

RESOLUTION NUMBER R-285087

ADOPTED ON DECEMBER 6, 1994

WHEREAS, AG Land Associates, a California General Partnership, Owner/Permittee, filed an application to develop Planned Residential Development, Planned Industrial Development, Hillside Review and Coastal Development Permit No. 91-0361, described as Portions of the South Half of Section 30, Portions of Section 31 and 32, and Portions of the Southwest Quarter of Section 29, all in Township 14 South, Range 3 West, San Bernardino Meridian, located in Sorrento Hills in the existing A-1-10, M-IP and M-1B zones (proposed R-1500, M-IP, M-1A, M-1B, HRO and OS-P zones); and

WHEREAS, on December 6, 1994, the Council of The City of San Diego considered Planned Residential Development, Planned Industrial Development, Hillside Review and Coastal Development Permit No. 91-0361 pursuant to San Diego Municipal Code sections 101.0900 ,101.0920, 101.0454 and 105.0200; NOW, THEREFORE,

BE IT RESOLVED by the Council of The City of San Diego, that this Council adopts the following findings with respect to Development Permit No. 91-0361:

I. PLANNED RESIDENTIAL DEVELOPMENT AND PLANNED INDUSTRIAL DEVELOPMENT PERMIT FINDINGS:

- A. THE PROPOSED USE WILL FULFILL A COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE ADOPTED COMMUNITY PLAN.**

The City will benefit by the transfer of title of 288 acres of biologically productive

property to the Los Penasquitos Canyon Preserve, to be retained in open space in perpetuity. Additionally, the City will receive over \$1.9 million for maintenance and enhancement of the Los Penasquitos Canyon Preserve.

The project will diversify the mix of land uses in the community plan area by providing market rate housing in close proximity to the proposed industrial and commercial office developments. The 432.3 acre project lies entirely within the proposed Sorrento Hills Community Plan area. As proposed, the development includes 1,848 multifamily residential units, 1,690,049 square feet of industrial, commercial office space, a 10 acre park to be built at no cost to the City and dedicated to the City, and 73 acres of project open space will be retained for the enjoyment of the residents. The project will mitigate for identified impacts as detailed in the Mitigation Monitoring and Reporting Program for this project.

The project's traffic circulation system is consistent with the proposed community plan and City street design standards. The project's planned circulation system has been determined acceptable by the Transportation Planning Division of the Engineering Department as to its level of service and function of the intersections.

The project provides the necessary public utilities, fees and services to the area, including water, drainage, sewage, fire, parks, open space and recreation consistent with the proposed community plan. An agreement with the San Dieguito Union High and Del Mar Union Elementary School Districts is currently being worked out between the applicant and the District.

- B. 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.**

Significant design revisions have resulted from the City staff review of this project. Through the redesign of the project and conditions placed on its approval, the

general public will be protected. Adverse impacts not addressed and successfully resolved by the project design, will be mitigated through the Mitigation Monitoring and Reporting Program required for this project.

The design and subsequent development of this site as a diverse mix of land uses will be complementary to the adjacent current and proposed land uses. Land use conflicts have been reduced entirely or mitigated by the project design.

Open space, dedicated to the master homeowners association, totaling 73 acres and the proximity of Torrey Pines State Park, Los Peñasquitos Canyon Preserve offer many recreation opportunities.

The permit prepared for this project includes a number of conditions of approval relevant to project compliance with applicable regulations of the Municipal Code to assure the health, safety, and general welfare of persons residing or working in the area. Additional standards for the proposed project are included within the Design Guidelines which also address physical safety issues and aesthetic concerns.

The proposed use is compatible with the character of the proposed amendment of the community plan for the surrounding area and therefore would not adversely affect other property in the vicinity. Surrounding land uses are currently vacant, undeveloped land.

C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE IN EFFECT FOR THIS SITE.

Requirements of the Municipal Code have been included in the design of the project or have been included in the permit conditions of approval. Variances are not required to approve this project.

Building permits and engineering permits will be reviewed for substantial conformance with all discretionary approvals. This process will assure another level of project review by City staff to monitor compliance with all relevant building codes, and site development codes including, but not limited to: the

governing permits for the Planned Residential and Planned Industrial Developments, the Hillside Review and Coastal Development Permit requirements. Additionally, the Facility Financing Plan for this community will monitor the rate of development to assure that the public improvements are provided as required and ahead of individual development needs.

II. HILLSIDE REVIEW PERMIT FINDINGS:

A. THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT. PROPOSED DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE OF SENSITIVE AREAS.

The proposed development will grade the site in conformance with the Hillside Design and Development Guidelines utilizing variable slope ratios, contour grading, slope sculpting, blending of top and toe of slopes into the undisturbed existing grade. The resulting landform allows for development and yet retains the natural underlying form of the land.

The geological reconnaissance report prepared for the development indicated that the proposed structures would be sited, designed and constructed to be physically suitable to the topographic constraints of the land form. Regionally native California plant species and naturalized species will further provide slope stability, structural and visual integrity to the proposed development.

The Tentative Map resolution identifies several lots to remain in a natural condition precluding any development in the future. Significant natural land forms have been preserved by negative open space easements for the benefit of both residents and visitors, human and other animal species.

B. THE GRADING AND EXCAVATION PROPOSED IN CONNECTION WITH THE DEVELOPMENT WILL NOT RESULT IN SOIL EROSION SILTING OF LOWER SLOPES, SLIDE DAMAGE, FLOODING, SEVERE SCARRING OR ANY OTHER GEOLOGICAL INSTABILITY WHICH WOULD AFFECT HEALTH, SAFETY AND GENERAL WELFARE AS APPROVED BY THE CITY ENGINEER. DISTURBED SLOPES ARE PLANTED WITH NATIVE AND SELF SUFFICIENT VEGETATION

Implementation of project mitigation measures to minimize soil erosion will be enforced by the City Engineering Department before a grading permit is issued. Measures include and are not limited to implementation of Best Management Practices and grading prohibition during the rainy season from November 1 to April 1 unless specific special erosion control measures are implemented as detailed in the permit conditions.

Graded slopes will be revegetated with plant materials identified in the text of the Design Guidelines and as shown on the Landscape Concept Plan. Plant species will be selected based on their ability to control surface erosion, provide long term slope stability and their appropriateness for slope stabilization. Regionally native California plant species will be used in all areas adjacent to any undisturbed area in an effort to blend visually to development with the natural environment and open space.

Revegetation plans are subject to the requirements of the Landscape Concept Plan, the Design Guidelines, the Land Development Ordinance and the City of San Diego Landscape Technical Manual (Document No. RR-274506). Irrigation systems will be provide to assure plant longevity, supplemental watering will occur to maintain plant health.

- C. THE PROPOSED DEVELOPMENT RETAINS THE VISUAL QUALITY OF THE SITE, THE AESTHETIC QUALITIES OF THE AREA, AND THE NEIGHBORHOOD CHARACTERISTICS BY UTILIZING PROPER STRUCTURAL SCALE AND CHARACTER, VARIED ARCHITECTURAL TREATMENTS, AND APPROPRIATE PLANT MATERIAL.**

The proposed project will retain the essential character of the natural landform while also allowing for development. The Environmental Impact Report includes Digital Terrain Models accurately depicting the existing and proposed landform. Existing canyons and ridgelines are readily evident in both models. While the proposed project does allow for development, the underlying essential character of the landform is retained by the proposed grading as shown on the tentative map.

Interior slopes between development areas will employ the same contour grading, slope sculpting, variable slope ratios and blending of slopes into the undisturbed natural slopes as for those slopes adjacent to the undisturbed areas of the project. The height of the slopes, the maximum height of the proposed structures, the cross slope stepping of proposed structures will all contribute to the structural scale and character of the development. Architectural guidelines addressing building design promoting the individual character of neighborhoods across the proposed project will result in a project when upon final completion which appears as a community grounded thoroughly to its natural site.

- D. THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE OPEN SPACE ELEMENT OF THE GENERAL PLAN, THE OPEN SPACE AND SENSITIVE LAND ELEMENT OF THE COMMUNITY PLAN, ANY OTHER ADOPTED APPLICABLE PLAN, AND THE ZONE. THE APPLICANT HAS DISCUSSED THE FEASIBILITY OF OPEN SPACE DEDICATIONS OR EASEMENTS WITH APPROPRIATE CITY STAFF.**

A comprehensive amendment to the community plan is proposed with this development. Previously not included in the community plan for this area, the currently owned City parcel referred to as the "Park Trade Parcel" will increase the total acreage of open space within the community plan area if the proposed project is approved. Although the percentage of the community open space is reduced, the total acres have been increased.

Approval of the proposed project will also confer to the City the parcel of land north of the "falls" area of the Los Penasquitos Canyon Preserve which is currently owned by the applicant. The area of land is approximately 288 acres of high quality, biologically productive habitat. Approval of the project will add this parcel to the Los Penasquitos Canyon Preserve increasing the total area of the Preserve.

Interior project open space lots were offered for dedication by the developer to the City for open space. Due to the low habitat quality of the parcels, the absence of connections to larger higher quality open space and the influences of the proposed

adjacent development, open space dedications for City ownership were not accepted. Open space lots shown on the tentative map will be owned in common by the Master Homeowners Association and will remain protected.

E. THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE QUALITATIVE DEVELOPMENT GUIDELINES AND CRITERIA AS SET FORTH IN DOCUMENT NO. RR-262129 "HILLSIDE DESIGN AND DEVELOPMENT GUIDELINES."

The project has been designed in conformance with the qualitative development guidelines and criteria set forth in the "Hillside Design and Development Guidelines." The tentative map for this project specifically references the guidelines and specifically reflects the intent of the design guidelines by its proposed grading plan through the use of landform manipulation. Specifically through the Design Guidelines for the development of the entire project and individual projects by directing how structures will be set into the hillside, specifically how the architecture will vary in appearance and through the use of predominantly native and naturalized species on the slopes of the project and throughout the individual developments. The tentative map lots one through sixteen comply with the intent of the "Hillside Design and Development Guidelines" by including special grading and development for these lots. Building placement, as shown on the Planned Industrial Development permit Exhibit "A," indicates that individual buildings will be designed to emulate the curvilinear appearance of natural slopes. The buildings will also be positioned to further this natural curvilinear appearance.

III. COASTAL DEVELOPMENT PERMIT FINDINGS:

A. 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 proposed development has been designed to abandon existing utility easements and

replace these utility easements with other easements acceptable to those entities requiring the easement. No public accessway currently exists on the property covered by these permits or tentative map. No proposed public accessway is identified across this property in the adopted LCP Land Use Plan since the majority of the proposed development is outside the Coastal Zone. Physical access to the development is being provided by a system of sidewalks within the public right-of-way, and by means of walking trails throughout the development.

The proposed development is located in the western portion of the community plan area immediately east of Interstate 5. The proposed development will not obstruct views to or along the ocean and other scenic coastal areas from public vantage points.

B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

The proposed development incorporates several design features to prevent impacts to marine resources. Three detention basins will capture erosion and silt before it can enter into the local hydrologic pattern. Detention basins will be maintained throughout all grading operations until the project is completed. Periodic cleaning and removing of the silt which does accumulate will be required. Upon completion of the project, these detention basins will be reconstructed and revegetated to function as independent wetland habitat capable of supporting plant and animal life associated with wetlands.

Impacts to identified environmentally sensitive areas, or archaeological or paleontological resources will be mitigated as a requirement of the development and shall be directed by the Mitigation Monitoring and Reporting Program. Offsite mitigation is required for this proposed development as well as onsite mitigation.

C. 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, CHAPTER X,

SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED.

The proposed development was exempted from the Resource Protection Ordinance by the City Council in the development agreement, document number 00-17300, between the City of San Diego, American Newland and others, filed in the office of the City Clerk on May 15, 1989.

D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The majority of the proposed project is located beyond the limits of the Coastal zone. The proposed development does not include any zoning for visitor-serving facilities or recreational facilities. Facilities included to serve recreational needs are intended to serve only this development proposal. The proposed development will provide for recreational opportunities within the development. The planned residential development will include private recreation facilities, a deed restricted 28,000 maximum square foot recreation facility, outdoor trails and sidewalks, and a ten acre park to be dedicated to the City. Existing visitor-serving facilities will not be directly impacted by the development.

Due to the location of the development, coastal scenic resources will not be directly impacted by the proposed development. Conditions of approval included within the draft permit will provide for City staff review of the development of each subsequent development area. Continued monitoring and inspection of each individual project will assure that conditions of approval are adhered to by each subsequent builder.

E. 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 AREA TO PROTECT SUCH RESOURCES.

The proposed project is designed to prevent adverse impacts from occurring to the Los

Penasquitos Canyon preserve. The project is not located adjacent to any other parks or recreation areas. Conditions of approval include that trail connections into the Los Penasquitos Canyon Preserve will be designed and constructed in accordance with State Park Guidelines for the construction of trails in park land.

Location of buildings adjacent to the Los Penasquitos Canyon Preserve will require line of sight analysis to determine that visual intrusion into the Los Penasquitos Canyon Preserve will be minimized.

Hydrologic patterns of the site indicate that drainage from the proposed development will not adversely affect parks and recreational areas. Conditions of approval will require measures to control erosion and siltation of park land down stream from the proposed project.

Open space easements will be required to record on the final map to protect the Los Penasquitos Canyon Preserve and to assure an adequate buffer between the proposed development and the Los Penasquitos Canyon Preserve.

F. 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.

The proposed development will preserve the underlying landform of the site. The "Hillside Design and Development Guidelines" have been utilized to generate a project which retains the overall character of the existing site. The development proposes to grade the site in conformance with the tentative map and the conditions of approval to achieve a development which preserves the natural assets of the location.

Geological studies will be required as a condition of approval to determine any potential geologic hazards. The report will be prepared in conformance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports". All slopes will be constructed in accordance with the provisions of San Diego

Municipal Code section 62.0415 et seq.
Slopes will be planted in accordance with the conditions of approval, the City of San Diego Landscape Technical Manual and San Diego Municipal Code section 62.0415.

The potential of wildfires will be reduced by the conditions of approval and the approved Brush Management Plan. Easements will record with the final map to provide for the thinning of excessive brush and removal of dead wood and brush. These easements will be owned and controlled the Homeowners Association. Building restricted easements will record with the final map to establish building setbacks to allow for the development of a permanently irrigated and planted zone for the protection of structures adjacent to existing undisturbed areas covered by native vegetation. Fire hydrants will be required by the conditions of approval, the locations of fire hydrants will be approved by the Fire Department.

G. 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.

The proposed development will be visually compatible with the character of the communities of Carmel Valley, Mira Mesa, University and Torrey Pines. The concept for the proposed development when completed is to appear as a hilltown where development has been allowed to occur, yet the character of the site has not been lost in the process.

Conditions of approval require residential, industrial and commercial office projects to comply with the Design Guidelines of this development. Residential, industrial and commercial office developments will be required to comply with strict standards for landscaping to assure the visual appearance of the development is compatible with the Design Guidelines.

H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.

The proposed development and its various components provide a balance to the community plan area by providing a mix of land uses. The project provides for the preservation of two major canyons existing on site and focuses development to be located adjacent and between these two canyons along the ridges. Views into the canyons will be preserved. The project will provide the necessary public utilities, fees, and services to the area. The proposed development is consistent with the requirements of the community plan and the Progress Guide and General Plan in effect for this area.

IV. BRUSH MANAGEMENT FINDINGS:

A. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL NOT ADVERSELY AFFECT FLOODPLAINS, BIOLOGICALLY SENSITIVE LANDS, HILLSIDES, SIGNIFICANT PREHISTORIC SITES AND RESOURCES, AND WETLANDS AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE, SAN DIEGO MUNICIPAL CODE SECTION 101.0462.

The development proposal and accompanying landscape plan indicate that brush management within sensitive biological and hillside areas would be implemented in conformance with the City of San Diego Landscape Technical Manual.

Selective thinning and pruning of native plants will occur in a manner which preserves the appearance of the site while reducing the fire hazard and protection the soil surface. Therefore, the proposed brush management program does not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources and wetlands.

B. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL MINIMIZE THE ALTERATIONS OF VEGETATION AND WILL NOT RESULT IN UNDUE RISKS FROM EROSIONAL FORCES.

The brush management program for this project will occur in undisturbed areas as well as on

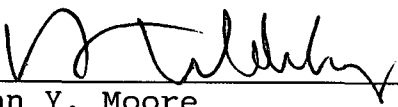
constructed slopes. The program for this project conforms with the standards for brush management as outlined in the City of San Diego Landscape Technical Manual Section Six. The proposed program will not clear vegetation in open space areas and will only require thinning and pruning of existing vegetation in open space areas. The existing root systems of plants thinned and pruned will be retained and the soil surface will not be disturbed, therefore minimizing alterations to existing vegetation.

Undue risks from erosional forces will not occur as a result of the brush management program. Existing vegetation will retain its root system after the thinning and pruning thereby protecting the soil surface and preventing erosion from occurring as a result of implementing the brush management.

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

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Council, Planned Residential Development, Planned Industrial Development, Hillside Review and Coastal Development Permit No. 91-0361, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Residential Development, Planned Industrial Development, Hillside Review and Coastal Development Permit No. 91-0361, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Ann Y. Moore
for Deputy City Attorney

AYM:ps:pev
01/25/95
Or.Dept:Clerk
R-95-956

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED INDUSTRIAL DEVELOPMENT, PLANNED RESIDENTIAL DEVELOPMENT,
HILLSIDE REVIEW, COASTAL DEVELOPMENT PERMIT

CITY COUNCIL

TORREY RESERVE HEIGHTS 91-0361

This permit is granted by the Council of The City of San Diego to AG Land Associates, a California General Partnership, Owner/ Permittee, pursuant to San Diego Municipal Code sections 101.0920, 101.0901, 101.0454 and 105.0200.

Permission is hereby granted by the Council of The City of San Diego to the referenced Owner/Permittee to develop 432.3 acres with 1,848 multifamily dwelling units; 1,690,049 square feet of industrial, office, commercial and scientific research development; a 10 acre park and recreational uses located in the Sorrento Hills Community Plan area, legally described as Portions of South Half of Section 30, Portions of Sections 31 and 32 and Portions of the Southwest Quarter of Section 29, all in Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, California, in the existing A-1-10, M-IP and M-1B (proposed zones M-IP, M-1B, M-1A, R-1500, HRO and OS-P) zones.

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibit "A," dated December 6, 1994, on file in the office of the Development Services Department ("DSD"):
 - a. 1,848 multifamily dwelling units and 1,690,049 square feet of industrial, office, commercial and scientific research development;
 - b. Landscaping, Brush Management; and
 - c. Off-street parking facilities; and
 - d. For every 115 dwelling units, a minimum 2500 square foot private recreation facility shall be provided and include the following: a minimum sized 800 square foot

water surface area pool, a minimum sized ten foot diameter spa, restrooms with showers, concrete patio and lounging area, drinking fountains, trash receptacles, barbecue.

- e. A 28,000 maximum square foot recreation facility which may, include but not be limited to: weight rooms, aerobic exercise class room, shower, toilet and locker facilities, multi-purpose room capable of 250 person occupancy, pool of 6,000 square feet of water surface area, and other areas for passive and active uses.
 - f. A 3,000 maximum square-foot day care center; and
 - g. Incidental accessory uses as may be determined incidental and approved by the Development Services Department.
2. This permit shall become effective thirty (30) days after final approval by the Coastal Commission of the State of California.
 3. Development on this site is governed by the approved Design Guidelines and this permit, all identified as the Exhibit "A," dated December 6, 1994. It is the intention of these Design Guidelines to provide flexibility in the architectural site plan within the constraints of grading and the tentative map, and flexibility of the architecture to respond to changing market conditions. The Design Guidelines define the limits of the project flexibility. Use of words such as "may," "should" or "could" do not appear in the text of the Guidelines. The repeated use of "shall" throughout the text indicates those elements of the project design which are not flexible and cannot be negotiated.
 4. Prior to the issuance of any building permits, a Final Subdivision Map No. 91-0361 shall be recorded on the subject property. Rezoning of the subject property shall become effective with the recordation of the final subdivision map. This permit shall become void if the final map is not recorded.
 5. No permit for the construction, occupancy or operation of any facility described herein on this site 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 Development Services Department; and
 - b. The permit is recorded in the office of the San Diego County Recorder.

6. Prior to and subsequent to the completion of this project, no changes, modifications or alterations shall be made to the approved Exhibits or conditions of approval unless appropriate applications for substantial conformity review or amendment of this permit shall have been granted by the appropriate decisionmaker.
7. This project shall provide the required public facilities in a manner satisfactory to the City Engineer and the Development Services Department.
8. Prior to the issuance of a grading or pre-grading permit for any portion of the project site, proof of an incidental take permit under Section 4 (Interim Habitat Loss Permit), 7 or Section 10(a) of the Federal Endangered Species Act relative to the California gnatcatcher shall be provided to the Development Services Director. If such permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence in obtaining a Section 7 or 10a permit will require reconsideration by the appropriate City decisionmaking body.

Approval of this permit does not guarantee future issuance of a grading permit since the habitat loss is limited to the cumulative five percent loss of coastal sage scrub and gnatcatcher occupied habitat calculated at the grading permit stage.

9. Prior to issuance of any grading permit, complete grading and landscape documents, (including plans, details and specifications), including a permanent irrigation system, shall be submitted to the Development Services Department, Development and Environmental Planning Division for approval. Prior to issuance of any building permits, complete building plans and landscape documents (including plans, elevations, details and specifications), including a permanent irrigation system, shall be submitted to the Development Services Department, Development Environmental Planning Division for approval. The plans shall be in substantial conformity to the approved Exhibits "A," dated December 6, 1994, on file in the office of the Development Services 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.
10. 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 by the Owner/Permittee.

11. Prior to issuance of any grading permits, complete landscape drawings, including an irrigation system, shall be submitted which indicate the planting of shrubs and living ground covers, but not trees on any slope visible from the centerline of the Los Penasquitos Creek and west of the Alvarado-Ruiz adobe. All slopes adjacent to any undisturbed open space shall utilize only regionally native California plant species in accordance with the City of San Diego Landscape Technical Manual (Document No. 274506).
12. Prior to the issuance of any grading permit, drawings shall be submitted to Development Services Department, Development and Environmental Planning Division, indicating all areas which will be disturbed for the construction of storm drains or other necessary improvements which occur in project open space, or across a negative open space easement. These areas shall be revegetated with regionally native California plant species.
13. Prior to the issuance of any grading permits, drawings shall be submitted graphically representing all proposed grading by means of topographic contour lines, spot elevations and other graphic symbols necessary to communicate the design as required by this permit, the grading as shown on the Tentative Map 91-0361 and the Hillside Review Design Guidelines to the satisfaction of the Development Services Department, Development and Environmental Planning Division.
14. Prior to the issuance of any grading permits, drawings shall be submitted which indicate that all cut slopes over fifteen (15) vertical feet will be graded using the sculpting method as shown on the Tentative Map 91-0361, sheet 4 of 4, Exhibit "A," dated December 6, 1994.
15. Prior to the issuance of any grading permits, a letter of permission to grade outside the boundary of the tentative map shall be received by the City Engineer from the legal owner of the affected property.
16. All storm drains and temporary desiltation basins which discharge drainage into any lot identified by Tentative Map No. 91-0361 as being within a negative open space easement or building restricted easement shall utilize velocity reducing ring pipe and rip rap energy dissipators in the design and construction of the drainage system to the satisfaction of the City Engineer.
17. All graded areas, slopes and future construction building pads, shall be hydroseeded to prevent and control erosion within ninety (90) days of the completion of grading activity for each area to the satisfaction of the City

- Engineer. All slopes and building pads shall be checked annually to insure the prevention of erosion until the entire project is completed. Remedial hydroseeding shall be required at the direction of the City Engineer.
18. Prior to construction of any access or emergency access roads, plans shall be reviewed and approved by the City Engineer, the Fire Chief and the Development Services Department, Development and Environmental Planning.
 19. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Department, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
 20. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
 21. Prior to an application for any building permit being filed with the Development Services Department, a determination of substantial conformance shall be required for all development covered by this permit. An accurate and detailed site plan shall be submitted to the Development Services Department, Development Environmental Planning Division to determine that all proposed site planning meets or exceeds the requirements of this permit, and by reference, the Design Guidelines incorporated into this permit. Fees shall be charged at the time of submittal as allowed by the approved fee schedule for substantial conformance reviews in effect at the time of application. Site plans not approved through substantial conformance will require an amendment to this permit, possible additional environmental review and a noticed public hearing.
 22. Prior to the issuance of any building permit for any multifamily development, drawings, site plans and other supporting documentation shall be submitted for review and approval by the Development Services Department, Development and Environmental Planning Division indicating that all Municipal Code requirements for total required open space and required open space will be met or exceeded as specified in Municipal Code section 101.0901.
 23. Prior to the issuance of any building permit, a complete exterior lighting plan for the proposed development shall be submitted to the Development Services Department for review and approval. Submittals shall include a plan, elevations as necessary and manufacturers catalog cut sheets to accurately communicate the design intent. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

24. Within the planned industrial development, within each development area transfers of building square footage may be allowed only after a substantial conformance review application has been submitted and approved by Development Services Department, Development and Environmental Planning Division. Requests for transfers of square footage within the identified Development area, and from one street to another street, shall require submittal of a traffic study and transportation phasing plan to the satisfaction of the City Engineer and Director of Development Services. Development areas have been identified in the Design Guidelines as the Valley, Mesa, Western Ridge, and The Village development areas. Transfers from one development area to another development area shall not be allowed. Transfers within the individual development areas from one lot to another lot shall be allowed provided the maximum floor area ratio of the zone is not exceeded. The developer shall maintain a transfer tracking chart of all permitted buildings in each development area. The transfer tracking chart shall be revised and submitted by the developer to the Development Services Department, Development and Environmental Planning Division with each request for a square footage transfer.
25. Prior to issuance of any building permit on any of the following lots as shown on the Tentative Map No. 91-0361, Exhibit "A," dated December 6, 1994, a building restricted easement for brush management shall be recorded over the subject lot for purposes of Zone One Brush Management. Lots 119, 120, 123, 127, 129 and 131 require a twenty (20) foot zone one; lots 43, 46, 54, 61, 74, 75, 78, 80-82, 132-134, 143-145, 147, 150 and 151 require a twenty-five (25) foot zone one. Evidence shall be provided to Development Services Department, Development and Environmental Planning Division that the easement has been recorded in the Office of the County Recorder.
26. Prior to issuance of an occupancy permit for the nine hundredth dwelling unit, trails shown on the Exhibit "A," dated December 6, 1994, shall be constructed in accordance with approved plans and details. Construction of trails through open space easements shall not occur until an agreement regarding the design, construction techniques and long term maintenance has been signed by the owner, the Open Space Division of the Park and Recreation Department and the Development Services Department, Development and Environmental Planning Division. Trail design and subsequent construction shall comply with California State Park Construction Standards.
27. Prior to the issuance of any building permits for any portion of this project, drawings shall be submitted to the Development Services Department, Development and Environmental Planning Division for review which meet the

requirements of the Municipal Code for City-wide storage standards for trash and recyclables. Permanent, adequate and convenient space for the storage and collection of trash and recyclable material shall be indicated on the proposed plans and drawings in compliance with Division 20 of the Zoning Regulations of the Municipal Code. Storage areas shall be permanently maintained and not converted for any other use, unless otherwise approved by the Development Services Department.

28. Prior to issuance of any building permits, parking shall be shown on the site plan which meets the requirements of the Municipal Code as to number of spaces required by the underlying zone. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use, unless otherwise approved by the Development Services Department. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
29. Compact parking spaces and one-way surface parking isles on the subject property shall be clearly identified at all times. No charge shall be made at any time for use of these off-street parking spaces.
30. Prior to the issuance of any building permit, drawings shall be submitted indicating the location of all existing and proposed fire hydrants on the site plan to the satisfaction of the Fire Chief to conform with Fire Department Policy #F-85-1 (Uniform Fire Code ("UFC") section 10.208).
31. Prior to the issuance of any building permit, drawings shall be submitted indicating access to the site is provided in conformance with Fire Department Policy A-89-1 (UFC section 10.207).
32. Prior to issuance of an occupancy permit for any structure, inspection by the Development Services Department shall confirm that all building address numbers are visible and legible from street or road fronting property or a directory in conformance with UFC section 10.208.
33. All planned industrial development on any lot shall comply with the Transportation Demand Management plan dated August 23, 1993. The Transportation Demand Management Plan, on file with the TDM Administrator, shall be implemented, including but not limited to the following facilities for each lot:
 - a. An alternative transportation bulletin board shall be maintained on the property, providing at a minimum Park and Ride information, transit schedules and rideshare matching information.

- b. Specially designated carpool parking spaces shall be provided at a rate of five percent (5%) minimum of all required spaces for a commercial development and ten percent minimum of all required spaces for an industrial or office developments. These spaces shall be clearly labeled and conveniently located near building entrances.
 - c. For commercial, office or industrial uses at least one bicycle space per 10,000 square feet of floor area shall be provided. Bicycle spaces may be provided in a bicycle locker or a bicycle rack.
 - d. Bicycle racks shall allow the locking of both wheels and the frame without the use of chains or cables. Racks shall be in visible, well lit areas. The location of racks shall not interfere with either pedestrian or vehicular accessibility and shall be protected from potential vehicular damage.
 - e. Shower and locker facilities.
 - f. Pedestrian walkways from all buildings to the public sidewalk in the right-of-way.
34. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed structure as directed by the Design Guidelines of this project.
35. All signage associated with this development shall be approved by the Development Services Department and shall be consistent with sign criteria established by Citywide sign regulations as determined by the Sign Code Administrator of the Neighborhood Services Division.
36. No merchandise, material or equipment shall be stored on the roof of any building.
37. This permit may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Development Services Department.
38. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
39. The property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise

authorized by the Development Services Department or the permit has been revoked by the City of San Diego.

40. 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.
41. 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.
42. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Development Services Department; 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.
43. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
44. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer/tenant.
45. This permit must be utilized within thirty-six (36) months after the effective date of approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Development Services Department. 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 Development Services Department.
46. The following environmental mitigation is required for this proposed development:

ENVIRONMENTAL MITIGATION REQUIREMENTS:

- a. The following measures shall be incorporated in the project to partially mitigate impacts to landforms.

Grading

1. Continuous "engineered" slopes that have hard edges and no transition areas at the top or the toe of the slope will not be allowed;
2. Building sites shall be graded so that they appear to be part of the hillside, rather than competing with it.
3. Horizontal edges created by new grading will not be allowed; new grading shall modulate edges to create a more natural effect;
4. Private roads which climb along a slope shall vary in their gradient rather than maintain a constant grade, to minimize an urban appearance;
5. If berms are used for screening, they shall be large enough to not have a "dumped wheelbarrow" appearance;

Building Placement

6. Split level buildings shall be utilized on sloping sites to take up grade in downhill or uphill configurations; this will reduce the depth of the required flat area between the structures thereby limiting the size of graded pads;
7. In projects with structured parking, grade may be taken up by setting the parking areas into the hill;
8. To avoid a straight, consistent horizontal, layered look to the hillside, side to side grade changes shall be utilized between buildings; this may be accomplished by stepping buildings at breaks between individual units or other logical places within a building and/or breaking larger buildings into smaller components or buildings.

Slope Treatment

9. Native materials shall be planted on those slopes which occur adjacent to open space to blend with the open space; groundcovers for manufactured slopes adjacent to open space shall be planted or hydroseeded with mixes which are composed of plant species that have compatible growth requirements with existing plant materials in the open space area;

10. Large interior slopes between building pads shall be planted with Torrey Pines and other plant materials, in natural drifts and groupings;
 11. Plantings on slopes shall follow natural patterns; plantings shall also reflect the manner in which plant material tends to congregate in environmentally favorable soil and moisture situations (i.e. canyons, swales, north and east facing orientations); natural areas of similar exposure shall provide the pattern example to be emulated.
- b. Design review of individual projects within Torrey Reserve Heights shall be required to ensure that development is consistent with the grading plans shown on the tentative map and design guidelines and development standards incorporated in the Revised Torrey Reserve Heights PRD/PID. Adherence to the design guidelines and development standards shall be enforced through the PRD/PID permit. In addition to adherence to the design guidelines and development standards, the following mitigation measures shall be required and enforced through the PRD/PID permit. The plans and analyses described below shall be subject to review and approval by the Principal Planner of the Environmental Analysis Section ("EAS").
1. Buildings shall be sited so that the only portions which will be visible from the centerline of Los Penasquitos Canyon Creek west of the Ruiz-Alvarado Adobe would be from the eave of the building to the ridgeline of the roof. Future submittal for development in proximity to Los Peñasquitos Canyon Preserve shall include a line-of-sight analysis from the centerline of Los Penasquitos Canyon Creek.
 2. Slopes and disturbed areas potentially visible from the Preserve shall be revegetated with native and naturalized species which would blend with existing vegetation within the Preserve, these areas shall be identified on a graphic and specific landscape guidelines shall be provided.
- c. Sensitive grading techniques shall be identified on the final map/grading plan as an environmental mitigation requirement. Prior to issuance of grading permits, EAS, DSD shall review final maps and grading plans for conformance with grading shown on the tentative map and the design guidelines. Engineering Department field inspectors shall inspect the grading to ensure conformance with the approved plans. EAS, DSD shall also review landscape plans to ensure that manufactured

slopes are landscaped in conformance with the Torrey Reserve Heights PRD/PID planting guidelines. Adherence to the guidelines shall be required as a condition of the permit for the Revised Torrey Reserve Heights TM. Prior to issuance of building permits, EAS, DSD shall review building plans to ensure conformance with the design guidelines relating to building placement.

- d. Prior to the issuance of future building permits, EAS, DSD shall review and approve line-of-sight analysis to ensure that views from the Preserve are minimized per the design guidelines.
- e. Approximately 11.8 acres of degraded coastal sage scrub and coastal sage scrub/non-native grassland along the southern edge of the Park Parcel shall be enhanced through the removal of weedy, invasive plant species and revegetation with native coastal sage scrub and grassland species consistent with the conceptual revegetation plan provided as Appendix F of the EIR.
- f. In order to fully mitigate biological impacts, the applicant shall implement one of the following mitigation options which would reduce the 95.6-acre impact to coastal sage scrub to a level less than significant. Any of the following options would be performed to the satisfaction of the Principal Planner of the Environmental Analysis Section, Development Services Department.
 1. Prior to the issuance of a 4(d)/grading permit, the applicant would acquire a 95.6-acre off-site mitigation parcel containing high-quality coastal sage scrub, which is contiguous to other high-quality habitat in a location that would contribute to a regional preserve; or
 2. Prior to the issuance of a 4(d)/grading permit, the applicant would be required to dedicate 95.6 acres of property owned by the applicant in a location that would provide habitat with open space adjacent to those areas identified as core biological area by the Multiple Species Conservation Plan; or
 3. Prior to the issuance of a 4(d)/grading permit, the applicant would dedicate 20 acres of vernal pool habitat located adjacent and to the north of the Vista Alegre property which is owned by the applicant. Additionally, 23 acres of the Cal Sorrento property containing 19.68 acres of coastal sage scrub and four acres of alkali marsh habitat would be acquired and dedicated to the City. An additional 50 acres of offsite

mitigation would be acquired that meets the same location criteria established in Option 1. above.

- g. The creation of a total of 1.9 acres of wetlands is required to reduce impacts to below a level of significance. The applicant shall create 0.9 acres of southern willow scrub habitat adjacent to the existing pond on the Park Parcel. In addition, three detention basins shall be created within proposed open space, each of which would be revegetated with native riparian species. The narrow low-lying drainage areas below and/or above the basins also shall be revegetated with native riparian species. The location and configuration of the proposed basin and drainages are presented in Figure 74 of the EIR. Figures 75-76 of the EIR provide revegetation specifications, including plant palettes, for the five proposed revegetation areas identified in Figure 74. A sample section is illustrated in Figure 77 of the EIR. The total area of wetland habitat created by the detention basins and drainages shall equal 1.05 acres (i.e., Area 1 = 0.26 acre; Area 2 = 0.41 acre; Area 3 = 0.20 acre; Area 4 = 0.18 acre; and Area 5 = 0.00 acre). The revegetation areas shall be dirt basins and drainages that support permanent hydrophytic vegetation.
- h. The on-site basins shall be created during the construction phase of the project. However, because siltation associated with construction run-off is likely to be considerable during this phase, revegetation efforts would not be conducted at this time. Approximately 3-5 years following project implementation, after construction has been completed, the basins and drainages shall be cleared of silt and other debris that has accumulated during construction. The revegetation plan shall then be implemented. Because it is likely that some riparian vegetation may establish on its own during the construction phase, the proposed revegetation areas will be assessed prior to restoration activities to ensure that silt and debris removal does not adversely affect vegetation that has become established.
- i. Prior to approval of the final map, revegetation plans shall be submitted to the principal planner of the EAS, DSD for review and approval. A surety bond shall be posted with the principal planner of the EAS, DSD at this time. Prior or release of the surety bond, the restored wetland areas shall be reviewed by a certified biologist to determine that the measures listed above have been implemented. Additional monitoring requirements for the coastal sage scrub and riparian revegetation areas are contained in the biotechnical report for this project.

- j. Prior to issuance of grading permits for the project site, the Principal Planner of the EAS, DSD shall review the grading plans for compliance with the recommendations presented in the Geotechnical Investigation prepared by Geocon, dated September 1992.
- k. Surficial soils that are subject to consolidation or compression under increased loads, as identified in the geotechnical report (1992), such as form fill or structures, should be entirely removed and recompacted during the grading operation.
- l. Most surficial deposits (topsoil, alluvium, landslide debris, and slopewash) are predominantly composed of expansive soils. In addition, claystone of the Ardath Shale is generally highly expansive. It is recommended that highly expansive soils derived from the above units not be placed within five (5) feet of finish grade. Where present within five feet of finish grade on cut lots, soils with "low" to "medium" expansion characteristics shall be mitigated by appropriate foundation and slab design and/or remedial grading.
- m. Mitigation of landslides may consist of a combination of removal and buttressing depending on their location and configuration relative to proposed grading. Final recommendations concerning the most appropriate methods of mitigation shall be included in a detailed geotechnical investigation, subject to review by the EAS, DSD. If remedial grading in previously undisturbed areas is required, such grading shall be subject to environmental review. This requirement shall be enforced through review of the land development permit application by the City.
- n. The presence of out-of-slope bedding or bedding-plane shears in cut slopes, or below fill slopes, shall be mitigated by construction of stability fills. The location and dimensions of such structures shall be determined by future studies to be completed at the final engineering stage and reviewed as part of land development permit applications.
- o. The effects of deep fill settlement shall be mitigated by structural design or judicious placement of structural improvements on the building pad so that they do not span large differential fill thickness, or occur near the tops of high fill slopes.
- p. Runoff and erosion control plans shall be provided to the Principal Planner of EAS, DSD prior to the issuance of a grading permit. These plans shall include the

following as noted on the tentative map for the project:

1. Grading shall be prohibited from November 1 to April 1, unless special erosion control measures are implemented to the satisfaction of the City Engineer. These measures shall include, but not be limited to, the following:
 - i. grading shall occur in increments as determined by the City Engineer based upon site-specific soil erodibility and slopes in order to minimize soil exposure;
 - ii. the applicant shall install temporary erosion control measures that the City Engineer finds are designed to assure that there will be no increase in peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten (10) years (the "six-hour, ten-year design storm);
 - iii. the applicant shall provide documentation satisfactory to the City Engineer of the condition of the erosion control procedures for any 24-hour period in which precipitation exceeds 0.25 inches.

Occurrence of any significant discharge of sediments of silts in violation of this condition shall constitute automatic grounds for suspension of the applicant's grading permit(s) during the period of November 1 to April 1.
2. Slopes and disturbed areas shall be revegetated as soon as feasible or within ninety (90) days following grading, whichever is shorter;
3. Contour grading shall be used to reduce runoff velocity;
4. Best management practices (BMPs) shall be implemented as required by the City Engineer.
- q. The applicant shall maintain erosion control measures until relieved of the responsibility by the Development Services and Engineering Services Departments. Short-term erosion control measures for portions of the project within the Coastal zone shall be implemented in accordance with the requirements of City Clerk Document

No. OO-17068 and the Land Development Ordinance. Document No. OO-17068 contains erosion control measures for North City areas within the Coastal Zone draining into Los Peñasquitos Lagoon.

- r. Prior to approval of a grading permit for the project, the Principal Planner of the EAS, DSD shall review and approve the runoff control and grading plans to ensure conformance with the recommendations presented in the EIR and geotechnical report. These mitigation requirements shall be further enforced through review of land development permit applications prepared for final grading plans. A soils engineer and engineering geologist shall prepare a final soils report at the completion of grading that certifies that the grading has been completed in substantial conformance to the grading plans and specifications. This final soils report shall be submitted to the Principal Planner of the EAS/DSD. The subdivision bond shall not be released and no building permits shall be issued until this report is found to be acceptable to the City.
- s. Desilting and detention basins shall be depicted on the grading plans and shall include a detail. Prior to issuance of grading permits, Development Services shall review and approve the plans to ensure inclusion of the basins. Engineering Services field inspectors shall ensure compliance with the approved plans.
- t. Temporary ditches, dikes, berms, sand bags, and bladed swales shall be provided to control erosion.
- u. Sedimentation basins shall be installed and maintained during development to remove sediment from runoff water.
- v. Manufactured slope shall have a maximum gradient of 2:1 and shall be landscaped in accordance with Torrey Reserve Heights design and development guidelines, which include erosion control measures during construction and post development.
- w. Maintenance of the detention basins shall occur during the construction of the project. Upon completion of construction, a final cleanout shall occur followed by a wetland revegetation program.
- x. Prior to issuance of any building permits, the Development Services Department shall review building plans to ensure that required noise walls are accurately and clearly identified as environmental noise mitigation.

- y. Noise barriers shall be provided for the exterior living areas of Sections B-1, B-2, D, E-2, J-2, K-2, K-3 and park use areas which would be exposed to noise levels greater than a CNEL of 65 dB. The commercial structures planned adjacent to Street A between "C" and "E" Streets would mitigate the first floor outdoor living areas of the residences located in Areas J-2, K-2 and K-3. If residential is constructed in areas J-2, K-2 and K-3 prior to the commercial structures in the village, supplemental noise analysis shall be required and the appropriate mitigation measures implemented. Noise barrier heights and locations are summarized on Table MMRP-1 of the Mitigation Monitoring and Reporting Program.
- z. Prior to the issuance of building permits, a future interior noise study shall be required to address interior noise levels of the homes exposed to exterior noise levels greater than a CNEL of 60 dB to ensure that the interior noise levels do not exceed a CNEL of 45 dB based on future traffic volumes. All the homes located within the 60 dB CNEL noise contour shown in Figure 8 of the EIR will require an interior noise analysis. In addition, all of the homes located adjacent to Carmel Mountain Road will also require an interior noise study. Windows would be required to be in the closed position for most of the homes located within the project to meet the interior noise requirement. Therefore, air conditioning and/or mechanical ventilation would be required for most homes. In addition, sound-rated windows would be necessary for some of the homes adjacent to Street A.
- aa. Prior to obtaining building permits for the residential units, the applicant shall submit a certification to the Principal Planner of EAS, DSD that the noise barriers have been properly constructed and positioned as shown on the PRD site plan. A site visit will be conducted by City staff to verify construction and placement of the noise barriers.
- bb. Future residents shall be informed that they could be subject to intermittent noise from NAS Miramar overflights.
- cc. Prior to issuance of building permits for the residential units, the Noise Abatement Administrator shall review and approve building plans to assure interior noise levels shall not exceed a CNEL of 45 dB based on future roadway volumes.
- dd. TDM plan shall be incorporated in the project to mitigate direct air quality impacts associated with project implementation. Implementation of Torrey

Reserve Heights TDM programs shall be overseen by the TDM Steering Committee and Owners Association. Property owners and tenants shall each be responsible for maintaining an appropriate ADT. The TDM program monitoring shall include annual peak hour manual traffic counts at all parking access points, and annual written surveys of employees at the site.

- ee. Implementation of the following measures would reduce short term emissions associated with construction of the proposed project to below a level of significance.
 - 1. The applicant shall implement suppression measures for fugitive dust. Measures shall include wet suppression techniques for ground soil, coverage of any stockpiled solid materials and loaded trucks, and limiting on site vehicle speeds to 35 mph.
 - 2. Idling time for construction equipment shall be limited to ten minutes.

- ff. Measures required to mitigate traffic circulation impacts include street classification and lane configuration requirements as well as signalization at zone intersections. Figures MMRP-1 and MMRP-2 illustrate recommended street classifications and lane configurations. Table MMRP-2 provides a summary of project improvements. The Revised Transportation Phasing Plan shall be implemented to the satisfaction of the City Engineer before development exceeds allowable levels that are identified in the Phasing Plan.

- gg. To mitigate impacts to paleontological resources, a program of monitoring excavation by a qualified paleontologist, and a collection and salvage program shall be conducted and shall consist of the following which shall be made conditions of approval of the proposed project:
 - 1. Prior to issuance of a grading permit, the applicant shall provide a letter to EAS, DSD indicating that a qualified paleontologist has been retained to carry out the resource mitigation. The paleontologist should be present at the pre-grading meeting to consult with the grading and excavation contractors, and shall be on-site at all times during the original cutting of the formation to inspect cuts for contained fossils. Periodic inspection of cuts in the formation should also be made.

2. In the event that well-preserved fossils are discovered, the paleontologist (working through the Resident Engineer) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Fossil remains collected during this salvage program shall be cleaned, sorted, and cataloged, and then (with the owner's permission) deposited in a scientific institution with paleontological collections, such as the San Diego Natural History Museum.
 3. Prior to the issuance of building permits (or prior to final inspection or certificate of occupancy if the excavation was conducted under a building permit), a report of findings, even if negative, shall be filed with EAS.
- hh. Future industrial uses with the project area shall comply with the County HMMD and City of San Diego Fire Department requirements, including preparation of RMPPs as required.
- ii. Prior to recordation of final maps, documentation that City Park and Recreation Department standards have been met shall be provided to the Principal Planner of EAS. The Community Park requirements (0.8/1,000) of 4.20 acres shall be satisfied by the private recreation facility (PRF) proposed on 4.0/- acres of the village center. This facility will be under private control. The neighborhood park requirement shall be satisfied by a 10 +/- acre public park located adjacent to the SDG&E Substation. The applicant shall design, construct and deed the property to the City at no cost. A reimbursement agreement to provide for fair share costs associated with the development of Torrey Reserve Terraces may be required. The neighborhood park shall contain active recreational uses similar to ball fields, multi-purpose courts, tot lots, picnic areas, open play areas and parking lots. The useable portion of the park site shall be maintained by the City Park and Recreation Department. The slopes and non-useable areas shall be maintained by the Sorrento Hills Lighting and Landscape Maintenance District ("LMD") or the Master Homeowners Association. The entire park may be maintained by the LMD if the community desires.
- jj. No residential building permit shall be issued by the City for the project unless the Del Mar Union School District and the San Dieguito Union High School District ("Districts") each have provided a certification to the City that a school facilities funding and mitigation agreement has been executed that

fully mitigates the Project impacts to school facilities in the Districts.

- kk. Availability of water service to serve the proposed project(s) shall be secured prior to issuance of building permits (see discussion of water conservation measures provided below).
 - ll. The developer shall install all facilities necessary to serve this development, in a manner satisfactory to the Water Utilities Director, as required by the approved study "Alternate Replacement Sewer Study for Torrey Reserve Heights Environmental Impact Report" by Crosby Mead Benton & associates dated April 29, 1994.
 - mm. Prior to the issuance of building permits, the applicant shall submit final landscape plans demonstrating incorporation of water conservation measures to the Principal Planner of EAS for review and approval. The landscape plans shall clearly label water conservation measures as "Required Environmental Mitigation".
47. This project will not benefit from any of the vested rights associated with the Development Agreement entered into by the City of San Diego ("City") and the property owners in the Sorrento Hills Community Plan area on September 13, 1988.

APPROVED by the City Council of The City of San Diego on December 6, 1994, by Resolution No. R-285087.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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.

Owner/Permittee

By _____

By _____

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