

RESOLUTION NUMBER R-285091

ADOPTED ON DECEMBER 6, 1994

WHEREAS, AG Land Associates, a California General Partnership, Owner/Permittee, filed an application to develop a Planned Residential Development No. 92-0610, described as Portions of Sections 29 and 30 of Township 14, South Range 3 West and Resubdivision of Lot 23 of Map 12606 and Lot 27 of Map 12607, located in Sorrento Hills in the existing Zones A-1-10, M-1B and HRO, (proposed zones R-1-5000, M-1B and HRO); and

WHEREAS, on December 6, 1994, the City Council of The City of San Diego considered Planned Residential Development Permit No. 92-0610 pursuant to Section 101.0900 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Planned Residential Development Permit No. 92-0610:

**I. PLANNED RESIDENTIAL 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 project will diversify the mix of land uses in the community plan area by providing detached single-family market rate housing in close proximity to the proposed industrial and commercial office developments within the Sorrento Hills Community Plan area. The 37.8 acre project lies entirely within the proposed Sorrento Hills community plan area. As proposed the development includes a maximum of 69 detached single-family residential units, dedications for public streets and facilities and project open space. 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.**

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 to a successful resolution 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 detached single-family development will be complementary to the adjacent current and proposed land uses. Land use conflicts have been reduced entirely or mitigated by the project design. Physical vertical separation between the proposed development and the industrial development approved to occur to the south and open space easements between to the two land uses provides the separation of uses necessary to achieve a compatible balance of uses.

Open space, dedicated to the homeowners association, and the proximity of Torrey Pines State Park, Los Penasquitos 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 conditions of approval to address physical safety issues and aesthetic concerns.

The proposed use is compatible with 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, although several developments have been previously approved within the area, at this time development has not occurred.

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

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.

Graded slopes will be revegetated with plant materials identified 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 visually blend the development with the natural environment and open space.

Revegetation plans are subject to the requirements of the Landscape Concept Plan, the Land Development Ordinance and the Landscape Technical Manual. Irrigation systems will be provide to assure plant longevity. Supplemental watering will occur as needed to maintain plant health.

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 reflects the intent of the design guidelines by its proposed grading plan through the use of landform manipulation.

- 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 into 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 and the Planned Residential Development permit requirements. Additionally, the Facility Financing Plan for this community will monitor the rate of development to assure the public improvements are provided as required and ahead of individual development needs.

## **II. 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 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 protecting 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 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

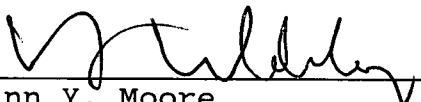
minimizing alterations to existing vegetation.

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 City Council, Planned Residential Development Permit No. 92-0610, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Residential Development Permit No. 92-0610, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Ann Y. Moore  
Deputy City Attorney

AYM:ps:pev  
01/25/95  
Or.Dept:Clerk  
R-95-957  
Form=r-t

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 RESIDENTIAL DEVELOPMENT PERMIT  
CITY COUNCIL  
SORRENTO HILLS CORPORATE CENTER PHASE II, UNIT 4 92-0610**

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 Section 101.0903 of the Municipal Code of The City of San Diego.

Permission is granted to Owner/Permittee to develop a 37.8-acre single-family detached residential development of up to sixty-nine units located in the Sorrento Hills Community Plan Area legally described as portions of Sections 29 and 30, Township 14 South, Range 3 West, and Resubdivision of Lot 23 of Map 12606 and Lot 27 of Map 12607, in the existing zones A-1-10, M-1B and HRO, (proposed zones R-1-5000, M-1B and HRO).

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A," dated December 6, 1994, on file in the office of the Development Services Department (DSD):
  - a. Maximum of sixty-nine detached single-family dwelling units, maximum square footage of the structures as allowed by the R-1-5000 Zone and associated improvements of the accompanying Tentative Map (No. 92-0610); and
  - b. Landscaping and Brush Management; and
  - c. Off-street parking facilities; and
  - d. Various open space and utility dedications; and
  - e. Incidental accessory uses as may be determined incidental and approved by DSD.
2. No permit for the construction, occupancy or operation of any facility described within this permit 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.
3. Prior to the issuance of any building permits, a final Subdivision Map No. 92-0610 shall be recorded on the subject property. Rezoning of the subject property shall become effective with the recordation of the final subdivision map.
  4. This permit shall comply at all times with the conditions of the corresponding final map for Tentative Map No. 92-0610.
  5. Not fewer than 138 off-street parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibits "A," dated December 6, 1994, on file in the office of the Development Services Department. Two off-street parking spaces shall be maintained on each buildable lot and one on-street parking space shall be provided for each dwelling unit. Parking spaces shall comply with San Diego Municipal Code Chapter X, Article 1, Division 8 and shall be permanently maintained and not converted for any other use, unless otherwise approved by DSD.
  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. Prior to the issuance of grading or building permits, complete grading, building plans and landscape documents (including plans, elevations, details and specifications), including a permanent irrigation system, and brush management drawings, shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformity to the approved Exhibits "A," dated December 6, 1994, on file in DSD. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.
  8. Prior to issuance of any grading permit, drawings shall be submitted to DSD, Development and Environmental Planning Division (DEP), indicating all areas disturbed for

construction of storm drains or other necessary improvements which occur in undisturbed areas across any lot designated as negative open space easement. These areas shall be revegetated with regionally native California plant species.

9. Prior to 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 the permit and the grading as shown on Tentative Map 92-0610 to the satisfaction of the Development Services Department, Development and Environmental Planning Division.
10. Prior to the issuance of any grading permits, drawings shall be submitted which indicate that all cut slopes over fifteen vertical feet will be graded using the sculpting method as shown on Tentative Map 92-0610.
11. No manufactured slope shall be steeper than a ratio of 2:1, except side yard slopes can be 1.5:1 where the corresponding vertical slope height is ten feet or less.
12. 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 assure the prevention of erosion until the entire project is completed. Remedial hydroseeding shall be required at the direction of the City Engineer.
13. Public refuse collection shall not be permitted unless approved by the City of San Diego Director of General Services.
14. Prior to the issuance of any building permits for any portion of this project, drawings shall be submitted for review to the Development Services Department, Development and Environmental Planning Division, which indicate all structures incorporate features to capture rain water runoff. All runoff shall be directed into a drainage system and carried to appropriate public storm drains.
15. 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 10.207).
16. 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).

17. Prior to issuance of any occupancy permit for any structure, inspection by the Development Services Department shall confirm that all building address numbers are visible and legible from the street or road fronting property in conformance with UFC section 10.208.
18. A three-year landscape maintenance and monitoring program shall be implemented by the Owner/Permittee Owner and/or Permittee to assure successful revegetation of all manufactured slopes over fifteen vertical feet. The program shall include irrigation, plant replacement and maintenance. The Development Services Department, Development and Environmental Planning Division shall be informed in writing of the date on which revegetation of the slopes has been completed. The Owner/Permittee shall be responsible for scheduling an inspection once each year for three years to verify the satisfactory establishment of the revegetation. If the initial plantings have not been adequately established the maintenance plan shall remain in effect.
19. Prior to issuance of occupancy permits, a field inspection shall be made by Development Services Department, Development and Environmental Planning Division to assure that the brush management plan as detailed in the Exhibits "A," dated December 6, 1994, has been satisfactorily implemented in the areas required. Maintenance of the brush management areas shall be the responsibility of the homeowners' association. Periodic field checks shall be made by Development Services Department, Development and Environmental Planning Division, to assure continued maintenance is occurring.
20. 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 if the permit has been revoked by the City of San Diego.
21. 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.
22. 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.

23. 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.
24. 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.
25. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
26. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer/tenant.
27. This permit must be utilized within 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.
28. Prior to issuance of any building permit, a complete exterior lighting plan for the proposed development shall be submitted to Development Services Department, Development and Environmental Planning Division, for review and approval. Submittals shall include a plan, elevations as necessary and manufacturer's 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.
29. The Owner/Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
30. 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.

31. 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.
32. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
33. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment are contained within a completely enclosed structure.
34. This project shall provide the required public facilities in a manner satisfactory to the City Engineer and the Development Services Department.
35. 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.
36. 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), Section 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 10(a) permit will require reconsideration by the appropriate City decisionmaking body.

Approval of this permit does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a five percent cumulative loss of coastal sage scrub and gnatcatcher occupied habitat calculated at the grading permit stage.

37. The following environmental mitigation is required for this proposed development:

**ENVIRONMENTAL MITIGATION REQUIREMENTS:**

- a. In order to mitigate biological impacts, the applicant has agreed to implement one of the following mitigation options which would reduce the 2.0-acre impact to coastal sage scrub to a level less than significant. Either of the following options shall 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 shall acquire a 2.0-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 shall dedicate 2.0 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 areas by the Multiple Species Conservation Plan.
- b. Prior to issuance of grading permits, a revegetation plan shall be submitted to the Principal Planner of the EAS, DSD that would provide specific monitoring and performance standards requirements for revegetation areas with the project. A surety bond shall be posted with the Principal Planner of the EAS, DSD to ensure implementation of the approved revegetation plans.
- c. 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.
- d. Surficial soils that are subject to consolidation of 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.
- e. Most surficial deposits (topsoil, alluvium, landslide debris, and slopewash) are predominately 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 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.

- f. 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 and approval 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.
- g. The presence of out-of-slope bedding or bedding-plane shears in the 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.
- h. 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.
- i. 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 in every ten 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 or silts in violation of this condition shall constitute automatic grounds for suspension of the applicant's grading permit(s) during the period November 1 to April 1.

2. Slopes and disturbed areas shall be revegetated as soon as feasible or within 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.
- j. 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 the City Clerk Document No. 00-17068 and the Land Development Ordinance. Document No. 00-17068 contains erosion control measures for the North City areas within the Coastal Zone draining into Los Peñasquitos Lagoon.
- k. 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 the 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.

- l. An interior noise study shall be provided to the satisfaction of the Principal Planner, EAS, for Lots 40-48, and 60-63, as shown on the Phase II, Unit 4 PRD site plan (dated December 6, 1994).
- m. Prior to issuance of building permits for the residential units, the Principal Planner of the EAS, DSD shall review and approve the interior building plans to ensure interior noise levels shall not exceed a CNEL of 45 db(A) based on future roadway volumes.
- n. In order 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:
  - 1) Prior to issuance of a grading permit, the applicant shall provide a letter to EAS 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.

- o. Future industrial uses with the project area shall comply with the County HMMMD and the City of San Diego Fire Department requirements, including preparation of RMPPs as required.
  - p. 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.
  - q. Availability of water service to serve the proposed project shall be secured prior to issuance of building permits.
  - r. The developer shall install all sewer facilities necessary to serve this development, in a manner satisfactory to the Water Utilities Department, 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.
  - s. Prior to 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."
38. 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 Council of the City of San Diego on December 6, 1994, by Resolution No. R-285091.



AUTHENTICATED BY:

\_\_\_\_\_  
SUSAN GOLDING, Mayor  
The City of San Diego

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

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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.  
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