

(R-93-1872)

RESOLUTION NUMBER R-281849

ADOPTED ON APRIL 27, 1993

WHEREAS, BALIT CBC CORPORATION, Owner/Permittee, appealed the decision of the Planning Commission in denying Coastal Development Permit No. 89-0928 submitted by BALIT CBC CORPORATION, Owner/Permittee, to further develop scientific research and related office uses on the subject property, located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road, described as Lot 1 of Torrey Pines Science Park Unit No. 1, Map thereof No. 6229, in the University Community Plan area, in the SR (Scientific Research) zone; and

WHEREAS, the matter was set for public hearing on April 27, 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 Coastal Development Permit No. 89-0928:

1. That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program (LCP) Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The subject property is not identified in the adopted North City LCP Land Use Plan as a public accessway. The site is privately owned and therefore would not encroach upon any existing physical accessway legally utilized by the general public.

In addition, the proposed new structures have been designed to conform with the existing landform on the site in an attempt to minimize the obstruction of potential public views and as a result would not obstruct views to and along the ocean or other scenic coastal areas from public vantage points. Therefore, no adverse impacts to these resources are anticipated to occur as a result of project implementation.

2. That the proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

The project site is not located near the ocean and therefore would not adversely affect marine resources in the area. The Supplemental Environmental Impact Report (SEIR) prepared for the project identified no adverse impacts occurring to paleontological resources as a result of project implementation. Therefore, no mitigation is required to protect this resource.

The SEIR did identify potentially limited adverse impacts to archaeological and environmentally sensitive lands (biological resources) which would result from the proposed development of this site. The impact(s) to these resources can be adequately mitigated to a level below significance by assuring project implementation of the following mitigation measures as described

in the Mitigation Monitoring and Reporting Program prepared for the development:

Biological Resources Mitigation:

Impacts to coastal mixed chaparral, the Cooper's hawk, and the orange-throated whiptail shall be mitigated through the dedication of a 1.50-acre negative open space easement to preserve an area in the northeast portion of the site.

Grading and clearing of the site shall begin at the southern boundary and proceed northerly to provide the opportunity for the orange-throated whiptail to vacate the portion of the site to be developed and to occupy the portion of the site to be retained in open space.

The required mitigation measure shall be noted in the permit. Prior to the issuance of a grading permit, the Environmental Analysis Section (EAS) shall verify compliance with the required mitigation. This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division.

Cultural (Archaeological) Resources Mitigation:

a. Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City EAS to ensure the fence has been constructed. The fence shall remain until completion of all construction activities, whereupon it shall be removed.

b. No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to

site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring.

If archaeological materials are encountered during removal of existing asphalt paving and oiled surfaces, a data recovery program approved by City staff shall be initiated for this area.

c. The applicant shall provide verification that a qualified archaeologist and/or an archaeological monitor have been retained to implement the archaeological monitoring program. This verification shall be presented in a letter to the Principal Planner of the EAS of the City Planning Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists.

An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by the EAS prior to the preconstruction meeting. For questions regarding the archaeological sites, EAS shall be contacted.

d. The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans.

The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a

results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

e. The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

These required mitigation measures described above shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.

3. That the proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (San Diego Municipal Code section 101.0462), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

The project site is located within the City's coastal zone as identified within the North City Local Coastal Program and is therefore exempt from the Resource Protection Ordinance per requirements of the San Diego Municipal Code.

4. That the proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

No coastal scenic resources, recreational or visitor-serving facilities presently exist or were identified by the North City Local Coastal Program for the area adjacent to the project site. Therefore, no mitigation would be required and no adverse impacts

to these resources are anticipated to occur as a result of project implementation.

5. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

No adjacent public parks or public recreational areas or facilities presently exist or were identified by the North City Local Coastal Program for the area adjacent to the subject site. Therefore, no mitigation would be required and no adverse impacts to these resources are anticipated to occur as a result of project implementation.

6. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

No significant or environmentally sensitive landforms remain to be disturbed on the project site. The proposed expansion of scientific research facilities would be concentrated on the previously graded, flatter portions of the site. Therefore, no adverse impacts to the alteration of natural landforms would occur as a result of project implementation.

The SEIR prepared for the project did identify potentially limited adverse impacts resulting from geologic and erosional forces due to implementation of the proposed development. The SEIR concluded that any development within the lagoon watershed,

both approved and proposed, would increase the environmental problems associated with drainage and watershed preservation and would further affect the hydrologic, hydraulic, and water quality of Los Peñasquitos Lagoon.

These problems would include increased quantities of runoff, siltation, and erosion, contamination and decreased water quality, and decreased flow into groundwater systems. Measures which have been incorporated into the proposed project to reduce direct impacts to a level below significance include:

Erosion control measures undertaken during and after the construction period would ensure that sedimentation, as a result of the development, would not exceed pre-development conditions. Temporary erosion control devices would include drainage swales, sandbagging, siltation traps, and other measures required by coastal regulations and City of San Diego land development ordinances and standards.

Such measures, incorporated into the project through the design review of construction plans and built concurrently with the grading, are required of all projects in the City of San Diego. To reduce the potential for erosion and sedimentation impacts during project construction, grading activities would be limited to the dry season.

All graded slopes would be stabilized before the beginning of the rainy season. Detention basins would be incorporated as part of the project design to control runoff and sedimentation due to project construction.

The basins would be located in the parking lots of the proposed project site, in the northwest and northeast corners, along the southern border of the project site as well as in the covered parking garage; the drainage plan and the location of the detention basins are illustrated in Figure 11 of the SEIR prepared for the project.

The applicant would assume responsibility for financing and maintenance of these basins. All of the temporary erosion control devices listed in the previous paragraph as well as all of the items in this paragraph are to be included as notes on the grading plans.

The above measures shall be noted on the grading plans. Prior to issuance of grading permits, EAS shall review plans to ensure the notation has been provided. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.

With proper implementation of the Mitigation Monitoring and Reporting Program described above, the projected adverse impacts resulting from geologic and erosional forces can be adequately mitigated to a level below significance.

The project site is not located within either the FW (Floodway) or FPF (Floodplain Fringe) Zones. A brush management and landscape plan has been designed for the project in accordance with relevant requirements and guidelines of the

City of San Diego Landscape Technical Manual to avoid any potential fire hazards to surrounding properties and the subject site. Therefore, the risk of flood or fire induced hazards is considered insignificant and no mitigation will be necessary to incorporate into the project's design or implementation.

7. That the proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

Although not visually degraded, the site would be visually enhanced through implementation of the project's landscape and brush management plan. The proposed project is visually compatible with the existing scientific research land use character of surrounding areas on North Torrey Pines Road.

Architectural controls incorporated as conditions of approval in the permit shall assure project compliance with adopted community plan design guidelines and compatibility with existing industrial and scientific research and development in the area. In addition to the desirable architectural elements described above, the site would not be significantly disturbed in terms of landform alteration/grading to accommodate the proposed structures.

8. That the proposed development will conform with the general plan, the LCP, and any other applicable adopted plans and programs.

The proposed project would be consistent with recommended land use, densities, design guidelines, and development standards


of proposed amendments to the University Community Plan and North City Local Coastal Program, the City of San Diego Progress Guide and General Plan, and the SR Zone.

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 appeal of BALIT CBC CORPORATION is granted; the decision of the Planning Commission is overruled, and Coastal Development Permit No. 89-0928 is hereby granted to BALIT CBC CORPORATION, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
05/10/93
Or.Dept:Clerk
R-93-1872
Form=r.permit

**COASTAL DEVELOPMENT/
PLANNED INDUSTRIAL DEVELOPMENT PERMIT
NO. 89-0928**

BALIT CBC

CITY COUNCIL

This Coastal Development/Planned Industrial Development Permit is granted by the Council of The City of San Diego to the BALIT CBC CORPORATION, Owner/Permittee, pursuant to Sections 105.0202 through 105.0210 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to further develop scientific research and professional office uses on the subject property located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road, described as Lot 1 of Torrey Pines Science Park Unit No. 1, Map thereof No. 6229, within the University community plan area, in the SR (Scientific Research) zone.
2. The project shall consist of the following facilities and site improvements:

a. BUILDING DATA:

BUILDING TYPE	Square Footage (LEVEL 1)	Square Footage (LEVEL 2)	Square Footage (SUBTOTAL)
1. Administration	20,000	20,000	40,000
2. Laboratory	25,000	0	25,000
3. Laboratory	57,000	0	57,000
4. Laboratory	0	15,000	15,000
5. Laboratory	30,000	0	30,000
6. Laboratory	28,400	28,400	56,800
7. Laboratory	29,100	29,100	58,200
8. Library/ Cafeteria	3,600	0	3,600
GROSS BUILDING FOOTPRINT AREA	193,100	(28 percent of total site area)	
GROSS BUILDING FLOOR AREA	285,600		

All building plans shall be constructed in accordance with the approved Exhibit "A" for this project, dated April 27, 1993, on file in the office of the Planning Department; and

- b. Site landscaping and associated brush management; and
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than 696 off-street parking spaces shall be maintained on the property at all times in the location shown on Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit 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; and
 - b. The permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
6. 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 April 27, 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.
7. The property included within this permit 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.

8. This permit may be canceled or revoked if there is a 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.
9. This 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 in this permit and all referenced documents.
10. The use of texture 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.
11. 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.
12. 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.
13. 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.
14. The effective date of this permit shall be the date of final action by the State Coastal Commission. The permit must be utilized within thirty-six (36) months after the affective date. Failure to utilize the permit within thirty-six (36) months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0920(M), of the Municipal Code. 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.
15. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
16. 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; or

- c. The permit has been revoked by the City.
17. In accordance with provisions of the Municipal Code relevant to land uses in the SR Zone, the following effects shall not be permitted to emanate beyond the boundaries of the project site:
- a. Objectionable air pollutants, noise, odor, changes in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments.
 - b. Emissions that endanger human health, cause damage to vegetation or property, or cause soiling.
 - c. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.
18. Prior to issuance of any building permit for this development a fee of \$6,673.80 shall be deposited with the Planning Department for the Los Peñasquitos Watershed Restoration and Enhancement Program.
19. Prior to the issuance of any building permits, the applicant shall:
- a. Install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - b. Provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and cleansing velocities.
20. No signs shall be permitted on this site except for the following as specified by the SR zone:
- a. One (1) unlighted or non-flashing lighted, double-faced or single-faced ground sign not exceeding 125 square feet in area per display face, and not exceeding a maximum of 15 feet in height, identifying the occupant of each building site. Such sign may be located in any required yard area provided that such sign is erected not closer than 20 feet to any lot line.
 - b. Unlighted or non-flashing lighted signs attached to but not projecting more than 16 inches beyond the face of any building, nor projecting above the parapet or eaves of the building. Wall signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events related to or provided by

businesses, persons or organizations located on the premises, or to display public interest messages.

- c. Unlighted or non-flashing lighted, double-faced or single-faced directional signs not exceeding 12 square feet in area per display face as may be necessary to direct and control vehicular and pedestrian traffic. Such directional signs may be located in any required yard area.
 - d. The aggregate area of all signs permitted on the premises shall not exceed one (1) square foot for each linear feet of the perimeter of the premises.
 - e. All signs shall also comply with the provisions of Chapter IX, Article 5, Division 1, of the City Sign Code Ordinance.
21. Loading platforms shall be located or shall be screened by a landscape or architectural feature so as not to be visible from any adjoining street or highway or adjoining property.
22. The following effects shall not be permitted to emanate beyond the boundaries of the project site at any time:
- a. Objectionable air pollutants, noise, odor, changes in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments.
 - b. Emissions that endanger human health, cause damage to vegetation or property, or cause soiling.
 - c. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.

For purposes of determining if phenomena are significant in the zone, the standards prescribed by the regulations of the California Department of Public Health shall be taken into account in addition to the factors enumerated above.

23. The applicant shall construct temporary and permanent detention basins, satisfactory to the City Engineer to reduce direct erosion, sedimentation and urban pollutant impacts to below a significant level and as described in Supplemental Environmental Impact Report SEIR No. 89-0928.
24. Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City Environmental Analysis Section (EAS) to ensure the fence has been constructed. The fence shall

remain until completion of all construction activities, whereupon it shall be removed.

25. No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring. If archaeological materials are encountered during removal of existing asphalt paving and oiled surfaces, a data recovery program approved by City staff shall be initiated for this area.
26. The applicant shall provide verification that a qualified archaeologist and/or an archaeological monitor have been retained to implement the archaeological monitoring program. This verification shall be presented in a letter to the EAS Principal Planner of the City Planning Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists. An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by the EAS prior to the reconstruction meeting. For questions regarding the archaeological sites, EAS shall be contacted.
27. The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
28. The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.
29. The preceding mitigation measures shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.
30. The Balit-CBC facility will be required to participate in the community-wide Facilities Benefit Assessment (FBA) program, as required by relevant City Council resolutions. Contributions to the program by the proposed project would assist in the financing of necessary public infrastructure improvements throughout the University community. The

contributions shall be made prior to issuance of any building permits.

31. The project shall be required to contribute to the financing of the design and construction of the intersection of North Torrey Pines Road/Genesee Avenue (presently referred to by the City Engineering Department as Alternative 5D-1). Funding for the intersection will be provided by development and City revenues, including the North University City Facilities Benefit Assessment District.
32. The project shall be responsible, with other projects in the area, for the provision of an additional northbound right-turn lane on North Torrey Pines Road on its approach to Science Park Road. There shall be a 10-foot-wide left-turn lane, a 12-foot-wide right-turn lane, three 12-foot-wide through lanes and a 4-foot-wide bike lane at the intersection for a total width of 62 feet from the curb to the edge of the median. The new right-turn lane shall be at least 250 feet long, with a transition satisfactory to the City Engineer.
33. The proposed project shall be required to dedicate approximately 10 feet along its frontage Science Park Road and provide improvements for one additional right-turn lane, satisfactory to the City Engineer. This would result in three westbound and two eastbound lanes on Science Park Road for at least 350 feet east of North Torrey Pines Road and shall include modification of the traffic signal. The curb lane for eastbound traffic shall be at least 14 feet wide. The right-turn lane for westbound traffic shall be 12 feet wide, the left-turn lanes shall be the standard 12 feet in width. Widening will be required on this leg of the intersection.
34. To monitor the effectiveness of the project's Transportation Demand Management (TDM) Program, an annual report shall be submitted to the City Engineer for review and approval. The format of the report will be in compliance with requirements of City Ordinance No. O-17349 (New Series) adopted on September 26, 1989.
35. Prior to issuance of building permits for square footage of floor area in excess of the existing facility square-footage of 121,981 square feet, the EAS shall review the plans to ensure the preceding measures have been adequately provided to the satisfaction of the City Engineer.
36. Impacts to coastal mixed chaparral, the Cooper's hawk, and the orange-throated whiptail shall be mitigated through the dedication of a 1.50-acre negative open space easement (as identified by location on Exhibit "A") to preserve an area in the northeast portion of the site. Grading and clearing of the site shall begin at the southern boundary and proceed

northerly to provide an opportunity for the orange-throated whiptail to vacate the portion of the site to be developed and to occupy the portion of the site to be retained in open space. Prior to the issuance of a grading permit the EAS shall verify compliance with the required mitigation. This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division.

37. The proposed construction of the project includes a three-level parking structure. One level of the parking structure would be underground and would account for approximately 15 percent of the on-site parking. Therefore, 85 percent of the on-site parking area will be subjected to storm water runoff and any resultant urban pollutants. Pollutants which may be suspended in the runoff shall be filtered out in the sedimentation/detention basins.
38. Prior to the issuance of any building permits for square footage in excess of the existing 121,981 square feet, the applicant shall ensure that the provision of an additional left-turn lane from Science Park Road to North Torrey Pines Road is complete and in place, either through completion of the improvements required of La Jolla Cancer Research Foundation for its proposed expansion or through the provision of said left-turn lane solely by applicant. Prior to the expansion of the project beyond 72,200 square feet in excess of the existing 121,981 square feet, the applicant shall dedicate and with other projects in the area shall improve additional right-of-way to provide a 45-foot, right-of-way width from centerline to property line, for Science Park Road, from North Torrey Pines Road to a point 250 feet east of North Torrey Pines Road, then transition for 120 feet, and shall then provide a 41-foot, right-of-way width from centerline to property line from the end of the transition to the easterly property line of the site and off-site transitions, satisfactory to the City Engineer. The improvements shall be installed satisfactory to the City Engineer and shall include relocation of curb, sidewalk, installation of pavement as necessary, modifications to the traffic signal system at North Torrey Pines Road and Science Park Road, and maintaining a ten-foot, curb-to-property-line distance.
39. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement from the City Engineer for the proposed drive aisle along the northerly end of the site, which is with a slope easement, and/or obtain an easement abandonment of the existing slope easement. This condition does not constitute approval of the Encroachment Removal Agreement or the slope easement abandonment; separate applications must be submitted.

40. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
41. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
42. Prior to final approval of this permit, the applicant must obtain California Coastal Commission approval of the proposed amendment to the North City Local Coastal Program as required to implement the proposed development in accordance with Sections 30240, 30250-30253 of the California Coastal Act.
43. The relinquishment of abutter's rights-of-access shall not apply to the two existing driveways as configured and shown on the approved Exhibit "A," dated April 27, 1993, on file in the office of the Planning Department.
44. The Transportation Demand Management Plan prepared for this project, dated June 1990 and on file with the TDM Administrator, shall be implemented, including but not limited to the following:
 - a. All tenants of both the existing and planned development shall join the North City Transportation Management Association (TMA). This requirement is not intended to apply to leases in place at the time this permit is approved by the Coastal Commission.
 - b. An alternative transportation kiosk shall be maintained on-site, providing at a minimum information related to transit schedules, rideshare matching, guaranteed ride home, concierge service, and other services provided by North City TMA.
 - c. Bicycle racks or lockers shall be provided as needed.
 - d. Shower facilities shall be provided to all employees who bicycle to work.
 - e. A \$20.00 per trip per day penalty shall be imposed for all daily vehicle trips in excess of a ratio of 8:1,000 gross square feet of floor area after buildout as identified by the project's TDM program. The preceding penalties shall commence within 13 months from the date of issuance of a Certificate of Occupancy for the expansion of any facility on this site. The number of trips generated by the project will be estimated annually by the TDM Administrator using information collected through the City Employer TDM Program, rather than through a driveway count report by the applicant. The applicant has the right to undertake a driveway

count by a licensed traffic engineer if they wish to challenge our trip estimate.

- f. Among the required parking spaces, carpool parking spaces shall be provided as needed. These spaces shall be clearly labeled and conveniently located.
45. Erosion control measures undertaken during and after the construction period shall ensure that sedimentation, as a result of the development, shall not exceed pre-development conditions. Temporary erosion control devices shall include drainage swales, sandbagging, siltation traps, and other measures required by coastal regulations and City of San Diego land development ordinances and standards.
46. To reduce the potential for erosion and sedimentation impacts during project construction, all grading activities shall be limited to the dry season. All graded slopes shall be stabilized before the beginning of the rainy season. Detention basins shall be incorporated as part of the project design, to control runoff and sedimentation due to project construction. The basins shall be located in the parking lots of the proposed project site, in the northwest and northeast corners, along the southern border of the project site as well as in the covered parking garage; the drainage plan and the location of the detention basins are illustrated in Figure 11 of the SEIR proposed for the project. The applicant shall assume responsibility for the financing and maintenance of these basins. All of the temporary erosion control devices listed in the previous condition as well as all of the items in this condition are to be included as notes on the project grading plans.
47. The preceding measures described in conditions 45 and 46 shall be noted on all grading plans. Prior to issuance of grading permits, EAS of the Planning Department shall review plans to ensure the notation has been adequately provided.
48. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.
49. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any federal, state or city laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on April 27, 1993 by Resolution Nos. R-281849 and R-281850.

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.

BALIT CBC CORPORATION
Owner/Permittee

By _____

By _____

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

B-281849

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APR 27 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" 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:

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

(Seal)

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

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-281849 Adopted APR 27 1993