing tabuLations




BUILDING A - 112,933 S.F. OF RRD
BULLDNG B-127.015 SF: Of R8

PUBLIC TRANSIT

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SCIENCE PARK ROAD


ATTACHMENT 20









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KEY NOTES


ATTACHMENT 20





[^0]:    

[^1]:    Jeffrey A. Peterson
    Development Project Manager
    Development Services

[^2]:    Jeffrey A. Peterson
    Development Project Manger
    Development Services Department

