

Item# 332

Sub-B

10/8/13

RESOLUTION NUMBER R- 308494

DATE OF FINAL PASSAGE OCT 08 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 908267 AND COASTAL DEVELOPMENT PERMIT NO. 908269 FOR THE SAN DIEGO PROFESSIONAL OFFICE BUILDING LOCATED AT 10385 VISTA SORRENTO PARKWAY (PROJECT NO. 158983).

WHEREAS, PH FBI SD, LLC, a Nevada limited liability company, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit No. 908267 and Coastal Development Permit No. 908269 to construct approximately 780 linear feet of 8 feet high, perimeter K-12 Anti-Climb fencing and security lighting, and retaining walls within environmentally sensitive lands known as the San Diego Professional Office Building project, located at 10385 Vista Sorrento Parkway and legally described as that portion of the southeasterly 700.00 feet of Acre Lot 8 of Sorrento Lands and Townsite, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 483, filed in the Office of the County Recorder of San Diego County, February 9, 1888 in the Mira Mesa Community Plan area, in the IL-3-1, RS-1-8, Coastal Overlay (non-appealable), Accident Potential Zone 2, Airport Influence Area, Airport Environs Overlay 60 dBa Zone, and Residential Tandem Parking Overlay Zones; and

WHEREAS, on September 19, 2013, the Planning Commission of the City of San Diego considered Site Development Permit No. 908267 and Coastal Development Permit No. 908269, and pursuant to Resolution No. 4547-PC voted to recommend City Council approval of the 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; NOW, THEREFORE,

WHEREAS, the matter was set for public hearing on October 8, 2013, 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 of the City of San Diego, that the by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 908267 and Coastal Development Permit No. 908269:

**Coastal Development Permit - Section 126.0708**

**1. 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.** The subject property is not identified within the North City Local Coastal Program as possessing any existing or proposed physical access ways used by the public, and therefore the proposed project will not encroach upon any public access ways. The subject project is located more than 2.0 miles east of the Pacific Ocean, is surrounded by existing industrial buildings, and is not identified within the North City Local Coastal Program as possessing public views to or along the ocean or other scenic coastal areas.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.** Most of the land for the project was cleared and mitigated for as part of the previous Wachovia Coastal Development Permit (CDP; No. 99-0804). The additional impacts associated with development of a security fence for the buildings, will be minimal. The removal of a small area of conservation easement land on-site will be mitigated through payment into the City's Habitat Acquisition Fund. Because much of the on-site easement lands are of minimal habitat value, purchase of quality habitat in larger intact blocks will be an overall improvement in regional conservation. Therefore, the proposed project would not result in significant unmitigated impacts or adversely affect environmentally sensitive lands.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The North City Coastal Program Land Use Plan and the Mira Mesa Community Plan designate the subject property for industrial uses. The subject project is consistent with and implements the plans' regulations, including the Mira Mesa Community Plan's goal for "Preservation of an adequate supply of industrial land." The project also complies with all of the development regulations and standards of the Land Development Code.

**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The subject property proposed for development is located approximately 2.0 miles east of the Pacific Ocean, and is not located between the nearest public road and the ocean.

#### **Site Development Permit - Section 126.0504**

##### **A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed project is located in Mira Mesa Community Planning and North City Local Coastal Land Use Plan areas and is designated for industrial land uses. According to the Mira Mesa Community Plan, Industrial Land Use, as specific goal is for "[p]reservation of an adequate supply of industrial land." The project is proposing to develop security fencing in support of allowed industrial uses; therefore, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project will provide for the health, safety and welfare of the residents and persons who work in the area by providing for the orderly development of the site consistent with the Mira Mesa Community Plan. In this way the proposed development will not be detrimental to the public health, safety, and welfare to persons living and working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code, and the City of regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons and other properties in the vicinity.

**3. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviation pursuant to the Land Development Code.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 908267 and Coastal Development Permit No. 908269. Development of this property shall meet all requirements of the regulations and development criteria of the IL-3-1 zone. Concept plans for the project identify compliance with all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

**B. Supplemental Findings – Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The design and layout of the proposed project has been developed to conform, to the extent possible, with the existing landforms and to avoid environmentally sensitive lands. The project site is not located within the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). The development would occur near the City's MHPA, and has been conditioned to comply with the Land Use Adjacency Guidelines contained in Section 1.4.3 of the MSCP Subarea Plan. Development of the proposed project is designed to encompass the relatively flat and gently sloping central portions of the site and has avoided the steep slopes around the perimeter of the site.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The Mira Mesa Community Plan was designed to accommodate development of the community with a full range of and uses while preserving the unique character of the community prior to development. The site has been previously graded and the development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan. The plan exceeds the otherwise City-wide applicable requirements related to storm water runoff and best management practices as related to storm water runoff. As such, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** When adopted, the Mira Mesa Community Plan analyzed environmentally sensitive lands within the plan area per City Council Policy 600-40. The proposed project site is bounded to the northwest and southwest by urban lands uses, southwest by Interstate 805, and northeast open space area within the City's MHPA. The site's previous Coastal Development Permit (CDP) No. 11100, which was superseded by CDP No. 7293 and Site Development Permit No. 7294, an extension of time for CDP No. 99-0804 for grading activities established a 2.10 acre conservation easement to mitigate for impacts on non-native grassland and Diegan coastal sage scrub. The conservation easement holds little biological value except in the northeast segment which supports Diegan coastal sage scrub habitat and federally threatened coastal California gnatcatchers. The proposed project avoids the majority of this area, with the security fence impacting primarily non-native mustard (ruderal) areas. The project also adds sage scrub habitat into the easement so that all undeveloped native scrub habitats in the northeast segment of the parcel are preserved. Specific conditions of approval require the continued compliance with the Land Use Adjacency Guidelines contained in the MSCP Subarea Plan for this site and have been written as such into Site Development Permit No. 908267 and Coastal Development Permit No. 908269. Therefore, the proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations.

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

bounded to the northeast with City-owned MHPA. The development will mitigate all habitat impacts in conformance with the City's Biology Guidelines, an MSCP implementing regulation. Though outside the MHPA, thus not requiring protection under the MSCP, the on-site coastal California gnatcatchers will be not be significantly impacted under the proposal. Minimal impacts to on-site sage scrub habitat (outside the MHPA) are proposed, and gnatcatcher habitat not currently conserved will be added to the on-site conservation easement. Specific conditions of approval require habitat mitigation and continued compliance with the Land Use Adjacency Guidelines contained in the MSCP Subarea Plan for this site, including avoidance of indirect noise impacts on California gnatcatchers, and has been written as such into Site Development Permit No. 908267 and Coastal Development Permit No. 908269. Therefore, the proposed development is consistent with the requirements of the City's MSCP.

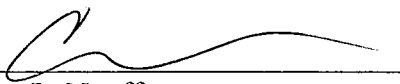
**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed development is located approximately two miles east of the Pacific Ocean's beaches and local shoreline. The on-site development will not contribute to erosion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

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The Environmental Impact Report No. 4466 prepared during the CEQA review of the previously approved project (CDP No. 7293, SDP No. 7294 and PDP No. 62021) process included a site specific impact analysis for this proposed development. The initial study has been conducted for the proposed development on this site and concluded that the Environmental Impact Report No. 4466 should include requirements to mitigate for potential impacts to Land Use/Biology for adjacency to MHPA, Transportation/Circulation, Noise, Paleontological Resources and Solid Waste and in fact the development will mitigate for these impacts with the implementation of the project. All mitigation is related to and calculated to alleviate impacts created by the proposed development and has been or will be incorporated into the conditions of the development permit.

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 the that Site Development Permit No. 908267 and Coastal Development Permit No. 908269 are granted to PH FBI SD, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
\_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:dkr  
9/11/2013  
Or.Dept:DSD  
Doc. No. 632863\_2

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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23431133

SITE DEVELOPMENT PERMIT NO. 908267  
COASTAL DEVELOPMENT PERMIT NO. 908269  
**SAN DIEGO PROFESSIONAL OFFICE BUILDING PROJECT NO. 158983; MMRP**  
Amendment to Coastal Development Permit No. 7293 and Site Development Permit No. 7294  
City Council

This Site Development Permit No. 908267 and Coastal Development Permit No. 908269, amendment to Coastal Development Permit No. 7293 and Site Development Permit No. 7294 is granted by the City Council of the City of San Diego to PH FBI SD, LLC, a Nevada limited liability company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0708. The 11.02-acre site is located at 10385 Vista Sorrento Parkway in the IL-3-1, RS-1-8, Coastal Overlay (non-appealable), Accident Potential Zone 2, Airport Influence Area, Airport Environs Overlay 60 dBa Zone, and Residential Tandem Parking Overlay Zones within the Mira Mesa Community Plan. The project site is legally described as that portion of the southeasterly 700.00 feet of Acre Lot 8 of Sorrento Lands and Townsite, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 483, filed in the Office of the County Recorder of San Diego County, February 9, 1888.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct approximately 780 linear feet of an 8 feet high perimeter K-12 Anti-Climb fencing and security lighting within environmentally sensitive lands described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 8, 2013, on file in the Development Services Department.

The project shall include:

- a. Construction of approximately 780 linear feet of an 8 feet high perimeter K-12 Anti-Climb Fencing, and exterior security lighting mountings and fixtures within environmentally sensitive lands;

- b. Approximately 0.09 acres of grading activities related to the bedding plane shear removal area within environmentally sensitive lands habitat area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Retaining wall structure of approximately 270 linear feet with a maximum height of 4.5 feet within environmentally sensitive lands; and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 8, 2016.
2. No permit for the permanent construction or operation of any improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies



including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

12. Unless specifically modified herein by this Site Development Permit No. 908267 and Coastal Development Permit No. 908269, the Owner/Permittee shall continue compliance with Coastal Development Permit No. 7293, Site Development Permit No. 7294, and Planned Development Permit No. 62021.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No.158983, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in [Choose one:] Mitigated Negative Declaration No.158983, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Biology, and
- Land Use

**ENGINEERING REQUIREMENTS:**

16. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

17. The Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

18. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. R9-2007-001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-0009-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009-DWQ.

19. The Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

**LANDSCAPE REQUIREMENTS:**

20. Construction permits for security fencing, grading associated with bedding plane shear removal area, or slope retaining walls, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

21. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including Zone One Brush Management, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

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

**PLANNING/DESIGN REQUIREMENTS:**

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the structure(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

25. The Owner/Permittee shall execute and record a Conservation Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources. The Conservation Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

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

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on **OCT 08 2013** and  
[Approved Resolution Number].

R-308494

Permit Type/PTS Approval No.: SDP No. 908267  
CDP No. 908269  
Date of Approval: October XX, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Tim Daly  
Development Project Manager

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

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

**PH FBI SD, LLC**  
Owner/Permittee

By \_\_\_\_\_  
*NAME:*  
*TITLE:*

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

Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 08 2013.

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

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308494