

RESOLUTION NUMBER R- 314263DATE OF FINAL PASSAGE JUL 26 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING COASTAL DEVELOPMENT
PERMIT NO. 2527594 - THE LA JOLLA FARMS OUTFALL
REPAIR PROJECT NO. 687244.

WHEREAS, Engineering & Capital Projects and the Regents of University of California, Owners and Engineering & Capital Projects as Permittee, filed an application with the City of San Diego for a Coastal Development Permit to install storm drain pipeline, concrete energy dissipator, and stormwater inlet known as the La Jolla Farms Outfall project, located at along La Jolla Farms Road between Blackgold Road and Greentree Lane, in the La Jolla Community Plan and Local Coastal Program area (Community Plan), in the Residential Single Family (RS-1-1 and RS-1-2) Zone, Coastal (Appealable) Overlay Zone, and Multiple Habitat Planning Area adjacency; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this is a matter requiring 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 July 26, 2022 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 Coastal Development Permit No. 2527594:

**A. COASTAL DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE
(SDMC) Section 126.0707(a)**

1. The City Council adopts the following findings pursuant to SDMC section 126.0707(a):

- a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The proposed development (Project) is located west of La Jolla Farms Road between Blackgold Road and Greentree Lane within City of San Diego paved right-of-way and on property owned by the Regents of the University of California (UC) within the La Jolla Community Planning Area. The Community Plan land use designated is Open Space Park or Preserve and implemented by Residential Single Dwelling Unit (RS-1-2 and RS-1-1) zoning. The Project is located approximately 1,900 feet from the Pacific Ocean.

The Project will install approximately 252 linear feet (LF) of new 18-inch diameter reinforced concrete pipe (RCP), storm drain cleanouts, and cut off walls west of La Jolla Farms road, replacing and abandoning an existing 18-inch diameter corrugated metal pipe (CMP) storm drain that currently outfalls in a canyon on property owned by the Regents of the University of California. The existing 45 LF of 18-inch diameter pipe would be abandoned in place for the portion of pipe below ground. The exposed portion of the pipe will be removed. A 252 linear foot temporary trench measuring three to five feet wide and five to 13 feet deep will be excavated for installation of the new storm drain, cleanouts, and cut off walls. Most of the Project will occur within the canyon owned by the Regents of the University of California. In addition, a storm drain easement would be obtained for the newly installed segment.

The Project does not occur within a known scenic viewpoint. Furthermore, the proposed storm drain improvements would occur below ground and would not impact existing views at this location. The nearest public access point to the beach identified in the Community Plan is at Scripps Institution of Oceanography located approximately 5,217 feet southwest of the Project site. Therefore, 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.

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

The Project is located in a canyon within the limits of the City's Multiple Species Conservation Program (MSCP) Plan, adjacent to but outside of the Multi-Habitat Planning Area (MHPA). The Project site occurs within the Scripps Coastal Reserve. The Project is on land owned by the Regents of the UC; the City is pursuing an easement from the university to construct the Project, site access, and maintenance needs post-construction.

The Project impact area includes permanent and temporary impacts to less than 0.1-acre of upland vegetation communities, all of which occur outside of the Multiple Habitat Planning Area (MHPA). Impacts to uplands total approximately 2,831 square feet of impacts to sage scrub dominated by existing disturbed lemonadeberry. The Project includes a temporary construction access corridor of approximately 40 feet in width for a total of 0.3-acres of Project impact area. The existing drainage within the temporarily impacted area would be recontoured to pre-construction conditions and revegetated post-construction with appropriate native plants for erosion control purposes.

The Natural Resources and Open Space System and Residential Elements of the Community Plan recommends that development be designed to prevent significant impacts upon sensitive habitats and identified endangered or threatened plant and animal species. A Biological Technical Report (dated June 2021) was prepared by Helix Environmental Planning for the Project, no federally or state listed endangered or threatened plant or animal species are known to occur or nest within the Project site and study area, and none are expected to be directly impacted by the Project. No federally or state-listed plant or wildlife species were observed or detected during the biological reconnaissance survey in 2017 or during the follow up site visit conducted in 2020. One listed species, the coastal California gnatcatcher, has a moderate potential occur within 300 feet of the Project site to the west within the MHPA and would be subject to potential noise impacts. However, potential proposed project impacts on coastal California Gnatcatcher would be reduced to below a level of significance through implementation of the Avoidance and Minimization Measures listed in Section 7.0 of the Biological Technical Report, which state that clearing, grubbing, grading, and other construction activities shall avoid the coastal California gnatcatcher breeding season (March 1 and August 15) or pre-construction surveys would be completed to determine if the species is present within the MHPA. If the coastal California Gnatcatcher is present within the MHPA, construction noise will be kept below 60 decibels [dB(a)] hourly average (or above current ambient noise levels if ambient noise levels exceed 60db[a]). Noise monitoring would be conducted to demonstrate that construction noise stays below the threshold. Furthermore, implementation of the Avoidance and Minimization Measures (AMMs) including the presence of a biological monitor,

avoidance of the nesting bird season, and pre-construction protocol-level surveys would reduce impacts to below a level of significance.

The Natural Resources and Open Space System and Residential Elements of the Community Plan calls for coastal bluff development which require that development along bluff tops locate and design all area drains to flow away from the bluff so that they either drain towards the street or are directed into drainage facilities with energy dissipating devices, to prevent bluff erosion. Installation of the new stormdrain pipe will extend to a well-defined low point within the slope. Construction of the Project will repair the existing erosion scar and revegetate the disturbed area to pre-construction conditions with native plants. The existing erosion problems on the slope will be resolved by the installation of the new extended storm drain and energy dissipater downstream within a new trench south of the existing storm drain, and the use of best management practices. The post Project condition will eliminate the erosive flow condition to less than five cubic feet per second. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The proposed development is to replace a failed storm drain that is causing erosion and sediment within the canyon with a new storm drain pipe and concrete energy dissipater that will outfall at a well-defined low point within the canyon and prevent bluff erosion. The Project was designed to utilize existing disturbed areas and areas of non-native vegetation to the extent feasible, and, upon completion will be revegetated with native vegetation. The Natural Resources and Open Space System and the Residential Elements of the Community Plan recommends that development be designed to prevent significant impacts upon sensitive habitats and identified endangered or threatened plant and animal species. The project would result in temporary impacts to less than 0.1-acres of upland habitat, all of which occur outside of the MHPA. The impacts to sensitive uplands total approximately 2,831 square feet of impacts to sage scrub dominated by lemonadeberry, and disturbed area. The proposed project has been designed to minimize permanent and temporary impacts to existing sensitive habitats within and adjacent to the proposed project footprint. Unavoidable temporary and permanent impacts to less than 0.1-acre of sensitive habitats would occur related to construction the 18-inch diameter storm drain pipe, curb inlet, cleanout, associated headwalls, and energy dissipater. Revegetation of the temporary disturbance areas will occur following the completion of construction, and a 25-month revegetation program through AMMs would be implemented to reduce the impacts to biological resources. The Project has been designed to avoid impacts, preserve environmentally sensitive resources, and comply with the recommendations of the Community Plan, Natural Resources and Open Space System Element and the Residential

Element. Therefore, 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.

- d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The Project location is between the first public roadway and shoreline as well as within the Appealable Area of the Coastal Zone. The proposed development is for the replacement of a failed storm drain infrastructure. Section 30211 of the California Coastal Act requires that no development interfere with the public's right to access the sea, the use of dry sand and the use of rock coastal beaches up to the first line of terrestrial vegetation. The purpose and intent of Section 30211 is to ensure that the public can access the sea and its associated rock coastal beaches. The Project site does not contain or impact public access, trails (e.g., hiking, equestrian, off-road vehicle), and/or recreation.

The Project would also conform with Section 30240 of the California Coastal Act for the protection of Environmentally Sensitive Habitat Areas (ESHAs). Section 30107.5 defines ESHA or environmentally sensitive areas as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The proposed development is not expected to impact any areas considered ESHA. The majority of the Project site consists of non-native vegetation with less than 0.1-acre of disturbed coastal sage scrub dominated by lemonadeberry. No coastal California Gnatcatchers were documented during any of Helix Environmental Planning's three site visits conducted in 2016, 2017, and 2020, and the habitat within the project site has low potential to support gnatcatchers due to dominance of lemonadeberry and non-native species. In addition, implementation of the AMMs would reduce impacts to below a level of significance. The Project is consistent with California Coastal Commission policies such as improving water quality, avoiding impacts to ESHA, and maintaining views to and along the ocean and scenic coastal areas. Therefore, the project location and scope 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 above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 2527594 is granted to Engineering & Capital Projects and The Regents of University of California, Owners and Engineering & Capital Projects as Permittee, 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 /s/ Noah J. Brazier
Noah J. Brazier
Deputy City Attorney

ML:NJB:hm:nja
July 8, 2022
July 21, 2022 Cor. Copy
Or. Dept: DSD
Doc. No.: 3037904

Attachment: Coastal Development Permit No. 2527594

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

WBS# B-16006.02.06

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2527594
LA JOLLA FARMS OUTFALL REPAIR PROJECT NO. 687244 MMRP
CITY COUNCIL

This Coastal Development Permit No. 2527594 is granted by the City Council of the City of San Diego to the City of San Diego, Engineering & Capital Projects Department and The Regents of University of California, Owners and the City of San Diego, Engineering & Capital Projects Department as Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0707(c). The 0.3-acre site is located along La Jolla Farms Road between Blackgold Road and Greentree Lane within the Residential Single Family (RS-1-2) Zone, Coastal (Appealable) Overlay Zone, and Multiple Habitat Planning Area adjacency of the La Jolla Community Plan and Local Coastal Program.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to replace a storm drain pipeline, concrete energy dissipator, and stormwater inlet described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated July 26, 2022, on file in the Development Services Department.

The project shall include:

- a. Replacement of approximately 252 linear feet of new, 18-inch diameter storm drain pipeline, replacement of an existing inlet and installation of a new cleanout, cutoff walls, and concrete energy dissipater; and
- b. Landscaping (planting, irrigation, and landscape related improvements); and
- c. 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 six years (72 months) after the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred. This permit shall be void after July 26, 2028.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
3. 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.
4. 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.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the 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.).
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.

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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration NO. 687244 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration NO. 687244 to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, 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:

Archaeological Resources, Biological Resources, and Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to the issuance of the "Notice to Proceed" with construction, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

16. All Public Improvements shall be constructed per approved Exhibit 'A' and satisfactory to the City Engineer.

17. The City Engineer shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

MULTIPLE SPECIES CONSERVATION PROGRAM:

18. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall depict the following requirements within the contract specifications and depict on construction documents (as necessary) for the Project Site.

- **Grading/Land Development/MHPA Boundaries** -Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** - All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- **Lighting** -All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.
- **Barriers** -Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

- **Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management** -Brush management zones will not be greater in size that is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.
- **Noise** - Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required:-

19. Coastal California Gnatcatcher (Federally Threatened) - Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

20. No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the city manager:

- A. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [DB(a)] hourly average for the presence of the Coastal California Gnatcatcher. Surveys for the Coastal California Gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If Gnatcatchers are present, then the following conditions must be met:
 1. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 2. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (a) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the

City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

3. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(a) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If Coastal California Gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 1. If this evidence indicates the potential is high for Coastal California Gnatcatcher to be present based on historical records or site conditions, then condition A.3 shall be adhered to as specified above.
 2. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

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 July 26, 2022 and R-314263

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Bucey
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.

Engineering and Capital Projects
Owner/Permittee

By _____
Elham Lotfi
Senior Civil Engineer

The Regents of the University of California
Owner/Permittee

By _____
Jeff W. Graham
Executive Director – Real Estate

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

Passed by the Council of The City of San Diego on JUL 26 2022, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <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"/> |
| Raul A. Campillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JUL 26 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk or (Seal)ty of San Diego, California.

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- 314263