

CITY COUNCIL RESOLUTION NUMBER R-_____

VESTING TENTATIVE MAP NO. 250756, PUBLIC RIGHT-OF-WAY
VACATION NO. 2507558, AND EASEMENT VACATION NO. 2508994

TOWNE CENTRE VIEW - PROJECT NO. 624751 [MMRP]

WHEREAS, BRE-BMR Towne Centre Science Park LLC, a Delaware Limited Liability Company, Subdivider, and Pasco Laret Suiter & Associates, Civil Engineer/Surveyor, submitted an application to the City of San Diego for a Vesting Tentative Map, Public Right-of-Way Vacation, and Easement Vacations for the Towne Centre View Project, to subdivide an approximately 33.5-acre site with five (5) lots into eight (8) lots for the reconfiguration and redevelopment of an existing developed site to allow for the demolition of existing structures and the development of a one-million square foot research and development office campus (Project) within five new buildings; and

The Project site is located at the terminus of Towne Centre Drive, north of Eastgate Mall at 9855 / 9865 / 9875 Towne Centre Drive, in the University Community Plan area in the IP-1-1, RS-1-14 and RS-1-7 zones; and

The property 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 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

ATTACHMENT 6

(R-[Reso Code])

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 the map proposes the phased subdivision of a 33.52 acre site into eight (8) lots (Lot1 – 7.01 acres, Lot 2 – 5.54 acre, Lot 3 – 5.22 acres, Lot 4 – 4.69 acres, Lot 5 – 4.22 acres, Lot 6 – 3.88 acres, Lot 7 – 2.04 acres, Lot 8 – 0.92 acres); and

WHEREAS, the Public Right-of-Way Vacation would allow the vacated portion of Towne Centre Drive to become the private entryway into the Project and allow for better site design and larger open space buffers. The area of Towne Centre Drive to be vacated totals 0.52 acres, which would increase the total site area from 33.0 acres to 33.52 of acres; and

WHEREAS, the Public Right-of-Way Vacation would allow the vacated portion of Towne Centre Drive to become the private entryway into the Project and allow for better site design and larger open space buffers. The area of Towne Centre Drive to be vacated totals 0.52 acres, which would increase the total site area from 33.0 acres to 33.52 of acres; 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 May XX, 2023, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 2507560, Public Right-of-Way Vacation No. 2507558, and Easement Vacation No. 2508994, and pursuant to XXXX-PC, the Planning Commission voted to recommend City Council approval of the actions; 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, on _____, the City Council of the City of San Diego considered Vesting Tentative Map No. 2507560, Public Right-of-Way No. 2508994, and Easement Vacation No. 2508994, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0430, 125.0941, 125.1040, Subdivision Map Act section 66428 and Streets and Highways Code 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 City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 2507560:

VESTING TENTATIVE MAP [SDMC §125.0440]

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 development will not adversely affect the University Community Plan or the City's General Plan. The Project is consistent with the Scientific Research and Open Space land use designations in the University Community Plan as well as the Prime Industrial Lands designation in the City of San Diego General Plan. The Project is consistent with the land use goals and policies of the University Community Plan of the City of San Diego General Plan. The Project includes 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 square feet, thereby making the Community Plan intensity table consistent with the proposed 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 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 subdivision would accommodate a reconfiguration of lots for the proposed demolition of existing structures and construction of the new, five building Research and Development campus, including incorporating into the site the existing public right-of-way and easement vacations. As considered in the requirement permits for the Project, the overall development of the site is consistent with the policies, goals, and objectives of the University Community Plan and the City of San Diego General 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 development is governed by the General Plan and the University Community, as well as the Land Development Code, several implementing discretionary permits (Planned Development Permit, Site Development Permit), a Vesting Tentative Parcel Map, Easement Vacation and Public Right-of-Way Vacation.

The Project is in compliance with the IP-1-1 zone with minor 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, "the 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, one million square 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 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 requires 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) 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, two existing conservation 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 may be developed in the future.
- 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 require 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 requires a deviation from allowed retaining wall height to support the proposed retaining wall onsite, 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.

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

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.

In addition, 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 intent for the use of Prime Industrial Lands. The Economic Prosperity Element of the General Plan also provides a series of policies to protect and enhance base sector industrial uses in the Subregional Employment Area, which includes University City. Policy EP-A.2 specifically states: "Encourage large regional employers to locate and expand in the Regional Center or Subregional Employment Areas." The Project will expand the amount of R&D square footage in the Subregional Employment Area of University City, and will create a unique, single-campus site with 1 million square feet of development. There are no 1 million square foot R&D campuses in the City of San Diego, and therefore, the Project provides a unique opportunity to present a single-campus location to attract large regional employers (such as Silicon Valley technology companies and international life-science companies) to locate in the University City, Subregional Employment Center.

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." University City is well served by transit infrastructure and therefore poised for an increase in the intensity of employment uses consistent with policy EP.A.7. The Mid-Coast trolley, a \$2 billion light rail system, connects southern and eastern areas of San Diego County with the Subregional Employment Center of University City. 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 trips and optimize movement in the area. The area is also served by bus lines from both North County Transit and MTS with stops throughout the community which culminate at the UTC Transportation Hub, providing transit service to all areas of the County and transfer service between transit modes. Finally, University City is served by the Coaster commuter rail system, which brings employees from as far north as Oceanside providing County-wide access to employees in this Subregional Employment Center.

The Project site is surrounded by open space area designated as MHPA. The Project site is defined by existing retaining walls which delineate the development area of the site from the adjacent open space areas. No development will occur outside of the development area of the site and has therefore been designed to minimize and avoid all impacts to environmentally sensitive lands. 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, further reducing the

potential for runoff in open space areas. 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 will be conditioned to comply with all MHPA Adjacency Guidelines.

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 EIR at section 5.4 found that the Project will have less than significant impacts to biological resources. The development area of the Project site has been previously disturbed by existing development and as a construction staging yard for the Mid-Coast Trolley. The proposed Project has been designed within the confines of the previously disturbed areas of the property which are defined by existing retaining walls and has therefore been designed to prevent adverse impacts to adjacent environmentally sensitive lands.

The Project has been designed with substantial native 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 condition, by over 40% and replace 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 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 from approximately 70 feet to over 200 feet. The Project will be conditioned to comply with all MHPA Adjacency Guidelines which limit light intrusion into habitat areas and prevent invasive plant species from being used in the Project landscaping.

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

The Project will not be detrimental to public health, safety and welfare in that the permit controlling the grading and future development of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Prior to issuance of any grading permits for the Project, the plans will be reviewed for compliance with all conditions of approval.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and other regulations governing construction, continued operation and health/life/safety requirements apply to this Project. The Project has been conditioned to construct public improvements including new City Standard curbs, gutters, and utility connections. As such, the design of the subdivision and related improvements will not be detrimental to the public, health, safety and welfare of the community.

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.

The terminus of Towne Centre Drive will be vacated and added to the overall subdivision as private property. The existing right-of-way serves a single property which is part of the proposed subdivision. The portion of Towne Centre Drive to be vacated only allowed for access to the Project site and there is no other use for the portion to be vacated.

The utility easements proposed to be vacated are all located within the private property and serve as water or sewer easements for the Project site, not access through or for use of the property. There are no existing access easements on or through the property that would be impacted by the proposed subdivision.

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

The Project buildings have been situated on the site to take maximum advantage of light hitting the property and therefore provides for passive and natural heating and cooling opportunities. The Project will include modern window glazing that insulates the building, utilizing passive light for natural heating. The Project will include extensive, native landscape that will be irrigated with reclaimed water and will comply with the City's Climate Action Plan which requires significant use of canopy trees to reduce heat island effects as well as changes to building codes to maximize the use of passive and natural heating and cooling opportunities.

8) The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The Project and subdivision are located in an area designated as Prime Industrial Lands in the City General Plan, which does not allow housing. Prime Industrial Lands have been designated throughout the City to ensure enough land for growth in base sector employment to provide an ample tax base upon which the City will use to provide public services. The Project site is further constrained by the Accident Potential Zone II, safety zone in the MCAS Miramar ALUCP, which does not allow housing uses. Therefore, the City Council has considered the effects of the proposed subdivision and found that the development of base sector jobs in Prime Industrial Lands will support the economic conditions necessary for the provision of public services to serve the housing needs of the region. As a regulatory and policy matter, housing is not permitted on the Project site, and therefore, the Project will serve to provide the employment opportunities and tax base necessary to support housing and public services in other areas of the City.

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

BE IT FURTHER RESOLVED, that portions of Towne Centre Drive located within the Project boundaries as shown in Vesting Tentative Map No. 2507560 shall be vacated, contingent upon the

recording of the approved Phase 1 Final Map for the Project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference, and makes the following findings:

PUBLIC RIGHT-OF-WAY VACATION [SDMC§125.0941]

- 1) There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.**

The Project proposes the vacation of Towne Center Drive from the intersection with Westerra Court to the cul-de-sac at the terminus of Towne Center Drive. The proposed section of Towne Centre Drive proposed for vacation was constructed to access the future development at assessor parcel number 343-121-4200. Development of this parcel has not been initiated beyond site grading, and the site was used as the staging yard for the Mid-Coast Trolley, which is now complete. APN 343-121-4200 will be consolidated with developed parcels to the east and therefore the section of Towne Center Drive proposed for vacation is no longer needed for property access. There is no development planned or allowed on the southerly side of Towne Center Drive, which will require public access and there is no publicly accessible property from the portion of Towne Centre Drive to be vacated.

The vacated portion of Towne Center Drive will become the private entry drive for the Project. The existing portion of Towne Centre Drive was acquired to provide access to assessor parcel number 343-121-4200, and to provide a fire engine turn-around at the terminus of the street. These facilities are no longer needed as access to the site from Westerra Court will become private, and there is an alternative access to the consolidated site south of Westerra Court. There are no publicly accessible facilities beyond Westerra Court and therefore there is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

- 2) The public will benefit from the action through improved use of the land made available by the vacation.**

The proposed vacation of Towne Centre Drive will facilitate the development of a 1,000,000-square-foot research and development campus in Prime Industrial Lands, designed to attract a large regional employer to the area and is designed for approximately 3,000 base sector employees. Vacation of the roadway segment will facilitate the entryway to the Project and an underground parking garage on the site. Placement of parking underground will reduce impervious surface related to parking on the site by 40%. The reduction of surface asphalt parking and creating additional landscape areas reduces the potential for storm water runoff, and can help decrease heat islands. In addition, vacation of the road segment will allow for buildings to be pulled back from the canyon edge, creating a large buffer between the proposed Project buildings and canyon open space area that is also within the City's MHPA. The public will benefit from the increase in proposed buffers from the canyon and the reduction in impervious surface on the Project area as they will

reduce impacts to the adjacent open space. The vacated roadway will also serve as an entry for fire vehicles, which will be able to circumnavigate the Project site on the rim of the canyon, providing better fire-fighting infrastructure to protect the Project and open space area from wildfires. The street vacation will facilitate the construction of a research and development campus that constitutes over a \$1 billion investment and will facilitate technology sector jobs for approximately 3,000 local employees.

3) The vacation does not adversely affect any applicable land use plan.

The Project does not impact the University Community Plan or the General Plan and instead facilitates the intensification of base sector employment in Prime Industrial Lands in the Subregional Employment Center, consistent with the policies of the Community Plan and the General Plan. The General Plan's Economic Prosperity Element policies, as well as the Industrial Element policies in the Community Plan, "emphasize the citywide importance of and encourage the location of scientific research uses in the North University area because of its proximity to UCSD." (Community Plan Goal II.E). The designation of the site as Prime Industrial Lands further signals that the site is a prime 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."

University City is part of the University/Sorrento Valley Tier 1 employment center. The City and SANDAG have identified University City as a key smart growth hub for both housing and employment, and the proposed Project works to add new base-sector employment space 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 is 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. A 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%)." The Project promotes growth in the key science and technology sectors, which has been 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 this high wage, high value employment sector will enhance the overall San Diego economy and fulfill the General Plan's Economic Prosperity Element goals and policies.

The General Plan Economic Prosperity Element at Policy EP-A.2 specifically calls for developments like the Project to locate in the Subregional Employment Center of University City stating, "Encourage large regional employers to locate and expand in the Regional Center or Subregional Employment Areas." The Project will expand the amount of R&D square footage in the Subregional Employment Area of University City, and will create a unique, single-campus site with 1 million square feet of development. The Project provides a unique opportunity to present a single-campus location to attract large regional employers (such as Silicon Valley technology companies and

international life-science companies) to locate in the University City, Subregional Employment Center.

4) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The public right-of-way was not originally acquired to serve a public facility. It was acquired as a public street to access a private parcel at the terminus of Towne Centre Drive and to provide a fire engine turn around. The site is being consolidated with adjacent parcels to the east under a common ownership, and therefore separate and public access to that parcel is no longer required. In addition, there is a fire engine turn-around at the end of Westerra Court which allows for adequate fire access and maneuverability.

EASEMENT VACATION [SDMC § 125.1040]

1) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

Several existing easements are proposed to be vacated. An existing public storm drain is being re-routed so the existing easement is being removed as there would no longer be a public use for the easement. The current, on-site public water lines will also be removed, so the easement is no longer needed. Future on-site water will be within a new private easement serving the Project. In addition, existing public sewer lines in Towne Centre Drive are being removed. Sewer services will be in private facilities on the site so the public easement is no longer needed and will serve no purpose. A portion of the sewer easement is noted for vacation because the easement extends from the Project, off-site, on to City-owned property where the public easement will remain as-is. A portion of an existing open space easement over a portion of Towne Centre Drive right-of-way and that does not act as open space is proposed to be vacated and purchased by the applicant to become part of the Project area, and will no longer be designated as open space within the proposed project. Because the easement was used for roadway purposes and not open space (the purpose for which it was originally acquired) there is no present or prospective public use for the easement. The easement is also located within an existing public right-of-way that is proposed to be vacated. The water and sewer easement were acquired for public utilities within a right-of-way to serve the property that is owned by the entity to which the vacation will be granted. The utilities serve the existing and proposed facilities. There are no present or prospective public uses for the easements proposed to be vacated, and the public would also cease to be responsible for maintenance of the water and sewer services as the easement vacation would privatize existing utilities within the current public right-of-way and become privately owned and maintained. All of the existing easements to be vacated are shown on Exhibit A Sheet 5 of 37, C-300 on the table entitled Easement Table.

2) The public will benefit from the action through improved utilization of the land made available by the vacation.

The City of San Diego is responsible for the maintenance of public street and utilities. The privatization of utilities within both the existing easements and the existing public right-of-way will

benefit the public because the public will no longer bear the cost to maintain the utilities that serve the existing buildings. In addition, as privately owned property, the land would be subject to property taxes that benefit the public. In addition, the City of San Diego will receive payment for the right of way being vacated and vacation of the easements facilitates the sale of the property.

3) The vacation is consistent with any applicable land use plan.

The proposed vacation will allow for the private ownership and maintenance of water and sewer utilities. The vacation of the easement is consistent with the existing land use plan, as the vacation itself does not result in any revisions to that land use plan. In addition, there are companion items to these easement vacations that allow for additional intensity to be added to the Community Plan that allow for the expansion and modification of the existing scientific research use on the site and contemplated in the Community Plan. The modifications include development within the area of the easement vacation, and vacation of the easement would allow for redevelopment of the project site consistent with the proposed land use plan amendments.

4) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The easements for drainage, water and sewer exist to serve the existing scientific research uses on site. The privatization of those utilities will eliminate the need for the easements, as the City would no longer be providing maintenance for those utilities. Therefore, the purpose for which the easement exists is no longer required.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council the Vesting Tentative Map No. 2507560 and Public Right-of-Way Vacation, and contingent upon final passage of Resolution No. R-_____ approving amendments to the General Plan and the University Community Plan, are hereby granted to BRE-BMR Towne Centre Science Park LLC subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA ELLIOT, City Attorney

By _____
[Attorney]
Deputy City Attorney

ATTACHMENT 6

(R-[Reso Code])

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

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24008129

DRAFT