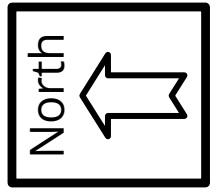


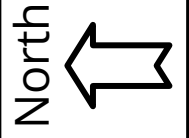
Project Site



Aerial Map

One Alexandria Square / 3010 Science Park Road, 10996 Torreyana Road,
10931, 10933 and 10975 North Torrey Pines Road
PROJECT NO. 660043

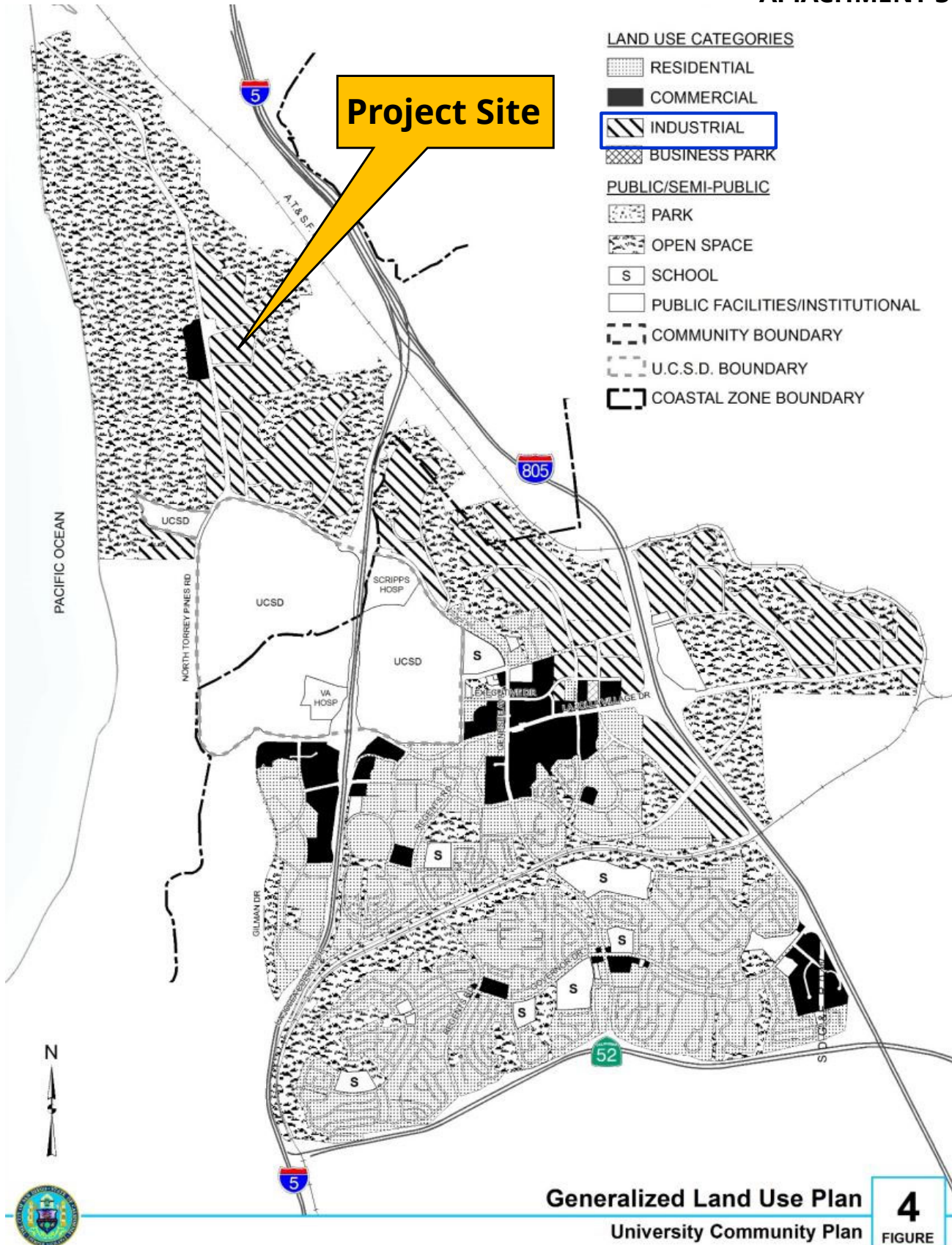




Project Location Map

One Alexandria Square / 3010 Science Park Road, 10996 Torreyana Road,
 10931, 10933 and 10975 North Torrey Pines Road
 PROJECT NO. 660043

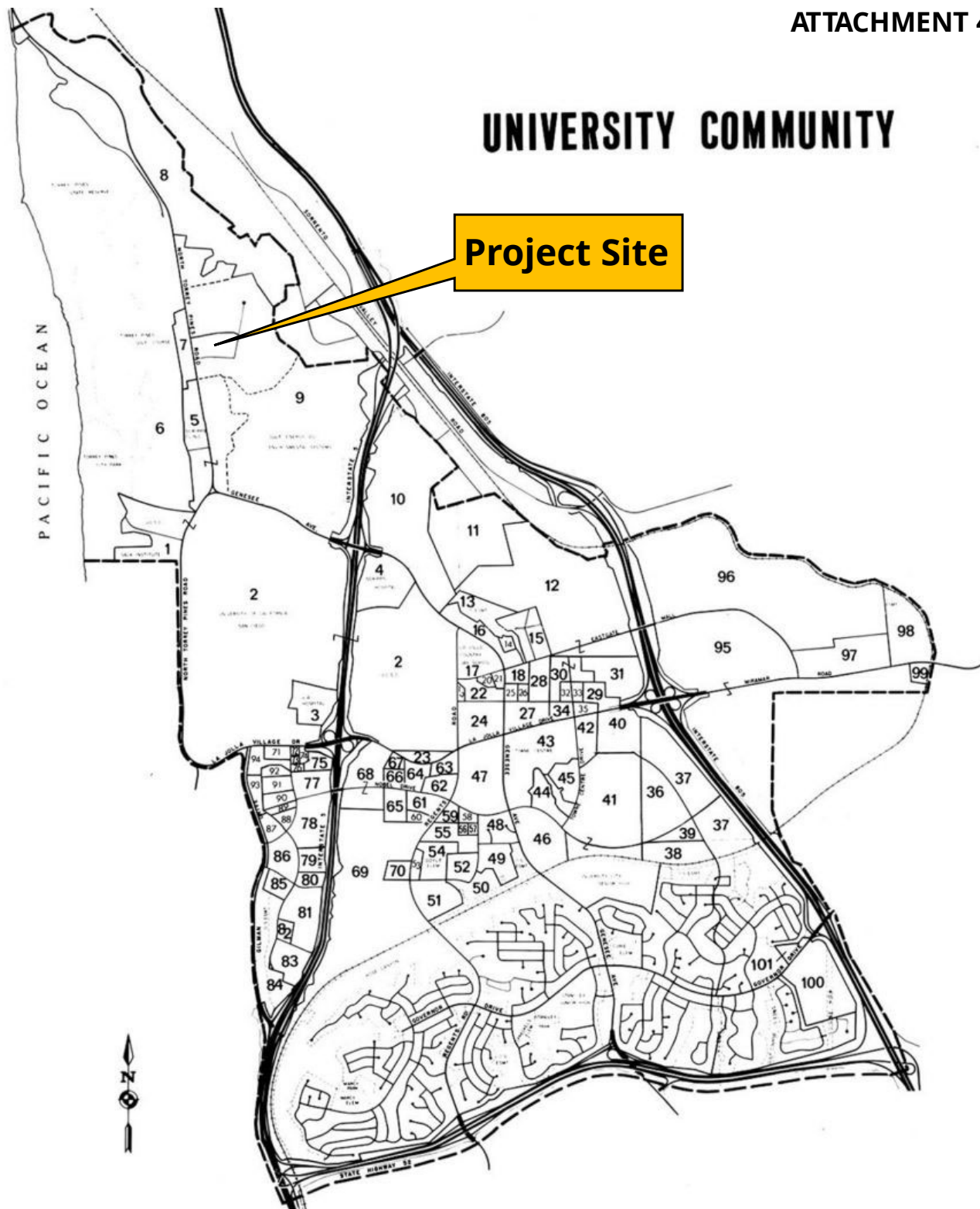




Community Land Use Map

One Alexandria Square / 3010 Science Park
Road, 10996 Torreyana Road, 10931, 10933 and
10975 North Torrey Pines Road
PROJECT NO. 660043



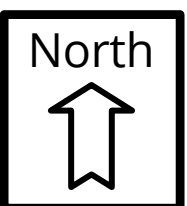


Land Use and Development Intensity Subarea Map
University Community Plan

26
FIGURE

UCP Fig. 26. Land Use Development Intensity Subarea

One Alexandria Square / 3010 Science Park Road, 10996
Torreyana Road, 10931, 10933 and 10975 North Torrey
Pines Road
PROJECT NO. 660043



LAND USE AND DEVELOPMENT INTENSITY

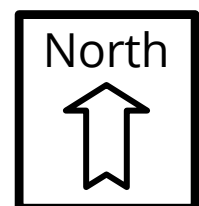
Any changes to this table for properties in the Coastal Zone shall require an amendment to the Local Coastal Program

Subarea/Name	Gross Acres	Land Use and Development Intensity
1. Salk Institute	26.88	500,000 SF - Scientific Research
2. UCSD	915.00	UCSD Long Range Development Plan (110,000 ADT)
3. VA Hospital	29.95	725 Beds
4. Scripps Memorial Hospital Medical Offices	41.38	682 Beds 31,500 SF - Scientific Research 793,580 SF - Medical Office
5. Scripps Clinic	25.17	320 Beds 567,000 SF - Scientific Research 404,000 SF - Medical Office 52,000 SF - Aerobics Center
6. Torrey Pines Golf Course/ City Park/State Reserve	728.05 ⁽¹⁾	
7. Sheraton Hotel	11.38	400 Rooms - Hotel
Lodge at Torrey Pines	6.00 ⁽¹⁾	175 Rooms - Hotel
8. Torrey Pines State Reserve	233.92	
9. Chevron	303.60	20,000 SF/AC - Scientific Research ⁽²⁾
Scallop Nuclear (Gentry)	56.41	Existing or approved development,
Torrey Pines Science Park	145.74	Exceptions: Spin Physics - 550,000 SF
Signal/Hutton	25.79	Lot 10B (2.7 AC) - 15,500 SF/AC
Torrey Pines Business and Research Park	15.89	23,000 SF/AC ⁽²⁾ Scientific Research
La Jolla Cancer Research	4.87	
State Park	14.25	Open Space
10. Campus Point	158.78	Existing or approved development, Exceptions: Alexandria (10290-10300 Campus Point Drive and SAIC - 30,000 SF/AC ⁽³⁾ and Lot 7 (3.6 AC) - 18,000 SF/AC - Scientific Research 25.00 Open Space
11. Private Ownership	55.93	18,000 SF/AC - Scientific Research ⁽⁴⁾
City Ownership	47.48	(Development intensity transferred from Subarea 37 for all of Subarea 11)
12. Eastgate Technology Park (PID) ^{(4a)(4b)}	218.50	2,472,025 SF - Scientific Research

- (1) A minimum of 187 public parking spaces is to be retained on public land for golf course uses; in addition, at the adjacent Lodge at Torrey Pines, there are 40 parking spaces reserved daily for golfers and 94 parking spaces reserved during tournaments.
- (2) Chevron, Scallop Nuclear, and La Jolla Cancer Research Foundation shall be required to mitigate their peak-hour trip generation rate to a level equal to or less than that which would be generated by a project of 18,000 SF/AC. Mitigation shall be achieved through a Transportation System Management (TSM) program to be approved by the City Council and the California Coastal Commission as a Local Coastal Program amendment. The proposed TSM program must specify the maximum development intensity of the project site and include supported findings. This Plan encourages the development of these parcels through a master plan.
- (3) SAIC shall be required to mitigate its peak-hour trip generation rate to a level equal to or less than that which would be generated by a project of 18,000 SF/AC. Alexandria shall be required to mitigate its peak-hour trip generation rate to a level equal to or less than that which would be generated by a project of 20,000 SF/AC. Mitigation shall be achieved through a Transportation System management (TSM) program to be approved by the City Council.
- (4) This Plan encourages the development of this subarea through a master plan
- (4a) ADT's from Irvine Company owned parcels 343-122-40-43, 45-52, & 60-64 Subarea 12 (PID) 90-0892) have been shifted to La Jolla Centre III Subarea 29 APN 345-012-10.
- (4b) 7,635 square feet is transferred from Eastgate Acres PID 96-7756 in Subarea 11 to Lot 6A in Subarea 12. 18,878 square feet is being transferred to Lot 6A from within PID 90-0892. In addition to transfers, the project on Lot 6A shall implement Transportation Demand Management (TDM) measures targeting a reduction in project trips during peak hours.

UCP Table 3 - Land Use Development Intensity

One Alexandria Square / 3010 Science Park Road, 10996
Torreyana Road, 10931, 10933 and 10975 North Torrey
Pines Road
PROJECT NO. 660043



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ONE OF THE MAJOR URBAN DESIGN ISSUE IN SUBAREA 1 RELATES TO THE PROTECTION OF NATURAL TOPOGRAPHY AND VEGETATION. ALSO, THERE IS A NEED TO ENHANCE PUBLIC ACCESS TO UNIQUE PANORAMIC VISTAS OF THE COASTAL BLUFFS, THE CAMPUS, GOLDEN TRIANGLE AND SORRENTO VALLEY.

THE UNIVERSITY PLAN PROVIDES
RECOMMENDATIONS WITH WHICH CONSIST OF TWO
PARTS; OBJECTIVE AND ACCOMPLISHED BY.
THE PROPOSED MASTER PLAN ACHIEVES A
NUMBER OF OBJECTIVES, AND THE FOLLOWING
EXPLAINS HOW THEY ARE ACCOMPLISHED:

PROTECT AND TAKE MAXIMUM ADVANTAGE
THE TORREY PINES SUBAREA'S TOPOGRAPHY
AND UNIQUE NATURAL VEGETATION. THIS IS
ACCOMPLISHED BY:

- ENSURING THAT DEVELOPMENTS DO NOT INTRUDE INTO THE DESIGNATED OPEN SPACE AREAS
- PRESERVING EXISTING NATIVE TREES WHEN FEASIBLE. DEVELOPMENT SHOULD OCCUR AROUND AND IN BETWEEN NATIVE TREES. IF THAT IS NOT FEASIBLE, CONSIDERATION SHOULD BE GIVEN TO MOVING TREES INTO TEMPORARY NURSERIES DURING CONSTRUCTION. TRANSPLANTING IS USUALLY LESS EXPENSIVE THAN BUYING NEW TREES OF EQUIVALENT SIZE AND TYPE.
- THE PROJECT WILL BE DEVELOPED UNDER PLANNED DEVELOPMENT CONCEPTS IN COMPLIANCE WITH THE FOLLOWING CRITERIA IN ADDITION TO THOSE IN THE HILL-SIDE REVIEW OVERLAY ZONE AND THE RESOURCE PROTECTION OVERLAY ZONE:
 - AVOID DESTRUCTION OF NATIVE VEGETATION, WILDLIFE HABITAT OR GEODIC LANDMARKS OR KENYON ARCHAEOLOGICAL RESOURCES. SEE SHEETS A510 AND A510/1 WHICH DEFINE THE OVERLAY ZONES FOR BOTH OPEN SPACE AND PROTECTED VEGETATION AND CULTURAL RESOURCES

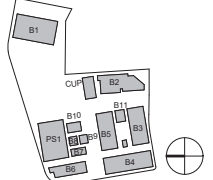
MINIMIZE THE TOTAL AMOUNT OF IMPERVIOUS SURFACES SUCH AS PARKING, DRIVEWAYS, TERRACES, PATIOS, TENNIS COURTS AND OTHER SIMILAR FACILITIES, THIS IS ACCOMPLISHED BY:

- THE PROJECT PROVIDES PEDESTRIAN AND BICYCLE PUBLIC ACCESS PATHS AND SCENIC VIEWPOINTS AS WELL AS PARKING PLACES ALONG NORTH ROAD. THE ROAD COMES OUT OF WORTH ROAD AND COMES DOWN THE ROAD EAST ON A HILL WITH THE HIGH POINT VIEW THAT LOOK OVER THE HORIZON. IT THEN TURNS HIGH ON ROAD B AND THEN GOES SOUTH CONNECTING TO THE SPECTRUM CAMPUS ACROSS SCIENCE PARK ROAD. A LARGER MASTERPLAN VIEW WOULD CONNECT THIS PATH VISUALLY TO THE CAMPUS PATH FROM THE PUBLIC STREET AND OPEN AT ALL TIMES. THE ACCESS PATH WOULD TERMINATE AT A POINT OFFERING SCENIC VIEWS OF CANTON CASTLE BLUFFS OF THE NATIONAL RESERVE AND IF IT CONNECTS TO THE OPEN AREA BY BUILDING B8. THE OPEN AREA WOULD OFFER PANORAMIC VIEWS OF THE CAMPUS AMENITY VILLAGE. THE PATH TERMINAL AREA WOULD BE RELATIVELY FLAT PER THE GRADING PLANS (SEE CIVIL DRAWINGS).

ENSURE THAT THE MASSING OF STRUCTURE AND DESIGN DETAIL OF NEW BUILDINGS CONTRIBUTE TO A VISUALLY COHERENT STREETScape. THIS IS ACCOMPLISHED BY:

- USING MAJOR 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. PROJECT ELEVATIONS, RENDERING AND SITE SECTIONS ILLUSTRATE THIS OBJECTIVE.
- SCREENING FROM PUBLIC VIEW ALL MECHANICAL EQUIPMENT, TRASH STORAGE, SERVICE AREAS AND UTILITIES APURTENANCES. SECTIONS SHOW WHERE MECHANICAL SYSTEMS ARE SUNK IN A WELL ON THE TOP FLOOR OF EACH OF BUILDINGS B3, B4 AND B5. THE CUP BUILDING HAS GABION WALLS SCREENING OFF THE COOLING TOWER FROM VIEW.

 - - - - - PROPERTY LINE
 - - - - - SETBACK LINE



**SITE
DEVELOPMENT
PERMIT**

NOT FOR CONSTRUCTION

01/04/2022

[illegible]

SCALE	PROJECT ARCHITECT
As indicated	NBBJ LLP

PROJECT	102320.10
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MEET ISSUE DATE 01/04/2022

ARCHITECTURAL SITE PLAN

SHEET NUMBER

60 TOTAL SHEETS

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PLANNING COMMISSION
RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 2406424
COASTAL DEVELOPMENT PERMIT NO. 2406425
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2474613
ONE ALEXANDRIA SQUARE - PROJECT NO. 660043 [MMRP]
AMENDMENT TO SITE DEVELOPMENT PERMIT NOS. 9829 AND 151106,
COASTAL DEVELOPMENT PERMIT NOS. 9828 AND 10911,
AND PLANNED DEVELOPMENT PERMIT NO. 10903

WHEREAS, ARE-10933 NORTH TORREY PINES, LLC, ARE-SD REGION NO. 17, LLC AND ARE-SD REGION NO. 27, LLC, Delaware Limited Liability Companies, Owners and Permittees, filed an application with the City of San Diego for a permit for the demolition of two buildings; redevelopment of two buildings; construction of eight buildings, two accessory structures (vending structure and a pavilion structure), a central utility plant building; and associated site improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2406424, 2406425 and 2474613), on portions of a 22.2-acre site;

WHEREAS, the project site is located at 3010 Science Park Road, 10996 Torreyana Rd, 10931, 10933 and 10975 North Torrey Pines Rd within the IP-1-1 zone, within the Torrey Pines Subarea of the University Community Plan (UCP); and within the Community Plan Implementation (CPIOZ-B) Type B, Transit Priority Area (TPA), Parking Impact Area (Beach, Campus and Coastal Impacts), First Public Roadway, Coastal (Non-Appealable Area), Coastal Height Limitation Overlay Zone (CHLOZ), Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP), Airport Influence Area 1 (AIA-1), Airport Environs, and Accident Protection Zone II (APZ II) Overlay Zones; and Prime Industrial Lands as identified in the General Plan's Economic Prosperity Element; and Council District 1;

WHEREAS, the project site is legally described as: Parcel A: Lots 1 through 4 and lettered Lot A of Alexandria Technology Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 15437, filed in the Office of the County Recorder of San Diego County, on September 19, 2006 as Instrument No. 2006-0666754 of Official Records and Parcel B: Lot 12 of Torrey Pines Science Park Unit 2, in the City of San Diego, County of San Diego, State of California, according to Map No. 8434, filed in the Office of the County Recorder of San Diego County, on December 10, 1976;

WHEREAS, on June 23, 2022, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 2406424, Coastal Development Permit (CDP) No. 2406425, and Neighborhood Development Permit (NDP) No. 2474613 pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 2406424, Coastal Development Permit No. 2406425, and Neighborhood Development Permit No. 2474613:

A. SITE DEVELOPMENT PERMIT - SDMC Section 126.0505

1. Findings for all Site Development Permits:

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

The approximately 22.2-acre site is located in the IP-1-1 zone which allows for research and development (R&D) uses with some limited manufacturing; and the University Community Plan (UCP), Torrey Pines Subarea 1, designates the site as Scientific Research. The project is consistent with the Scientific/Research designation, and supports the design requirements, goals, and policies of the University Community Plan, including:

1. Create a physical, social, and economic environment complementary to UCSD and its environs and the entire San Diego metropolitan area (Page 16).

The project will develop attractive new buildings that complement the existing development pattern of the general area, includes significant

new landscaping, and enhances pedestrian and vehicular connectivity in the area.

2. Promote job opportunities within the University community (Page 17).

The project facilitates the construction of 412,660 square feet (SF) of R&D uses in the area, and 15,497 SF of supporting amenity uses for supporting retail and food and beverage uses, which will continue to generate job opportunities within the University community.

3. Minimize the impact of aircraft noise and the consequences of potential aircraft accidents (Page 19).

The project is not located within the noise contours of any airport; however, it is located in the Airport Safety Zone – Accident Potential Zone II (APZ II) of MCAS Miramar. The proposed project will not increase the development intensity, and the project was previously determined to conform with the ALUCP (pre-2008) that was effective at the time of the previous entitlements. Therefore, the project is consistent with the previously approved permits and will minimize the consequences of potential aircraft accidents.

4. Provide for the needs of pedestrians in all future design and development decisions (Page 44).

The project enhances pedestrian connectivity in the area by providing pedestrian paths with canopy, shade-producing trees along the paths. Additionally, the project will maintain connectivity within the site and repair and enhance the existing path within the open space easement area.

5. Ensure that San Diego's climate and the community's unique topography and vegetation influence the planning and design of new projects (Page 44).

The project will preserve approximately one-third of the existing mature trees onsite. New landscaping will use vegetation consistent with the surrounding Torrey Pines Area context, including Torrey Pines, Coast Live Oaks, California Sycamores, Brisbane Box as well as other low water use regionally adapted species, non-invasive species, that will thrive in the coastal environment of the Torrey Pines Area and common to local Coastal Sage Scrub and Chaparral communities. Portions of the overall site will be re-graded in a way that continues to respect the local topography as much as possible.

6. Protect and take maximum advantage of the Torrey Pines Subarea's topography and unique natural vegetation (Page 99).

The project protects and takes maximum advantage of the Torrey Pines Subarea's topography and unique natural vegetation as set out in number 5 above, incorporated herein by reference. The project will preserve the natural vegetation through the continued preservation of an open space easement granted to the City of San Diego per Map No. 15437. Additionally, the project will use the unique topography of the site by incorporating building designs and site access that follow and take advantage of the contours of the site.

7. Preserve existing mature trees (Page 100).

The project proposes to protect 49 of 180 existing trees. The project will plant 285 additional trees, a replacement ratio of 2.2 to 1.

Currently, the site has four existing buildings totaling a gross floor area (GFA) of 367,495 square feet (SF) with approved entitlements for a total of 428,169 SF of GFA. Two of the existing buildings will remain, which include a two-story building of 74,111 SF GFA (3010 Science Park Road) and a two-story building of 81,895 SF GFA (10996 Torreyana Road). The project proposes to demolish two buildings totaling 167,371 SF GFA, consisting of a two-story building totaling 45,371 SF GFA (10975 North Torrey Pines Road) and a single-story building totaling 122,000 SF GFA (10931/10933 North Torrey Pines Road); construction of four buildings for Research and Development (R&D) use, totaling 269,674 SF GFA consisting of a three-story building with below-grade parking totaling 85,865 SF GFA, a two-story building with below-grade parking totaling 78,346 SF GFA, a two-story building with below-grade parking totaling 68,456 SF GFA, and a two-story building with below-grade parking totaling 37,007 SF GFA; construction of four buildings for amenity uses consisting of Retail/Restaurant (food and beverage) uses, totaling 15,500 SF GFA, consisting of a single-story building totaling 3,017 SF GFA, a single-story building totaling 2,473 SF GFA, a single-story building totaling 2,735 SF GFA and a two-story building totaling 7,275 SF GFA; construction of two accessory structures for ancillary uses totaling 2,570 SF consisting of a below grade structure for vending totaling 1,124 SF and a single-story pavilion structure totaling 1,446 SF; construction of a Central Utility Plant building with a below-grade level totaling 11,638 SF; and the construction of a four-level parking garage with two levels of below-grade parking totaling 315,605 SF, for an R&D Campus consisting of 14 structures (two existing R&D buildings, four new R&D buildings, four amenity buildings, two accessory structures, a central utility plant building and a parking structure) for an overall site total of 993,104 SF of building areas including 428,160 SF of GFA. The total proposed GFA is 428,160 SF which is less than the 428,169 SF of GFA previously approved for the site and thus would not impact the development intensity established for scientific research uses in this area (UCP, Table 3, Subarea 9, page 166).

The project site is identified in the General Plan's Economic Prosperity Element as Prime Industrial Land. Prime Industrial Lands are areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, and R&D uses. These areas are part of even larger areas that provide a significant

benefit to the regional economy and meet General Plan goals and objectives to encourage a strong economic base. The proposed project is located within the Torrey Pines Subarea of the UCP and is designated for scientific research. The development of 428,160 SF of R&D would help provide quality job opportunities including middle-income jobs and provide secondary employment and supporting uses. Retention and growth of scientific research use in this area would also provide greater opportunities for collaboration with other scientific research uses in the immediate vicinity, in the Torrey Pines Mesa area of the community as well as the University of California San Diego (UCSD). The project will also provide accessory uses and spaces to serve the tenants of the campus, thereby implementing the goals and policies of the UCP to provide amenities and support services to the primary scientific research and other industrial uses in industrial areas. The site is also subject to CPIOZ-B regulations. 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-B regulations address specific issues, including but not limited to, land use intensity, bulk and scale, and architectural design of buildings, structures and signs. The site is also located within the CHLOZ which regulates the maximum height limit allowed within the Coastal zone. The projects Exhibit "A" provides building section exhibits that demonstrate that the structures and projections will not exceed the maximum height limit allowed by the CHLOZ.

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. 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.

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

The Project will implement the Voluntary Tier 1 and Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code (CGBSC) in effect at the time the building permit application is deemed complete per SDMC 143.0915(c). The project will incorporate sustainability features detailed in section C.2.a below, incorporated herein by reference.

The Project proposes the development of an R&D Campus consisting of 14 structures (two existing R&D buildings, four new R&D buildings, four amenity buildings, two accessory structures, a central utility plant building and a parking structure) totaling 993,104 SF of building areas including 428,160 SF GFA and associated site improvements detailed in section A.1.a above, incorporated herein by reference.

The Project is located within the Airport Influence Area and Accident Protection Zone II of the Airport Land Use Compatibility Plan (ALUCP) of Marine Corps Air Station (MCAS) Miramar. The MCAS Miramar ALUCP limits the site to 50 people per acre. The proposed development can exceed 50 people per acre if the proposed total floor area of the site does not exceed the previously approved floor area. The proposed Project will not increase the development intensity of the previously approved project which was previously determined to conform with the ALUCP (pre-2008) that was in effective at the time of the previous entitlements. Additionally, the proposed development is located outside 60dB Community Noise Equivalent Level (CNEL) noise contour of the MCAS Miramar Air Installations Compatible Use Zone (AICUZ) noise criteria overlay zone. Therefore, the project is consistent with the previously approved permits, will minimize the consequences of potential aircraft accidents, and is in conformance with MCAS Miramar ALUCP Airspace Protection Surfaces.

The project will provide fire access roads, aerial truck fire access, and two new fire hydrants, where required in order to ensure continued fire protection and fire access service to the overall project site.

The project is requesting minor deviations or variances from the applicable regulations and policy documents, which are consistent with the recommended land use designation, design guidelines, and development standards in effect for this site as outlined in section A.1.c below, incorporated herein by reference. 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 owner/ permittee shall be required to obtain a grading and public improvement permit.

Based on the design measures incorporated into the project, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The proposed project complies with the relevant regulations of the Land Development Code, including intensity, floor area, parking, grading, landscaping and other regulations. The project has also been designed to address height, bulk and scale, materials, colors, sustainable features and signs as required through application of CPIOZ-B regulations.

The proposed development is requesting the following deviations from the San Diego Municipal Code (SDMC) and the UCP CPIOZ-B regulations, these deviations are processed through the approval of an NDP.

1. A deviation from San Diego Municipal Code (SDMC) Section 131.0631, Table 131-06C, for the required rear setback within the IP-1-1 zone. A 25-foot front setback is required, while a setback of 15-feet is proposed.

2. A deviation from the University Community Plan Community Plan Implementation Overlay Zone (CPIOZ-B) for the required setback from North Torrey Pines Road. A 50-foot setback is required, while a variable setback ranging from 24-feet to 50-feet is proposed.
3. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (J) 1, Table 142- 05M for the maximum driveway width permitted. A 25-foot wide driveway is the maximum permitted, while a 30-foot wide driveway is proposed.

Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into SDP No. 2406424, CDP No. 2406425, and NDP No. 2474613.

With approval of the requested deviations, the project will conform to the goals, themes and intent of the UCP by enhancing the landscaping along North Torrey Pines Road, particularly in areas where the setback would be reduced. In addition, landscape enhancements would be extended beyond the current setback distance in non-building areas to create more screening opportunities within the proposed development areas and shall provide a park-like sense of place. The enhanced landscaping would ensure that the landscape theme and aesthetic along North Torrey Pines Road would remain. The driveway width deviation would allow for a landscape median that will enhance the driveway entrance and the public realm. The requested rear setback would ensure consistency with the building setback of the existing building to remain. The deviations are being requested to create an accessible and cohesive campus and enhance the R&D use of the property. The requested deviations are appropriate for the proposed project and its location. Therefore, the proposed project conforms with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations.

2. Supplemental Findings SDMC Section 126.0505(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.**

The Project site is a previously developed site, and redevelopment of the site will occur within the previously established footprint, aside from the construction of a single pedestrian connection which would cross the narrow flag-portion of the previously established open space easement (parcel). The project site currently has research and development buildings and therefore will easily transition towards the development of new research and development buildings. The project site contains Environmental Sensitive Lands (ESL) in the form of Tier I southern maritime chaparral. All landscaping proposed would utilize native and non-native, non-invasive, and/or drought tolerant plants throughout the site.

The project site is located within the Coastal Zone and the boundary of the City's Multiple Species Conservation Program (MSCP) Subarea Plan but is located outside of the Multi-Habitat Planning Area (MHPA). Archaeological site P-37-012581 under the California Environmental Quality Act (CEQA) and the City's historical resources guidelines and regulations occurs within a portion of the project site that is not currently developed. This site was recommended for designation by the City's Historical Resources Board (HRB) and on February 24, 2022 the site was designated as a Historical Resource under HRB Criterion A. No evidence of human remains or associated grave goods was found during any recent fieldwork. No built environment historical resources are present on-site.

The proposed project results in impacts to Biological Resources and Historical Resources (Archaeological), therefore, a Mitigation Monitoring and Reporting Program (MMRP) would be required. With implementation of the MMRP, potential impacts on Biological Resources and Historical Resources (Archaeological) would be reduced to below a level of significance. The City previously prepared and certified EIR No. 89-0702 (SCH No. 89071907), SEIR No. 89-0928, and approved MND Nos. 5844 and 6655 ("prior environmental documents"). Based on all available information and the entire project record, the analysis in Addendum No. 660043, and pursuant to Section 15762 and 15164 of the State CEQA Guidelines, the City has determined none of the conditions described in Sections 15162 and 15164 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. The 1989 EIR identified impacts relative to Traffic, Air Quality, Hydrology, Land Use and Safety, Biological Resources, Hazardous Materials and Visual Quality. Mitigation measures were not presented because there was no mechanism assumed available at the time to assure implementation of a mitigation monitoring and reporting program (MMRP). The 1993 SEIR identified direct impacts of coastal mixed chaparral habitat, orange-throated whiptail lizard, wart-stemmed ceanothus, and Cooper's hawk. Mitigation was provided through the dedication of a 1.5-acre open space parcel (APN: 340-012-05) that would preserve an area in the northeast portion of the site to preserve the historical resources site and offset significant biological impacts to sensitive vegetation and special status species. With implementation of mitigation measures, impacts to Biological Resources were found to be less than significant. The 2005 MND 5844 assumed impacts to 0.08 acre of Diegan coastal sage scribe, 0.11 acre of southern mixed chaparral and 5.87 acres of developed land, resulting in significant Biological Resources impacts. Because the impacted area was less than 5-acres, mitigation was established requiring payment into the City's Habitat Acquisition Fund. With payment of these funds, the Biological Resources impacts were considered reduced to below a level of significance.

The proposed project has been specifically designed to occur within existing developed and disturbed areas associated with previous development and avoid impacts to ESL to the greatest extent possible. However, the proposed project would result in direct impacts to 20.7 acres of habitat or land cover types. These impacts include 0.2-acre of sensitive upland habitat comprised of southern maritime

chaparral and 20.5 acres of non-sensitive habitat comprised of developed land. Impacts to Tier I southern maritime chaparral will be mitigated at a minimum 2:1 ratio. Additionally, construction of a pedestrian walkway would impact less than 0.01 acre of developed land located within the existing open space parcel. Impacts to southern maritime chaparral are considered significant and require mitigation. While no special status animal species were detected onsite, impacts to the 0.2-acre sensitive uplands habitats could result in impacts to special status animal species that have the potential to occur in such habitat. As a condition of project approval, preconstruction surveys, biological monitoring, and habitat mitigation shall be required including installation perimeter fencing. As such potential direct impacts to individuals would be less than significant. Addendum No. 660043 has been prepared in accordance with Section 15164 of the CEQA State Guidelines and a MMRP would be required. With implementation of the MMRP, potential impacts on Biological and Historical (Archaeology) Resources would be reduced to below a level of significance and the project would not result in any new significant impacts, there is no evidence that implementation of the proposed project would require a major change to, nor a substantial increase in the severity of impacts from the conclusions of the previous certified EiR, SEIR or adopted MND's.

Therefore, the site as proposed is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to ESL.

b. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The project proposes development within previously developed areas aside from trails through the existing open space easement. The proposed site and building designs take advantage of the existing site contours and landforms. The project does not propose significant grading alterations to the existing steep slopes and terrain that is currently located within the open space easement. A pedestrian trail is being proposed in the open space easement that would be built on grade with minimal impacts. The proposed development does not increase the potential for erosion. The geologic hazards presented in the Geotechnical Investigation remain unchanged as a result of the proposed development.

The UCP accommodates development of the community with a full range of land uses while preserving the unique character of the predevelopment community and landforms. The development footprint is situated as to minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan and exceeds the otherwise City-wide applicable requirements related to storm water runoff and best management practices. As such, the proposed development will minimize the alteration of natural landforms 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.

The proposed project has been designed to occur within existing developed and disturbed areas associated with previous development and avoid impacts to sensitive Biological Resources to the greatest extent possible. However, the proposed project would result in direct impacts to 20.7-acres of habitat or land cover types, of which include 0.2-acre of sensitive upland habitat comprised of southern maritime chaparral and 20.5-acres of non-sensitive habitat comprised of developed land. Construction of a pedestrian walkway would impact less than 0.01-acre of developed land located within the existing open space parcel. The project would result in impacts to biological resources, therefore, a MMRP would be required. With implementation of the MMRP, potential impacts on Biological Resources would be reduced to below a level of significance. The project would not result in any new significant impacts nor a substantial increase in the severity of impacts from that described in the previously certified EIR, SEIR or adopted MNDs.

Additionally, the project site would result in impacts to Historical Resources, therefore, a MMRP, would be required. Historical Resources are found within three-fourths mile of the project area, two of which occur within the project area including a documented and recorded cultural resource within the project site, P-37-012581 (CA-SDI-1281 [SDM-W-6]). P-37-012581 is a Historical Resource (i.e., significant cultural resource) under CEQA and the City's Historic Resources Guidelines and Regulations. Impacts to the site would constitute significant effects and must be avoided or mitigated to below a level of significance. The proposed project would avoid development within the existing open space/preservation area, previously identified as the most significant area of the site. In addition, a portion of the existing surface parking lot within the significant resource would be repaved and restriped without ground disturbance; thus, avoiding impacts to the resource. Project development would encroach less than 25-percent into the archaeological site and impacts to portions of P-37-012581 that would be affected by project development shall be mitigated through the development and implementation of a research design and data recovery program. Thus, the MMRP requires a research design and data recovery program in addition to archaeological monitoring during any ground disturbing activities consistent with the City's standard monitoring requirements. There is no evidence that implementation of the project would require a major change to the conclusions of the previous certified EIR, SEIR or adopted MNDs. Therefore, as proposed the development will be sited and designed to prevent any new significant impacts nor a substantial increase in the severity of impacts on any adjacent environmentally sensitive lands from that described in the previously certified EIR, SEIR or adopted MNDs.

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

The design and layout of the proposed project has been developed to conform, to the extent possible, with the existing landforms and to avoid ESL areas. The project site is located within the Coastal Zone and within the boundary of the City's Multiple Species Conservation Program (MSCP) Subarea Plan but is located outside of the Multi-Habitat Planning Area (MHPA). Project specific mitigation is proposed to address impacts to sensitive habitats of coastal sage scrub, southern mixed chaparral and non-sensitive habitat comprised of developed land. The field survey conducted as part of the Biological Technical Report identified two special plant species: wart-stemmed ceanothus and Torrey Pine. Further investigation concluded impacts to individual wart-stemmed ceanothus would not jeopardize the continued viability of wart-stemmed ceanothus within the region, however, impacts are still considered significant and require mitigation. Torrey Pines found onsite were planted as part of the site landscaping from previously approved development and thus, are not naturally occurring. As such, these Torrey Pines are not considered sensitive and do not require protection. No special status animal species were detected onsite, impacts to the 0.2-acre sensitive upland habitats could result in impacts to special status animal species that have the potential to occur in such habitat. Three animal species were determined to have a high potential to occur: Belding's orange whiptail, San Diego tiger whiptail, and Cooper's hawk. Direct impacts to these species would be less than significant as suitable habitat for these species would continue to be preserved within the existing open space parcel located within the project site. The project would result in impacts to Biological Resources, therefore, a MMRP would be required. The project would not result in any new significant impacts nor a substantial increase in the severity of impacts from that described in the previously certified EIR, SEIR or adopted MNDs.

As proposed the development will include mitigation pursuant to the City's Biology Guidelines and all other requirements of the MSCP have been met or exceeded for the developable portions of the proposed development. The proposed project is located outside of the VPHCP Preserve. No vernal pools or VPHCP covered species occur within the project's study area. Soils mapped within the project's study area are unsuitable for the formation of vernal pools and seasonal ponds. The proposed project would not result in any impacts to vernal pools, VPHCP covered species, or VPHCP preserve areas. Therefore, the proposed project will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

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

The proposed development is located 0.7-miles east of the Pacific Ocean shoreline. The on-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply in that all current water quality and erosion

control measures will be required of the project during through proposed construction and post-construction best management practices (BMPs). With the use of BMPs and proposed detention structures, impacts associated with Hydrology and Water Quality would be less than significant. The proposed project would not change the findings from previously approved permits with respect to hydrology and water quality impacts. 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. 660043 has been prepared for the project in accordance with State of California CEQA Guidelines. A MMRP has been prepared as part of the final environmental document, which will reduce the potential impacts to below a level of significance. Additionally, the project shall be required to comply with applicable mitigation measures outlined within the MMRP of the previously certified 1989 EIR, 1993 SEIR, approved MND Nos. 5844 and 6655 and those identified with the project-specific subsequent technical studies. The mitigation measures include requirements to mitigate for potential impacts to Biological and Historical (Archaeology) Resources applicable to address impacts associated with the proposed development.

Direct impacts to 0.2-acre of Tier I southern maritime chaparral, located outside the MHPA, shall be mitigated at a minimum 2:1 mitigation ratio in accordance with the ratios stated in Table 3 of the City's Biology Guidelines for an anticipated mitigation obligation of 0.4-acre. Mitigation for impacts to 0.2-acre southern maritime chaparral habitat shall occur through the off-site preservation of 0.4 acre of existing habitat at the Callan Road mitigation site (APN 340-010-45) located immediately north of the project.

Additionally, the Project site contains a Historical Resource site (P-37-012581), which was previously identified as the most significant area of the site. A portion of the Historical Resource site is identified as an existing open space/preservation area. The Project would avoid development within the existing open space/preservation area. A portion of the existing surface parking lot is within the significant resource site and would be repaved and restriped without ground disturbance; thus, avoiding impacts to the resource. The portion of the Historical Resource site that is not within dedicated open space or the direct encroachment area would be placed in a non-build easement to protect it from future encroachment. Project development would encroach less than 25-percent into the archaeological site (21.3 percent). Potential impacts to Historical Resources shall be mitigated by the requirement of a research design and data recovery program in addition to archaeological monitoring during any ground disturbing activities consistent with the City's standard monitoring requirements. All mitigation is related to and calculated to alleviate impacts created by the proposed development and have been incorporated into the conditions of the development permit.

3. **Supplemental Findings SDMC Section 126.0505(f) Important Archaeological Sites and Traditional Cultural Properties**

- a. **The site is physically suitable for the design and siting of the proposed development, the development will result in minimum disturbance to historical resources, and measures to fully mitigate for any disturbance have been provided by the applicant; and**

The proposed project has been designed to occur within existing developed and disturbed areas associated with previous development and avoid impacts to sensitive Historical Resources (Archaeology) to the greatest extent possible. The project site would result in impacts to Historical Resources, therefore, a MMRP, would be required. Historical Resources are found within three-fourths mile of the project area, two of which occur within the project area including a documented and recorded Historical Resource within the project site, P-37-012581 (CA-SDI-1281 [SDM-W-6]). P-37-012581 is a Historical Resource (i.e., significant cultural resource) under CEQA and the City's Historic Resources Guidelines and Regulations. Impacts to the site would constitute significant effects and must be avoided or mitigated to below a level of significance. A portion of the Historical Resource site is identified as an existing open space/preservation area. The Project would avoid development within the existing open space/preservation area. A portion of the existing surface parking lot is within the significant resource site and would be repaved and restriped without ground disturbance; thus, avoiding impacts to the resource. The portion of the Historical Resource site that is not within dedicated open space or the direct encroachment area would be placed in a non-build easement to protect it from future encroachment. Project development would encroach less than 25-percent into the archaeological site (21.3 percent). Thus, the MMRP requires a research design and data recovery program in addition to archaeological monitoring during any ground disturbing activities consistent with the City's standard monitoring requirements. There is no evidence that implementation of the project would require a major change to the conclusions of the previous certified SEIR or adopted MNDs. Therefore, as proposed the development is physically suitable for the design and siting of the proposed development, the development will result in minimum disturbance to Historical Resources, and measures to fully mitigate for any disturbance have been prepared to prevent any new significant impacts nor a substantial increase in the severity of impacts on Historical Resources from that described in the previously certified EIR, SEIR or adopted MNDs.

- b. **All feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource have been provided by the applicant.**

As set out in findings A.3.a above, incorporated herein by reference, the proposed development would include all feasible measures to protect and preserve the special character or special historical, architectural, archaeological, or cultural value of the resources identified.

B. COASTAL DEVELOPMENT PERMIT – SDMC Section 126.0708**1. Findings for all Coastal Development Permits:**

- 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.**

As set out in findings A.1.a, incorporated herein by reference, the project site is located approximately 0.7-miles from the Pacific Ocean, just east of North Torrey Pines Road. The proposed development would not encroach upon any existing or proposed physical accessway as identified in the University Community Plan (UCP) or the Local Coastal Program Land Use Plan.

The site ranges from approximately 435 feet above Mean Sea Level (MSL) at the highest elevation of the property to 350 feet above MSL at the lowest elevation of the property and is located above the 100-year floodplain. The topography of the site creates various building heights. However, the proposed structures and any projections will not exceed to the maximum height limit allowed by the Coastal Height Limit Overlay Zone (CHLOZ). The project's location relative to coastal resources and the building heights proposed would not obscure public views to and along the ocean, and other scenic coastal areas as specified in the University Community Plan and Local Coastal Program land use plan.

In addition, the Project proposes site, building and landscape designs that will enhance public views of the Project site by contributing to the public realm and street livability as outlined in the Overall Urban Design Goals of the UCP. The proposed site grading, building designs and site access will follow and take advantage of the contours of the site to respect the local topography as much as possible. The proposed landscape design will incorporate vegetation consistent with the surrounding Torrey Pines Area context, including Torrey Pines, Coast Live Oaks, California Sycamores, Brisbane Box as well as other low water use regionally adapted species, non-invasive species, that will thrive in the Coastal Environment of the Torrey Pines Area and common to local Coastal Sage Scrub and Chaparral communities.

Therefore, the proposed development would not encroach upon any existing or proposed physical access ways that are legally used by the public identified by the University Community Plan and 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 University Community Plan and Local Coastal Program Land Use Plan.

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

The project site contains Environmental Sensitive Lands (ESL) in the form of Tier I southern maritime chaparral. The proposed development will primarily occur within the previously disturbed and developed portions of the site, aside from impacts to a small portion of southern maritime chaparral that occurs east of the open space easement that would impact ESL habitat, and construction of a pedestrian trail which would encroach into the open space easement. Impacts to Tier I southern maritime chaparral will be mitigated at a minimum 2:1 ratio. There will be no encroachment into, or impacts on, any other portions of ESL located on the site. All landscaping proposed would utilize native and non-native, non-invasive, and/or drought-tolerant plants throughout the site.

Addendum No. 660043 has been prepared for the project in accordance with State of California CEQA Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared as part of the final environmental document, which will reduce the potential impacts to below a level of significance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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 proposed project complies with all relevant policies of the UCP, the Local Coastal Program as provided for in the UCP, and complies with regulations of the certified Implementation Program and Land Development Code, including intensity, floor area, parking, grading, landscaping and other regulations. The project has also been designed to address height, bulk and scale, materials, colors, sustainable features and signs as required through application of CPIOZ-B and comply with applicable overly zones, including the maximum height limit prescribed in the CHLOZ.

The proposed development is requesting the following setback deviations from the San Diego Municipal Code (SDMC) and the UCP CPIOZ-B which will be processed through the NDP. These deviations will not adversely affect coastal policies, resources or the Implementation Program.

1. A deviation from San Diego Municipal Code (SDMC) Section 131.0631, Table 131-06C, for the required rear setback within the IP-1-1 zone. A 25-foot front setback is required, while a setback of 15-feet is provided.
2. A deviation from the University Community Plan Community Plan Implementation Overlay Zone (CPIOZ-B) for the required setback from North Torrey Pines Road. A 50-foot setback is required, while a variable setback ranging from 25-feet to 50-feet is provided.

Conditions of approval require the continued compliance with all relevant

regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 2406424, Coastal Development Permit No. 2406425, and Neighborhood Development Permit No. 2474613.

There are no existing or proposed public accessway on the project site and there are no public views across the site as identified in the UCP and Local Coastal Program. Therefore, the proposed 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 project site is located approximately 0.7-miles east of the Pacific Ocean. The project site is located within the First Public Roadway Overlay Zone which extends east of the Pacific Ocean to Sorrento Valley Road, just west of Interstate 5. North Torrey Pines Road is the nearest public road from the Pacific Ocean shoreline within the Coastal Zone. The project site is located on the east side of North Torrey Pines Road and is not located between the nearest public road and the ocean or shoreline for any body of water within the Coastal Zone. Therefore, the project will not affect public access nor the public recreation policies of Chapter 3 of the Coastal Act.

C. NEIGHBORHOOD DEVELOPMENT PERMIT – SDMC Section 126.0404

1. Findings for all Neighborhood Development Permits:

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

As set out in findings A.1.a, incorporated herein by reference, 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 set out in findings A.1.b above, incorporated herein by reference, the proposed development will not be detrimental to the public health, safety, and welfare.

- c. Proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As set out in findings A.1.c, incorporated herein by reference, the project complies with all applicable sections of the San Diego Municipal Code, including any allowable deviations pursuant to the Land Development Code.

2. Supplemental Findings SDMC Section 126.0404(f) – Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation

a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities.

The project will implement the Voluntary Tier 1 and Tier 2 Measures of Title 24, Part 11 CGBSC in effect at the time the building permit application is deemed complete per SDMC 143.0915(c). Sustainability features to be provided by the Project include, but are not limited to:

- Bicycle Facilities: Storage and changing facilities for bike riders, as well as being part of a bicycle network.
- Green Vehicles: Providing a percentage of preferred parking stalls for electric vehicles (EV), low emission, and Carpool vehicles.
- Heat Island reduction: A green roof as well as low solar reflective index surfaces on roofs and hardscape.
- Light Pollution: Exterior light fixtures that limit light pollution and are directed downward and contained within the site per Building Code requirements.
- Indoor Water use: Low flow fixtures that exceed baseline Building Code requirements.
- Outdoor Water Use: Native landscaping that requires less watering than more conventional landscaping.
- Renewable Energy production: Three of the four R&D buildings and the top level of the parking structure will integrate photovoltaic solar panels that will produce energy for the proposed development.
- Material and Resource Credits: The buildings are proposed to be constructed of materials that have a low life cycle impact, are composed of recycled materials, and sourced, and manufactured in a way that is better for the environment.
- Low-Emitting Materials: Building materials that emit low amounts of Volatile Organic Compounds (VOCs).
- Daylight and Views: Access to natural daylight as well as views to the outside.

Therefore, this project accomplishes the goal of providing sustainable building opportunities in San Diego.

b. Any proposed deviations are appropriate for the proposed location.

The proposed development is requesting the following deviations from the San Diego Municipal Code (SDMC) and the UCP CPOIZ-B regulations, these deviations are processed through the approval of an NDP.

4. A deviation from San Diego Municipal Code (SDMC) Section 131.0631, Table 131-06C, for the required rear setback within the IP-1-1 zone. A 25-foot front setback is required, while a setback of 15-feet is proposed.
5. A deviation from the University Community Plan Community Plan Implementation Overlay Zone (CPIOZ-B) for the required setback from North Torrey Pines Road. A 50-foot setback is required, while a variable setback ranging from 24-feet to 50-feet is proposed.
6. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (J) 1, Table 142- 05M for the maximum driveway width permitted. A 25-foot wide driveway is the maximum permitted, while a 30-foot wide driveway is proposed.

Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into SDP No. 2406424, CDP No. 2406425, and NDP No. 2474613.

With approval of the requested deviations, the project will conform to the goals, themes and intent of the UCP by enhancing the landscaping along North Torrey Pines Road, particularly in areas where the setback would be reduced. In addition, landscape enhancements would be extended beyond the current setback distance in non-building areas to create more screening opportunities within the proposed development areas and shall provide a park-like sense of place. The enhanced landscaping would ensure that the landscape theme and aesthetic along North Torrey Pines Road would remain. The driveway width deviation would allow for a landscape median that will enhance the driveway entrance and the public realm. The requested rear setback would ensure consistency with the building setback of the existing building to remain. The deviations are being requested to create an accessible and cohesive campus and enhance the R&D use of the property. The requested deviations are appropriate for the proposed project and its location. Therefore, the proposed project conforms with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations.

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 Planning Commission, Site Development Permit (SDP) No. 2406424, Coastal Development Permit (CDP) No. 2406425, and Neighborhood Development Permit (NDP) No. 2474613 are hereby GRANTED by the Planning Commission to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Permit Nos. 2406424, 2406425, 2474613, a copy of which is attached hereto and made a part hereof.

Martin R. Mendez
Development Project Manager
Development Services

Adopted on: June 23, 2022

IO#: 24008570

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DRAFT

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008570

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 2406424
COASTAL DEVELOPMENT PERMIT NO. 2406425
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2474613
ONE ALEXANDRIA SQUARE - PROJECT NO. 660043 [MMRP]
AMENDMENT TO SITE DEVELOPMENT PERMIT NOS. 9829 AND 151106,
COASTAL DEVELOPMENT PERMIT NOS. 9828 AND 10911,
AND PLANNED DEVELOPMENT PERMIT NO. 10903
PLANNING COMMISSION

This Site Development Permit (SDP) No. 2406424, Coastal Development Permit (CDP) No. 2406425, and Neighborhood Development Permit (NDP) No. 2474613 an amendment to SDP Nos. 9829 and 151106, CDP Nos. 9828 and 10911, and Planned Development Permit (PDP) No. 10903 is granted by the Planning Commission of the City of San Diego to ARE-10933 NORTH TORREY PINES, LLC, ARE-SD REGION NO. 17, LLC AND ARE-SD REGION NO. 27, LLC, Delaware Limited Liability Companies, Owners and Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0505, 126.0708 and 126.0404. The 22.2-acre site is located at 3010 Science Park Road, 10996 Torreyana Rd, 10931, 10933 and 10975 North Torrey Pines Rd within the IP-1-1 zone, and the Airport Environs, Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility, Airport Influence Area 1, and Accident Potential Zone II; Coastal Height Limitation, Coastal (Non-Appealable), Community Plan Implementation (CPIOZ) Type B, Prime Industrial Land, First Public Roadway, Parking Impact Area and Transit Priority Area Overlay Zones of the University Community Plan. The project site is legally described as: Parcel A: Lots 1 through 4 and lettered Lot A of Alexandria Technology Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 15437, filed in the Office of the County Recorder of San Diego County, on September 19, 2006, as Instrument No. 2006-0666754 of Official Records and Parcel B: Lot 12 of Torrey Pines Science Park Unit 2, in the City of San Diego, County of San Diego, State of California, according to Map No. 8434, filed in the Office of the County Recorder of San Diego County, on December 10, 1976.

Subject to the terms and conditions set forth in this Permit, permission is granted to ARE-10933 NORTH TORREY PINES, LLC, ARE-SD REGION NO. 17, LLC AND ARE-SD REGION NO. 27, LLC, Owners/Permittees for the demolition of two buildings, redevelopment of two buildings, construction of eight buildings, a vending structure, a pavilion structure, a parking structure and associated site improvements described and identified by size, dimension, quantity, type, and

location on the approved exhibits [Exhibit "A"] dated June 23, 2022, on file in the Development Services Department.

The project shall include:

- a. The demolition of two buildings totaling 167, 371 square feet (SF) of gross floor area (GFA), consisting of a two-story building totaling 45,371 SF GFA and a single-story building totaling 122,000 SF GFA;

The construction of four buildings for Research and Development (R&D) use, totaling 269,674 SF GFA consisting of a three-story building with below-grade parking totaling 85,865 SF GFA, a two-story building with below-grade parking totaling 78,346 SF GFA, a two-story building with below-grade parking totaling 68,456 SF GFA, and a two-story building with below-grade parking totaling 37,007 SF GFA;

The construction of four buildings for amenity uses consisting of Retail/Restaurant (food and beverage) uses, totaling 15,500 SF GFA, consisting of a single-story building totaling 3,017 SF GFA, a single-story building totaling 2,473 SF GFA, a single-story building totaling 2,735 SF GFA and a two-story building totaling 7,275 SF GFA;

The construction of two accessory structures for ancillary uses totaling 2,570 SF consisting of a below grade structure for vending totaling 1,124 SF and a single-story pavilion structure totaling 1,446 SF;

The construction of a Central Utility Plant building with a below-grade level totaling 11,638 SF; and

The construction of a four-level parking garage with two levels of below-grade parking totaling 315, 605 SF, for an R&D Campus consisting of 14 structures (two existing R&D buildings, four new R&D buildings, four amenity buildings, two accessory structures, a central utility plant building and a parking structure) for an overall site total of 993,104 SF of building areas including 428,160 SF GFA;

- b. The following deviations from applicable development regulations:
 - i. A deviation from San Diego Municipal Code (SDMC) Section 131.0631, Table 131-06C, for the required rear setback within the IP-1-1 zone. Whereas, a 25-foot rear setback is required, while a setback of 15-feet is provided; and
 - ii. A deviation from the University Community Plan Community Plan Implementation Overlay Zone (CPIOZ-B) for the required setback from North Torrey Pines Road. A 50-foot landscaped setback is required, while a variable setback ranging from 24-feet to 50-feet is provided; and
 - iii. A deviation from SDMC Section 142.0560(j)(1), Table 142-05M for the maximum driveway width permitted within a Parking Impact Area. Whereas a 25-foot wide

driveway is the maximum permitted, while a 30-foot wide driveway is proposed from North Torrey Pines Road.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Sustainable building design measures incorporating the Mandatory and Voluntary Tier I and Tier II Measures of Title 24, Part 11 California Green Building Standards Code (CGBSC) in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program; 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 8, 2025.
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 Owners/Permittees 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. All conditions of SDP No. 9829 and CDP No. 9828 (Project No. 5844) approved March 15, 2006, by the Hearing Officer of the City of San Diego, Resolution No. HO-5284, and recorded April 28, 2006, as Document No. 2006-0300197; and SDP No. 151106, CDP No. 10911, and Planned Development Permit (PDP) No. 10903 (Project No. 6655) approved April 28, 2005, by the Planning Commission of the City of San Diego, Resolution No. 3729-PC, and recorded July 1, 2005 as Document No. 2005-0559016, shall remain in effect except as modified by this permit.

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 Owners/Permittees 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 Owners/Permittees 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owners/Permittees the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owners/Permittees by the City: (1) to grant Owners/Permittees 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 Owners/Permittees 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 CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third-Party Beneficiary status by the City is contingent upon Owners/Permittees maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owners/Permittees of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

9. The Owners/Permittees shall secure all necessary building permits. The Owners/Permittees 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.

10. 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.

11. 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 Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owners/Permittees 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 Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees 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, Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

AIRPORT REQUIREMENTS:

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

CLIMATE ACTION PLAN REQUIREMENTS:

14. Owners/Permittees 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.

ENGINEERING REQUIREMENTS:

15. This Coastal Development Permit, Site Development Permit and Neighborhood Development Permits shall comply with all Conditions of the Final Map for the Tentative Map No. 2406426.

16. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond, the construction of one driveway per current City Standards with a deviation for driveway width to allow a 30-foot width, adjacent to the site on North Torrey Pines Road.
17. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond, the construction of a new driveway and remove and replace existing driveways per current City Standards, adjacent to the site on Science Park Road.
18. The Owners/Permittees shall reconstruct existing curb ramps at the corners of North Torrey Pines Road and Science Park Road with current City Standard curb ramp to satisfaction of the City Engineer.
19. The Owners/Permittees shall reconstruct existing curb ramps at the corner of North Torrey Pines Road and Callan Road and mid-block ramp on the Callan Road with current City Standards to satisfaction of City Engineer.
20. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond, the construction of a new bus pad per current City Standard SDG-102 adjacent to the site on North Torrey Pines Road.
21. The drainage system proposed for this development, as shown on the approved site plan, is private and subject to approval by the City Engineer.
22. Prior to the issuance of any construction permit, the Owners/Permittees shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permit, the Owners/Permittees 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 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.
25. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
26. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

27. 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.

28. The mitigation measures specified in the MMRP and outlined in Addendum No. 660043 to Environmental Impact Report (EIR) No. 89-0702/SCH No. 89071907, Supplemental EIR (SEIR) No. 89-0928, and Mitigated Negative Declaration (MND) Nos. 6655 and 5844, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

29. The Owners/Permittees shall comply with the MMRP as specified in Addendum No. 660043 to Environmental Impact Report (EIR) No. 89-0702/SCH No. 89071907, Supplemental EIR (SEIR) No. 89-0928, and Mitigated Negative Declaration (MND) Nos. 6655 and 5844, 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)

GEOLOGY REQUIREMENTS:

30. Prior to the issuance of any construction permits (either grading or building permit), the Owners/Permittees shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addressed the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

LANDSCAPE REQUIREMENTS:

31. Prior to issuance of any construction permit for grading, the Owners/Permittees shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

32. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways,

utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

33. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per SDMC Section 142.0403(b)6.

34. In the event that a "foundation only" permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

35. 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.

36. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

37. Prior to issuance of any construction permits, the Owners/Permittees shall submit a certified arborist report for the consideration of the removal of mature trees visible from the public rights-of-way and temporary storage of these mature trees during construction. Where mature trees visible from the public rights-of-way cannot be saved and temporarily stored, replacement tree(s) shall be provided equivalent to the canopy coverage of the existing mature tree.

PLANNING/DESIGN REQUIREMENTS:

38. The project shall comply with sustainable development design measures incorporating the Mandatory and Voluntary Tier 1 and Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code (CGBSC) in effect at the time the ministerial permit application for the construction of buildings is deemed complete. Construction documents shall note all criteria included in the design and construction of the project as identified in the CALGreen Verification Guidelines Mandatory Measures Checklist in effect at the time the ministerial permit application for the construction of buildings is deemed complete in accordance with the applicable regulations in the SDMC.

39. The 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 authorized by the appropriate City decision maker in accordance with the SDMC.

40. 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 Owners/Permittees.

41. Prior to the issuance of any construction permits, the Owners/Permittees shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands and the Historical Resources (recorded Archaeological site) that are outside the allowable development area on the premises as shown on Exhibit "A" for Site Development Permit No. 2406424, Coastal Development Permit No. 2406425 and Neighborhood Development Permit No. 2474613, in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands and Historical Resources (recorded archaeological site) that will be preserved as shown on Exhibit "A."

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

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

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

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

45. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

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 Public Utilities Director and the City Engineer.

47. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Director and the City Engineer.
48. Prior to the issuance of any building permit the Owner/Permittee shall provide evidence to the Public Utilities Director and the City Engineer indicating that all on-site sewer and off-site sewer basin requirements have been satisfied.
49. Prior to final inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.
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. 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.

TRANSPORTATION REQUIREMENTS

52. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond the re-striping of Science Park Road from 300 feet east of North Torrey Pines Road to Torreyana Road to remove on-street parking and provide a 10-foot wide two-way left-turn lane that transitions into a 75-foot exclusive left turn lane in the eastbound direction at the intersection of Torreyana Road, 11-foot wide travel lanes, and 6-foot wide Class II bike lane with 3-foot wide buffer on each side within existing 50-foot curb-to-curb pavement width (per Exhibit "A"), satisfactory to City Engineer. All improvements shall be completed and operational prior to first occupancy.
53. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond the installation of a continental-style crosswalk across the northbound off-ramp at the North Torrey Pines Road/Callan Road interchange (per Exhibit "A"), satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.
54. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond the installation of the following bus stop amenities in coordination with MTS and satisfactory to the City Engineer: A bus shelter, bench and a trash receptacle for the transit bus stop located along northbound North Torrey Pines Road approximately 100 feet north of Science Park Road, a bench and a trash receptacle for the transit bus stop located along northbound North Torrey Pines Road approximately 300 feet north of Callan Road, and Route signage and benches for the four (4) existing MTS Route 978 transit bus stops located along Science Park Road (one stop), Torreyana Road (two stops), and Callan Road (one stop). All improvements shall be completed and operational prior to issuance of the first certificate of occupancy.

55. Prior to issuance of the first certificate of occupancy, the Owners/Permittees shall provide and maintain the following VMT Reduction measures:

- An on-site bicycle repair station.
- Providing on-site showers and two-tier lockers at least 10% beyond the minimum requirement, as shown on Exhibit "A."

WASTE MANAGEMENT PLAN REQUIREMENTS

56. The Owners/Permittees shall comply with the Waste Management Plan dated November 2021 and Owners/Permittees' implementation shall be enforced and implemented by the Owners/Permittees to the satisfaction of the Environmental Services Department.

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 Planning Commission of the City of San Diego on June 23, 2022 and Resolution Number _____.

ATTACHMENT 8

SDP No. 2406424, CDP No. 2406425 and NDP No. 2474613
Date of Approval: June 23, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Martin R. Mendez
Development Project Manager

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

The undersigned Owners/Permittees, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owners/Permittees hereunder.

**ARE-10933 North Torrey Pines, LLC, a Delaware Limited Liability Company
ARE-SD Region No. 17, LLC, a Delaware Limited Liability Company
ARI-SD Region No. 27, LLC, a Delaware Limited Liability Company**

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

By: ARE-QRS Corp., a Maryland Corporation

By _____
NAME
TITLE

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

PLANNING COMMISSION
RESOLUTION NUMBER R-_____
TENTATIVE MAP NO. 2406426
ONE ALEXANDRIA SQUARE - PROJECT NO. 660043 [MMRP]

WHEREAS, ARE-10933 NORTH TORREY PINES, LLC, ARE-SD REGION NO. 17, LLC AND ARE-SD REGION NO. 27, LLC, Delaware Limited Liability Companies, Subdividers, and RICK ENGINEERING COMPANY, Engineer, submitted an application to the City of San Diego for a Tentative Map (Tentative Map No. 2406426) for the One Alexandria Square project (Project) for the demolition of two buildings; redevelopment of two buildings; construction of eight buildings, two accessory structures (vending structure and a pavilion structure), a central utility plant building, a parking structure; and associated site improvements; and

WHEREAS, the project site is located at 3010 Science Park Road, 10996 Torreyana Road, 10931, 10933 and 10975 North Torrey Pines Road, east of North Torrey Pines Road, north of Science Park Road, South of Callan Road and west of Torreyana Road, in the IP-1-1 zone, within the Torrey Pines Subarea of the University Community Plan (UCP); and within the Community Plan Implementation (CPIOZ-B) Type B, Transit Priority Area (TPA), Parking Impact Area (Beach, Campus and Coastal Impacts), First Public Roadway, Coastal (Non-Appealable Area), Coastal Height Limitation (CHLOZ), Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP), Airport Influence Area 1 (AIA-1), Airport Environs, and Accident Protection Zone II (APZ II) Overlay Zones; and Prime Industrial Lands as identified in the General Plan's Economic Prosperity Element; and Council District 1; and

WHEREAS, the property is legally described as: Parcel A: Lots 1 through 4 and lettered Lot A of Alexandria Technology Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 15437, filed in the Office of the County Recorder of San Diego County, on

September 19, 2006 as Instrument No. 2006-0666754 of Official Records and Parcel B: Lot 12 of Torrey Pines Science Park Unit 2, in the City of San Diego, County of San Diego, State of California, according to Map No. 8434, filed in the Office of the County Recorder of San Diego County, on December 10, 1976; and

WHEREAS, the Map proposes the Subdivision of a 22.2-acre site into nine (9) 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 June 23, 2022, the Planning Commission of the City of San Diego considered Tentative Map No. 2406426, and pursuant to San Diego Municipal Code section(s) 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 Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2406426:

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

The proposed subdivision is located in the IP-1-1 zone which allows for research and development uses with some limited manufacturing; and the University Community Plan (UCP), Torrey Pines Subarea 1, designates the site as Scientific Research. The project is consistent with the Scientific/Research designation, and supports the design requirements, goals, and policies of the University Community Plan, including:

- a) Create a physical, social, and economic environment complementary to UCSD and its environs and the entire San Diego metropolitan area (Page 16).

The project will develop attractive new buildings that complement the existing development pattern of the general area, includes significant new landscaping, and enhances pedestrian and vehicular connectivity in the area.

- b) Promote job opportunities within the University community (Page 17).

The project facilitates the construction of 412,660 square feet (SF) of R&D uses in the area, and 15,497 SF of supporting amenity uses for supporting retail and food and beverage uses, which will continue to generate job opportunities within the University community.

- c) Minimize the impact of aircraft noise and the consequences of potential aircraft accidents (Page 19).

The project is not located within the noise contours of any airport; however, it is located in the Airport Safety Zone – Accident Potential Zone II (APZ II) of MCAS Miramar. The proposed project will not increase the development intensity, and the project was previously determined to conform with the ALUCP (pre-2008) that was effective at the time of the previous entitlements. Therefore, the project is consistent with the previously approved permits and will minimize the consequences of potential aircraft accidents.

- d) Provide for the needs of pedestrians in all future design and development decisions (Page 44).

The project enhances pedestrian connectivity in the area by providing pedestrian paths with canopy, shade-producing trees along the paths. Additionally, the project will maintain connectivity within the site and repair and enhance the existing path within the open space easement area.

- e) Ensure that San Diego's climate and the community's unique topography and vegetation influence the planning and design of new projects (Page 44).

The project will preserve approximately one-third of the existing mature trees onsite. New landscaping will use vegetation consistent with the surrounding Torrey Pines Area context, including Torrey Pines, Coast Live Oaks, California Sycamores, Brisbane Box as well as other low water use regionally adapted species, non-invasive species, that will thrive in the coastal environment of the Torrey Pines Area and common to local Coastal Sage Scrub and Chaparral communities. Portions of the overall site will be re-graded in a way that continues to respect the local topography as much as possible.

- f) Protect and take maximum advantage of the Torrey Pines Subarea's topography and unique natural vegetation (Page 99).

The project protects and takes maximum advantage of the Torrey Pines Subarea's topography and unique natural vegetation as set out in number 5 above, incorporated herein by reference. The project will preserve the natural vegetation through the continued preservation of an open space easement granted to the City of San Diego per Map No.

15437. Additionally, the project will use the unique topography of the site by incorporating building designs and site access that follow and take advantage of the contours of the site.

g) Preserve existing mature trees (Page 100).

The project proposes to protect 49 of 180 existing trees. The project will plant 285 additional trees, a replacement ratio of 2.2 to 1.

Currently, the site has four existing buildings totaling a gross floor area (GFA) of 367,495 square feet (SF) with approved entitlements for a total of 428,169 SF of GFA. Two of the existing buildings will remain, which include a two-story building of 74,111 SF GFA (3010 Science Park Road) and a two-story building of 81,895 SF GFA (10996 Torreyana Road). The project proposes to demolish two buildings totaling 167,371 SF GFA, consisting of a two-story building totaling 45,371 SF GFA (10975 North Torrey Pines Road) and a single-story building totaling 122,000 SF GFA (10931/10933 North Torrey Pines Road); construction of four buildings for Research and Development (R&D) use, totaling 269,674 SF GFA consisting of a three-story building with below-grade parking totaling 85,865 SF GFA, a two-story building with below-grade parking totaling 78,346 SF GFA, a two-story building with below-grade parking totaling 68,456 SF GFA, and a two-story building with below-grade parking totaling 37,007 SF GFA; construction of four buildings for amenity uses consisting of Retail/Restaurant (food and beverage) uses, totaling 15,500 SF GFA, consisting of a single-story building totaling 3,017 SF GFA, a single-story building totaling 2,473 SF GFA, a single-story building totaling 2,735 SF GFA and a two-story building totaling 7,275 SF GFA; construction of two accessory structures for ancillary uses totaling 2,570 SF consisting of a below grade structure for vending totaling 1,124 SF and a single-story pavilion structure totaling 1,446 SF; construction of a Central Utility Plant building with a below-grade level totaling 11,638 SF; and the construction of a four-level parking garage with two levels of below-grade parking totaling 315,605 SF, for an R&D Campus consisting of 14 structures (two existing R&D buildings, four new R&D buildings, four amenity buildings, two accessory structures, a central utility plant building and a parking structure) for an overall site total of 993,104 SF of building areas including 428,160 SF of GFA. The total proposed GFA is 428,160 SF which is less than the 428,169 SF of GFA previously approved for the site and thus would not impact the development intensity established for scientific research uses in this area (UCP, Table 3, Subarea 9, page 166).

The project site is identified in the General Plan's Economic Prosperity Element as Prime Industrial Land. Prime Industrial Lands are areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, and R&D uses. These areas are part of even larger areas that provide a significant benefit to the regional economy and meet General Plan goals and objectives to encourage a strong economic base. The proposed project is located within the Torrey Pines Subarea of the UCP and is designated for scientific research. The development of 428,160 SF of R&D would help provide quality job opportunities including middle-income jobs and provide secondary employment and supporting uses. Retention and growth of scientific research use in this area would also provide greater opportunities for collaboration with other scientific research uses in the immediate vicinity, in the Torrey Pines Mesa area of the community as well as the University of California San Diego (UCSD). The project will also provide accessory uses and space to serve the tenants of the campus, thereby implementing the goals and policies of the UCP to provide amenities and support services to the primary scientific research and other industrial uses in industrial areas. The site is also subject to CPIOZ-B regulations. 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-B regulations address specific issues, including but not limited to, land use intensity, bulk and scale, and architectural design of buildings, structures and signs. The site is also located within the CHLOZ which regulates the maximum height limit allowed within the Coastal zone. The projects Exhibit "A" provides building section exhibits that demonstrate that the structures and projections will not exceed the maximum height limit allowed by the CHLOZ.

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. 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.

The proposed subdivision complies with the relevant regulations of the Land Development Code, including intensity, floor area, parking, grading, landscaping and other regulations. The project has also been designed to address height, bulk and scale, materials, colors, sustainable features and signs as required through application of CPIOZ-B regulations.

The proposed development is requesting the following deviations from the San Diego Municipal Code (SDMC) and the UCP CPIOZ-B regulations, these deviations will be processed through a Neighborhood Development Permit (NDP).

- a) A deviation from San Diego Municipal Code (SDMC) Section 131.0631, Table 131-06C, for the required rear setback within the IP-1-1 zone. A 25-foot front setback is required, while a setback of 15-feet is proposed.
- b) A deviation from the University Community Plan Community Plan Implementation Overlay Zone (CPIOZ-B) for the required setback from North Torrey Pines Road. A 50- foot setback is required, while a variable setback ranging from 25-feet to 50-feet is proposed.
- c) A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (J) 1, Table 142- 05M for the maximum driveway width permitted. A 25-foot wide driveway is the maximum permitted, while a 30-foot wide driveway is proposed.

Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into SDP No. 2406424, CDP No. 2406425, and NDP No. 2474613.

With approval of the requested deviations, the project will conform to the goals, themes and intent of the UCP by enhancing the landscaping along North Torrey Pines Road, particularly in areas where the setback would be reduced. In addition, landscape enhancements would be extended beyond the current setback distance in non-building areas to create more screening opportunities within the proposed development areas and shall provide a park-like sense of place. The enhanced landscaping would ensure that the landscape theme and aesthetic along North Torrey Pines Road would remain. The driveway width deviation would allow for a landscape median that will enhance the driveway entrance and the public realm. The requested rear setback would ensure consistency with the building setback of the existing building to remain. The deviations are being requested to create an accessible and cohesive campus and enhance the R&D use of the property. The requested deviations are appropriate for the proposed project and its location. Therefore, the proposed project conforms with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations.

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

As outlined in Finding 1 listed above, the proposed 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. 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 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.

The project site is a previously developed site, and redevelopment of the site will occur within the previously established footprint, aside from the construction of a single pedestrian connection which would cross the narrow flag-portion of the previously established open space easement (parcel). The project site currently has research and development buildings and therefore will easily transition towards the development of new research and development buildings. The project site contains Environmental Sensitive Lands (ESL) in the form of Tier I southern maritime chaparral. All landscaping proposed would utilize native and non-native, non-invasive, and/or drought tolerant plants throughout the site.

The project site is located within the Coastal Zone and the boundary of the City's Multiple Species Conservation Program (MSCP) Subarea Plan but is located outside of the Multi-Habitat Planning Area (MHPA). Archaeological site P-37-012581 under the California Environmental Quality Act (CEQA) and the City's historic resources guidelines and regulations occurs within a portion of the project site that is not currently developed. This site was recommended for designation by the City's Historical Resources Board (HRB) and on February 24, 2022 the site was designated as a Historical Resource under HRB Criterion A. No evidence of human remains or associated grave goods was found during any recent fieldwork. No built environment historical resources are present on-site.

The proposed project results in impacts to Biological Resources and Historical Resources (Archaeological), therefore, a Mitigation Monitoring and Reporting Program (MMRP) would be required. With implementation of the MMRP, potential impacts on Biological Resources and Historical Resources (Archaeological) would be reduced to below a level of significance. The City previously prepared and certified EIR No. 89-0702 (SCH No. 89071907), SEIR No. 89-0928, and approved MND Nos. 5844 and 6655 ("prior environmental documents"). Based on all available information and the entire project record, the analysis in Addendum No. 660043, and pursuant to Section 15762 and 15164 of the State CEQA Guidelines, the City has determined none of the conditions described in Sections 15162 and 15164 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. The 1989 EIR identified impacts relative to Traffic, Air Quality, Hydrology, Land Use and Safety, Biological Resources, Hazardous Materials and Visual Quality. Mitigation measures were not presented because there was no mechanism assumed available at the time to assure implementation of a mitigation monitoring and reporting program (MMRP). The 1993 SEIR identified direct impacts of coastal mixed chaparral habitat, orange-throated whiptail lizard, wart-stemmed ceanothus, and Cooper's hawk. Mitigation was provided through the dedication of a 1.5-acre open space parcel (APN: 340-012-05) that would preserve an area in the northeast portion of the site to preserve the historical resources site and offset significant biological impacts to sensitive vegetation and special status species. With implementation of mitigation measures, impacts to Biological Resources were found to be less than significant. The 2005 MND 5844 assumed impacts to 0.08 acre of Diegan coastal sage scribe, 0.11 acre of southern mixed chaparral and 5.87 acres of developed land, resulting in significant Biological Resources impacts. Because the impacted area was less than 5-acres, mitigation was established requiring payment into the City's Habitat Acquisition Fund. With payment of these funds, the Biological Resources impacts were considered reduced to below a level of significance.

The proposed project has been specifically designed to occur within existing developed and disturbed areas associated with previous development and avoid impacts to ESL to the greatest extent possible. However, the proposed project would result in direct impacts to 20.7 acres of habitat or land cover types. These impacts include 0.2-acre of sensitive upland habitat comprised of southern maritime chaparral and 20.5 acres of non-sensitive habitat comprised of developed land. Impacts to Tier I southern maritime chaparral will be mitigated at a minimum 2:1 ratio. Additionally, construction of a pedestrian walkway would impact less than 0.01 acre of developed land located within the existing open space parcel. Impacts to southern maritime chaparral are considered significant and require mitigation. While no special status animal species were detected onsite, impacts to the 0.2-acre sensitive uplands habitats could result in impacts to special status animal species that have the potential to occur in such habitat. As a condition of project approval, preconstruction surveys, biological monitoring, and habitat mitigation shall be required including installation perimeter fencing. As such potential direct impacts to individuals would be less than significant. Addendum No. 660043 has been prepared in accordance with Section 15164 of the CEQA State Guidelines and a MMRP would be required. With implementation of the MMRP, potential impacts on Biological and Historical (Archaeology) Resources would be reduced to below a level of significance and the project would not result in any new significant impacts, there is no evidence that implementation of the proposed project would require a major change to, nor a substantial increase in the severity of impacts from the conclusions of the previous certified EIR, SEIR or adopted MND's.

Therefore, 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.

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

The proposed Project will implement the Voluntary Tier 1 and Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code (CGBSC) in effect at the time the building permit application is deemed complete per SDMC Section 143.0915(c). Sustainability features to be provided by the Project include, but are not limited to:

- Bicycle Facilities: Storage and changing facilities for bike riders, as well as being part of a bicycle network.
- Green Vehicles: Providing a percentage of preferred parking stalls for electric vehicles (EV), low emission, and Carpool vehicles.
- Heat Island reduction: A green roof as well as low solar reflective index surfaces on roofs and hardscape.
- Light Pollution: Exterior light fixtures that limit light pollution and are directed downward and contained within the site per Building Code requirements.
- Indoor Water use: Low flow fixtures that exceed baseline Building Code requirements.
- Outdoor Water Use: Native landscaping that requires less watering than more conventional landscaping.
- Renewable Energy production: Three of the four R&D buildings and the top level of the parking structure will integrate photovoltaic solar panels that will produce energy for the proposed development.
- Material and Resource Credits: The buildings are proposed to be constructed of materials that have a low life cycle impact, are composed of recycled materials, and sourced, and manufactured in a way that is better for the environment.
- Low-Emitting Materials: Building materials that emit low amounts of Volatile Organic Compounds (VOCs).
- Daylight and Views: Access to natural daylight as well as views to the outside.

The Project proposes the development of an R&D Campus consisting of 14 structures (two existing R&D buildings, four new R&D buildings, four amenity buildings, two accessory structures, a central utility plant building and a parking structure) totaling 993,104 SF of building areas including 428,160 SF GFA and associated site improvements detailed in TM finding 1 above, incorporated herein by reference.

The project is located within the Airport Influence Area and Accident Protection Zone II of the Airport Land Use Compatibility Plan (ALUCP) of Marine Corps Air Station (MCAS) Miramar. The MCAS Miramar ALUCP limits the site to 50 people per acre. The proposed development can exceed 50 people per acre, if the proposed total floor area of the site does not exceed the previously approved floor area. The proposed Project will not increase the development intensity of the previously approved project which was previously determined to conform with the ALUCP (pre-2008) that was in effective at the time of the previous entitlements. Additionally, the proposed development is located outside 60dB Community Noise Equivalent Level (CNEL) noise contour of the MCAS Miramar Air Installations Compatible Use Zone (AICUZ) noise criteria overlay zone. Therefore, the project is consistent with the previously approved permits, will minimize the consequences of potential aircraft accidents, and is in conformance with MCAS Miramar ALUCP Airspace Protection Surfaces.

The project will provide fire access roads, aerial truck fire access, and two new fire hydrants, where required in order to ensure continued fire protection and fire access service to the overall project site. The project is requesting minor deviations or variances from the applicable regulations and policy documents, which are consistent with the recommended land use designation, design guidelines, and development standards in effect for this site as outlined in TM finding 2 above, incorporated herein by reference. 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 owner/ permittee shall be required to obtain a grading and public improvement permit.

Therefore, based on the design measures incorporated into the project, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

There are two public easements to remain on the perimeter of the existing site; the first is a slope rights easement located along the northwest corner of the site, along Callan Road; the second is a public street easement located on the southwest corner of the site, along Science Park Road. These easements are not acquired for public access through or across the site. Additionally, the existing site contains an open space easement identified as Lot A of Map No. 15437 consisting of 1.5-acres vegetated with native vegetation, established as a part of previous development to preserve a historical resource site and offset significant biological impacts to sensitive vegetation and special status species. The proposed subdivision will include improvements for a small section of the open space easement to accommodate a trail, removal of existing adjacent parking and for the removal and replacement of landscape consisting of native species.

These easements are not acquired for public access through or across the site and therefore the project does not conflict with easements acquired by the public at large for access through the property.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The project proposed subdivision of a 22.2-acre parcel into nine lots for commercial development (7 commercial lots, a lettered lot for existing open space and a lettered lot for a private driveway) will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. The project includes design guidelines and development standards that shall be implemented. These guidelines and standards provide for thoughtful building siting, massing, and planting in a manner that will enable the project to take advantage of, to the extent possible, natural heating and cooling opportunities. Additionally, the project includes sustainability features that per the requirements of the Expedite Program for Sustainable Buildings propose Tier I and Tier II Voluntary Measures of Title 24, Part 11 CGBSC in effect at the time the building permit application is deemed complete per SDMC 143.0915(c).

Site design and building orientation will reduce energy use by taking advantage of sunshade patterns, prevailing winds, landscaping, and sunscreens, allowing levels of non-essential lighting, cooling, and heating to be reduced. Use of local materials (e.g. sand and gravel products) and use of sustainably produced building material will be encouraged, along with design of mechanical and electrical systems that achieve increased energy efficiency with currently available technology. Landscaping will reduce its demands on water and energy use through the planting of native and low water-use vegetation. Trees will be a combination of evergreen and deciduous to provide shade while also allowing sunlight through during winter months. Low Impact Development (LID) principles and best management practices (BMPs) will be utilized in all phases of the project's planning, design, and development to promote sustainability. In particular, landscape areas within project site will be designed to utilize, to the maximum extent feasible, reclaimed water and to incorporate storm water management BMPs to slow, infiltrate, and cleanse storm water as it moves across the landscape. Walkways, and other hardscape features will utilize recycled content wherever feasible and/or permeable materials to promote storm water infiltration and reduce storm water discharges.

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 in conformance with San Diego Municipal Code Section 125.0440(g) and Subdivision Map Act Section 66473.1(a).

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 demolish existing structures and the construction of new structures for a total GFA equal to the previously approved development permits.

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region; and based on the project information 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 associated with the project. Therefore, the proposed commercial subdivision would not have any effects on the housing needs of the region as the project proposes a development equal in GFA that is equal to or less than the previously approved development permits for the project site.

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 Planning Commission, Tentative Map No. 2406426 is hereby granted to ARE-10933 NORTH TORREY PINES, LLC, ARE-SD REGION NO. 17, LLC AND ARE-SD REGION NO. 27, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Martin R. Mendez
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24008570

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PLANNING COMMISSION
CONDITIONS FOR TENTATIVE MAP NO. 2406426
ONE ALEXANDRIA SQUARE
PROJECT NO. 660043 [MMRP] AN AMENDMENT OF TENTATIVE MAP NO. 151108
ADOPTED BY RESOLUTION NO. R-_____ ON JUNE 23, 2022

GENERAL

1. This Tentative Map will expire July 8, 2025.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate and subdivide the 22.2-acre properties into nine lots shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.

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 and supply proof prior to the recordation of the Final Map.

5. Tentative Map No. 2406426 shall conform to the provisions of Site Development Permit No. 2406424, Coastal Development Permit No. 2406425, Neighborhood Development Permit No. 2474613.
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. Prior to the issuance of any building permit, the subdivider 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.

8. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
9. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
10. Per the City of San Diego Street Design Manual-Street Light Standards and Council Policy 200-18, the Subdivider will be required to install one new streetlight adjacent to the site on Callan Road and one new light on Torreyana Road.
11. The Subdivider shall provide a recorded Shared Parking Agreement between all affected properties, satisfactory to the City Engineer.
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. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. Prior to the recordation of the Final Map, all private streets and drives shall be shown with bearings and distances along the centerline and width of the streets shown on a non-title sheet on the Final Map. The street names shall be submitted to DSD-Addressing for approval and published on the Final Map.
16. The Final 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.

All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied

on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

17. 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.
18. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet 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 distances shall be shown on the map.
19. Prior to recordation of the Final Map, DSD-Addressing approval shall be obtained for all streets being created on the Final Map. The private drive or drives shown on approved Exhibit A shall be shown and delineated on the Final Map.

PUBLIC UTILITIES DEPARTMENT

20. Prior to recordation of the Final Map, all public water and sewer facilities needed to serve said Final Map, shall be designed, permitted, and bonded in a manner satisfactory to the Public Utilities Director and the City Engineer.

PLANNING

21. Prior to the recordation of the Final Map, the Subdivider shall execute and record a Covenant of Easement, which ensures preservation of the Environmentally Sensitive Lands and the Historical Resources (recorded Archaeological site) that are outside the allowable development area on the premises as shown on Exhibit "A" for Site Development Permit No. 2406424, Coastal Development Permit No. 2406425 and Neighborhood Development Permit No. 2474613, in accordance with San Diego Municipal Code section 143.0152, satisfactory to Historical Resources staff. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands and Historical Resources (recorded archaeological site) that will be preserved as shown on Exhibit "A."

ENVIRONMENTAL/MITIGATION

22. 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.
23. The mitigation measures specified in the MMRP and outlined in Addendum No. 660043 to Environmental Impact Report (EIR) No. 89-0702/SCH No. 89071907, Supplemental EIR (SEIR) No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration (MND) Nos. 6655 and 5844, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
24. The Subdivider shall comply with the MMRP as specified in Addendum No. 660043 to Environmental Impact Report (EIR) No. 89-0702/SCH No. 89071907, Supplemental EIR (SEIR) No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration (MND) Nos. 6655 and 5844, 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)

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this 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. 24008570.

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PLANNING COMMISSION
RESOLUTION NUMBER R-_____

ADOPTED ON JUNE 23, 2022

A RESOLUTION ADOPTING ADDENDUM NO. 660043 TO
ENVIRONMENTAL IMPACT REPORT NO. 89-0702/SCH NO. 89071907,
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
NO. 89-0928 AND MITIGATED NEGATIVE DECLARATION NOS. 6655
AND 5844 AND THE MITIGATION, MONITORING, AND REPORTING
PROGRAM; ONE ALEXANDRIA SQUARE – PROJECT NO. 660043

WHEREAS, on June 5, and August 7, 1989, Balit CBC submitted an application to Development Services Department for a Community Plan Amendment, Local Coastal Program Amendment, Planned Industrial Development Permit, and a Coastal Development Permit for the Calbiochem Balit U.S. Holding, Project No. 89-0928/SCH No. 89071907 (Project); and

WHEREAS, on April 27, 1993, the City of San Diego Council adopted Resolution No. R-281847 certifying Supplemental Environmental Impact Report No. 89-0928, 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 April 1, 2003, Alexandria Real Estate Equities, submitted an application to Development Services Department for a Tentative Map, Site Development Permit, Planned Development Permit, and a Coastal Development Permit for the Alexandria Technology Center – Science Park, Project No. 6655 (Project); and

WHEREAS, on April 28, 2005, the City of San Diego Council adopted Mitigated Negative Declaration No. 6655, 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 January 2, 2003, ARE-SD REGION NO.17, LLC, A Delaware Limited Liability Company, submitted an application to Development Services Department for a Coastal Development Permit and Site Development Permit for the Torrey Pines Science Park, Project No. 5844 (Project); and

WHEREAS, on March 15, 2006, the City of San Diego Hearing Officer adopted Mitigated Negative Declaration No. 5584, 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 November 3, 2020, ARE-10933 North Torrey Pines, LLC, A Delaware Limited Liability Company, submitted an application to the Development Services Department for approval

of Site Development Permit, Coastal Development Permit, Neighborhood Development Permit, and a Tentative Map for the One Alexandria Square Project No. 660043, as well as approval of minor technical changes or additions to the Project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Supplemental Impact Report No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration Nos. 6655 and 5844 if such Addendum meets the requirements of CEQA; and

BE IT RESOLVED, by the Planning Commission of the City of San Diego as follows:

1. That the information contained in the final Supplemental Impact Report No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration Nos. 6655 and 5844 along with the Addendum has been reviewed and considered by the Planning Commission 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 Supplemental Impact Report No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration Nos. 6655 and 5844 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 Supplemental Impact Report No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration Nos. 6655 and 5844 or that any significant effects previously examined will be substantially more severe than shown in the Supplemental Impact Report No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration Nos. 6655 and 5844.
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 Planning Commission adopts Addendum to Supplemental Impact Report No. 89-0928/SCH No. 89071907 and Mitigated Negative Declaration Nos. 6655 and 5844, copies of which is on file in the office of the Development Services Department.

That pursuant to CEQA Section 21081.6, the Planning Commission adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

That Development Services Department staff 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 Planning Commission

By: _____
Martin R. Mendez
Development Project Manager
Development Services Department

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. 2406424
COASTAL DEVELOPMENT PERMIT NO. 2406425
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2474613
TENTATIVE MAP NO. 2406426

PROJECT NO. 660043

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 No. 660043 shall be made conditions of the Site Development Permit, Coastal Development Permit, Neighborhood 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 any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental 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>.
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 Holders to 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)

1. **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 consultant:

Qualified Paleontological Monitor, Qualified Biologist, Acoustician

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 660043 and/or Environmental Document Number 660043, 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 review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.
 - National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit Compliance;
 - NPDES General Construction Activity Permit for Storm Water Discharges Compliance;
 4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 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 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.

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 Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Historic (Archaeology)	Archaeological Reports`	Archeological Monitoring
Paleontology	Paleontology Reports	Paleontology Monitoring
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

The project shall be required to comply with applicable mitigation measures outlined within the Mitigation Monitoring and Reporting Program (MMRP) of the 1993 SEIR and 2005 MND and those identified with the project-specific subsequent technical studies. The following MMRP identifies measures that specifically apply to this project.

Biological Resources (Offsite Conservation and Upland Impacts/Southern maritime chaparral)

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the preconstruction meeting, whichever is applicable, the owners/permittees shall convey a Covenant of Easement for the 3.2-acre offsite mitigation area located at 3050 Callan Road (APN 340-010-4500) comprised of 1.6 acres of Tier I southern maritime Chaparral and 0.4 acre of Tier II Diegan coastal sage scrub-acre. The offsite preservation site shall mitigate a total of 0.4 Tier I southern

maritime chaparral outside of the MHPA at a 2:1 ratio in accordance with the City's Biology Guidelines for direct impacts.

The remaining 1.2 acres of southern maritime chaparral and 0.4 acre of Diegan coastal sage scrub shall remain available for future mitigation associated only with Alexandria Real Estate development projects, and subject to City review and approval (DSD and MSCP) on a project-by-project basis.

APN 340-010-4500; Callan Road mitigation site

Biological Resources (Wart-stemmed Ceanothus)

The project shall avoid and continued on-site preservation of 24 wart-stemmed ceanothus shrubs within the on-site open space parcel and shall preserve an additional 23 wart-stemmed ceanothus shrubs within the off-site Callan Road mitigation site for a total of 47 preserved wart-stemmed ceanothus shrubs.

Historical Resources (Archaeological Data Recovery Program)

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Owner/Permittee shall ensure that the following mitigation measures are outlined verbatim on appropriate construction plans.

The project shall require implementation of an Archaeological Data Recovery Program (ADRP) to mitigate impacts to archaeological site (P-37-012581) prior to the issuance of ANY construction permits or the start of ANY construction if no permits are required. The ADRP with Native American participation consists of a Statistical Sample and shall be implemented as described below after consultation with DSD Environmental Designee in accordance with the One Alexandria Square Project Cultural Resources Study prepared by HELIX Environmental Planning, Inc., dated December 2021.

1. Prior to the start fieldwork, a thorough review of the mapping of soil groups and artifact recovery from the 1992 testing program, to guide placement of initial excavation units;
2. Monitoring by an archaeologist and a Kumeyaay Native American monitor of removal of the existing asphalt/hardscape within the encroachment area in preparation for the data recovery excavation;
3. Excavation of an initial 2.5 percent sample of the portion of P-37-012581 within the development footprint; that is, 55 1-meter-by-1-meter excavation units (or the equivalent thereof), to identify intact deposits/cultural features and to provide a representative sample of cultural material present at the site;
4. Block excavation to expose cultural features, if such features are encountered; block excavation shall be part of the initial 2.5 percent sample;

5. Based on the quantities and types of cultural material recovered in the original 2.5 percent sample and the finding of cultural features, additional excavation may be recommended, to be determined through discussion with City staff (MMC) and the Kumeyaay Native American representative for the project. The additional sample size shall be dependent upon the nature and amount of cultural material recovered and is expected to be an additional 2.5 percent sample;
6. Screening of all excavated soil, using 1/8-inch mesh screen;
7. Stockpiling of screened soil from each excavation unit; so that in the event that potential human remains are identified, soils from the unit in which such remains were identified can be water-screened;
8. Cleaning, sorting, cataloging, and analysis of all cultural material collected;
9. Analysis of faunal material recovered;
10. Analysis of flaked stone and ground stone tools;
11. Detailed analysis of a sample of debitage collected;
12. Obsidian sourcing and hydration analysis on a sample of artifacts, as appropriate;
13. Other lithic raw material sourcing on a sample of artifacts, as appropriate;
14. Radiocarbon analysis;
15. Other special studies, such as protein residue analysis, as applicable;
16. Preparation of a comprehensive report detailing the methods and results of the data recovery program;
17. Curation of the cultural material collected during the data recovery program, as well as collections from previous studies by RECON and Affinis, at the San Diego Archaeological Center or other suitable repository meeting state and/or federal curatorial standards.

Historical Resources (Archaeological and Native American Monitoring)

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/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements

for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4-mile radius) has been completed. Verification includes but is not limited to a copy of a confirmation letter from South Coastal Information Center, 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.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4-mile radius.

B. PI Shall Attend Pre-Construction (Pre-Con) Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Pre-Con Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Pre-Con Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Pre-Con Meeting, the Applicant shall schedule a focused Pre-Con 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

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME 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 schedule to 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 or during 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager 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 AME.
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's 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. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - 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.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains, and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. 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 during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of 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 and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation.

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring 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 BI, as appropriate, of receipt of all Draft
6. Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human
4. Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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.

ORIGINAL

ATTACHMENT 12

1271

RECEIVED
CITY CLERK'S OFFICE
94 JUL -1 AM 11:14
SAN DIEGO, CALIF.

COASTAL DEVELOPMENT/
PLANNED INDUSTRIAL DEVELOPMENT PERMIT
NO. 89-0928

BALIT CBC

CITY COUNCIL

SEE
EDT 96-7114

This Coastal Development/Planned Industrial Development Permit is granted by the Council of The City of San Diego to the BALIT CBC CORPORATION, Owner/Permittee, pursuant to Sections 105.0202 through 105.0210 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to further develop scientific research and professional office uses on the subject property located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road, described as Lot 1 of Torrey Pines Science Park Unit No. 1, Map thereof No. 6229, within the University community plan area, in the SR (Scientific Research) zone.
2. The project shall consist of the following facilities and site improvements:

a. BUILDING DATA:

BUILDING TYPE	Square Footage (LEVEL 1)	Square Footage (LEVEL 2)	Square Footage (SUBTOTAL)
1. Administration	20,000	20,000	40,000
2. Laboratory	25,000	0	25,000
3. Laboratory	57,000	0	57,000
4. Laboratory	0	15,000	15,000
5. Laboratory	30,000	0	30,000
6. Laboratory	28,400	28,400	56,800
7. Laboratory	29,100	29,100	58,200
8. Library/ Cafeteria	3,600	0	3,600

GROSS BUILDING FOOTPRINT AREA	193,100	(28 percent of total site area)
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GROSS BUILDING FLOOR AREA	285,600
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All building plans shall be constructed in accordance with the approved Exhibit "A" for this project, dated April 27, 1993, on file in the office of the Planning Department; and

ORIGINAL

- b. Site landscaping and associated brush management; and
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than 696 off-street parking spaces shall be maintained on the property at all times in the location shown on Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
 4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Planning Department; and
 - b. The permit is recorded in the office of the County Recorder.
 5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
 6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
 7. The property included within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

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8. This permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
9. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
10. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
11. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
12. In the event that 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.
13. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
14. The effective date of this permit shall be the date of final action by the State Coastal Commission. The permit must be utilized within thirty-six (36) months after the effective date. Failure to utilize the permit within thirty-six (36) months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0920(M), of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
15. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
16. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Director; or
 - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

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- c. The permit has been revoked by the City.
17. In accordance with provisions of the Municipal Code relevant to land uses in the SR Zone, the following effects shall not be permitted to emanate beyond the boundaries of the project site:
- a. Objectionable air pollutants, noise, odor, changes in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments.
 - b. Emissions that endanger human health, cause damage to vegetation or property, or cause soiling.
 - c. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.
18. Prior to issuance of any building permit for this development a fee of \$6,673.80 shall be deposited with the Planning Department for the Los Peñasquitos Watershed Restoration and Enhancement Program.
19. Prior to the issuance of any building permits, the applicant shall:
- a. Install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - b. Provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and cleansing velocities.
20. No signs shall be permitted on this site except for the following as specified by the SR zone:
- a. One (1) unlighted or non-flashing lighted, double-faced or single-faced ground sign not exceeding 125 square feet in area per display face, and not exceeding a maximum of 15 feet in height, identifying the occupant of each building site. Such sign may be located in any required yard area provided that such sign is erected not closer than 20 feet to any lot line.
 - b. Unlighted or non-flashing lighted signs attached to but not projecting more than 16 inches beyond the face of any building, nor projecting above the parapet or eaves of the building. Wall signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events related to or provided by

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businesses, persons or organizations located on the premises, or to display public interest messages.

- c. Unlighted or non-flashing lighted, double-faced or single-faced directional signs not exceeding 12 square feet in area per display face as may be necessary to direct and control vehicular and pedestrian traffic. Such directional signs may be located in any required yard area.
 - d. The aggregate area of all signs permitted on the premises shall not exceed one (1) square foot for each linear feet of the perimeter of the premises.
 - e. All signs shall also comply with the provisions of Chapter IX, Article 5, Division 1, of the City Sign Code Ordinance.
21. Loading platforms shall be located or shall be screened by a landscape or architectural feature so as not to be visible from any adjoining street or highway or adjoining property.
22. The following effects shall not be permitted to emanate beyond the boundaries of the project site at any time:
- a. Objectionable air pollutants, noise, odor, changes in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments.
 - b. Emissions that endanger human health, cause damage to vegetation or property, or cause soiling.
 - c. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.

For purposes of determining if phenomena are significant in the zone, the standards prescribed by the regulations of the California Department of Public Health shall be taken into account in addition to the factors enumerated above.

23. The applicant shall construct temporary and permanent detention basins, satisfactory to the City Engineer to reduce direct erosion, sedimentation and urban pollutant impacts to below a significant level and as described in Supplemental Environmental Impact Report SEIR No. 89-0928.
24. Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City Environmental Analysis Section (EAS) to ensure the fence has been constructed. The fence shall

remain until completion of all construction activities, whereupon it shall be removed.

25. No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring. If archaeological materials are encountered during removal of existing asphalt paving and oiled surfaces, a data recovery program approved by City staff shall be initiated for this area.
26. The applicant shall provide verification that a qualified archaeologist and/or an archaeological monitor have been retained to implement the archaeological monitoring program. This verification shall be presented in a letter to the EAS Principal Planner of the City Planning Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists. An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by the EAS prior to the reconstruction meeting. For questions regarding the archaeological sites, EAS shall be contacted.
27. The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
28. The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.
29. The preceding mitigation measures shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.
30. The Balit-CBC facility will be required to participate in the community-wide Facilities Benefit Assessment (FBA) program, as required by relevant City Council resolutions. Contributions to the program by the proposed project would assist in the financing of necessary public infrastructure improvements throughout the University community. The

contributions shall be made prior to issuance of any building permits.

31. The project shall be required to contribute to the financing of the design and construction of the intersection of North Torrey Pines Road/Genesee Avenue (presently referred to by the City Engineering Department as Alternative 5D-1). Funding for the intersection will be provided by development and City revenues, including the North University City Facilities Benefit Assessment District.
32. The project shall be responsible, with other projects in the area, for the provision of an additional northbound right-turn lane on North Torrey Pines Road on its approach to Science Park Road. There shall be a 10-foot-wide left-turn lane, a 12-foot-wide right-turn lane, three 12-foot-wide through lanes and a 4-foot-wide bike lane at the intersection for a total width of 62 feet from the curb to the edge of the median. The new right-turn lane shall be at least 250 feet long, with a transition satisfactory to the City Engineer.
33. The proposed project shall be required to dedicate approximately 10 feet along its frontage Science Park Road and provide improvements for one additional right-turn lane, satisfactory to the City Engineer. This would result in three westbound and two eastbound lanes on Science Park Road for at least 350 feet east of North Torrey Pines Road and shall include modification of the traffic signal. The curb lane for eastbound traffic shall be at least 14 feet wide. The right-turn lane for westbound traffic shall be 12 feet wide, the left-turn lanes shall be the standard 12 feet in width. Widening will be required on this leg of the intersection.
34. To monitor the effectiveness of the project's Transportation Demand Management (TDM) Program, an annual report shall be submitted to the City Engineer for review and approval. The format of the report will be in compliance with requirements of City Ordinance No. O-17349 (New Series) adopted on September 26, 1989.
35. Prior to issuance of building permits for square footage of floor area in excess of the existing facility square-footage of 121,981 square feet, the EAS shall review the plans to ensure the preceding measures have been adequately provided to the satisfaction of the City Engineer.
36. Impacts to coastal mixed chaparral, the Cooper's hawk, and the orange-throated whiptail shall be mitigated through the dedication of a 1.50-acre negative open space easement (as identified by location on Exhibit "A") to preserve an area in the northeast portion of the site. Grading and clearing of the site shall begin at the southern boundary and proceed

northerly to provide an opportunity for the orange-throated whiptail to vacate the portion of the site to be developed and to occupy the portion of the site to be retained in open space. Prior to the issuance of a grading permit the EAS shall verify compliance with the required mitigation. This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division.

37. The proposed construction of the project includes a three-level parking structure. One level of the parking structure would be underground and would account for approximately 15 percent of the on-site parking. Therefore, 85 percent of the on-site parking area will be subjected to storm water runoff and any resultant urban pollutants. Pollutants which may be suspended in the runoff shall be filtered out in the sedimentation/detention basins.
38. Prior to the issuance of any building permits for square footage in excess of the existing 121,981 square feet, the applicant shall ensure that the provision of an additional left-turn lane from Science Park Road to North Torrey Pines Road is complete and in place, either through completion of the improvements required of La Jolla Cancer Research Foundation for its proposed expansion or through the provision of said left-turn lane solely by applicant. Prior to the expansion of the project beyond 72,200 square feet in excess of the existing 121,981 square feet, the applicant shall dedicate and with other projects in the area shall improve additional right-of-way to provide a 45-foot, right-of-way width from centerline to property line, for Science Park Road, from North Torrey Pines Road to a point 250 feet east of North Torrey Pines Road, then transition for 120 feet, and shall then provide a 41-foot, right-of-way width from centerline to property line from the end of the transition to the easterly property line of the site and off-site transitions, satisfactory to the City Engineer. The improvements shall be installed satisfactory to the City Engineer and shall include relocation of curb, sidewalk, installation of pavement as necessary, modifications to the traffic signal system at North Torrey Pines Road and Science Park Road, and maintaining a ten-foot, curb-to-property-line distance.
39. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement from the City Engineer for the proposed drive aisle along the northerly end of the site, which is with a slope easement, and/or obtain an easement abandonment of the existing slope easement. This condition does not constitute approval of the Encroachment Removal Agreement or the slope easement abandonment; separate applications must be submitted.

40. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
41. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
42. Prior to final approval of this permit, the applicant must obtain California Coastal Commission approval of the proposed amendment to the North City Local Coastal Program as required to implement the proposed development in accordance with Sections 30240, 30250-30253 of the California Coastal Act.
43. The relinquishment of abutter's rights-of-access shall not apply to the two existing driveways as configured and shown on the approved Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department.
44. The Transportation Demand Management Plan prepared for this project, dated June 1990 and on file with the TDM Administrator, shall be implemented, including but not limited to the following:
 - a. All tenants of both the existing and planned development shall join the North City Transportation Management Association (TMA). This requirement is not intended to apply to leases in place at the time this permit is approved by the Coastal Commission.
 - b. An alternative transportation kiosk shall be maintained on-site, providing at a minimum information related to transit schedules, rideshare matching, guaranteed ride home, concierge service, and other services provided by North City TMA.
 - c. Bicycle racks or lockers shall be provided as needed.
 - d. Shower facilities shall be provided to all employees who bicycle to work.
 - e. A \$20.00 per trip per day penalty shall be imposed for all daily vehicle trips in excess of a ratio of 8:1,000 gross square feet of floor area after buildout as identified by the project's TDM program. The preceding penalties shall commence within 13 months from the date of issuance of a Certificate of Occupancy for the expansion of any facility on this site. The number of trips generated by the project will be estimated annually by the TDM Administrator using information collected through the City Employer TDM Program, rather than through a driveway count report by the applicant. The applicant has the right to undertake a driveway

count by a licensed traffic engineer if they wish to challenge our trip estimate.

- f. Among the required parking spaces, carpool parking spaces shall be provided as needed. These spaces shall be clearly labeled and conveniently located.
45. Erosion control measures undertaken during and after the construction period shall ensure that sedimentation, as a result of the development, shall not exceed pre-development conditions. Temporary erosion control devices shall include drainage swales, sandbagging, siltation traps, and other measures required by coastal regulations and City of San Diego land development ordinances and standards.
46. To reduce the potential for erosion and sedimentation impacts during project construction, all grading activities shall be limited to the dry season. All graded slopes shall be stabilized before the beginning of the rainy season. Detention basins shall be incorporated as part of the project design, to control runoff and sedimentation due to project construction. The basins shall be located in the parking lots of the proposed project site, in the northwest and northeast corners, along the southern border of the project site as well as in the covered parking garage; the drainage plan and the location of the detention basins are illustrated in Figure 11 of the SEIR proposed for the project. The applicant shall assume responsibility for the financing and maintenance of these basins. All of the temporary erosion control devices listed in the previous condition as well as all of the items in this condition are to be included as notes on the project grading plans.
47. The preceding measures described in conditions 45 and 46 shall be noted on all grading plans. Prior to issuance of grading permits, EAS of the Planning Department shall review plans to ensure the notation has been adequately provided.
48. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.
49. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit 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 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on April 27, 1993 by Resolution Nos. R-281849 and R-281850.

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AUTHENTICATED BY:

Susan Golding
 SUSAN GOLDING, Mayor
 The City of San Diego

Charles G. Abdelnour for
 CHARLES G. ABDELNOUR, City Clerk
 The City of San Diego

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw SUSAN GOLDING known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

 Notary Public in and for the County
 of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

BALIT CBC CORPORATION
 Owner/Permittee

By Raymond Q. Marden
 Vice President, Balit CBC

By _____

NOTE: Notary acknowledgments
 must be attached per Civil
 Code Section 1180, et seq.
 Form=p.ack

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State of California)

ATTACHMENT 12

County of San Diego)

ss.

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On 6/15/94, before me, MARIA D. MILLER

(name, title of officer, eg. Jane Doe, Notary Public)

personally appeared JACK FISHKIN
(name(s) of signer(s))

☒ personally known to me -or-

☐ 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.

Witness my hand and official seal.



Maria D. Miller
(Signature of Notary)

Capacity claimed by signer:

(This section is OPTIONAL)

☐ Individual

☐ Corporate Officer(s): _____

☐ Partner(s): ☐ General ☐ Limited

☒ Subscribing Witness

☐ Attorney-in-fact

☐ Trustee(s)

☐ Guardian/Conservator

☐ Other: _____

Signer is representing: City of San Diego / Clerk's office
(name of person(s) or entity(ies))

Attention Notary: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document:

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document CDPID Permit #89-0228
Balix CBC
Number of Pages 11 Date of Document 6/15/94
Signer(s) Other than Named Above
Mayor Susan Golding

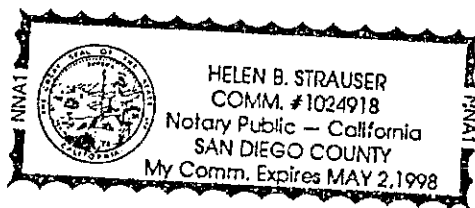
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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No. 5907

State of CALIFORNIACounty of SAN DIEGOOn JUNE 8, 1994 before me, HELEN B. STRAUSSER,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"personally appeared RAYMOND L. MARKEY,
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ 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.



WITNESS my hand and official seal.

Helen B. Strauser
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☒ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ ATTORNEY-IN-FACT ☐ GENERAL
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)BALIT CBC CORPORATION

DESCRIPTION OF ATTACHED DOCUMENT

AUTHENTICATION

TITLE OR TYPE OF DOCUMENT

11
NUMBER OF PAGESAPRIL 27, 1993

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

PAGE INTENTIONALLY LEFT BLANK

(R-93-1872)

RESOLUTION NUMBER R-281849

ADOPTED ON APRIL 27, 1993

WHEREAS, BALIT CBC CORPORATION, Owner/Permittee, appealed the decision of the Planning Commission in denying Coastal Development Permit No. 89-0928 submitted by BALIT CBC CORPORATION, Owner/Permittee, to further develop scientific research and related office uses on the subject property, located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road, described as Lot 1 of Torrey Pines Science Park Unit No. 1, Map thereof No. 6229, in the University Community Plan area, in the SR (Scientific Research) zone; and

WHEREAS, the matter was set for public hearing on April 27, 1993, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Coastal Development Permit No. 89-0928:

1. That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program (LCP) Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The subject property is not identified in the adopted North City LCP Land Use Plan as a public accessway. The site is privately owned and therefore would not encroach upon any existing physical accessway legally utilized by the general public.

In addition, the proposed new structures have been designed to conform with the existing landform on the site in an attempt to minimize the obstruction of potential public views and as a result would not obstruct views to and along the ocean or other scenic coastal areas from public vantage points. Therefore, no adverse impacts to these resources are anticipated to occur as a result of project implementation.

2. That the proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

The project site is not located near the ocean and therefore would not adversely affect marine resources in the area. The Supplemental Environmental Impact Report (SEIR) prepared for the project identified no adverse impacts occurring to paleontological resources as a result of project implementation. Therefore, no mitigation is required to protect this resource.

The SEIR did identify potentially limited adverse impacts to archaeological and environmentally sensitive lands (biological resources) which would result from the proposed development of this site. The impact(s) to these resources can be adequately mitigated to a level below significance by assuring project implementation of the following mitigation measures as described

in the Mitigation Monitoring and Reporting Program prepared for the development:

Biological Resources Mitigation:

Impacts to coastal mixed chaparral, the Cooper's hawk, and the orange-throated whiptail shall be mitigated through the dedication of a 1.50-acre negative open space easement to preserve an area in the northeast portion of the site.

Grading and clearing of the site shall begin at the southern boundary and proceed northerly to provide the opportunity for the orange-throated whiptail to vacate the portion of the site to be developed and to occupy the portion of the site to be retained in open space.

The required mitigation measure shall be noted in the permit. Prior to the issuance of a grading permit, the Environmental Analysis Section (EAS) shall verify compliance with the required mitigation. This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division.

Cultural (Archaeological) Resources Mitigation:

a. Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City EAS to ensure the fence has been constructed. The fence shall remain until completion of all construction activities, whereupon it shall be removed.

b. No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to

site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring.

If archaeological materials are encountered during removal of existing asphalt paving and oiled surfaces, a data recovery program approved by City staff shall be initiated for this area.

c. The applicant shall provide verification that a qualified archaeologist and/or an archaeological monitor have been retained to implement the archaeological monitoring program. This verification shall be presented in a letter to the Principal Planner of the EAS of the City Planning Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists.

An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by the EAS prior to the preconstruction meeting. For questions regarding the archaeological sites, EAS shall be contacted.

d. The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans.

The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a

results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

e. The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

These required mitigation measures described above shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.

3. That the proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (San Diego Municipal Code section 101.0462), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

The project site is located within the City's coastal zone as identified within the North City Local Coastal Program and is therefore exempt from the Resource Protection Ordinance per requirements of the San Diego Municipal Code.

4. That the proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

No coastal scenic resources, recreational or visitor-serving facilities presently exist or were identified by the North City Local Coastal Program for the area adjacent to the project site. Therefore, no mitigation would be required and no adverse impacts

to these resources are anticipated to occur as a result of project implementation.

5. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

No adjacent public parks or public recreational areas or facilities presently exist or were identified by the North City Local Coastal Program for the area adjacent to the subject site. Therefore, no mitigation would be required and no adverse impacts to these resources are anticipated to occur as a result of project implementation.

6. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

No significant or environmentally sensitive landforms remain to be disturbed on the project site. The proposed expansion of scientific research facilities would be concentrated on the previously graded, flatter portions of the site. Therefore, no adverse impacts to the alteration of natural landforms would occur as a result of project implementation.

The SEIR prepared for the project did identify potentially limited adverse impacts resulting from geologic and erosional forces due to implementation of the proposed development. The SEIR concluded that any development within the lagoon watershed,

both approved and proposed, would increase the environmental problems associated with drainage and watershed preservation and would further affect the hydrologic, hydraulic, and water quality of Los Peñasquitos Lagoon.

These problems would include increased quantities of runoff, siltation, and erosion, contamination and decreased water quality, and decreased flow into groundwater systems. Measures which have been incorporated into the proposed project to reduce direct impacts to a level below significance include:

Erosion control measures undertaken during and after the construction period would ensure that sedimentation, as a result of the development, would not exceed pre-development conditions. Temporary erosion control devices would include drainage swales, sandbagging, siltation traps, and other measures required by coastal regulations and City of San Diego land development ordinances and standards.

Such measures, incorporated into the project through the design review of construction plans and built concurrently with the grading, are required of all projects in the City of San Diego. To reduce the potential for erosion and sedimentation impacts during project construction, grading activities would be limited to the dry season.

All graded slopes would be stabilized before the beginning of the rainy season. Detention basins would be incorporated as part of the project design to control runoff and sedimentation due to project construction.

The basins would be located in the parking lots of the proposed project site, in the northwest and northeast corners, along the southern border of the project site as well as in the covered parking garage; the drainage plan and the location of the detention basins are illustrated in Figure 11 of the SEIR prepared for the project.

The applicant would assume responsibility for financing and maintenance of these basins. All of the temporary erosion control devices listed in the previous paragraph as well as all of the items in this paragraph are to be included as notes on the grading plans.

The above measures shall be noted on the grading plans. Prior to issuance of grading permits, EAS shall review plans to ensure the notation has been provided. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.

With proper implementation of the Mitigation Monitoring and Reporting Program described above, the projected adverse impacts resulting from geologic and erosional forces can be adequately mitigated to a level below significance.

The project site is not located within either the FW (Floodway) or FPF (Floodplain Fringe) Zones. A brush management and landscape plan has been designed for the project in accordance with relevant requirements and guidelines of the

City of San Diego Landscape Technical Manual to avoid any potential fire hazards to surrounding properties and the subject site. Therefore, the risk of flood or fire induced hazards is considered insignificant and no mitigation will be necessary to incorporate into the project's design or implementation.

7. That the proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

Although not visually degraded, the site would be visually enhanced through implementation of the project's landscape and brush management plan. The proposed project is visually compatible with the existing scientific research land use character of surrounding areas on North Torrey Pines Road.

Architectural controls incorporated as conditions of approval in the permit shall assure project compliance with adopted community plan design guidelines and compatibility with existing industrial and scientific research and development in the area. In addition to the desirable architectural elements described above, the site would not be significantly disturbed in terms of landform alteration/grading to accommodate the proposed structures.

8. That the proposed development will conform with the general plan, the LCP, and any other applicable adopted plans and programs.

The proposed project would be consistent with recommended land use, densities, design guidelines, and development standards

of proposed amendments to the University Community Plan and North City Local Coastal Program, the City of San Diego Progress Guide and General Plan, and the SR Zone.

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

BE IT FURTHER RESOLVED, that the appeal of BALIT CBC CORPORATION is granted; the decision of the Planning Commission is overruled, and Coastal Development Permit No. 89-0928 is hereby granted to BALIT CBC CORPORATION, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
05/10/93
Or.Dept:Clerk
R-93-1872
Form=r.permit

Passed and adopted by the Council of San Diego on
April 17, 1993, by the following vote:

YEAS: Wolfsheimer, Roberts, Stevens, Behr, Stallings,
McCarty, Vargas, Mayor Golding.

NAYS: None.

NOT PRESENT: Hartley.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(Seal)

By: RHONDA R. BARNES, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and
correct copy of RESOLUTION NO. R-281849, passed and adopted
by the Council of The City of San Diego, California on
April 17, 1993.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Blenda B. Barnes, Deputy

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(R-93-1873)

RESOLUTION NUMBER R-281850

ADOPTED ON APRIL 27, 1993

WHEREAS, BALIT CBC CORPORATION, Owner/Permittee, appealed the decision of the Planning Commission in denying Planned Industrial Development Permit No. 89-0928 submitted by BALIT CBC CORPORATION, Owner/Permittee, to further develop scientific research and related office uses on the subject property, located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road, described as Lot 1 of Torrey Pines Science Park Unit No. 1, Map thereof No. 6229, in the University Community Plan area, in the SR (Scientific Research) zone; and

WHEREAS, the matter was set for public hearing on April 27, 1993, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Industrial Development Permit No. 89-0928:

1. That the proposed use will fulfill a community need and will not adversely affect the general plan or the community plan.

The proposed development and use of this site for expanded scientific research and office development is consistent with recommended land use designations, design guidelines and standards of the existing SR zone, proposed amendments to the University Community Plan and North City Local Coastal Program,

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the City's Progress Guide and General Plan, and would be compatible with development, existing and planned scientific research, and uses surrounding the subject development site.

2. That the proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

The permit includes a number of conditions of approval relevant to project compliance with relevant regulations and ordinances of the Municipal Code to assure the health, safety and general welfare of persons residing or working in the area.

The proposed use is compatible with the existing and planned character of the surrounding area and therefore would not adversely affect other property in the vicinity.

3. That the proposed use will comply with the relevant regulations in the Municipal Code.

The proposed development and use of this site is consistent with relevant regulations of the Municipal Code, including requirements for building setbacks, floor area ratios, building height, structural and site design guidelines as specified and/or recommended by the existing zone, proposed amendments to the University Community Plan and North City Local Coastal Program, California Environmental Quality Act guidelines and the City of San Diego Progress Guide and General Plan.

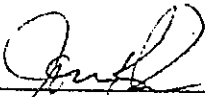
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

ORIGINAL

BE IT FURTHER RESOLVED, that the appeal of BALIT CBC CORPORATION is granted; the decision of the Planning Commission is overruled, and Planned Industrial Development Permit No. 89-0928 is hereby granted to BALIT CBC CORPORATION, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
05/10/93
Or.Dept:Clerk
R-93-1873
Form=r.permit

Passed and adopted by the Council of The City of San Diego on April 27, 1993 by the following vote:

YEAS: Wolfsheimer, Roberts, Stevens, Behr, Stallings, McCarty, Vargas,
Mayor Golding.

NAYS: None.

NOT PRESENT: Hartley.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: RHONDA R. BARNES, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION
NO. R- 281850, passed and adopted by the Council of The City of San Diego, California
on April 27, 1993.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Blanda B. Barnes, Deputy

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DOC # 1994-0384849
15-JUN-1994 03:17 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF:	31.00	FEES:	89.00
AF:	57.00		
MF:	1.00		

DOCUMENT PID/CDP 89-0928

FILED June 15, 1994

PERMIT - PLANNED INDUSTRIAL
DEVELOPMENT/COASTAL DEVELOPMENT
PERMIT 89-0928

PERMITTEE/OWNER: CALBIOCHEM
CORPORATION
LOT 1 OF TORREY PINES SCIENCE PARK,
UNIT NO. 1, MAP 6220.

PLANNING - (CATHY MEYER) - 501 FOR
DISTRIBUTION

6-15-94
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DOC # 1997-0341471
18-JUL-1997 10:21 AM ATTACHMENT 12RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICESAND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDERRF: 18.00 FEES: 47.00
AF: 27.00
MF: 1.00
CF: 1.00

SPACE ABOVE THIS LINE

COASTAL AND PLANNED INDUSTRIAL DEVELOPMENT

PERMIT NO. 96-7114

CITY MANAGER/HEARING OFFICER

AMENDMENT AND EXTENSION OF TIME TO CDP/PID PERMIT NO. 89-0928

This Coastal and Planned Industrial Development Permit Amendment and Extension of Time to CDP/PID Permit No. 89-0928 is granted by the City Manager/Hearing Officer of the City of San Diego to ALEXANDRIA REAL ESTATE EQUITIES, INC., A Maryland Corporation, Owner/Permittee, pursuant to Sections 105.0204, 101.0920 and 111.1122 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct, operate and further develop a Coastal and Planned Industrial Development located at 10933 North Torrey Pines Road, described as Lot 1, Torrey Pines Science Park, in the SR (Scientific Research) Zone.

2. The facility shall consist of the following facilities and site improvements:

a. BUILDING DATA:

BUILDING TYPE	Square Footage (LEVEL 1)	Square Footage (LEVEL 2)	Square Footage (SUBTOTAL)
1. Administration	20,000	20,000	40,000
2. Laboratory	25,000	0	25,000
3. Laboratory	57,000	0	57,000
4. Laboratory	0	15,000	15,000
5. Laboratory	30,000	0	30,000
6. Laboratory	28,400	28,400	56,800
7. Laboratory	29,100	29,100	58,200
8. Library/Cafeteria	3,600	0	3,600
GROSS BUILDING FOOTPRINT AREA	193,100	(28 percent of total site area)	
GROSS BUILDING FLOOR AREA		285,600	

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All building plans shall be constructed in accordance with the approved Exhibit "A" for this project, dated April 27, 1993, on file in the Office of Development Services; and

- b. Site landscaping and associated brush management; and
- c. Off-street parking; and
- d. Incidental accessory uses as may be determined incidental and approved by the City Manager.

3. Not fewer than 696 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 27, 1993, on file in the office of Development Services. Parking spaces shall be consistent with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to Development Services and
- b. The Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A," dated April 27, 1993, on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Prior to the issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A' dated April 27, 1993, Landscape Concept Plan, on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

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7. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all approved landscape and obtain all required landscape inspections.

8. All approved landscape shall be maintained in a disease, weed and liter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" of trees is not permitted unless specifically noted in this permit.

9. If any existing or installed landscape (including hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

10. The property included within this Coastal and Planned Industrial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the City Manager or the permit has been revoked by the City of San Diego.

11. This permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

12. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor shall be subject to each and every condition set out in this permit and all referenced documents.

13. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and City Manager, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

14. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

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15. In the event that 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.

16. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

17. This Coastal and Planned Industrial Development Permit Extension of Time granted by the City shall be utilized prior to May 7, 2000. Failure to utilize the Coastal and Planned Industrial Development Permit prior to May 7, 2000, will automatically void the same. The Coastal and Planned Industrial Development Permit shall be subject to all the terms and conditions granted herein and pursuant to the terms set forth in Sections 105.0202, 101.0920 and 111.1122 of the Municipal Code." No further extensions of time may be granted should this permit not be utilized.

18. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

19. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the City Manager; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

20. In accordance with provisions of the Municipal Code relevant to land uses in the SR Zone, the following effects shall not be permitted to emanate beyond the boundaries of the project site:

- a. Objectionable air pollutants, noise, odor, changes in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments.
- b. Emissions that endanger human health, cause damage to vegetation or property, or cause soiling.
- c. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.

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21. Prior to issuance of any building permit for this development a fee of \$6,673.80 shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program.

22. Prior to the issuance of any building permits, the applicant shall:

- a. Install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
- b. Provide calculations, satisfactory to the Water utilities Director, to show that the size and grade of the sewer will provide adequate capacity and cleansing velocities.

23. No signs shall be permitted on this site except for the following as specified by the SR Zone:

- a. One (1) unlighted or non-flashing lighted, double-faced or single-faced ground sign not exceeding 125 square feet in area per display face, and not exceeding a maximum of 15 feet in height, identifying the occupant of each building site. Such sign may be located in any required yard area provided that such sign is erected not closer than 20 feet to any lot line.
- b. Unlighted or non-flashing lighted signs attached to but not projecting more than 16 inches beyond the face of any building, nor projecting above the parapet or eaves of the building. Wall signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events related to or provided by businesses, persons or organizations located on the premises, or to display public interest messages.
- c. Unlighted or non-flashing lighted, double-faced or single-faced directional signs not exceeding 12 square feet in area per display face as may be necessary to direct and control vehicular and pedestrian traffic. Such directional signs may be located in any required yard area.
- d. The aggregate area of all signs permitted on the premises shall not exceed one (1) square foot for each linear foot of the perimeter of the premises.
- e. All signs shall also comply with the provisions of Chapter IX, Article 5, Division 1, of the City Sign Code Ordinance.

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24. Loading platforms shall be located or shall be screened by a landscape or architectural feature so as not to be visible from any adjoining street or highway or adjoining property.

25. The following effects shall not be permitted to emanate beyond the boundaries of the project site at any time:

- a. Objectionable air pollutants, noise, odor, changes in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments.
- b. Emissions that endanger human health, cause damage to vegetation or property, or cause soiling.
- c. Radioactivity or electrical disturbance which unduly interferes with the normal operations of equipment or instruments.

For purposes of determining if phenomena are significant in the zone, the standards prescribed by the regulations of the California Department of Public Health shall be taken into account in addition to the factors enumerated above.

26. The applicant shall construct temporary and permanent detention basins, satisfactory to the City Engineer to reduce direct erosion, desimentation and urban pollutant impacts to below a significant level and as described in Supplemental Environmental Impact Report SEIR No. 89-0928.

27. Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City Environmental Analysis Section (EAS) to ensure the fence has been constructed. The fence shall remain until completion of all construction activities, whereupon it shall be removed.

28. No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring. If archaeological materials are encountered during removal of existing asphalt paving and oiled surfaces, a data recovery program approved by City staff shall be initiated for this area.

29. The applicant shall provide verifications that a qualified archaeologist and/or an archaeological monitor have been retained to implement the archaeological monitoring program. This verification shall be presented in a letter to the EAS Principal

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Planner of Development Services prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists. An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by the EAS prior to the reconstruction meeting. For questions regarding the archaeological sites, EAS shall be contacted.

30. The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

31. The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

32. The preceding mitigation measures shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.

33. The Balit-CBC facility will be required to participate in the community-wide Facilities Benefit Assessment (FBA) program, as required by relevant City Council resolutions. Contributions to the program by the proposed project would assist in the financing of necessary public infrastructure improvements throughout the University community. The contributions shall be made prior to issuance of any building permits.

34. The project shall be required to contribute to the financing of the design and construction of the intersection of North Torrey Pines Road/Genesee Avenue (presently referred to by the City Engineering Department as Alternative 5D-1). Funding for the intersection will be provided by development and City revenues, including the North University City Facilities Benefit Assessment District.

35. The project shall be responsible, with other projects in the area, for the provision of an additional northbound right-turn lane on North Torrey Pines Road on its approach to Science Park Road. There shall be a 10-foot-wide left-turn lane, a 12-foot-wide right-turn lane, three 12-foot-wide through lanes and a four-foot-wide bike lane at the intersection for a total

width of 62 feet from the curb to the edge of the median. The new right-turn lane shall be at least 250 feet long, with a transition satisfactory to the City Engineer.

36. The proposed project shall be required to dedicate approximately 10 feet along its frontage Science Park Road and provide improvements for one additional right-turn lane, satisfactory to the City Engineer. This would result in three westbound and two eastbound lanes on Science Park Road for at least 350 feet east of North Torrey Pines Road and shall include modification of the traffic signal. The curb lane for eastbound traffic shall be at least 14 feet wide. The right-turn lane for westbound traffic shall be 12 feet wide, the left-turn lanes shall be the standard 12 feet in width. Widening will be required on this leg of the intersection.

37. To monitor the effectiveness of the project's Transportation Demand Management (TDM) Program, an annual report shall be submitted to the City Engineer for review and approval. The format of the report will be in compliance with requirements of City Ordinance No. 0-17349 (New Series) adopted on September 26, 1989.

38. Prior to issuance of building permits for square footage of floor area in excess of the existing facility square-footage of 121,981 square feet, the EAS shall review the plans to ensure the preceding measures have been adequately provided to the satisfaction of the City Engineer.

39. Impacts to coastal mixed chaparral, the Coopert's hawk, and the orange-throated whiptail shall be mitigated through the dedication of a 1.50-acre negative open space easement (as identified by location on Exhibit "A") to preserve an area in the northeast portion of the site. Grading and clearing of the site shall begin at the southern boundary and proceed northerly to provide an opportunity for the orange-throated whiptail to vacate the portion of the site to be developed and to occupy the portion of the site to be retained in open space. Prior to the issuance of a grading permit the EAS shall verify compliance with the required mitigation. This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Land Development Review Division.

40. The proposed construction of the project includes a three-level parking structure. One level of the parking structure would be underground and would account for approximately 15 percent of the on-site parking. Therefore, 85 percent of the on-site parking area will be subjected to storm water runoff and any resultant urban pollutants. Pollutants which may be suspended in the runoff shall be filtered out in the sedimentation/dentation basins.

41. Prior to the issuance of any building permits for square footage in excess of the existing 121,981 square feet, the applicant shall ensure that the provision of an additional left-turn lane from Science Park Road to North Torrey Pines Road is complete and in place, either through completion of the improvements required of La Jolla Cancer Research Foundation for its proposed expansion or through the provision of said left-turn lane solely by applicant. Prior to the expansion of the project beyond 72,200 square feet in excess of the existing 121,981 square feet, the applicant shall dedicate and with other projects in the area shall improve additional right-of-way to provide a 45-foot, right-of-way width from centerline to property line, for Science Park Road, from North Torrey Pines Road to a point 250 feet east of North Torrey Pines Road, then transition for 120 feet, and shall then provide a 41-foot, right-of-way width from centerline to property line from the end of the transition to the easterly property line of the site and off-site transitions, satisfactory to the City Engineer. The improvements, satisfactory to the City Engineer and shall include relocation of curb, sidewalk, installation of pavement as necessary, modifications to the traffic signal system at North Torrey pines Road and Science Park Road, and maintaining a ten-foot, curb-to-property-line distance.

42. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement from the City Engineer for the proposed drive aisle along the northerly end of the site, which is with a slope easement, and/or obtain an easement abandonment of the existing slope easement. This conditions does not constitute approval of the Encroachment Removal Agreement or the slope easement abandonment; separate applications must be submitted.

43. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

44. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

45. Prior to final approval of this permit, the applicant must obtain California Coastal Commission approval of the proposed amendment to the North City Local Coastal Program as required to implement the proposed development in accordance with Sections 30240, 30250-30253 of the California Coastal Act.

46. The relinquishment of abutter's rights-of-access shall not apply to the two existing driveways as configured and shown on the approved Exhibit "A," dated April 27, 1993, on file in the Office of Development Services.

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47. The Transportation Demand Management Plan prepared for this project, dated June 1990 and on file with the TDM Administrator, shall be implemented, including but not limited to the following:

- a. All tenants of both the existing and planned development shall join the North City Transportation management Association (TMA). This requirement is not intended to apply to leases in place at the time this permit is approved by the Coastal Commission.
- b. An alternative transportation kiosk shall be maintained on-site, providing at a minimum information related to transit schedules, rideshare matching, guaranteed ride home, concierge service, and other services provided by North City TMA.
- c. Bicycle racks or lockers shall be provided as needed.
- d. Shower facilities shall be provided to all employees who bicycle to work.
- e. A \$20.00 per trip per day penalty shall be imposed for all daily vehicle trips in excess of a ratio of 8:1,000 gross square feet of floor area after buildout as identified by the project's TDM program. The preceding penalties shall commence within 13 months from the date of issuance of a Certificate of Occupancy for the expansion of any facility on this site. The number of trips generated by the project will be estimated annually by the TDM Administrator using information collected through the City Employer TDM Program, rather than through a driveway count report by the applicant. The applicant has the right to undertake a driveway count by a licensed traffic engineer if they wish to challenge our trip estimate.
- f. Among the required parking spaces, carpool parking spaces shall be provided as needed. These spaces shall be clearly labeled and conveniently located.

48. Erosion control measures undertaken during and after the construction period shall ensure that sedimentation, as a result of the development, shall not exceed pre-development conditions. Temporary erosion control devices shall include drainage swales, sandbagging, siltation traps, and other measures required by coastal regulations and City of San Diego land development ordinances and standards.

49. To reduce the potential for erosion and sedimentation impacts during project construction, all grading activities shall be limited to the dry season. All graded slopes shall be

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stabilized before the beginning of the rainy season. Detention basins shall be incorporated as part of the project design, to control runoff and sedimentation due to project construction. The basins shall be located in the parking lots of the proposed project site, in the northwest and northeast corners, along the southern border of the project site as well as in the covered parking garage; the drainage plan and the location of the detention basins are illustrated in Figure 11 of the SEIR proposed for the project. The applicant shall assume responsibility for the financing and maintenance of these basins. All of the temporary erosion control devices listed in the previous conditions as well as all of the items in this condition are to be included as notes on the project grading plans.

50. The preceding measures described in Conditions 48 and 49 shall be noted on all grading plans. Prior to issuance of grading permits, EAS of Development Services shall review plans to ensure the notation had been adequately provided.

51. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.

52. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

In the event that 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 event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the

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discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the conditions(s) contained therein.

53. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit 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 U.S.C. Section 1531 et seq.).

54. THE FOLLOWING ADDITIONAL CONDITION HAS BEEN ADDED - The North County Transit District (NCTD) uses a bus stop on the east side of North Torrey Pines Road, at the farside of Science Park Road (refer to Exhibit "A" dated May 7, 1997). The bus stop shall be improved to meet ADA standards and be of sufficient width to allow placement of a bus passenger shelter as follows:

A concrete sidewalk 10' -0" rear of curb and 25' -0" parallel to curb, to the satisfaction of the Metropolitan Transportation Development Board (MTDB). THIS IMPROVEMENT SHALL BE INSTALLED PRIOR TO ISSUANCE OF ANY PERMITS RELATED TO THE MULTI-LEVEL PARKING STRUCTURE.

APPROVED by the City Manager/Hearing Officer of the City of San Diego on May 7, 1997.

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CITY MANAGER/HEARING OFFICER
RESOLUTION D-473
GRANTING COASTAL AND PLANNED INDUSTRIAL DEVELOPMENT
(CDP/PID) PERMIT NO. 96-7114
AMENDMENT AND EXTENSION OF TIME TO CDP/PID NO. 89-0928

WHEREAS, on April 27, 1993, the City Council of the City of San Diego granted Coastal and Planned Industrial Development Permit No. 89-0928, which permitted the further development of scientific research and professional office uses on the subject property, located at 10933 North Torrey Pines Road, described as Lot 1, Torrey Pines Science Park, Unit 1, Map 6229, in the SR (Scientific Research) Zone; and

WHEREAS, the CDP/PID Permit No. 89-0928 was approved by Resolutions of the City Council on April 27, 1993 (Resolution Nos. R-281849 and R-281850);

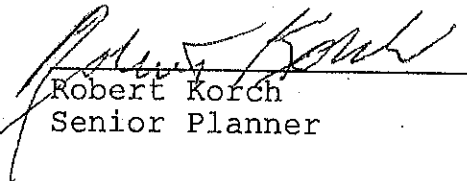
WHEREAS, Condition No. 14 of Coastal and Planned Industrial Development Permit No. 89-0928 specifies that the permit be utilized prior to January 14, 1997; and

WHEREAS, on January 10, 1997 the Owner/Permittee filed for an Extension of Time to said permit pursuant to Section 111.1122 of the Municipal Code, and on May 7, 1997, the City Manager/Hearing Officer of the City of San Diego considered a request by ALEXANDRIA REAL ESTATE EQUITIES, INC., a Maryland Corporation, Owner/Permittee, for an Extension of Time in which to utilize Coastal and Planned Industrial Development Permit No. 89-0928; and

WHEREAS, pursuant to Sections 105.0204, 101.0920 and 111.1122, of the Municipal Code of the City of San Diego, the City Manager/Hearing Officer of the City of San Diego finds that there has been no material change of circumstance since the permit was originally granted; NOW, THEREFORE,

BE IT RESOLVED, that Extension of Time No. 96-7114 is hereby granted by the City Manager/Hearing Officer of the City of San Diego for Coastal and Planned Industrial Development Permit No. 89-0928.

Adopted by the City Manager/Hearing Officer of the City of San Diego on May 7, 1997.


Robert Korch
Senior Planner

Adopted On: May 7, 1997

ORIGINAL

Type/Number of Document CDP/PID 96-7114

Date of Approval May 7, 1997

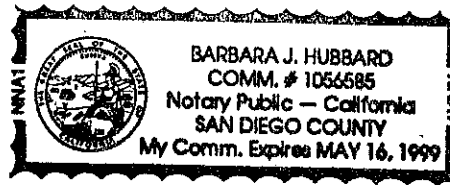
STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Robert Korch
Robert Korch, Senior PlannerCity of San Diego

On June 30, 1997 before me, BARBARA J. HUBBARD (Notary Public), personally appeared ROBERT KORCH, Senior Planner of the Planning Department of the City of San Diego, personally known to me 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 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.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard
Barbara J. Hubbard

(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

ALEXANDRIA REAL ESTATE EQUITIES, INC.-- BY:

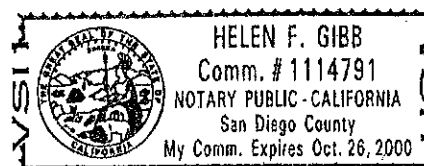
Signed Gary A. Kreitzer
Typed Name Gary A. Kreitzer
Senior Vice President

Signed Vincent R. Ciruzzi
Typed Name Vincent R. Ciruzzi
Vice President

STATE OF CaliforniaCOUNTY OF San Diego

On July 9, 1997 before me, Helen F. Gibb (Name of Notary Public) personally appeared Gary A. Kreitzer and Vincent R. Ciruzzi, personally known to me (or 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.

WITNESS my hand and official seal.

Signature Helen F. Gibb

(Seal)

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON APR 28, 2006
DOCUMENT NUMBER 2006-0300197
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 1:39 PM

JOB ORDER NUMBER: 42-1136

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 9828
SITE DEVELOPMENT PERMIT NO. 9829
TORREY PINES SCIENCE PARK [MMRP]
HEARING OFFICER

This Coastal Development Permit No. 9828 and Site Development Permit No. 9829 are granted by the Hearing Officer of the City of San Diego to ARE-SD REGION NO. 17, L.L.C., Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501 and 126.0701. The 6.22 acre site is located at 10996 Torreyana Road in the IP-1-1, Coastal Overlay (non-appeal), Coastal Height Limit, Community Plan Implementation Overlay Area "B", Airport Environs Overlay, and Accident Potential Zone 2 zones of the University Community Plan area. The project site is legally described as Lot 12, Unit No. 2 Torrey Pines, in the City of San Diego, County of San Diego, State of California, according to Map thereof 8434..

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing surface parking lot and construct a new 60,674 square foot, two-story research and development building over a two-level subsurface parking garage and a new two-level parking structure, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated March 15, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. The demolition of an existing surface parking lot area and the construction of a new 60,674 square foot, two-story research and development building over a two-level subsurface parking garage and construction of a new 73,290 square foot, two-level parking structure;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking facilities;
- d. Several retaining walls with a maximum length of 2,150 linear feet and maximum height of 12 feet in some locations; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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 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. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and 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 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 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 16, 1997, and on file in the Office of the City Clerk as Document No. OO-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 Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, 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.

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. 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 following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. As conditions of Coastal Development Permit No. 9828 and Site Development Permit No. 9829, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 5844 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration No. 5844 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources
Historical (Archaeology) Resources
Paleontological Resources

15. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of a building permit the applicant 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.

17. This project proposes to export 46,200 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

18. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a

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Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

19. Prior to the issuance of any building permits, the applicant shall replace two segments of damaged sidewalk on Callan Road. Replace a 15-foot segment of sidewalk that is broken and displaced approximately 90 feet east of the northwest corner of the site. And replace a 10-foot segment of sidewalk that is broken and uplifted approximately 120 feet east of the northwest corner of the site satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the closure of any non-utilized driveways with full-height Type G-2 curb and gutter and sidewalk satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of all new standard driveways (per Standard Drawing number G-14A) for all added driveway locations satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a detention basin on-site (per Council Ordinance OO-176088 -- Erosion Control Measures for Development Draining into Los Penasquitos or San Dieguito Lagoons) satisfactory to the City Engineer.

23. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

24. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

25. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

PLANNING/DESIGN REQUIREMENTS:

26. No more than 481 off-street parking spaces, with a maximum of 3.37 spaces per 1,000 square feet for both the existing 81,895 square-foot and proposed 60,674 square-foot research

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and development use totaling 142,569 square feet, including 43 carpool spaces and 8 accessible spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager. Additionally, 10 motorcycle spaces, 10 bicycle spaces, and 4 bicycle lockers shall also be maintained as shown in Exhibit "A."

27. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

28. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

29. 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 Permittee.

30. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

31. Retaining wall heights outside of the setbacks are limited to a maximum height of 12 feet. Retaining walls in the street side yard setback are limited to a maximum height of 3 feet.

32. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

33. 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.

34. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

35. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

36. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

37. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

38. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check. In addition, the developer shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

WATER REQUIREMENTS:

39. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services within the rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Water Department Director and the City Engineer. The irrigation systems shall be designed in such a manner as to avoid any potential cross connections.

41. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on each water service to the development, in a manner satisfactory to the Water Department Director and the City Engineer.

42. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. All on-site fire hydrants shall be private.

43. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

44. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water

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Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

TRANSPORTATION REQUIREMENTS:

45. The Owner/Permittee shall provide a kiosk or bulletin board that displays information on transit use carpooling, and other forms of ridesharing pursuant to San Diego Municipal Code [SDMC] section 142.0530 (h), as shown on the approved Exhibit "A."

46. The Owner/Permittee shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. Satisfying Council Policy 200-18 may require, but not be limited to, the removal/modification of existing and/or the installation of new/additional street light facilities (bulbs, fixtures, poles, etc.).

LANDSCAPE REQUIREMENTS:

47. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

48. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. 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.

49. Prior to the issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvements plans shall take into account 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.

50. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted 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, notes with dimensions and labeled as "landscaping area."

51. Prior to the issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager 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.

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52. Prior to the issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

53. All required landscape shall be maintained by the Permittee or subsequent Owner 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.

54. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements 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. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

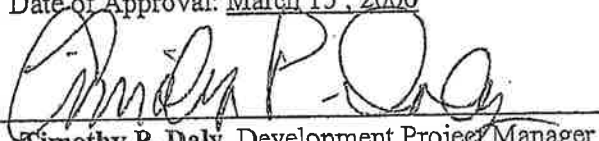
55. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Certificate of Occupancy.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 building/engineering permit issuance

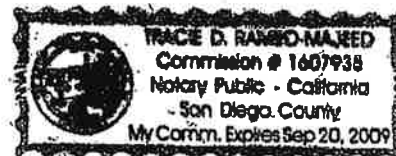
APPROVED by the Hearing Officer of the City of San Diego on March 15, 2006 and Resolution No. HO-5284.

ALL-PURPOSE CERTIFICATE

Type/Approval Number: CDP 9828/SDP 9829Date of Approval: March 15, 2006STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
Timothy P. Daly, Development Project Manager
City of San Diego

On Apr. 3, 2006 before me, Tracie D. Rambo-Majeed, City of San Diego, (Notary Public), personally appeared Timothy P. Daly, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me 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 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.


WITNESS my hand and official seal

Signature 
Tracie D. Rambo-Majeed

ALL-PURPOSE CERTIFICATE


OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Vincent R. Ciruzzi
Typed Name Senior Vice PresidentSigned 
Typed NameSTATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On APRIL 20, 2006 before me, JANET GOMEZ (Name of Notary Public) personally appeared VINCENT R. CIRUZZI, personally known to me (or 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.

WITNESS my hand and official seal.

Signature 

Page 10 of 10

HEARING OFFICER RESOLUTION NO. HO-5284
COASTAL DEVELOPMENT PERMIT NO. 9828
SITE DEVELOPMENT PERMIT NO. 9829
TORREY PINES SCIENCE PARK

WHEREAS, ARE-SD REGION NO. 17, L.L.C., Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing surface parking lot and construct a new 60,674 square foot, two-story research and development building over a two-level subsurface parking garage and a new two-level parking structure (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 9828 and 9829), on portions of a 6.22 acre site;

WHEREAS, the project site is located at 10996 Torreyana Road in the IP-1-1, Coastal Overlay (non-appeal), Coastal Height Limit, Community Plan Implementation Overlay Area "B", Airport Environs Overlay, and Accident Potential Zone 2 zones of the University Community Plan area;

WHEREAS, the project site is legally described as Lot 12, Unit No. 2 Torrey Pines, in the City of San Diego, County of San Diego, State of California, according to Map thereof 8434;

WHEREAS, on March 15, 2006, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 9828 and Site Development Permit No. 9829 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 March 15, 2006.

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The adopted University Community Plan designates this area for scientific laboratory, research and offices uses consistent with the existing and proposed development of this site. Furthermore, the Community Plan Implementation Overlay Zone Type "B" has been applied to the site to ensure that the development intensity element of the community plan is not exceeded.
2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project has been designed and will be constructed to meet all applicable zoning codes and all environmental, building, fire and other regulations applicable to this type of residential development as imposed by the City, the state and all federal agencies. As such, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Coastal development Permit No. 9828 and Site Development Permit No 9829. Development of the property shall meet all requirements of the regulations and development criteria of the IP-1-1 zone.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The design and layout of the proposed project has been developed to conform, to the extent possible, with the existing landforms and to avoid environmentally sensitive lands. The project site is not located within nor is it adjacent to the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). Development of the proposed project is designed to demolish the existing west and eastern surface parking areas and has avoided the westerly manufactured slopes with environmentally sensitive habitat around the perimeter of the site.

In order to fulfill the purpose of the project and the objectives of the adopted University Community Plan, the development will provide approximately 60,674 square feet of additional building space to the existing 81,895 square feet scientific research development facility on site. To accommodate the parking requirements associated with the proposed square footage of the project, both building over subterranean parking and parking structure are proposed. The proposed development of the property requires the grading of approximately 4.0 acres and would impact 0.19 acre of sensitive vegetation on the site. Considering the sites' isolated location of habitat and non-connectivity to MSCP/MHPA, the siting of the proposed development would have a negligible affect on the functions of environmentally sensitive lands. However, the values of the upland habitat will need to be mitigated accordingly.

The Permittee shall be required to fully mitigate the impacts to sensitive habitat with payment into the City's Habitat Acquisition Fund for 0.08 acres of Tier II and 0.11 acres of Tier IIIA. As a result, the project would be consistent with the City's policy that development is directed into non-MHPA areas and mitigation is directed into the MHPA.

2. 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.

The University Community Plan was designed to accommodate development of the community with a full range of land uses while preserving the unique character of the community prior to development. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the Region-wide erosion control plan. The plan exceeds the otherwise City-wide applicable requirements related to storm water runoff and best management practices as related to

storm water runoff. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

When adopted, the University Community Plan analyzed environmentally sensitive lands within the plan area per City Council Policy 600-40. The proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations. The proposed project site is surrounded by urban land uses and is not located within nor is it adjacent to the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) or properties containing environmentally sensitive lands. Therefore, the proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations.

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

The proposed project will be consistent with the Environmentally Sensitive Lands regulations. Project specific mitigation is proposed to counter impacts to sensitive habitats of coastal sage scrub and southern mixed chaparral. The project site is not within or adjacent to the City's Multi-Habitat Planning Area for the MSCP. Impacts to sensitive biological resources will occur and mitigation will be provided pursuant to the City's Biology Guidelines. All other requirements of the MSCP have been met or exceeded for the developable portions of the proposed development. Therefore, the proposed project will be consistent with the City's MSCP Subarea Plan.

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

The proposed development is located approximately one mile east of the Pacific Ocean's beaches and local shoreline. The on-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply in that all current water quality and erosion control measures will be required of the project during construction and post-construction. All drainage will be directed to the existing public storm drain system and to the extent possible will substantially decrease the potential for downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **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.**

The Mitigated Negative Declaration No. 5844 prepared during the CEQA review process included a site specific impact analysis for this proposed development. An initial study has been conducted for the proposed development on this site and concluded that the Mitigated Negative Declaration No. 5844 should include requirements to mitigate for potential impacts to Biological, Historical, and Paleontological Resources and in fact the development will mitigate for these impacts with the implementation of the project. All

mitigation is related to and calculated to alleviate impacts created by the proposed development and has been or will be incorporated into the conditions of the development permit.

Coastal Development Permit - Section 126.0708

A. Findings for all Coastal Development Permits

1. The proposed coastal development will not encroach upon any existing physical access way 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.

The subject property is privately owned and not identified in the adopted North City Local Coastal Program (LCP) Land Use Plan as possessing any existing or proposed physical access ways used by the public and therefore, the project will not encroach upon any public access ways. The proposed new structures have been designed to conform with the developments' existing buildings and landforms on the site to minimize the obstruction of potential public views and as a result would not obstruct views to and along the ocean or other scenic coastal areas from public vantage points.

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

The project site is currently developed with a two-story research and development building, surface parking, and landscaping improvements. The proposed construction of an additional two-story research and development building with subterranean parking and a new two-level subsurface parking garage structure would grade approximately four acres of the 6.22-acre developed site. The City of San Diego conducted an Initial Study which determined that the proposed projects' additional development could have a significant environmental effect on Biological, Historical Resources (Archaeology), and Paleontological Resources. Subsequent revisions in the project proposal create the specific mitigation identified in Section V. of the project's Mitigated Negative Declaration. Herein, the project would require the contribution of funds to the City's Habitat Acquisition Fund to mitigate for impacts to Diegan coastal sage scrub and southern mixed chaparral. Archaeological monitoring in areas that involve trenching into previously undisturbed or undocumented soils will also be required. The program would require that a qualified archaeologist, historic archaeologist, or archaeological monitor be present during construction activities involving new and/or deeper trench work. If cultural or historical deposits are discovered, excavation would temporarily cease to allow evaluation, recordation, and recovery of materials. Finally, the project site is underlain by the Linda Vista geologic formation with a moderate potential of containing fossil resources. Paleontological monitoring will be required and a monitoring report will be provided. With implementation of the Mitigation, Monitoring, and Reporting Program, impacts to biological, historical, and paleontological resources would be avoided or reduced to below a level of significance.

3. **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 adopted University Community Plan and the North City Local Coastal Program Land Use Plan (Plan) designate the subject property for industrial uses. The proposed project is consistent with and implements the Plans' requirements, including the goal to "emphasize the city-wide importance of and encourage the location of scientific research uses in the North University area because of its proximity to the University of California at San Diego." In addition, the project site is currently developed with two-story research and development building, surface parking, and landscaping improvements. The proposed construction of an additional two-story research and development building with subterranean parking on the west portion of the property and a new two-level subsurface parking garage structure on the eastern portion of the property, would continue to comply with the Plans' coastal regulations.

4. **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 project site is located approximately half mile east of the Pacific Ocean and is not located between the nearest public road and the ocean or other shoreline of any body of water located within the Coastal Zone. Further, the proposed project conforms to Chapter 3 of the California Coastal Act as the site is outside any area identified as public recreation or access way.

B. Supplemental Findings--Environmentally Sensitive Lands within the Coastal Overlay Zone

1. **Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property.**

The project site has been mass graded as part of a phased development approved in 1979 by the State when issuing Coastal Development Permit No. F8513. The approved development included a two-story research and development building, an industrial use building, parking garage, and cafeteria for a development total of 124,440 square feet. Only the 81,895 square-foot research and development building has been constructed. The second phase of the development lacked specifics and design and therefore, a Coastal Development Permit is required for the specific structures. Although isolated environmentally sensitive habitat exists on the site, the owner of the property has vested rights to further develop the site. Restricting the development due to environmentally sensitive lands would not provide the owner the anticipated economical viable use of the property as previously approved.

2. **Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations.**
The project site has been mass graded as part of a phased development approved in 1979 by the State when issuing Coastal Development Permit No. F8513. The approved

development included a two-story research and development building, an industrial use building, parking garage, and cafeteria for a development total of 124,440 square feet. Only the 81,895 square-foot research and development building has been constructed. The second phase of the development lacked specifics and design and therefore, a Coastal Development Permit is required for the specific structures. Although isolated environmentally sensitive habitat exists on the site, the owner of the property has vested rights to further develop the site. Restricting the development due to environmentally sensitive lands would not provide the owner the anticipated economical viable use of the property and would interfere with the investment backed expectation.

3. **The use proposed by the applicant is consistent with the applicable zoning.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Coastal development Permit No. 9828 and Site Development Permit No 9829. Development of the property shall meet all requirements of the regulations and development criteria of the IP-1-1 zone.
4. **The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises.** The design and layout of the proposed project has been developed to conform, to the extent possible, with the existing landforms and to avoid environmentally sensitive lands. The project site is not located within nor is it adjacent to the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). Development of the proposed project is designed to demolish the existing west and eastern surface parking areas and has avoided the westerly manufactured slopes with environmentally sensitive habitat around the perimeter of the site.

In order to fulfill the purpose of the project and the objectives of the adopted University Community Plan, the development will provide approximately 60,674 square feet of additional building space to the existing 81,895 square feet scientific research development facility on site. To accommodate the parking requirements associated with the proposed square footage of the project, both building over subterranean parking and parking structure are proposed. The proposed development of the property requires the grading of approximately 4.0 acres and would impact 0.19 acre of sensitive vegetation on the site. Considering the sites' isolated location of habitat and non-connectivity to MSCP/MHPA, the siting of the proposed development would have a negligible affect on the functions of environmentally sensitive lands. However, the values of the upland habitat will need to be mitigated accordingly.

The Permittee shall be required to fully mitigate the impacts to sensitive habitat with payment into the City's Habitat Acquisition Fund for 0.08 acres of Tier II and 0.11 acres of Tier IIIA. As a result, the project would be consistent with the City's policy that development is directed into non-MHPA areas and mitigation is directed into the MHPA.

5. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program with the exception of the provision for which the deviation is requested. The adopted University Community Plan and the North City Local Coastal Program Land Use Plan (Plan) designate the subject property for industrial uses. The proposed project is consistent with and implements the Plans' requirements, including the goal to "emphasize the city-wide importance of and encourage the location of scientific research uses in the North University area because of its proximity to the University of California at San Diego." In addition, the project site is currently developed with two-story research and development building, surface parking, and landscaping improvements. The proposed construction of an additional two-story research and development building with subterranean parking on the west portion of the property and a new two-level subsurface parking garage structure on the eastern portion of the property, would continue to comply with the Plans' coastal regulations and the project does not propose any deviations to the adopted Local Coastal Program Plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 9828 and Site Development Permit No. 9829 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No's. 9828 and 9829, a copy of which is attached hereto and made a part hereof.



Timothy P. Daly
Development Project Manager
Development Services

Adopted on: March 15, 2006

Job Order No. 421136

cc: Legislative Recorder, Development Services Department

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

**WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUL 01, 2005
DOCUMENT NUMBER 2005-0559016
GREGORY J. SMITH COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 12:57 PM

SPAC

JOB ORDER NUMBER: 421339

**SITE DEVELOPMENT PERMIT NO. 151106
PLANNED DEVELOPMENT PERMIT NO. 10903
COASTAL DEVELOPMENT PERMIT NO. 10911
ALEXANDRIA TECH CENTER - SCIENCE PARK
AMENDMENT TO PLANNED INDUSTRIAL DEVELOPMENT AND COASTAL
DEVELOPMENT PERMIT NOS 96-7114 AND 89-0928
PLANNING COMMISSION**

This Site Development Permit No. 151106, Planned Development Permit No. 10903 and Coastal Development Permit No. 10911, amendment to Planned Industrial Development and Coastal Development Permit Numbers 96-7114 and 89-0928 is granted by the Planning Commission of the City of San Diego to ARE-10933 NORTH TORREY PINES, L.L.C., a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504, 126.0604, and 126.0708. The 16.08 acre site is located at 10933 North Torrey Pines Road in the IP-1-1, Coastal Overlay, Coastal Height Limit, Campus Parking Impact, Accident Potential Zone 2, and Community Plan Implementation Overlay zones of the University Community Plan area. The project site is legally described as Lot 1 of Torrey Pines Science Park Unit No. 1 of Map 6229.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to reconfigure building locations and subdivide the lot into five legal parcels, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated April 28, 2005, on file in the Development Services Department.

The project or facility shall include:

a. Building Data:

Building No./Type	Square Footage (Level 1)	Square Footage (Level 2)	Square Footage (Subtotal)
1. Existing Admin.	0	0	0
2. Existing Lab	22,663	0	22,663
3. Existing Lab	74,004	0	74,004
4. N/A	0	0	0

5. Phase III Lab/Admin.	34,051	34,650	68,701
6. Phase II Lab Admin.	22,579	22,792	45,371
7. Existing Lab	37,200	36,911	74,111
8. Food Service	750	0	750
Total (Gross)	191,247	94,353	285,600

All building plans shall be constructed in accordance with the Approved Exhibit "A" for this project, dated April 21, 2005, on file in the Office of Development Services;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and,
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and 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 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 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 16, 1997, and on file in the Office of the City Clerk as Document No. OO-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 Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, 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.

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the

proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

12. 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 following all appeals.

13. This Permit may be developed in phases. Individual owners or tenants shall ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved exhibits, dated April 21, 2005).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

15. As conditions of Site Development Permit No. 151106, Planned Development Permit No. 10903, Coastal Development Permit No. 10911, and Tentative Map No. 151108 the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration LDR No. 6655 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration LDR No. 6655 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the Historical (Archaeology) issue areas.

LANDSCAPE REQUIREMENTS:

17. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," on file in the Development Services Department. No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

18. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this

Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

19. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

PLANNING/DESIGN REQUIREMENTS:

20. No fewer than 729 off-street parking spaces (2.55 spaces/1,000 square feet), and not greater than 763 off-street parking spaces (2.67 spaces/1,000 square feet), including no fewer than 86 carpool spaces, 15 motorcycle spaces, 15 accessible spaces, and a minimum of 9 bicycle spaces, shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

21. 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 City Manager.

22. Prior to the issuance of any building permits, the applicant shall grant to the Department of the Navy an avigation easement for the purpose of maintaining all aircraft approach paths to MCAS Miramar. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement.

23. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.

24. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

ORIGINAL

25. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

26. 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 Permittee.

27. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

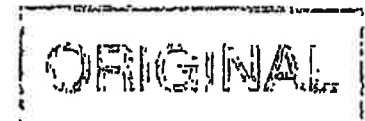
28. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," on file in the Development Services Department); or
- b. Citywide sign regulations.

29. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

30. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.



31. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

32. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

33. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

34. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A".

TRANSPORTATION REQUIREMENTS:

35. Prior to the issuance of the first building permit on Parcel No. 4, the applicant shall provide a recorded Mutual Access Agreement between all affected properties, satisfactory to the City Engineer.

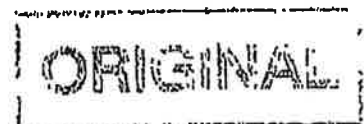
36. Prior to the issuance of the first building permit Parcel No. 4, the applicant shall provide a recorded Shared Parking Agreement between all affected properties, satisfactory to the City Engineer.

37. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

38. Prior to occupancy on Parcel No. 4, the applicant shall provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing, per the City's Land Development Code Section 142.0530 (h) Rideshare Information, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

39. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.



40. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

41. Prior to the issuance of any building permits Parcel No. 4, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services within the rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

42. Prior to the issuance of any building permits on Parcel No. 4, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Water Department Director and the City Engineer. The irrigation systems shall be designed in such a manner as to avoid any potential cross connections.

43. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on each water service to the development, in a manner satisfactory to the Water Department Director and the City Engineer.

44. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. All on-site fire hydrants shall be private.

45. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

46. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

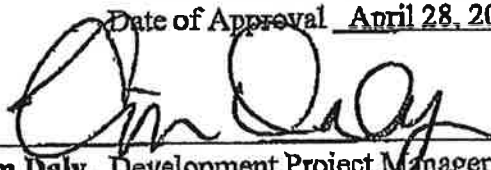
Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on April 28, 2005, Resolution No. 3729-PC.

ORIGINAL

ORIGINAL

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document SDP No.151106; PDP No. 10903; CDP No. 10911Date of Approval April 28, 2005STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
Tim Daly, Development Project Manager

On June 21, 2005 before me, Raquel Herrera, (Notary Public), personally appeared Tim Daly, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me 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 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.

WITNESS my hand and official seal

Signature 
Raquel Herrera

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed 
Typed Name Vincent R. CiruzziSigned N/A
Typed Name

Senior Vice President
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On JUNE 21, 2005 before me, JANET GOMEZ (Name of Notary Public) personally appeared VINCENT R. CIRUZZI, personally known to me (or 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.

WITNESS my hand and official seal.

Signature 

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THE CITY OF SAN DIEGO

March 21, 2014

Mr. Dan Robinson
Gensler
225 Broadway, Suite 1600
San Diego, CA 92101

Dear Mr. Robinson:

Subject: Torreyana/Sunrise; Project No. 344643

Congratulations on your recent approval for the project referenced above, and thank you for choosing to process your project through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program (Expedite Program). The Expedite Program represents a significantly streamlined land development permitting process, which is designed to process affordable and sustainable housing projects twice as fast as the standard process allows. In addition, one of the primary goals of the Program is to provide excellent customer service. Hopefully your experience within the Expedite Program was valuable. If you have any questions, or wish to provide any feedback that could improve the Expedite Program's efficiency, please do not hesitate to give our Assistant Deputy Director, Mike Westlake, a call at 619-446-5220.

The Torreyana/Sunrise Substantial Conformance Review (SCR) project proposes an Amenity Pavilion, that will house various recreational amenities and other uses in an existing, approximately 82,000 square foot building, located at 10996 Torreyana Road, within the IP-1-1 zone, Coastal Overlay Zone (Non-Appealable Area 1), Coastal Height Limitation Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ Type-B), Parking Impact Overlay Zone (Campus and Beach Impact Areas), Residential Tandem Parking Overlay Zone, and the University Community Plan. The project premise is also located within the Airport Land Use Compatibility Overlay Zone for MCAS Miramar, Airport Environs Overlay Zone, Airport Influence Area (Review Area 1 for MCAS Miramar), Overflight Notification Area for MCAS Miramar and Accident Potential Zone for MCAS Miramar (Zone 2). The project premise is identified as Prime Industrial in the 2008 adopted General Plan. The project shall be consistent with council policy 900-14.

The building will be remodeled and will total 78,266 square feet once the interior improvements area completed. There is an outdoor soccer field associated with the proposed Amenity Pavilion that will be utilized by those parties already working on/adjacent to the project site. Development on the project site is currently regulated by Coastal Development Permit (CDP) No. 9828 and

Page 2

Torreyana/Sunrise SCR

Project No. 344643

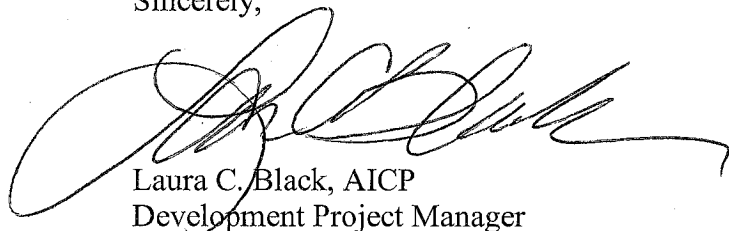
Site Development Permit (SDP) No. 9829 (Project No. 5844), and approved in 2006. The proposed Amenity Pavilion has been found to be in Substantial Conformance with Coastal Development Permit (CDP) No. 9828; Site Development Permit (SDP) No. 9829; and Mitigated Negative Declaration (MND) No. 5844 (Project No. 5844).

I am pleased to provide an electronic copy of this SCR, including the Notice of Decision (NOD) and this approval letter, for the project referenced above and approved on March 4, 2014. The enclosed CD includes the approved SCR exhibits.

The discretionary portion of your project is now complete. The deposit account for the review/approval of this portion of your project has been closed. In approximately 6-8 weeks, the financially responsible party for the deposit account will receive any remaining funds in the account, provided the account is not in deficit. In the event the account is in deficit, the financially responsible party will continue to receive account statements showing the negative balance due until payment is received.

If you have any questions, I can be reached at 619.236.6327 via e-mail at lblack@sanidiego.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura C. Black', with a large, stylized flourish extending from the end of the signature.

Laura C. Black, AICP
Development Project Manager

Enclosures:

1. CD

cc: File

Mr. Neil Hyytinen, 600 W. Broadway, 8th Floor, San Diego, CA 92101 (with CD)