

(R-93-1196)

RESOLUTION NUMBER R-281471

ADOPTED ON FEBRUARY 9, 1993

WHEREAS, on December 3, 1993, the Planning Commission recommended approval of Planned Commercial Development ("PCD") Permit No. 85-0824 submitted by American Assets, Inc., a corporation, Owner/Permittee, for the development of approximately 458,646 square feet of visitor commercial and office uses on a 60-acre site located east of Interstate 5 and approximately one-quarter mile south of Carmel Valley Road and described as Parcel 2 of Parcel Map No. 14873, in the Sorrento Hills Community Plan area, in the A1-1 zone (proposed CO zone); and

WHEREAS, the matter was set for public hearing on February 9, 1993, 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 this Council adopts the following findings with respect to Planned Commercial Development Permit No. 85-0824:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed development will provide office and visitor commercial uses to the Sorrento Hills Community. The project complies with the relevant regulations of the Municipal Code and the Sorrento Hills Community Plan.

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2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The proposed development has been designed so that it will not be detrimental to persons living and working in the area. The project complies with the Sorrento Hills Community Plan, which provides guidelines for developments, so that adjacent residents and properties are not negatively impacted.


3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed development complies with the Coastal Development Ordinance, the Planned Commercial Development Ordinance, the CO (Commercial Office) zone regulations and all other relevant regulations of the Municipal Code.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Department is sustained and Planned Commercial Development Permit No. 85-0824 is hereby granted to American Assets, Inc., under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
03/16/93
Or.Dept:Clerk
R-93-1196

PLANNED COMMERCIAL DEVELOPMENT PERMIT AND
COASTAL DEVELOPMENT PERMIT NO. 85-0824

TORREY RESERVE COMMERCIAL DEVELOPMENT

CITY COUNCIL

This Planned Commercial Development ("PCD")/Coastal Development Permit ("CDP") No. 85-0824 is granted by the Council of The City of San Diego to AMERICAN ASSETS, INC., a corporation, Owner/Permittee, pursuant to in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Commercial Development/Coastal Development located east of Interstate 5 and approximately one-quarter mile south of Carmel Valley Road, described as Parcel 2 of Parcel Map No. 14873, in the currently A1-1 Zone (Proposed CO zone).
2. The facility shall consist of the following:
 - a. The grading of 17.5 acres and the construction of 12 buildings totalling 458,646 square-feet;
 - b. The installation of an entry statement for the Arroyo Sorrento neighborhood;
 - c. Off-street parking;
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Rezoning of the subject property shall be approved by the City Council and become effective with the recordation of the subdivision map.
4. No fewer than 1,673 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 9, 1993, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.
5. No permit for grading or building of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
 - b. The Planned Commercial Development/Coastal Development Permit is recorded in the office of the County Recorder.
6. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 9, 1993, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.
 7. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated February 9, 1993, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
 8. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
 9. The effective date of this permit shall be the date of final action following all appeal dates and proceedings or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Municipal Code section 101.0910(M). Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
 10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies. The applicant shall be able to provide proof of such compliance from all governmental agencies having jurisdiction.
 11. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Director; or

- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion;
- c. The permit has been revoked by the City.

The property included within this Planned Commercial Development/Coastal Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

- 12. This Planned Commercial Development Permit/Coastal Development Permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
- 13. This Planned Commercial Development Permit/Coastal Development Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.
- 14. Permanent and/or temporary signs shall be approved by the Sign Code Administrator and shall conform to City-wide Sign Regulations and be administered by the Sign Code Administration Division of the Neighborhood Code Compliance Department.
- 15. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
- 16. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
- 17. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated February 9, 1993, shall be permitted by an Encroachment Permit obtained from the City Engineer.
- 18. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
- 19. The child care facility shall be operated and maintained for the children of employees of businesses located within the Torrey Reserve Commercial Development only. Reports shall be sent to the Planning Department upon request.

20. Building materials shall be in accordance with the approved Exhibit "A," dated February 9, 1993, on file in the office of the Planning Department.
21. An entry statement shall be provided at both the entrance to the Arroyo Sorrento neighborhood on Arroyo Sorrento Road, near the intersection with El Camino Real and at the entrance to the neighborhood at the project boundary. The entry statement shall be submitted and approved by the Planning Director, prior to the issuance of building permits.
22. This Coastal Development Permit/Planned Commercial Development Permit shall not become effective until 30 days following action by the Coastal Commission to adopt the Local Coastal Program Amendment related to the proposed rezone for the project site.
23. This Coastal Development Permit incorporates a Planned Commercial Development Permit and Rezone. The Rezone and Planned Commercial Development Permit shall not be valid until the Coastal Development Permit becomes effective.

Environmental Mitigation Conditions

24. The landscape contractor for the project shall be instructed to avoid the use of pesticides or herbicides within and adjacent to the open space easement. This shall be noted on the landscape plans.
25. Street lighting shall be designed to avoid lighting the open space easement area. Building/parking lot lighting shall be directed away from open space and only minimal security lighting shall be provided in areas adjacent to natural open space. This shall be noted on the building plans.
26. Future structures shall not be founded across daylight lines (the point or area where grading abuts natural ground) to provide a minimum thickness of compacted fill across the entire pad.
27. A 50 dBA CNEL interior noise level shall be ensured by future review of building plans by the City's Noise Abatement Office. Planning will not issue permits until plans are reviewed and approved by the Noise Abatement Office.
28. The applicant shall retain a soils engineer and landscape architect to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and the Environmental Analysis Section ("EAS"), Development and Environmental Planning Division, Planning Department, certification that the project has complied with the required mitigation measures on the

grading plans. Other than minor changes in grading, the applicant shall process construction changes through the Planning Department. After the Planning Director and City Engineer approves the grading, a recommendation shall be made to the City Council for the release of the surety bond.

29. A five-year monitoring program shall be conducted by the project biologist in conjunction with the maintenance program conducted by the landscape contractor for those disturbed areas and manufactured slopes addressed in the revegetation plan. A separate surety bond shall be posted to ensure installation and maintenance of the landscaping. Monitoring shall be conducted by a biologist with experience in preparation and implementation of revegetation programs and commence following the completion of planting and hydroseeding operations. Survival counts shall occur quarterly for the first year and annually for years two through five. A total of five annual reports shall be prepared upon completion of the data collection and analysis.

Quantitative analysis shall consist of measurements using belt transect. Measurements shall include height, cover, and survival to be evaluated against the following milestones:

Year 1	90 percent of container stock
Year 2	80 percent survival of container stock 40 percent cover of all native vegetation (container stock and hydroseed vegetation)
Year 3	80 percent survival of container stock 50 percent cover of all native vegetation
Year 4	80 percent survival of container stock 60 percent cover of all native vegetation
Year 5	80 percent survival of container stock 80 percent cover of all native vegetation

Survival rates shall be determined four times during the first year and during the transect visits of subsequent years. The inventory taken at each visit shall include species and surviving numbers for all plants established from container stock.

Progress and annual technical reports shall be submitted to the Planning Department after each inspection. The reports shall describe the site and plant conditions, report results of the technical analysis, and shall include proposed remedial action. The bond shall be released at the end of

the five-year monitoring program period if compliance with the survival rates listed above are met.

30. Manufactured slopes and disturbed open space areas adjacent to undisturbed native habitat (approximately 2.2 acres) shall be vegetated with native species which are known to occur locally in accordance with the revegetation plan. Torrey pine may be used as a landscape element adjacent to the natural areas; however, it should not be planted within native habitat areas, as that would degrade the quality of this habitat for California gnatcatchers. No non-native plant species which are known to invade native habitats should be planted adjacent to natural areas. A surety bond to assure implementation of the revegetation program shall be a condition of PCD No. 85-0824. Successful revegetation of these areas with southern maritime chaparral would serve to fully mitigate 0.43 acre of impact to southern maritime chaparral; a total of approximately 2.2 acres of disturbed areas and manufactured slopes would be revegetated resulting in greater than a 3:1 ratio of mitigation area.
31. The grading plan shall incorporate a maintenance program for erosion and runoff control measures, which shall be approved by the City Engineer and Planning Department. The erosion and runoff control measures shall be designed and bonded prior to recordation of the final map; erosion control measures shall be implemented prior to acceptance of the grading and public improvements by the City. The applicant and future property owners shall be responsible for the specialized maintenance program and shall maintain records of the maintenance.
32. The applicant shall retain a soils engineer to monitor the grading, construction, installation of runoff control devices, and revegetation of the project and submit in writing to the City Engineer and the EAS certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls prior to issuance of building permits for the project.
33. During grading and construction of the proposed improvements, steps shall be taken to ensure that all waste chemicals, especially lubricants, paints, and fuels are properly contained and transported off-site, where they should be recycled or destroyed. The installation of temporary desilting basins during grading, permanent pollution control devices, and rock energy dissipaters at drainage discharge points will reduce the load of urban pollutants before they reach the lagoon. The above measures shall be noted on the grading plans.
34. Pollution control devices shall be provided to the satisfaction of the City Engineer in conjunction with site development and shall be a condition of the PCD and CDP.

The locations shall be noted on the grading plans. Prior to the issuance of grading permits, the EAS shall review the plans to ensure the measures have been provided. The applicant shall notify the EAS upon installation of the pollution control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided to the EAS. The maintenance shall be the responsibility of the applicant and then the property owner for the individual lots. The City shall be responsible for maintenance of drainage improvements in the public right-of-way.

35. A paleontological monitoring results report, with appropriate graphics, summarizing the results, even if negative, analysis, and conclusions of the paleontological monitoring program as described in the EIR shall be prepared and submitted to EAS following the termination of the paleontological monitoring program and prior to issuance of building permits.
36. If grading is to occur during the nesting season of the California gnatcatcher and this species is found to be nesting adjacent to the area to be graded, the applicant will implement a monitoring and reporting program as described in the Environmental Impact Report to the satisfaction of the Principal Planner of the Environmental Analysis Section.

Street Vacation Conditions

37. Clearances must be obtained from all concerned public utilities and franchise facility companies.
38. Easements must be reserved for any public utilities and franchise facilities within the area to be vacated, or the facilities may be relocated, in a manner satisfactory to the affected utility companies.
39. The final map for Torrey Reserve (Tentative Map No. 85-0824) must be approved and recorded in conjunction with the street vacation.
40. Construction of the new alignment for El Camino Real must be dedicated and open for public use, in a manner satisfactory to the City Engineer.
41. In the event that the permittee elects not to obtain title to the Caltrans parcel, the Planning Director and the City Engineer or their designated representatives shall be authorized to review and approve revisions to project, provided that such revisions are in substantial conformance to the approved project.

42. In the event that 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.
43. The total project shall not exceed 458,646 square feet of development. The commercial office buildings on the west side of El Camino Real shall not exceed 287,480 square feet, and the commercial office buildings on the east side of El Camino Real shall not exceed 171,166 square feet.

The modified buildings shall be designed so that the reduction in square footage results in increased terracing features to the buildings. The revised building plans shall be subject to the approval of the Planning Director.

The project shall be requires to maintain a total of 1,673 parking spaces. A minimum of 615 parking spaces shall be located on the east side of El Camino Real and 1,058 parking spaces shall be located on the west side of El Camino Real, as indicated on Exhibit "A," dated February 9, 1993, on file in the Planning Department.

44. The vehicular access shall not be permitted from the project site onto Arroyo Sorrento Road.

APPROVED by the Council of The City of San Diego on February 9, 1993, by Resolution Nos. R-281470 and R-281471.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw SUSAN GOLDING known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

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

AMERICAN ASSETS, INC.
 Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
 must be attached per Civil
 Code Section 1180, et seq.
 Form=p.ack**

R-281471

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FEB 09 1993

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 8 - VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Blonda B. Barrow* Deputy.

Office of the City Clerk, San Diego, California

FEB 09 1993

Resolution *R-281471*
Number Adopted