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DEVELOPMENT SERVICES
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501

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INTERNAL ORDER NUMBER: 24008129

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 2607763, SITE DEVELOPMENT PERMIT NO. 2237939, COASTAL DEVELOPMENT PERMIT NO. 2237940, AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2582527

TOWNE CENTRE VIEW PROJECT NO. 624751 - MMRP

AMENDMENTS TO SITE DEVELOPMENT PERMIT NO. 2758, COASTAL DEVELOPMENT PERMIT NO. 117798, and PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. 96-7756
CITY COUNCIL

This Planned Development Permit No. 2607763, Site Development Permit No. 2237939, Coastal Development Permit No. 2237940, and Neighborhood Development Permit No. 2582527, amendment to Site Development Permit No. 2758/Coastal Development Permit No. 117798 (Document No. 2005-0626738, Recorded on July 25, 2005), and Planned Industrial Development Permit/Resource Protection Ordinance No. 96-7756 (Document No. 1998-0574600, Recorded on September 10, 1998) is granted by the City Council of the City of San Diego to BRE-BMR Towne Centre Science Park LLC, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0605, 126.0505, 126.0705, and 126.0404. The 33.55-acre site is located at 9908, 9881, 9893, and 9897 Town Centre Drive in the IP-1-1, RS-1-7 and RS-1-14 zone(s) of the University Community Plan area.

The project site is legally described as: Parcels 1, 2, & 3 of Parcel Map No. 18286, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the office of the County Recorder of San Diego County June 21, 1999 AND Parcels 1 and 2 of Parcel Map No. 20710, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the office of the County Recorder of San Diego County, September 21, 2009 as Instrument No. 2009-0524505 of Official Records AND the portion of Towne Centre Drive reserved per Map No. 10830, accepted per Document number 2008-0398615, recorded July 25, 2008 and lying within Parcel 1 of Parcel Map no. 16829, in the City of San Diego, county of San Diego, State of California, filed in the office of the County Recorder of San Diego County, April 23, 1992 AND a portion of Pueblo Lot 1317 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pasco in the year 1870. A copy of which said Map being filed in the Office of the County Recorder of San Diego County and is known as Miscellaneous Map no. 36, being described as follows: Beginning at the northwest corner of Parcel 1 of Parcel Map 16829, filed in the Office of the County Recorder of San Diego County on April 23, 1992 as File no. 1992-239395, also being the southerly line of Parcel 2 of Parcel Map 18286 filed in the Office of the County Recorder of San Diego County on June 21, 1999 as File no. 1999-431406; thence along the

northwesterly line of said Parcel 1 south 52d09'26" west, 39.18 feet to the beginning of a non-tangent 465.00 foot radius curve, concave northeasterly (a radial from which point bears north 26d25'55" east); thence northwesterly, 51.05 feet along the arc of said curve through a central angle of 06d17'25" to a point on the southerly line of Parcel 1 of Parcel Map 20710 filed in the Office of the County Recorder of San Diego County on September 21, 2009 as file no. 2009-0524505; thence along said south line south 89d07'29" east, 36.79 feet (south 89d05'14" east per Parcel Map 20710) to the southeast corner of said Parcel 1 of said Parcel Map 20710, said point also being the southwest corner of said par 2 of said Parcel Map 18286; thence along said south line south 89d07'29" east, 38.53 feet (south 89d07'18" east per Parcel Map 18286) to the point of beginning.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing structures and improvements and construct a new five-building office campus subject to the City's land use regulations, as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. Demolish existing structures and related site improvements and construct five new buildings, ranging in size from 5,924 square-feet to 294,066 square-feet, totaling 999,386 square-feet of Gross Floor Area (GFA), with an additional 1,027,650 square-feet of area excluded from GFA consisting of balcony and roof deck space and an above-grade parking structure. The buildings vary from two to six levels as described in the table below:

Building/Parking Structure	Gross Floor Area (sf)	Levels
Building A	254,358	Six levels
Building B	280,066	Six levels
Building C	270,932	Six levels
Building D	188,106	Five levels
Building E	5,924	Two levels
Building Support Space	-	
Parking Area	-	
Parking Garage	-	7 parking levels above grade
Total	999,386	

- b. Landscaping (planting-, irrigation-, and landscape-related improvements);
- c. Off-street parking, including a four-level podium structure primarily subterranean under each of Buildings A through D, and a separate parking garage consisting of 7 levels, one of which is below grade;
- d. Reconfiguration of the intersection of Towne Centre Drive and Westerra Court; and

- e. 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 [XXXXX XX, 2026].
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 United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of

the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary 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. Any single phase shall be constructed prior to sale or occupancy by unaffiliated 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 Environmental Impact Report No. 624751/SCH No. 2021040044, 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 Environmental Impact Report No. 624751/SCH No. 2021040044, 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 area: Transportation.

16. **BIOLOGICAL RESOURCES (RESOURCE PROTECTIONS DURING CONSTRUCTION)**

- I. Prior to Construction**

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up

mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:** To avoid any direct impacts to California gnatcatcher and any avian species that is listed, candidate, sensitive, or special status in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (March 1 to August 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within three (3) calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.
- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna

species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

CLIMATE ACTION PLAN REQUIREMENTS:

- 17. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, 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.

AIRPORT REQUIREMENTS:

18. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the No FAA Notification Self-Certification Agreement (Form DS-503) and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

19. The Planned Development Permit No. 2607763, Site Development Permit No. 2237939, Coastal Development Permit No. 2237940, Neighborhood Development Permit No. 2582527, and Land Use Plan No. 2607746 shall comply with all Conditions of the Final Map for the Vesting Tentative Map No. 2507560.
20. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate 20 feet of storm drain easements on the east side of the property and on the vacated portion of Towne Centre Drive as shown on approved exhibit satisfactory to the City Engineer.
21. Prior to the issuance of any building permit, the Owner/Permittee shall provide right-of-way dedication to accommodate construction of 40-foot radius cul-de-sac at terminus of Towne Centre Drive satisfactory to the City Engineer.
22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond construction of non-contiguous sidewalk per current City Standards along frontage on Towne Centre Drive to satisfaction of the City Engineer.
23. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond construction of two, 25-foot driveways along Towne Centre Drive and a 30-foot driveway within proposed cul-de-sac all per current City Standards to satisfaction of the City Engineer.
24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond construction of curb inlets and storm drainpipes within Towne Centre Drive and Westerra Court Public Right of Way as shown on approved exhibit to satisfaction of the City Engineer.
25. The Owner/Permittee shall construct new curb ramps on Towne Centre Drive and Westerra Court as shown on approved Exhibit per current City Standards to satisfaction of the City Engineer.
26. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for private storm drainpipe within public storm drain easement and street trees, landscape/irrigation in Towne Centre Drive Public Right of Way.

27. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
29. 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 SDMC, into the construction plans or specifications.
30. 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.

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.

31. Prior to issuance of a grading or a construction permit, 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. When 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. 2009-0009-DWQ and a copy shall be submitted to the City.
32. The project is subject to SDMC Section 142.0151 and paleontological monitoring shall be required as outlined therein.

LANDSCAPE REQUIREMENTS:

33. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water 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 Development Services Department.
34. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-

way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

35. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are 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 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 §142.0403(b)6.
36. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'
37. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
38. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, 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 Certificate of Occupancy.
39. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit a Street Tree Shading Exhibit which shows trees at 10-year maturity by species and demonstrates that 50 percent of the entire throughway area is shaded. Shaded areas shall be assumed to be only those portions of the Throughway directly beneath the shading canopy or drip line, and not based on the true angle of deflection of natural sunlight. Where multiple canopies overlap, credit shall be only be given to the surface area shaded; multiple credit is not counted for overlapping canopies.
40. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall demonstrate landscape compliance for on-site trees per the 2022 Climate Action Plan Regulations at 2 trees per 5,000 square feet of phased building permit development area.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

41. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.
42. The Brush Management Program shall be based on a standard Zone One of 35 feet in width and a Zone Two of 65 feet in width, extending out from the structure towards the native/naturalized vegetation. The project will exercise the following modifications, as permitted per §142.0412:
 - a. Building A: Zone One shall range from 58 to 78 feet in width with a corresponding Zone Two of 30.5 feet to 0 feet, exercising Zone Two reduction options under §142.0412(f).
 - b. Building B: To the west, Zone One shall range from 50 to 79 feet in width with a corresponding Zone Two of 42.5 feet to 0 feet. To the east, Zone One shall range from 74 to 79 feet in width with a corresponding Zone Two of 6.5 to 0 feet, exercising Zone Two reduction options under §142.0412(f).
 - c. Building D: To the northeast, Zone One shall range from 41.5 to 79 feet in width with a corresponding Zone Two of 6 to 0 feet, and exercising Zone Two reduction options with Alternative Compliance measures under §142.0412(f), §142.0412(i), and §142.0412(j). Where the full brush management zones cannot be provided, a fire barrier wall shall be provided between Zones One and Two as alternative compliance for the reduced brush management zones.
 - d. Building E: Zone One shall range from 40 to 79 feet in width with a corresponding Zone Two of 57.5 to 0 feet, and exercising Zone Two reduction options with Alternative Compliance measures under §142.0412(f), §142.0412(i), and §142.0412(j). Where the full brush management zones cannot be provided, a fire barrier wall shall be provided between Zones One and Two as alternative compliance for the reduced brush management zones.
 - e. Parking Garage: Zone One shall range from 48 to 79 feet in width with a corresponding Zone Two of 0 feet, exercising Zone Two reduction options under §142.0412(f).
43. Prior to issuance of any grading permit, 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."
44. Prior to issuance of any Building Permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.
45. 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 Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

46. 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:

47. 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 on construction documents for the Project Site under the heading "Environmental Requirements."
- **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:

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:

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:

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

- II. 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
- III. 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:

- I. 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.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

PLANNING/DESIGN REQUIREMENTS:

48. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the 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.
49. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
50. 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.
51. Prior to the issuance of any construction permit, 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."

TRANSPORTATION REQUIREMENTS

52. All on-site parking stalls 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 by the appropriate City decision maker in accordance with the SDMC.
53. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of a cul-de-sac with 40-foot curb radius, 10-foot-wide parkway, and continental-style crosswalk across the eastern and southern legs at the new terminus of Towne Centre Drive at Westerra Court (as shown on Exhibit "A"), satisfactory to the City Engineer.

54. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of an upgraded 2070 traffic signal controller (including software update) at the following signalized intersection locations, satisfactory to the City Engineer:

- a. Towne Centre Drive & Eastgate Mall
- b. Towne Centre Drive & Executive Drive
- c. Judicial Drive & Eastgate Mall
- d. Judicial Drive & Executive Drive
- e. Regents Road & Eastgate Mall
- f. Regents Road & Regents Park Row
- g. Eastgate Mall & Eastgate Drive
- h. Miramar Road & Eastgate Mall
- i. Miramar Road and Miramar Place
- j. Miramar Road & Camino Santa Fe/Frost Mar Place

All improvements shall be completed and operational prior to first occupancy.

55. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of accessible pedestrian signals at the following signalized intersection approach locations, satisfactory to the City Engineer:

- a. Towne Centre Drive & Eastgate Mall
- b. Towne Centre Drive & Executive Drive
- c. Judicial Drive & Eastgate Mall
- d. Judicial Drive & Executive Drive
- e. Regents Road & Eastgate Mall
- f. Regents Road & Regents Park Row
- g. Eastgate Mall & Eastgate Drive
- h. Miramar Road & Eastgate Mall
- i. Miramar Road and Miramar Place
- j. Miramar Road & Camino Santa Fe/Frost Mar Place

All improvements shall be completed and operational prior to first occupancy.

56. Prior to the issuance of any building permit, the Owner/Permittee shall use its best efforts to engage in a private agreement with University of California San Diego to pay a fair share contribution indicated in the parenthetical below towards the installation of adaptive traffic signal control at the following signalized intersection locations, satisfactory to the City Engineer and Caltrans:

- k. Towne Centre Drive & La Jolla Village Drive (31.6%)
- l. Regents Road & La Jolla Village Drive (16.8%)
- m. Interstate 805 Southbound Ramps and La Jolla Village Drive (24.8%)

57. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of bicycle loop detectors and the necessary traffic signal modifications at the following signalized intersection approach locations, satisfactory to the City Engineer:

- a. Towne Centre Drive & Executive Drive – Northbound
- b. Towne Centre Drive & Towne Centre Driveway – Northbound and southbound
- c. Judicial Drive & Executive Drive – Northbound
- d. Judicial Drive & Judicial Driveway – Northbound and southbound
- e. Eastgate Mall & Easter Way – Westbound
- f. Regents Road & Eastgate Mall – Northbound, southbound and eastbound
- g. Regents Road & Executive Drive – Northbound, southbound and westbound
- h. Regents Road & Regents Park Row – Northbound and southbound

All improvements shall be completed and operational prior to first occupancy.

58. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the signal heads for installation of backplates with retroreflective borders and the necessary traffic signal modifications at the following signalized intersection locations, satisfactory to the City Engineer and Caltrans:

- a. Towne Centre Drive & Eastgate Mall
- b. Towne Centre Drive & Executive Drive
- c. Towne Centre Drive & Towne Centre Driveway
- d. Towne Centre Drive & La Jolla Village Drive
- e. Judicial Drive & Executive Drive
- f. Genesee Avenue & Executive Drive
- g. Regents Road & Executive Drive
- h. Regents Road & Regents Park Row
- i. Regents Road & La Jolla Village Drive
- j. Genesee Avenue & Campus Point Drive
- k. Genesee Avenue & Scripps Hospital Driveway
- l. Genesee Avenue & I-5 NB Ramps
- m. Genesee Avenue & I-5 SB Ramps
- n. La Jolla Village Drive & Lebon Drive
- o. Interstate 805 Northbound Ramps & Miramar Road
- p. Interstate 805 Southbound Ramps & La Jolla Village Drive/Miramar Road
- q. Miramar Road & Eastgate Mall
- r. Miramar Road & Carroll Road
- s. Miramar Road & Camino Ruiz

All improvements shall be completed and operational prior to first occupancy.

59. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the installation of high visibility crosswalks and necessary traffic signal modifications at the following intersection approaches, satisfactory to the City Engineer:
- a. Towne Centre Drive & Towne Centre Driveway – north and east
 - b. Judicial Drive & Eastgate Mall – north, east and west
 - c. Judicial Drive & Judicial Driveway – north, east and west
 - d. Eastgate Mall & Easter Way – east and west
 - e. Regents Road & Regents Park Row – north, south, east and west

All improvements shall be completed and operational prior to first occupancy.

60. Prior to the issuance of any building permit, the Owner/Permittee shall pay a fair share contribution towards the widening or restriping of the following roadway segments to their ultimate planned classification, satisfactory to the City Engineer:
- n. Eastgate Mall –
 - i. Interstate 805 Overpass to Operation Boulevard (34.1%)
 - ii. Operation Boulevard to Olson Drive (40.6%)
 - iii. Olson Drive to Miramar Road (28.5%)
 - o. Miramar Road –
 - i. Camino Santa Fe to Production Avenue (41.3%)
 - ii. Production Avenue to Distribution Avenue (40.5%)
 - iii. Distribution Avenue to Miramar Way (41.2%)
 - iv. Miramar Way to Carroll Road (41.3%)

61. Prior to the issuance of the any building permit, the Owner/Permittee shall provide a recorded Shared Parking Agreement between all affected properties, satisfactory to the City Engineer.

62. Prior to issuance of any building permit, the Owner/Permittee shall submit complete construction documents that include the location of pedestrian scale lighting and at least 59 long-term bicycle parking spaces with individual outlets for electric charging. The location 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.

GEOLOGIC REQUIREMENTS:

63. Prior to the issuance of any construction permits (either grading or building permit), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addressed the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

64. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.
65. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department 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.
66. The Owner/Permittee shall grant a sewer access easement as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Department and the City Engineer. Easements shall be located entirely within one lot or parcel and adjacent to the property line.
67. Prior to the recordation of the easement vacation, the Owner/Permittee shall assure, by permit, bond and As-built completion the abandonment of the water main, in a manner satisfactory to the Public Utilities Department and the City Engineer.
68. Prior to the recordation of the right-of-way vacation, the Owner/Permittee shall assure, by permit, bond and As-built completion the abandonment of the sewer, water and recycled water mains, in a manner satisfactory to the Public Utilities Department and the City Engineer.
69. All proposed private water and sewer facilities 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.
70. 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.
71. The Subdivider shall grant adequate sewer, including vehicular access to each appurtenance for all public sewer that are not located within fully improved public rights-of-ways, satisfactory to the Public Utilities Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Public Utilities Department. and the City Engineer.
72. The Subdivider shall process Encroachment Maintenance and Removal Agreement (EMRA), for all proposed private sewer within proposed sewer access easement.

ENVIRONMENTAL SERVICES REQUIREMENTS/WASTE MANAGEMENT PLAN

73. The Owner/Permittee shall comply with the Waste Management Plan dated December 2020 and shall be enforced and implemented to the satisfaction of the Environmental Services Department.

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 [INSERT Approval Date] and [Approved Resolution Number].

PLANNED DEVELOPMENT PERMIT NO. 2607763/SITE DEVELOPMENT PERMIT NO. 2237939/COASTAL
DEVELOPMENT PERMIT NO. 2237940/NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2582527
Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Martha Blake
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.

BRE-BRM Towne Centre Science Park, LLC
Owner/Permittee

By _____
John Moshy
Vice President Development

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