

CITY COUNCIL RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

PLANNED DEVELOPMENT PERMIT NO. 2607763 [AMENDMENT TO PLANNED INDUSTRIAL DEVELOPMENT PERMIT 96-7756], SITE DEVELOPMENT PERMIT NO. 2237939 [AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 2758], NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2582527, COASTAL DEVELOPMENT PERMIT NO. 2237940 [AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 117798]

TOWNE CENTRE VIEW - PROJECT NO. 624751: MMRP

WHEREAS, BRE-BMR Towne Centre Science Park LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a General Plan/Community Plan Amendment No. 2607746, Planned Development Permit No. 2607763 [amendment to Planned Industrial Development Permit 96-7756], Site Development Permit No. 2237939 [amendment to Site Development Permit No. 2758], Neighborhood Development Permit No. 2582527, Coastal Development Permit No. 2237940 [amendment to Coastal Development Permit No. 117798] for demolition of existing structures and to develop an approximately 1 million square foot research and development office campus known as the Towne Centre View project (Project), located at 9855/9865/9875 Towne Centre Drive within the IP-1-1 (Industrial) and RS-1-7 and RS-1-14 (Residential) zones; and

WHEREAS, the Project site is legally described as Parcels 1, 2, & 3 of Parcel Map No. 18286, in the City of San Diego, County of San Diego, State of California, according to the Map thereof, filed in the Office of the County Recorder of San Diego County June 21, 1999 AND Parcels 1 and 2 of Parcel Map No. 20710, in the City of San Diego, County of San Diego, State of California, according to the Map thereof filed in the Office of the County Recorder of San Diego County, September 21, 2009 as Instrument No. 2009-0524505 of Official Records, City of San Diego, County of San Diego, State of California AND the portion of Towne Centre Drive reserved per Map No. 10830, accepted per

Document number 2008-0398615, recorded July 25, 2008 and lying within Parcel 1 of Parcel Map no. 16829, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 23, 1992 AND a portion of Pueblo Lot 1317 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pasco in the year 1870. A copy of which said Map being filed in the Office of the County Recorder of San Diego County and is known as Miscellaneous Map No. 36, being described as follows: Beginning at the northwest corner of Parcel 1 of Parcel Map 16829, filed in the Office of the County Recorder of San Diego County on April 23, 1992 as File no. 1992-239395, also being the southerly line of Parcel 2 of Parcel Map 18286 filed in the Office of the County Recorder of San Diego County on June 21, 1999 as File no. 1999-431406; thence along the northwesterly line of said Parcel 1 south 52d09'26" west, 39.18 feet to the beginning of a non-tangent 465.00 foot radius curve, concave northeasterly (a radial from which point bears north 26d25'55" east); thence northwesterly, 51.05 feet along the arc of said curve through a central angle of 06d17'25" to a point on the southerly line of Parcel 1 of Parcel Map 20710 filed in the Office of the County Recorder of San Diego County on September 21, 2009 as file no. 2009-0524505; thence along said south line south 89d07'29" east, 36.79 feet (south 89d05'14" east per Parcel Map 20710) to the southeast corner of said Parcel 1 of said Parcel Map 20710, said point also being the southwest corner of said par 2 of said Parcel Map 18286; thence along said south line south 89d07'29" east, 38.53 feet (south 89d07'18" east per Parcel Map 18286) to the point of beginning; and

WHEREAS, on May 11, 2023, the Planning Commission of the City of San Diego considered Community Plan Amendment No. 2607746, Planned Development Permit No. 2607763 [amendment to Planned Industrial Development Permit 96-7756], Site Development Permit No. 2237939 [amendment to Site Development Permit No. 2758], Neighborhood Development Permit No.

2582527, Coastal Development Permit No. 2237940 [amendment to Coastal Development Permit No. 117798] and pursuant to Resolution No. XXXX-PC voted to recommend approval of the Project Permits; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, 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 City Council, that it adopts the following findings with respect to Planned Development Permit No. 2607763 [amendment to Planned Industrial Development permit 96-7756], Site Development Permit No. 2237939 [amendment to Site Development Permit No. 2758], Neighborhood Development Permit No. 2582527, Coastal Development Permit No. 2237940 [amendment to Coastal Development Permit No. 117798];

A. PLANNED DEVELOPMENT PERMIT [SDMC §126.0605]

1. Findings for all Planned Development Permits

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

The Project proposes to demolish existing structures and improvements and construct a new, five-building office campus totaling approximately 1,000,000 square feet (SF), plus a parking garage and other site improvements, with existing open space to remain. The site is designated as Scientific Research and Open Space in the University Community Plan, and the City of San Diego General Plan designates the site Industrial Employment. It is also within Prime Industrial Lands. The proposed scientific research and development campus is consistent with both the community plan Scientific

Research and general plan Industrial Employment land use designations. In addition to those areas proposed for redevelopment, the site contains designated Open Space along the northerly portion of the property. This area will remain in Open Space and preserved with two existing covenants of easements and four new covenants of easements, and therefore consistent with the existing land use designations.

The Project will include a Community Plan Amendment to amend Table 2 – Land Use and Development Intensity Table – to increase the allowable intensity of development in Area 11 of the Community Plan to 1,000,000 SF from the existing allowable intensity of 18,000 SF per acre, thereby making the Community Plan intensity table consistent with the Project. As discussed below, intensification of base-sector employment uses in Prime Industrial Lands in the Subregional Employment Area is consistent with the policies of the General Plan Economic Prosperity Element and General Plan City of Villages Growth Strategy.

The University Community Plan states that the area along Towne Centre Drive, also known as the Eastgate Technology Park, was former Pueblo Lands that were set aside by the City of San Diego for research and development purposes in support of the University of California San Diego (UCSD). The Project is located at the end of the Eastgate Technology Park (although is not a part of it) and all areas along Towne Centre Drive from Eastgate Mall, northward, are designated for Scientific Research. The Community Plan (General Plan Consistency Element – Section II. Industrial Development) notes that “the development of scientific research (SR zone) uses in the North Torrey Pines mesa area, Campus Point and Eastgate Technology Park is consistent with the Community Plan by providing support services to the University and community.” Therefore, development of the Project, a scientific research and development campus, at the terminus of the Eastgate Technology Park, is consistent with the intent of the Community Plan land use policies.

The Project site is designated as Prime Industrial Lands in the City's General Plan. Prime Industrial Lands are “areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research and development uses.” (General Plan Economic Prosperity Element at EP-7). The Project will support research and development uses and is therefore consistent with the General Plan's Prime Industrial Lands designation.

The Project will support the three primary goals of the Economic Prosperity Element of the General Plan:

1. A diversified economy, with a focus on providing quality employment opportunities and self-sufficient wages for all San Diegans;
2. A city with sufficient land capacity for base sector industries to sustain a strong economic base; and
3. Efficient use of existing employment lands.

As noted at page EP-6 of the General Plan's Economic Prosperity Element, “[h]igh technology manufacturing, and research and development are the most significant because they support middle-income employment that is essential to preserve a healthy economic base.” The Project will support an intensification of jobs for technology and scientific research employers, who employ highly skilled and high wage-workers, thus providing the “quality employment opportunities and

self-sufficient wages for all San Diegans,” called for in goal number 1. The Project will support approximately 3,000 jobs in research and development (considered a base sector industry in the City’s General Plan) and will maintain the Scientific Research land use designation of the site, thus providing sufficient land capacity for base sector industries called for in goal number 2. The Project will expand the number of base sector jobs in scientific research on an already developed and graded site, which will sustain and build on the strength and synergy of the existing technology and research hub in the University Community Plan area, and UCSD, without expanding the land area used, and thus provide for the efficient use of existing employment lands desired in goal number 3.

The University Community Plan sets forth a series of Community Goals for the Plan area. Economic Goals of the plan include: “promote job opportunities within the University community” and “encourage the development of life sciences-research facilities which maximize the resources of the University.” The Project would add an approximately 1,000,000 SF scientific research campus to the University Community that will support thousands of new job opportunities in high technology and scientific research, and is, therefore, consistent with the policies in the Community Plan. The Industrial Element of the Community Plan similarly provides a series of goals, including Goal II.A, which aims to “ensure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations.” The Project will continue the Scientific Research designation of the property, and will expand on those uses, on an existing developed and graded site thereby fostering growth in high skill and high wage jobs derived from the science and research sectors of the economy, without expanding beyond the existing development area, thus minimizing environmental impacts.

The Project similarly is consistent with University Community Plan Industrial Element Goal II.D, “to encourage the development of industrial land uses that are compatible with adjacent non-industrial uses and match the skills of the local labor force.” As noted in the University Community Plan, “the University community is unique because of its proximity to a world-class university specializing in high technology, and scientific research and development. Scientific research uses supportive of UCSD and related scientific uses should be encouraged to develop in this area of the city.” The Project proposes additional scientific and high technology research uses that will amplify the fields in which UCSD specializes. A 2018-2019 profile of UCSD students shows a total enrollment of 38,798 students with 21% majoring in engineering, 14.6% in physical sciences, and 18.5% in biological sciences. The labor force emerging from UCSD is skilled in the high technology and scientific research fields that will be served by the employers who locate at the Project.

The General Plan’s Economic Prosperity Element policies, as well as the Industrial Element policies in the Community Plan (Community Plan Goal II.E) “emphasize the citywide importance of and encourage the location of scientific research uses in the North University area because of its proximity to UCSD.” The designation of the site as Prime Industrial Lands further signals that the site is an intended location for added intensity of base sector employment. As noted at page EP-6 of the General Plan’s Economic Prosperity Element, “[h]igh technology manufacturing, and research and development are the most significant because they support middle-income employment that is essential to preserve a healthy economic base. In San Diego, these uses are growing and becoming more internationally competitive. The retention of these uses also preserves the City’s ability to maintain a stable tax base and support higher levels of municipal services for a growing population.” The Project supports base-sector technology jobs in proximity to UCSD and is therefore consistent with the policies in the Community Plan and General Plan.

University City is part of the San Diego Association of Governments (SANDAG) University/Sorrento Valley Tier 1 employment center and the Subregional Employment Center in the City's General Plan. The City and SANDAG have identified the University planning area as a key smart growth hub for both housing and employment, and the Project works to add additional base-sector employment to strengthen this existing employment center. SANDAG ranks the area as the number one employment center in San Diego County with 129,242 employees which represents 8.5% of the region's workforce and 16% of the region's employment income. SANDAG determined that 30% of the jobs in the employment center were from professional, scientific and technical services. The SANDAG report notes that "the mean annual earnings of employees in this area is \$103,824, higher than the regional average of \$55,801. Two in five (39%) have a 4-year college degree (or higher), higher than the regional average (24%)." (<https://www.sandag.org/-/media/SANDAG/Documents/PDF/data-and-research/socioeconomics/estimates-and-forecasts/employment-centers-in-san-diego-sorrento-valley-2019-05-01.pdf>) The Project promotes growth in the key science and technology sectors, which are shown to have higher wages, which bolster the overall economy. In their 2020 Economic Impact Report, Biocom San Diego found that the biotechnology companies of San Diego have a \$19.6 billion economic impact on the San Diego economy. Therefore, the Project's expansion of high wage, high value employment opportunities will enhance the overall San Diego economy and fulfill the General Plan's goals and policies.

The Economic Prosperity Element of the General Plan includes policies to protect and enhance base sector industrial uses in the Subregional Employment Area, which includes the University Community. Policy EP-A.2 states: "Encourage large regional employers to locate and expand in the Regional Center or Subregional Employment Areas." The Project will expand the amount of research and development square footage in the Subregional Employment Area of the University Community and will create a single-campus Project site with approximately 1,000,000 SF of development. The Project provides a unique opportunity to present a single-campus location to attract large regional employers to locate in the University Community, Subregional Employment Center consistent with General Plan policy EP-A.2.

The Project is similarly consistent with Economic Prosperity Element policy EP.A.7, which directs the City to "increase the allowable intensity of employment uses in Subregional Employment Areas and Urban Village Centers where transportation and transit infrastructure exist." The University Community is well served by existing transit infrastructure and therefore poised for an increase in the intensity of employment uses consistent with policy EP.A.7. The Mid-Coast trolley opened to the public in 2022 and connects southern and eastern areas of San Diego County with the Subregional Employment Center of the University Community. The University area is also served by the Superloop Rapid bus system, which circulates employees, students, and residents around the area with 15-minute headways to reduce internal car trips and optimize mobility in the area. The University Community is further served by regional bus lines from both North County Transit and MTS with stops throughout the community that culminate at the UTC Mall transit center, providing transit service to all areas of the County and transfer service between transit modes (bus and rail). Finally, the University Community is served by the Coaster commuter rail system, which provides service from Oceanside, providing County-wide access to employees to the Subregional Employment Center. Therefore, increasing the property allowed intensity to 1,000,000 SF in the Community Plan Intensity Element is consistent with the Economic Prosperity policies of the General Plan.

The General Plan's Strategic Framework Element notes that, "implementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Focused development and density adjacent to transit stops that link where people live to where people work, shop, and recreate, helps make transit convenient for more people. It allows for a more cost-effective expansion of transit services." (Framework Element, p. SF-3) The Project will intensify research and development uses at the terminus of the existing Eastgate Technology Park, which will bring regional ridership to the trolley, Coaster, Superloop Rapid and regional bus systems by intensifying employment uses in areas with existing transportation infrastructure and thereby facilitates efficient use of transportation funding to fulfill the Strategic Framework's City of Villages Strategy. In addition to regional transit systems, the Project includes a dedicated employee shuttle, which will ensure that employees of the Project have point-to-point shuttle service between the site and UTC Mall transit center to further incentivize the use of public transportation, which serves the entire region. By increasing the number of jobs in the University Community Plan area near these major transit links, the public's investment in the trolley, Coaster, and regional bus service will be optimized.

While the Project proposes both a companion community plan and general plan amendment, the Project is consistent with the goals and objectives of the both the University Community Plan the San Diego General Plan for Research and Development uses of the site. Therefore, the Project will not adversely affect the applicable land use plan.

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

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

The Project is required to comply with seismic requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices (including recommendations contained with the Geotechnical Investigation) verified at the building permit stage would ensure that the potential for impacts from regional geologic hazards, including fault rupture would be less than significant.

The Project is located in the Accident Potential Zone II and Transition Zone of the MCAS Miramar Airport Land Use Compatibility Plan (ALUCP). The Project has been designed to keep the majority of the development intensity out of the Accident Potential Zone (APZ) II and within the Transition Zone (TZ) area of the Project site. The Airport Authority acting as the Airport Land Use Commission reviewed the Project and on February 11, 2022 found the Project consistent with the rules and regulations in the MCAS Miramar ALUCP and Air Installation Compatible Use Zone (AICUZ). In addition, on February 19, 2021 the FAA issued a Determination of No Hazard for the Project.

The Project has been designed with brush management zones consistent with the City's fire code and the Land Use Adjacency Guidelines of the City's Multiple Species Conservation Plan. The perimeter walking paths that circumnavigate the site will double as fire access roads that will allow the Project to facilitate access to the open space and aid in the suppression of wildfires in the adjacent open space areas. The Project will include irrigated native and naturalized landscape and irrigation within the landscape can be used for fire suppression. The Project includes external fire sprinklers for suppression of fire consistent with California Building Code Chapter 15.36.

As the Project has been designed to comply with all applicable codes and regulations regarding development of the site, the project would not be detrimental to public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The Project is in compliance with the IP-1-1 zone with five proposed deviations that are requested as part of the Project which make the Project more desirable for the reasons discussed below. Research and development uses as well as regional and corporate headquarters are permitted uses in the IP-1-1 zone and therefore the Project is consistent with use requirements of the zone. Land Development Code section 131.0602 states that, "[t]he purpose of the IP zones is to provide for high quality science and business park development. The property development standards of this zone are intended to create a campus-like environment characterized by comprehensive site design and substantial landscaping." The Project proposes an integrated, 1,000,000-square-foot research and development campus, composed of five buildings, connected by landscaped walkways and outdoor meeting areas with on-site amenities to serve the Project employees, and is therefore consistent with the purpose of the IP zone.

The Project has been designed with substantial native and naturalized landscaping, by placing the majority of Project parking in subsurface garages or structured parking. Existing and entitled development on the site included surface parking with significant impervious surface area located directly adjacent to a canyon designated as MHPA open space. The proposed deviations allow for a more desirable project by reducing impervious surface area over the existing and entitled conditions and converting existing and entitled surface parking areas into landscaped areas consistent with the campus atmosphere described in the purpose statement of the IP zone. The Project creates new landscaped areas along the canyon rim, which will help prevent storm water runoff into habitat areas and provide additional buffering to MHPA open space areas consistent with the MHPA Land Use Adjacency Guidelines and consistent with Land Development Code section 142.0220(b) which states that "development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable."

The IP-1-1 zone allows a Floor to Area Ratio (FAR) of 2.0, and the Project proposes a Project-wide FAR of 0.86. The IP-1-1 zone does not have a maximum height limit, however the Project buildings will be 2-6 stories with new building heights ranging from 107.3 feet to 131.5 feet tall, which is similar in character to surrounding development and consistent with development regulations of the zone.

The Project will require five deviations from the IP-1-1 zone and the City's Street Design Manual, which are appropriate for the location and will better serve the goals of the Project:

- 1) Provide a 25-foot rear yard setback where the IP-1-1 zone requires a 50-foot rear setback due to the adjacent residentially zoned land. The MHPA open space property surrounding the Project is zoned RS-1-7, a single-family residential zone. The Project will only develop in the previously disturbed and developed area of the Project site and will have a standard rear building setback of 25 feet, which is appropriate, given that there are no single family homes present and it is unlikely, based on the Land Use Plan designation of the site and constraints due to the MHPA, conservations easements, and others, to be suitable for single-family development in the future. There is no need for a 50-foot setback at this location, because although residential zoning exists in the canyon, the area has been reserved as MHPA open space and cannot be developed for residential use. This deviation makes the Project more desirable in that it would develop in accordance with actual land uses on site and in the adjacent canyon, bringing the project into consistency with the setbacks for the IP-1-1 not adjacent to residential uses, and allowing the Project to be located more centrally within the property. This allows for walking paths and recreational space around the edges of the property.
- 2) Provide 12 loading spaces where the IP-1-1 zone requires 0.2 loading per 10,000 square feet of gross floor area, or 20 for the Project as proposed. The Project is designed and intended as a science and research and development facility. Such facilities do not need the number of loading spaces that are required by the zone, which are more typical of a manufacturing or a truck logistics facility. Without a reduction in the number of loading bays, the Project could be converted to a warehouse and industrial facility which would be inconsistent with the Scientific Research land use designation in the Community Plan. A Scientific Research facility is more desirable in this location as it would be consistent with the Scientific Research designation in the Community Plan and would support research and development jobs for students graduating from UCSD, where a warehouse facility would not. There are 5 buildings that would share the overall loading capacity of the Project, which is designed for a research and development use that is more in-line with office than industrial uses. Therefore, 12 loading spaces instead of 20 are proposed, which would provide adequate loading capacity for the R&D facility. Reducing the number of required loading spaces would limit surfacing parking area set aside for this loading bay use, helping to limit hardscape use, and allowing for more landscape on the site. In addition, providing more loading berths than needed leads to inefficiency in building design, which could increase overall GHG, through additional steel and concrete building material being required for construction. Therefore, the deviation is appropriate and would result in a more desirable project than one that strictly conforms to the underlying zone.
- 3) Provide a 30-foot driveway where a 25-foot is required. The Project proposes the driveway width at the main entrance to the facility be 30 feet, where 25 feet is the maximum required by the Land Development Code. The entrance would serve as the five building campus ingress and egress to a motor court between buildings, as well as the entrance to an underground parking garage. Due to the multi-functional nature of the main entrance, the greater width is required for efficient ingress and egress to the

Project from the public street. The deviation would make the Project more desirable as it would increase safety for drivers and pedestrians at the entrance to the Project, and allow greater separation between drivers and pedestrians. In addition, parking is not permitted within the intersection of Westerra Court and Towne Centre Drive and therefore street parking will not be impacted. A separate landscaped entrance will be provided for pedestrians to remove them from the possibility of interaction with Project vehicles. Due to the configuration of the Project at the entrance, a modified knuckle is being used to denote the end of the public right of way and the beginning of the private entrance to the Project. An increase in the width of the driveway will be more desirable in accommodating the needed curvature of the modified knuckle. The City finds this is an appropriate deviation given the Project's size, location, and design requirements and will create a more desirable project than would have been achieved under strict conformance with the regulations of the code.

- 4) Provide a 40-foot diameter cul-de-sac where a 55-foot diameter cul-de-sac is required. The Project will vacate the portion of Towne Center Drive from Westerra Court to the existing cul-de-sac at the end of Towne Center Drive. The City's Street Design Manual requires the end of a vacated street to be delineated by a 55-foot diameter cul-de-sac in industrial areas. The Project proposes a 40-foot cul-de-sac to denote the end of the public right of way, which is consistent with the diameter allowed at the end of a vacated street in residential areas. The deviation is appropriate as there is a full-sized cul-de-sac at the end of Westerra Court, which is approximately 300 feet from the vacated section of Towne Centre Drive, which will allow for fire engine turn-around. The cul-de-sac is being used as a visual separation for drivers between public and private right of way and is not related to safety needs. A reduction in the cul-de-sac diameter makes the Project more desirable as the cul-de-sac is adjacent to MHPA lands, and the smaller diameter cul-de-sac will avoid impacts to that MHPA open space area if a larger cul-de-sac were to be constructed, and provides for a more desirable pedestrian experience at the entrance to the Project. The Project will be made more desirable because the additional space provided by the modified cul-de-sac will allow for a separate landscaped pedestrian entrance to the Project as well as safe ingress and egress for vehicles. Therefore, the proposed deviation creates a more desirable project than one in strict conformance with the regulations of the code.
- 5) The Project will require a deviation for a 19-foot tall retaining wall, where the maximum allowable height is 12 feet. This proposed retaining wall adjacent to the underground parking entrance to Building B. Under SDMC section 142.0340(e), retaining walls located outside of the required yards shall not exceed 12 feet in height, and the height of a retaining wall and associated fencing that border an access to underground parking shall be measured from the street grade per SDMC 142.0340(f)(2). However, the floor-to-floor height of the underground parking garage is 20-feet and the parking garage grade is one foot below the adjacent drive aisle creating a maximum exposed retaining wall height of 19 feet. The project will be more desirable than without the deviation because the retaining wall is structurally necessary to support the site and provide access to the subterranean parking garage. Without the deviation, subterranean parking would not be possible on the site due to the structural needs of the building and the underground parking garage. Subterranean parking is more desirable, because it allows for more

open space and less impervious area, increasing storm water infiltration and providing a better aesthetic for the Project, and allows greater amounts of native landscaping on site to support and enhance the adjacent MHPA open space. There is no visibility of the retaining walls from the public right of way. This deviation will support the proposed site configuration, including minimizing surface parking, and project design ensuring the project development impacts avoid to the extent feasible, impacts to existing open space and habitat.

Therefore, while the project is proposing deviations from the development regulations, those deviations will be not result in a project that is

B. SITE DEVELOPMENT PERMIT [SDMC §126.0505]

1. Findings for all Site Development Permits

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

PLEASE SEE FINDNG IN SECTION A.1.a.

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

PLEASE SEE FINDINGS IN SECTION A.1.b.

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

The Project is in compliance with the IP-1-1 zone with deviations. Research and development uses as well as regional and corporate headquarters are permitted uses in the IP-1-1 zone and therefore, the Project is consistent with use requirements of the zone. Land Development Code section 131.0602 further states that, “[t]he purpose of the IP zones is to provide for high quality science and business park development. The property development standards of this zone are intended to create a campus-like environment characterized by comprehensive site design and substantial landscaping.” The Project proposes an integrated, 1 million square research and development campus, composed of 5 buildings, connected by landscaped walkways and outdoor meeting areas with on-site amenities to serve the Project employees, and is therefore consistent with the purpose of the IP zone.

The Project has been designed with substantial native and naturalized landscaping, by placing the majority of Project parking in subsurface garages or structured parking. Existing and entitled development on the site included surface parking with significant impervious surface area located directly adjacent to the canyon, which is designated as MHPA open space. The Project will reduce impervious surface area over the existing and entitled condition and transform existing and entitled surface parking areas into landscaped areas consistent with the campus atmosphere described in the purpose statement of the IP zone. The Project creates significant new landscaped areas along the canyon rim, which will prevent storm water runoff into habitat areas and provide additional

buffering to MHPA open space areas consistent with the MHPA Land Use Adjacency Guidelines and consistent with Land Development Code section 142.0220(b) which states that “development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable.”

The IP-1-1 zone allows a Floor to Area Ratio (FAR) of 2.0, and the Project will have an FAR of 0.86. The IP-1-1 zone does not have a maximum height limit; however, the Project buildings will be 6 stories, which is similar in character to surrounding development and consistent with development regulations of the zone. Further, the property is located in the Airport Environs Overlay Zone for MCAS Miramar. The Project is bisected by the APZII and TZ zones. The APZII zone requires a total FAR of 0.34 within the APZII area or a maximum of 300 persons per acre. The Project has been reviewed for consistency with the MCAS Miramar ALUCP and AICUZ, and found consistent by the San Diego Airport Authority acting as the Airport Land Use Commission.

The Project will require four deviations from the IP-1-1 zone and the City’s Street Design Manual, which are appropriate for the location and will better serve the goals of the Project, which proposes a campus development, allowing for shared parking and loading for all of the buildings, limiting the amount of hardscape, and clustering the development within already disturbed areas.

- 1) The IP-1-1 zone requires a 50-foot rear setback from residentially zoned land. MHPA open space property surrounding the Project is zoned RS-1-7, a single-family residential zone that was used as a “holding zone” in the area until additional planning was completed. The property zoned RS-1-7 cannot be developed into single family homes due to steep slopes, covenants of easements, and the MHPA open space designation of the property, as well as its’ location in the APZ II for MCAS Miramar. The Project will only develop the previously disturbed and developed area of the Project site and will have a standard rear building setback of 25 feet, which is appropriate, given that there are no single-family homes present and none will be developed at this location in the future due to the open space land use designation and covenants of easements.
- 2) The IP-1-1 zone requires 0.2 loading berths per 10,000 square feet of gross floor area. The Project is designed and intended as a science and research and development facility. Such facilities do not need the number of loading berths that are required by the zone, which are more typical of a manufacturing or a truck logistics facility. There are 5 buildings that share the overall loading capacity of the Project, which is designed for research and development use that is more in-line with office use than industrial uses. Therefore, 12 instead of 20 loading berth spaces will be provided, which will provide adequate loading capacity for the R&D facility.
- 3) The Project proposes to expand the driveway width at the main entrance to the facility beyond the 25-foot width required by the Land Development Code. The entrance will serve a 5-building campus and ingress and egress to a motor court between buildings as well as the entrance to an underground parking garage. Due to the multi-functional nature of the main entrance, a greater width is required for efficient ingress and egress to the Project from the public street. In addition, parking is not permitted within the intersection of Westerra Court and Towne Centre Drive and therefore street parking will not be impacted. A separate landscaped entrance will be provided for pedestrians to remove them from the possibility of interaction with Project vehicles. The

City finds this is an appropriate deviation given the Project's size, location, and design requirements.

4) The Project will vacate the portion of Towne Center Drive from Westerra Court to the existing cul-de-sac at the end of Towne Center Drive. The City's Street Design Manual calls for the end of a vacated street to be delineated by a 55-foot diameter cul-de-sac in industrial areas. The Project proposes a 40-foot cul-de-sac to denote the end of the public right of way, which is consistent with the diameter allowed at the end of a vacated street in residential areas. The deviation is appropriate as there is a full-sized cul-de-sac at the end of Westerra Court, which is approximately 300 feet from the vacated section of Towne Centre Drive, which can be used for fire engine turn-around. The cul-de-sac is being used as a visual separation for drivers between public and private right of way and is not related to safety needs. In addition, the modified cul-de-sac will avoid impacts to MHPA open space area, consistent with MSCP Land Use Adjacency Guidelines.

5) The Project will require a deviation from allowed retaining wall height to support the proposed retaining wall on site adjacent to the underground parking entrance to Building B. Under SDMC section 142.0340(e), retaining walls located outside of the required yards shall not exceed 12 feet in height, and the height of a retaining wall and associated fencing that border an access to underground parking shall be measure from the street grade per SDMC 142.0340(f)(2). However, the floor-to-floor height of the underground parking garage is 20-feet and the parking garage grade is one foot below the adjacent drive aisle creating a maximum exposed retaining wall height of 19 feet. The retaining wall is structurally necessary to support the site and provide access to the subterranean parking garage. This deviation will support the proposed site configuration and project design.

2. Supplemental Findings-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 composed of 33.5 acres in which seven acres will remain undeveloped open space and 26.5 acres will be developed. The 26.5-acre project site is currently developed with approximately 200,000 square feet of R&D office buildings and surface parking. The northern portion of the property is entitled for 190,000 square feet of R&D office use with surface parking and has recently been used as the staging facility for the Mid-Coast Trolley for five years. The northern portion of the site has been significantly disturbed by trucks and the storage of construction material. The site has been previously graded and developed and prepared for development with the installation of retaining walls and drainage features and is therefore physically suitable for the design and siting of the proposed development. The Project site is surrounded and separated from adjacent open-space areas by the existing retaining walls. The Project will be constructed on the developed and previously disturbed areas. No development outside of these areas will occur and open-space areas will be preserved. In addition, the majority of sewer, water and other utility services are in place to serve the Project. Therefore, the site is physically suitable for the design and siting of the Project.

The project site contains Environmentally Sensitive Lands (ESL) in the form of biological resources and steep slopes. The Project as proposed would impact less than 0.10 acre of sensitive (Tier II) habitats but would preserve 3.98 acres of through a covenant of easement to the City of San Diego that supports Tier I scrub oak chaparral, Tier II Diegan coastal sage scrub and Diegan coastal sage scrub-disturbed, Tier IIIB non-native grassland, and southern willow scrub. The Project would have no direct impacts on sensitive plant species, would not result in direct impacts on the coastal California gnatcatcher, and is not expected to have direct impacts on other sensitive animal species with moderate potential to occur. The Project would not interfere with wildlife movement. The Project's potential indirect impacts to both off- and on-site MHPA lands will be avoided by complying with the MSCP Land Use Adjacency Guidelines and City-prescribed measures, which have been incorporated into the Project and included in the Project's conditions of approval. As noted on page 5.4-13 of the EIR (and as shown on Figure 5.1-3, Open Space Easements, in Section 5.1, Land Use), the onsite open space would be conveyed to the through either fee title to the City, covenant of easement granted in favor of the City and wildlife agencies, or dedication of land in fee title to the City. The EIR found that the Project's biological impacts would be less than significant. The Project will reduce impervious surface area over the existing and entitled condition and transform existing and entitled surface parking areas into natural landscaped areas further reducing the potential for storm water runoff to impact off- and on-site ESL.

Portions of the project site have been significantly disturbed with both grading and development activity, including for use as a construction staging site. All of the disturbance is located in areas that do not contain steep slopes, and the Project would not disturb the areas of steep slopes.

Therefore, the Project as proposed is physically suitable for the site, as it avoids most ESL on-site, and all ESL off-site and adjacent to the site. The impacts to biological resources will be mitigated in accordance with the applicable regulations by preserving area within the MHPA.

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

The development area of the Project site has been previously disturbed by existing development and the construction staging for the Mid-Coast Trolley. The Project has been sited within the confines of the previously disturbed areas, which are defined by existing retaining walls and will therefore minimize and avoid the alteration of the natural landforms. A geologic and soils report has been prepared and evaluated by the City of San Diego, which finds that there will be no impact or undue risk from geologic or erosional forces.

The majority of the proposed development site is paved, developed, or landscaped, limiting the potential for erosion or windblown soil or sand. Construction would involve grading activities that would expose and disturb soils. Therefore, the Project has the potential to increase localized soil erosion during construction compared to the existing condition, as wind and water could carry loose soils off site. Short-term erosion and sedimentation impacts would be addressed through conformance with applicable elements of the City storm water program and related National Pollutant Discharge Elimination System (NPDES) requirements. Specifically, this would entail conformance with applicable City regulatory codes as well as the NPDES Construction General Permit. This would entail implementing an approved storm water pollution prevention plan (SWPPP) and related plans and best management practices (BMPs), including appropriate measures to

address erosion and sedimentation. Post-development drainage for the Project site would be adequately controlled such that substantial runoff would not occur and storm drains would be designed to handle storm water runoff originating from the Project site. Further, the Project's proposed landscaping is designed to control erosion after completion of the Project's construction phase. As recommended in the Geotechnical Investigation, slopes would be landscaped with drought-tolerant vegetation having variable root depths and requiring minimal landscape irrigation. In addition, slopes would be drained and properly maintained to reduce erosion. Therefore, with adherence to existing regulations and requirements, there would be a less than significant impact related to erosion during construction and operation of the Project.

The Project has been designed with substantial native and naturalized landscaping, by placing the majority of Project parking in subsurface garages or structured parking. Existing and entitled development on the site includes surface parking with significant impervious surface area located directly adjacent to the canyon area, which is designated as MHPA open space. The Project will reduce impervious surface area over the existing and entitled condition by over 40% and transform existing and entitled surface parking areas into landscaped areas resulting in greater permeability of the site to avoid storm water run-off. The Project creates significant new landscaped areas along the canyon rim, which will prevent storm water runoff into habitat areas and provide additional buffering to the adjacent and on-site MHPA open space areas. The Project will be conditioned to comply with all MHPA Adjacency Guidelines, which limit light intrusion and invasive species from entering sensitive habitat areas.

The site will include a fire access road which circumnavigates the site and may be used by fire apparatus to fight on-site fires as well as fires in the adjacent open space. The Project will provide access to fire vehicles and to water hydrants along the canyon rim which will aid in firefighting in the canyon area adjacent to the Project. Landscape and Fire Review City staff have reviewed the proposed brush management plan to confirm compliance with the City's requirements. The Project has also been reviewed by the City's Fire and Rescue Department for compliance with local and State fire code requirements, including provision of fire hydrants, fire flow requirements, street/aerial access for emergency vehicles, and sprinkler systems within the proposed buildings. The fire access plan and brush management plan proposed as part of the Project are more stringent than what currently exists at the Project site, which includes three buildings occupied by existing employees. Furthermore, the Project's buildings would be designed for compliance with the California Building Code Section 7A regulations on materials and construction methods for exterior wildfire exposure. All materials, for example concrete, high performance glazing systems, roof coverings, and finishes, would be required to comply with extended testing requirements and labeling where required for ignition-resistant construction as defined by Chapter 7A. Exterior building elements would be designed to comply with protection requirements listed in Sections 705A through 710A of the California Building Code to protect against ignition and intrusion of embers. Additional coordination would continue with the local Fire Marshal to address any further concerns they have regarding brush management and exposure to wildfire. Therefore, the Project would not exacerbate wildfire risks, and would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.

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

The development area of the Project site has been previously disturbed by existing development and as the construction staging yard for the Mid-Coast Trolley. The Project has been designed within the confines of the previously disturbed areas, which are defined by existing retaining walls and has therefore been designed to prevent adverse impacts to adjacent environmentally sensitive lands. Please also reference Findings in Section B.2.a.

The Project has been designed with substantial native and naturalized landscaping and will place the majority of Project parking in subsurface garages or structured parking. Existing and entitled development on the site included surface parking with significant impervious surface area located directly adjacent to the canyon area, which is designated as MHPA open space. The Project will reduce impervious surface area over the existing and entitled conditions and remove existing parking areas and replace with additional landscaped areas resulting in greater permeability of the site to avoid storm water run-off. The Project creates significant new landscaped areas along the canyon rim, which will prevent storm water runoff into habitat areas and provide additional buffering to MHPA open space areas. The Project removes paved areas which are built to the edge of the canyon area and increases the set-back of buildings from the canyon edge. The Project has been conditioned to comply with the MSCP Land Use Adjacency Guidelines which limit light intrusion into habitat areas and prevent invasive plant species from being used in the Project landscaping.

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 Project has been designed and conditioned to comply the City's MSCP Adjacency Guidelines and will therefore be consistent with MSCP regulations. According to the analysis in EIR section 5.4 and the Biological Technical Report (Alden, 2022), the Project site does not contain any jurisdictional wetland features within the Project's impact footprint including vernal pools. Therefore, the Project is not subject to the VPHCP. The Project site contains Southern willow scrub that is not considered a City Wetland and a wetland buffer is not required. Existing ornamental vegetation (located within Brush Management Zone (BMZ 1)) on the slope above the Southern willow scrub acts as an approximately 90-foot buffer between the proposed development area and the Southern willow scrub habitat. The 90-foot buffer (mostly on a slope) would adequately protect the Southern willow scrub that would be located outside the Project impact footprint. As such, the implementation of the Project would not result in any impacts to features that could be jurisdictional to Army Corps, California Fish and Game or the Regional Water Quality Control Board or could qualify as City Wetland.

The Project creates new native landscaped areas along the canyon rim, which will prevent storm water runoff into habitat areas and provide additional buffering to MHPA open space areas. The Project removes paved areas, which are currently built or entitled to the edge of the canyon area and increases the setback of buildings from the canyon edge. No development will occur outside of the previously graded, disturbed and developed areas within the existing on-site retaining walls and disturbed areas.

In addition, open space areas have been further protected with conservation easements, which surround the property as shown in EIR figure 5.1-3.

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

The Project is located approximately 2.1 miles from the coastline and nearest public beach. Construction of the Project would grade more than 1.0 acre of land and result in an increase in impervious surfaces (approximately 10.6 acres compared to 8.1 acres). However, the Project would include the installation of underground storage vaults, modular wetland systems, biofiltration basins, and landscape areas to manage on-site storm water runoff, which would discharge to the same locations as existing conditions, retaining existing drainage patterns. Moreover, the 100-year flow rates would be less than existing conditions. As noted in EIR section 5.6, short-term erosion and sedimentation impacts would be addressed through conformance with applicable elements of the City storm water program and related National Pollutant Discharge Elimination System (NPDES) requirements. Specifically, this would entail conformance with applicable City regulatory codes as well as the NPDES Construction General Permit. The Project's proposed landscaping is designed to control erosion after completion of the Project's construction phase. As recommended in the Geotechnical Investigation, slopes would be landscaped with drought-tolerant vegetation having variable root depths and requiring minimal landscape irrigation. In addition, slopes would be drained and maintained to reduce erosion. Therefore, with adherence to existing regulations and requirements, there would be a less than significant impact related to erosion during construction and operation of the Project.

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.

The EIR for the Project finds that there will be no significant impacts from the Project after the implementation of mitigation. No significant impacts in the areas of Land Use, Transportation, Air Quality and Odors, Biological Resources, Energy, Geologic Conditions, Greenhouse Gas Emissions, Health and Safety, Historical Resources, Hydrology, Noise, Paleontological Resources, Population and Housing, Public Services and Facilities, Public Utilities, Tribal Cultural Resources, Visual Effects and Neighborhood Character, Water Quality, and Wildfire were found for the Project and therefore no mitigation is required. Mitigation has been identified for impacts related to Transportation, and the permit conditions and mitigation measures for the Project are reasonably related to, and calculated to alleviate, impacts created by the proposed development to avoid and minimize any impacts to the environment that could occur during construction or Project operation. Therefore, the Project as designed and conditioned will mitigate all impacts created by the proposed development.

C. COASTAL DEVELOPMENT PERMIT [SDMC §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.**

There is no existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan on or adjacent to the Project site. There are no designated scenic view corridors within the Project area in the University Community Plan, the General Plan, and Local Coastal Program, and therefore the Project will have no impact on Coastal Views. Existing public views of the Project site are primarily available from portions of public roadways in the immediate vicinity, including Towne Centre Drive, Westerra Court, Genesee Avenue, and Campus Point Drive. Existing streetscapes and development along these roadways partially obstruct views into the site from vantage points along these roadways but does not block designated scenic views.

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

The 33.5-acre Project site includes seven acres of area that will remain as undeveloped open space and 26.5 acres of development area. The 26.5-acre development site includes existing development of approximately 200,000 square feet of R&D office buildings and surface parking. The northern portion of the property is entitled for 190,000 square feet of R&D office use with surface parking and has been used as the staging facility for the Mid-Coast Trolley and has been significantly disturbed by the staging activities. The site has been previously graded and developed and prepared for development with the installation of retaining walls. The Project site is surrounded and separated from adjacent open-space areas by the existing retaining walls. The area proposed for is within the developed and previously disturbed areas of the site, leaving the open-space areas preserved.

The EIR analysis determined that the Project would impact less than 0.10 acre of sensitive (Tier II) habitats and would preserve 3.98 acres in open space that supports Tier I scrub oak chaparral, Tier II Diegan coastal sage scrub and Diegan coastal sage scrub-disturbed, Tier IIIB non-native grassland, and southern willow scrub. The Project would have no direct impacts on sensitive plant species, would not result in direct impacts on the coastal California gnatcatcher, and is not expected to have direct impacts on other sensitive animal species with moderate potential to occur. The Project would not interfere with wildlife movement. The Project's potential indirect impacts would be addressed through compliance with the MSCP Land Use Adjacency Guidelines and City-prescribed measures, which would be incorporated into the Project and included in the Project's conditions of approval. The EIR found that the Project's biological impacts would be less than significant. The Project will reduce impervious surface area over the existing and entitled condition by over 40% and transform existing and entitled surface parking areas into natural landscaped areas further reducing the potential for storm water runoff.

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

The Project is consistent with the Scientific Research land use designation and the Community Plan policies of the University Community Plan which serves as the Local Coastal Program for the property. The Project proposes no vertical development within the non-appealable Coastal Overlay Zone area of the Project site and all development is confined to previously disturbed areas, which are defined by existing retaining walls. The area in the Coastal Zone will be developed with native and naturalized landscape, walking trails, a canyon overlook, and recreation areas. No development

intensity will be added to the property in the Coastal Overlay area and a separate lot is being created as part of the Tentative Map to ensure no vertical development intensity is located in the Coastal Overlay Zone. Retaining walls and drainage structures on the site that were previously authorized through Coastal Development Permit No. 117798 would not be altered as part of the Project.

- 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 is located approximately 2.1 miles from the nearest shoreline and does not include coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. There is no public access or public recreation on or accessible across the project site, and therefore the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act as it will not interfere with any coastal access.

D. NEIGHBORHOOD DEVELOPMENT PERMIT [SDMC §126.0404]

1. Findings for all Neighborhood Development Permits

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

In addition to the Findings in Section A.1.a, specific findings are required to allow non-residential development where an alternative method of calculation is requested to demonstrate compliance with maximum intensity (people per acre) in the Airport Land Use Compatibility Overlay Zone.

The Project is located in the Accident Potential Zone II (APZ) and Transition Zone (TZ) for MCAS Miramar and is subject to limitations on the number of people per acre. As noted in Finding A.1.a, the Project has been designed to keep the majority of the development intensity out of the Accident Potential Zone (APZ) II and within the Transition Zone (TZ) area of the Project site. The project site is outside of the Airport Noise Contours for MCAS Miramar. The Airport Authority acting as the Airport Land Use Commission reviewed the Project and on February 11, 2022 found the Project consistent with the rules and regulations in the MCAS Miramar ALUCP and Air Installation Compatible Use Zone (AICUZ). Therefore, the proposed development will not adversely affect the ALUCP in addition to being consistent with University Community Goals, Policy H. "Community Environmental Goals" of minimizing the impact of aircraft noise and the consequences of potential aircraft accidents.

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

In addition to the Findings in Section A.1.b, specific findings are required to allow non-residential development where an alternative method of calculation is requested to demonstrate compliance with maximum intensity (people per acre) in the Airport Land Use Compatibility Overlay Zone.

A portion of the Project site is within the APZ Zone II, and per the San Diego Municipal Code Table 132-15G (Safety Compatibility Criteria), Research and Development is a Limited Use and limited by a maximum .34 Floor Area Ratio (FAR) and 300 square feet per person. The area in the APZ II proposes a FAR of 0.33, and 300 sf per person, and maximum overall density of 50 people per acre, resulting in an allowed building area of 302,715 square feet. Development may exceed the maximum Floor area ratio specified in the applicable Safety Compatibility table if the maximum intensity limit is not exceeded. Within the TZ zone, 300 sq ft/person is required, and TZ area of the site is 13.37 acres which would allow 1,203,210 sf. and 713,396 is proposed. Therefore, the is consistent with maximum intensity of people per acre. In addition, as noted in Finding D.1.a, the project was found by the Airport Authority to be consistent with the regulations of the ALUCP, and the Project 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.

PLEASE SEE FINDINGS IN SECTION A.1.c.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 2607763 (amending Planned Industrial Development Permit No. 99-7756); Site Development Permit No. 2237939 (amending Site Development Permit No. 2758); Neighborhood Development Permit No. 2582527; Coastal Development Permit No. 2237940 (amending Coastal Development Permit No. 117798) is granted to BRE-BMR Towne Centre Science Park LLC, under the terms and conditions set forth in the attached permit which is made a part of this resolution, and contingent upon final passage of Resolution No. R-_____ approving amendments to the General Plan and the University Community Plan.

APPROVED: MARA ELLIOT, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
R-R-[Reso Code]

ATTACHMENT: Permit Conditions

Internal Order No. 24008129