

RESOLUTION NUMBER R- 311297

DATE OF FINAL PASSAGE SEP 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 1176281 AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1388122 FOR CAMPUS POINT – PROJECT NO. 336364.

WHEREAS, ARE-SD REGION 28, LLC, a Delaware Limited Liability Company, filed an application with the City of San Diego for a Site Development Permit and Neighborhood Development Permit for the redevelopment of an existing scientific research and development property with additional buildings and accessory uses, and a Multiple Habitat Planning Area boundary line correction, on a 58.19-acre parcel of land known as the Campus Point Master Plan project (Project); and

WHEREAS, the project site is located at 10290 to 10300 Campus Point Drive, at the northern terminus of Campus Point Drive north of Genesee Avenue, east of Interstate 5, and west of Roselle Street. The site is within the Central Subarea of the University Community Plan, the Community Plan Implementation Zone (CPIOZ) Type A and B, is within the IP-1-1, RS-1-7, and RS-1-14 zones, and is identified as Prime Industrial Lands in the Economic Prosperity Element (Figure EP-1) of the General Plan. In addition, the property is located within the City's Parking Impact Overlay Zone (Coastal and Campus Impact Areas), the Multiple Habitat Planning Area (MHPA), and is within the Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Federal Aviation Administration Part 77 Noticing area, and the Accident Potential Zone-II for Marine Corps Air Station (MCAS) Miramar; and

WHEREAS, the property is legally described as Parcels 1 and 2 of Parcel Map No. 10898, 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, January 16, 1981 as File No. 81-015313 of Official Records; and

WHEREAS, on May 25, 2017, the Planning Commission of the City of San Diego considered Site Development Permit No. 1176281 and Neighborhood Development Permit No. 1388122, and pursuant to Resolution No. 4859-PC voted to recommend approval; 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 September 11, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 1176281 and Neighborhood Development Permit No. 1388122:

A. **SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504**

1. **Findings for all Site Development Permits - Section 126.0504(a)**

a. **The proposed development will not adversely affect the applicable land use plan.** The project site is located at 10290 to 10300 Campus Point Drive, at the northern terminus of Campus Point Drive north of Genesee Avenue, west of Interstate 5, and east of Roselle Street. The site is within the Central Subarea of the University Community Plan (UCP), the Community Plan Implementation Zone (CPIOZ) Type A and B, and is within the IP-1-1 (Industrial Park), RS-1-7 (Residential Single-Family), and RS-1-14 (Residential Single-Family) zones. The project entails the redevelopment of an existing 731,725-square-foot scientific research and development (R&D) facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and

267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site. The project includes a Land Use Plan Amendment (LUPA) to revise the current requirement to mitigate peak hour vehicle trips to the equivalent of what would be generated by a development intensity of 18,000 square feet per net acre to 20,000 square feet per acre through implementation of a Transportation Demand Management (TDM) program to aid in the reduction of peak-hour trips, which a comprehensive TDM program is included in the project.

The project site is identified in the General Plan's Economic Prosperity Element as Prime Industrial Land on Figure EP-1. Prime industrial lands are areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research and development uses. These areas are part of even larger areas that provide a significant benefit to the regional economy and meet General Plan goals and objectives to encourage a strong economic base. The proposed project is located within the Central Subarea of the UCP and is designated for Scientific Research use. The development would help provide additional quality job opportunities including middle-income jobs and provide secondary employment and supporting uses. Retention and growth of scientific research use in this area would also provide greater opportunities for collaboration with other scientific research uses in the immediate vicinity, in the Torrey Pines Mesa area of the community as well as with UCSD. The project will also provide amenity space to serve the tenants of the R&D campus, thereby implementing the goals and policies of the UCP to provide amenities and support services to the primary Scientific Research and other industrial uses in industrial areas. Therefore, with the adoption of the LUPA, the proposed development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project entails the redevelopment of an existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and 267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site. The project includes a LUPA to revise the current requirement to mitigate peak hour vehicle trips to the equivalent of what would be generated by a development intensity of 18,000 square feet per net acre to 20,000 square feet per acre through implementation of a TDM program to aid in the reduction of peak-hour trips, which a comprehensive TDM program is included in the project. The buildings have been designed to achieve Leadership in Energy and Environmental Design (LEED) Silver, which requires several energy- and insulation-efficiency measures to be included in the design of the structures.

Supplemental Environmental Impact Report (SEIR) No. 336364 /SCH No. 2014091073 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which addresses potential impacts to Land Use, Transportation/

Circulation, Biological Resources, Historical Resources, and Paleontological Resources. A Mitigation, Monitoring and Reporting Program (MMRP) will be implemented with this project, which will reduce the potential impacts to below a level of significance.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Site Development Permit (SDP) No. 1176281 and Neighborhood Development Permit (NDP) No. 1388122, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The project entails the redevelopment of an existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and 267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site. The project includes a LUPA to revise the current requirement to mitigate peak hour vehicle trips to the equivalent of what would be generated by a development intensity of 18,000 square feet per net acre to 20,000 square feet per acre through implementation of a TDM program to aid in the reduction of peak-hour trips, which a comprehensive TDM program is included in the project. The buildings have been designed to achieve LEED Silver, which requires several energy- and insulation-efficiency measures to be included in the design of the structures.

The proposed development would be located on private property and has been designed to address height, bulk and scale, materials, colors, sustainable features, and signs as required through application of CPIOZ-B. Other than the LUPA, the project is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the proposed development is in conformance with the applicable regulations of the Land Development Code (LDC).

2. Supplemental Site Development Permits Findings-Environmentally Sensitive Lands- Section 126.0504(b).

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 existing scientific R&D buildings were constructed on the site in 1979, by ministerial action. In 1981, the project site was subdivided into two parcels pursuant to Parcel Map No. 10898. Parcel 1 is approximately 41.67-acres and contains an existing 463,791-square-foot building (CP1). Parcel 2 is approximately 16.52-acres and contains an existing 267,934-square-foot building (CP2). The project site contains Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources and steep hillsides; however, they are outside of the previously disturbed and developed portion of the site.

The project proposes intensifying the existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park, characterized by a campus-like environment with comprehensive site design and substantial landscaping. The project would add two new buildings and an associated parking structure within previously disturbed land that is currently occupied by surface parking. The project would entail the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site.

All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no permanent encroachment into, or impacts on, any steep slopes or other ESL located on the site. There will be a very minor temporary encroachment into steep slopes of approximately 450 square feet for erosion control purposes and the temporary encroachment area will be restored to its current condition after the work is completed.

SEIR No. 336364 /SCH No. 2014091073 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Land Use, Transportation/Circulation, Biological Resources, Historical Resources, and Paleontological Resources. A MMRP will be implemented with this project, which will reduce the potential impacts to below a level of significance. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to ESL.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project proposes intensifying the existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park, characterized by a campus-like environment with comprehensive site design and substantial landscaping. All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no permanent encroachment into, or impacts on, any steep slopes or other ESL located on the site. There will be a very minor temporary encroachment into steep slopes of approximately 450 square feet for erosion control

purposes and the temporary encroachment area will be restored to its current condition after the work is completed, which the excavation would not alter any natural landforms. There are no geologic or flood hazards on the property. In addition, a Brush Management Plan would be implemented with the project and all landscaping proposed would utilize native and non-native, non-invasive, and drought-tolerant plants throughout the site.

SEIR No. 336364 /SCH No. 2014091073 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Land Use, Transportation/Circulation, Biological Resources, Historical Resources, and Paleontological Resources. A MMRP will be implemented with this project, which will reduce the potential impacts to below a level of significance. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project proposes intensifying the existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park, characterized by a campus-like environment with comprehensive site design and substantial landscaping. All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no permanent encroachment into, or impacts on, any steep slopes or other ESL located on the site. There will be a very minor temporary encroachment into steep slopes of approximately 450 square feet for erosion control purposes and the temporary encroachment area will be restored to its current condition after the work is completed.

The project has a potential for indirect impacts to the MHPA along the northern and eastern boundaries. The City's Multiple Species Conservation Program (MSCP) Subarea Plan provides Land Use Adjacency Guidelines to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, barriers, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species. Due to the site's location in relation to the MHPA, the project would be required to comply with the Land Use Adjacency Guidelines as discussed in SEIR No. 336364 /SCH No. 2014091073 Section 4.1.4 and is included within the MMRP. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent ESL.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project proposes intensifying the existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park, characterized by a campus-like environment with comprehensive site design and substantial landscaping. All of the proposed development will occur within the previously disturbed and developed portion of the site and there will be no permanent encroachment into, or impacts on, any steep slopes or other ESL located on the site.

Approximately 10.08-acres of the current project site overlaps the existing MHPA. A 0.33-acre boundary line correction would be processed to remove an existing portion of a City cul-de-sac at the southern border mapped as MHPA. Overall, the project results in a net MHPA gain of 0.77-acres and removes approximately 1.06-acres of the site that was previously graded in 1979-1982 and subsequently developed pursuant to Building Permit No. A10329. Post boundary line correction, the on-site MHPA consists of a total of 10.85-acres.

The project has a potential for indirect impacts to the MHPA along the northern and eastern boundaries. The City's MSCP Subarea Plan provides Land Use Adjacency Guidelines to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, barriers, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species. Due to the site's location in relation to the MHPA, the project would be required to comply with the Land Use Adjacency Guidelines as discussed in SEIR No. 336364 /SCH No. 2014091073 Section 4.1.4 and is included within the MMRP.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project site is located at 10290 to 10300 Campus Point Drive, at the northern terminus of Campus Point Drive north of Genesee Avenue, west of Interstate 5, and east of Roselle Street. The site is approximately 1.76 miles from the Pacific Ocean. The project site is a previously developed site and all of the proposed development will occur within the previously disturbed and developed portion of the site and the project has been designed to limit drainage and irrigation so as to avoid impacts to sensitive areas. Therefore, the project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. SEIR No. 336364 /SCH No. 2014091073 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Land Use, Transportation/Circulation, Biological Resources, Historical Resources, and Paleontological Resources. A MMRP will be implemented with this project, which will reduce the potential impacts to below a level of significance. A Housing Trust Fund (HTF) impact fee as a non-residential development is required for this project and is due at the time of building permit issuance. In addition, a Development Impact Fee (DIF) is required at building permit issuance based on increased square footage over what currently exists on the site.

B. NEIGHBORHOOD DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0404

1. Findings for all Neighborhood Development Permits- Section 126.0404(a)

a. The proposed development will not adversely affect the applicable land use plan. The project site is located at 10290 to 10300 Campus Point Drive, at the northern terminus of Campus Point Drive north of Genesee Avenue, west of Interstate 5, and east of

Roselle Street. The site is within the Central Subarea of the UCP, the CPIOZ Type A and B, and is within the IP-1-1, RS-1-7, and RS-1-14 zones. The project entails the redevelopment of an existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and 267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site. The project includes a LUPA to revise the current requirement to mitigate peak hour vehicle trips to the equivalent of what would be generated by a development intensity of 18,000 square feet per net acre to 20,000 square feet per acre through implementation of a TDM program to aid in the reduction of peak-hour trips, which a comprehensive TDM program is included in the project.

The project site is identified in the General Plan's Economic Prosperity Element as Prime Industrial Land on Figure EP-1. Prime industrial lands are areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research and development uses. These areas are part of even larger areas that provide a significant benefit to the regional economy and meet General Plan goals and objectives to encourage a strong economic base. The proposed project is located within the Central Subarea of the UCP and is designated for Scientific Research use. The development would help provide additional quality job opportunities including middle-income jobs and provide secondary employment and supporting uses. Retention and growth of scientific research use in this area would also provide greater opportunities for collaboration with other scientific research uses in the immediate vicinity, in the Torrey Pines Mesa area of the community as well as with UCSD. The project will also provide amenity space to serve the tenants of the R&D campus, thereby implementing the goals and policies of the UCP to provide amenities and support services to the primary Scientific Research and other industrial uses in industrial areas. Therefore, with the adoption of the LUPA, the proposed development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project entails the redevelopment of an existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and 267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site. The project includes a LUPA to revise the current requirement to mitigate peak hour vehicle trips to the equivalent of what would be generated by a development intensity of 18,000 square feet per net acre to 20,000 square feet per acre through implementation of a TDM program to aid in the reduction of peak-hour trips, which a comprehensive TDM program is included in the project. The buildings have been designed to achieve LEED Silver, which requires several energy- and insulation-efficiency measures to be included in the design of the structures.

SEIR No. 336364 /SCH No. 2014091073 has been prepared for the project in accordance with CEQA Guidelines, which addresses potential impacts to Land Use, Transportation/Circulation, Biological Resources, Historical Resources, and Paleontological Resources. A MMRP will be implemented with this project, which will reduce the potential impacts to below a level of significance.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in SDP No. 1176281 and NDP No. 1388122, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

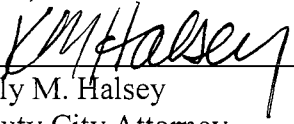
c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The project entails the redevelopment of an existing 731,725-square-foot scientific R&D facility by 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and 267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces(CP4), and a nine-level (six levels above ground, three below ground) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site. The project includes a LUPA to revise the current requirement to mitigate peak hour vehicle trips to the equivalent of what would generated by a development intensity of 18,000 square feet per net acre to 20,000 square feet per acre through implementation of a TDM program to aid in the reduction of peak-hour trips, which a comprehensive TDM program is included in the project. The buildings have been designed to achieve LEED Silver, which requires several energy- and insulation-efficiency measures to be included in the design of the structures.

The proposed development would be located on private property and has been designed to address height, bulk and scale, materials, colors, sustainable features and signs as required through application of CPIOZ-B. Other than the LUPA, the project is not requesting nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the proposed development is in conformance with the applicable regulations of the LDC.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1176281 and Neighborhood Development Permit No. 1388122 are granted to ARE-SD REGION 28, LLC, a Delaware Limited Liability Company, and ARE-SD REGION NO. 40 EXCHANGE HOLDING, LLC, a Delaware Limited Liability Company, Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Keely M. Halsey
Deputy City Attorney

KMH:als
08/24/2017
10/09/2017 Cor. copy
Or.Dept:DSD
Doc. No.: 1543070

ATTACHMENT: Site Development Permit and Neighborhood Development Permit

Passed by the Council of The City of San Diego on SEP 11 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Chris Cate	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 11 2017

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

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By Hay Mead, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311297

Passed by the Council of The City of San Diego on September 11, 2017, by the following vote:

YEAS: **BRY, ZAPF, WARD, COLE, KERSEY, CATE, SHERMAN,**
ALVAREZ, GOMEZ.

NAYS: **NONE.**

NOT PRESENT: **NONE.**

RECUSED: **NONE.**

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: **Stacy D. Ready**, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. **R-311297**, approved on **September 11, 2017**. The date of final
passage is **September 11, 2017**.

ELIZABETH S. MALAND

City Clerk of the City of San Diego, California

(Seal)

By: , Deputy

**RECORDING REQUESTED
BY**

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

**WHEN RECORDED MAIL
TO**

CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24004025 SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1176281
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1388122
CAMPUS POINT MASTER PLAN - PROJECT NO. 336364
CITY COUNCIL

This Site Development Permit No. 1176281 and Neighborhood Development Permit No. 1388122 are granted by the City Council of the City of San Diego to ARE-SD REGION 28, LLC, a Delaware Limited Liability Company, Company, and ARE-SD REGION NO. 40 EXCHANGE HOLDING, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0404 and 126.0504. The 58.19-acre site is located at 10290 to 10300 Campus Point Drive, at the northern terminus of Campus Point Drive north of Genesee Avenue, east of Interstate 5, and west of Roselle Street. The site is within the Central Subarea of the University Community Plan, the Community Plan Implementation Zone (CPIOZ) Type A and B, and is within the IP-1-1, RS-1-7, and RS-1-14 zones and is identified as Prime Industrial Lands in the Economic Prosperity Element (Figure EP-1) of the General Plan. In addition, the property is located within the City's Parking Impact Overlay Zone (Coastal and Campus Impact Areas), the Multiple Habitat Planning Area (MHPA), and is within the Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 1), the Federal Aviation Administration Part 77 Noticing area, and the Accident Potential Zone-II for Marine Corps Air Station (MCAS) Miramar. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 10898, 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, January 16, 1981 as File No. 81-015313 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the redevelopment of an existing scientific research and development property with additional buildings and accessory uses, and a Multi-Habitat Planning Area boundary line correction; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated SEP 11 2017, on file in the Development Services Department.

The project shall include:

- a. Redevelopment of an existing 731,725-square-foot scientific research and development facility by the addition of 328,383 square feet; thereby creating a 1,060,108-square-foot science and business park. The existing 463,791-square-foot building (CP1) and 267,934-square-foot building (CP2) shall remain. The project includes the construction of a 12- and six-story split-level multi-tenant building (CP3), a two-story building housing a micro-brewery with accessory dining space and shared tenant amenity spaces (CP4), and a nine-level (including three subterranean levels) parking structure to accommodate 1,440 parking stalls within the 58.19-acre project site;
- b. Multi-Habitat Planning Area Boundary Line Correction;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. A Leadership in Energy and Environmental Design (LEED) Silver certification, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 11, 2020.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA. For lands identified as mitigation but not yet dedicated, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is

required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

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 Supplemental Environmental Impact Report No. 336364 /SCH No. 2014091073, 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 Supplemental Environmental Impact Report No. 336364 /SCH No. 2014091073, 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:

- Land Use
- Transportation/Circulation
- Biological Resources
- Historical Resources
- Paleontological Resources

AIRPORT REQUIREMENTS:

16. Prior to the issuance of any building permits, the Owner/Permittee shall record an occupancy deed restriction to 50 people per acre pursuant to the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP).

GEOLOGY REQUIREMENTS:

17. Pursuant to San Diego Municipal Code 145.1803(a)(3), the Owner/ Permittee must submit a "Notice of Geologic and Geotechnical Conditions" prior to the issuance of any construction permits for grading or building, addressing the potentially active fault transecting the site. [The Owner/ Permittee shall contact the Geology Section for a draft of the Notice.]

ENGINEERING REQUIREMENTS:

18. The project proposes to export 10,700 cubic yards of material from the project site. All excavated material listed to be exported shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

19. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
23. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
24. Prior to issuance any construction permit, including for grading, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. If ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009DWQ and a copy shall be submitted to the City.
25. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

LANDSCAPE REQUIREMENTS:

26. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.
27. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a 40 square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).
28. If the Owner/Permittee requests a foundation only permit, it shall not be granted until a site plan or staking layout plan is submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

29. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans consistent with the Landscape Standards unless the Owner/Permittee demonstrates that long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other entity approved by the Development Services Department.

30. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

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

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

32. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.

33. The Brush Management Program shall be based on a standard Zone One of 35 feet in width with Zone Two of 65 feet in width, extending out from the structure towards the native/naturalized vegetation, consistent with the Brush Management Regulations of the SDMC Section 142.0412 exercising zone reduction provisions under 142.0412(f) and (i). Where the full defensible space cannot be provided, alternative compliance measures shall be applied to harden the structure beyond CBC 7A requirements to include upgraded openings with dual-glazed, dual-tempered panes.

34. Prior to issuance of any construction permit for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

35. Prior to issuance of any building permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under SDMC Section 142.0412.

36. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted; while accessory structures of non-combustible, one-hour fire-rated, and/or heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

37. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on

site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

38. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

MULTIPLE SPECIES CONSERVATION PROGRAM:

39. Prior to the recordation of the first final map and/or issuance of any construction permit for grading, the Owner/Permittee shall convey the on-site MHPA to the City's MSCP preserve 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. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. To facilitate MHPA conveyance, any non-fee areas shall have covenants of easement for MHPA lands placed over them if located in the MHPA, and be maintained in perpetuity by the owner/Permittee/Applicant unless otherwise agreed to by the City for acceptance of dedicated land in fee title.

PLANNING/DESIGN REQUIREMENTS:

40. Prior to issuance of any building permits, the construction documents shall note all criteria included in the design and construction of the commercial project to meet a Leadership in Energy and Environmental Design (LEED) Silver Certification.

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

42. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement that 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 and Steep Hillides, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

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

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

LONG RANGE PLANNING/DESIGN REQUIREMENTS:

45. Accessory commercial uses up to 10-percent of the gross floor area are allowed per the University Community Plan (UCP). Of the 1,060,108 square feet proposed, 106,011 square feet may be accessory uses which are clearly accessory to the primary use(s) on the project site. Accessory commercial uses provide services that building users would normally drive to which include: restaurant/deli, conference rooms, express mail/copy center, and/or athletic club.

46. Accessory uses shall only be located within the principal building(s) of the project and/or within building CP4 as shown on Exhibit "A." Signs shall be minimal and directed toward users on the premises. Any street-oriented signs shall be for directional purposes only. Advertising for the support commercial services shall be limited to the industrial tenants only.

TRANSPORTATION REQUIREMENTS

47. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

48. The Owner/Permittee shall monitor the Transportation Demand Management (TDM) Plan annually for a period of ten years to verify the TDM Plan achieves target trip reductions to 1,031 AM peak hour trips and 902 PM peak hour trips, to be submitted to the City to the satisfaction of the City Engineer, and shall maintain compliance with the TDM Plan at any time the project's peak hour trip generation rate exceeds that which would be generated by a project of 18,000 sf/ac.

49. Prior to scheduling of final inspection for the building permit for the proposed CP3 building, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal and associated improvements at the intersection of Campus Point Drive at Campus Point Court, satisfactory to the City Engineer. This traffic signal shall be completed and accepted by the City Engineer prior to the issuance of occupancy for the CP3 building.

50. Prior to scheduling of final inspection for the proposed CP3 building, the Owner/Permittee shall widen and restripe Campus Point Drive from Genesee Avenue to Campus Point Court to a four-lane Collector with Class II bike lanes to the satisfaction of the City Engineer.

51. Prior to scheduling of final inspection for the proposed CP3 building, the Owner/Permittee shall implement the Transportation Demand Management (TDM) Plan as outlined in the Transportation Impact Analysis, dated September 21, 2016, with the additional requirement that 10-percent of the electric vehicle charging stations will be fast track charging stations, to the satisfaction of the City Engineer.

52. Prior to issuance of any building permits, the Owner/Permittee shall remove the marked crosswalk within the public right-of-way at the terminus of the Campus Point Drive cul-de-sac,

remove associated signage to the crosswalk, and restore the pavement to the satisfaction of the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

53. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s)(BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

54. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

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

56. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

57. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

58. All sewer facilities are to be in accordance with the approved Sewer Study.

59. Prior to issuance of any building permits, the Owner/Permittee shall obtain an Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, medians, enriched paving, curb, gutter and sidewalk, and electrical conduits to be installed within the public water easement.

60. The existing 12-inch water mains within the public water easement shall be protected with enriched paving in all areas where raised medians are proposed.

61. At the time of building permit review, the Owner/Permittee shall provide the numbers of the water meter abandoned in the water easement that will be relocated in order to receive capacity credit.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on SEP 11 2017 and
Resolution No. SR- 311297.

Permit & Approval No.: SDP No. 1176281/NDP No. 1388122
Date of Approval: SEP 11 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

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

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

**ARE-SD Region No. 28, LLC,
a Delaware limited liability company**

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

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

By: _____
Name:
Title:

**ARE-SD Region No. 40 Exchange Holding, LLC,
a Delaware limited liability company**

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

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

By: _____
Name:
Title:

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