

RESOLUTION NUMBER R-285093

ADOPTED ON DECEMBER 6, 1994

WHEREAS, on February 25, 1993, Douglas Allred Company, a California corporation, Owner/Permittee, filed an application for a Tentative Map, Rezone, Planned Residential Development Permit, Coastal Development Permit on property described as Lots 13 & 14 of Sorrento Hills Corporate Center, Unit 3, Map 12635, and Parcels 1 and 2 Parcel Map 14873, in the MIP, HRO, Coastal and A-1-1 (proposed R-1-5000, HRO, Coastal and A-1-1) Zones; and

WHEREAS, on December 6, 1994, the Council of The City of San Diego considered Planned Residential Development Permit/Coastal Development Permit No. 93-0142, Torrey View, pursuant to San Diego Municipal Code sections 101.0900 and 105.0201; 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/Coastal Development Permit No. 93-0142:

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 existing Sorrento Hills Community Plan addresses the need for community and neighborhood parks in Carmel Valley South to serve the future residential units. The city of San Diego Progress Guide and General Plan, Recreation Element, requires that the 123 proposed dwelling units (121 d.u. in this PRD and 2 d.u. in this T.M.) located in this subdivision meet population-based park standards of .77 useable acres of parks. Therefore, the applicant will enter into an agreement which provides for the acquisition, design and

construction at the community park located in Carmel Valley South or in an approved neighborhood park or recreation facility located within the Sorrento Hills Community Planning area, satisfactory to the Park & Recreation Director and Development Services Director.

- 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 THE AREA, AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.**

The Environmental Impact Report DEP No. 93-0142 identifies the Mitigation Monitoring and Reporting Program measures incorporated into the project to mitigate impacts to traffic, noise, hydrology/water quality, paleontological resources and school service. The Mitigation Monitoring and Reporting Program measure conditions are included in the DEP Permit No. 93-0142.

The Brush Management Program has been incorporated into the site design. The findings of the Brush Management Program are included in the following section.

The permit prepared for this project includes conditions of approval relevant to project compliance with applicable regulations of the Municipal Code assure the health, safety, and general welfare of persons residing or working in the area.

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

The proposed development complies with the designated land use density and the open space requirement of the proposed Sorrento Hills Community Plan Amendment. The project proposes to develop 121 single family dwelling units, resulting in a 2.23 d.u./ac density and is consistent with the Very Low density (0-5 d.u./ac) designation in the Sorrento Hills Community Plan.

The proposed development is consistent with the relevant regulations of the municipal code in effect for this site, including site development regulations, structural guidelines and open space/useable open space requirements of the R-1-5000 Zone and Planned Residential Development ordinance.

II. COASTAL DEVELOPMENT PERMIT FINDINGS:

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE GENERAL PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.**

No public accessway 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 and through the development is being provided by a network of walking trails joining a number of landscape pockets.

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

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

No marine resources have been identified in the project site of these permits or tentative map.

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 conditions listed in the permit.

- 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 THEREFROM.**

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, Douglas Allred Incorporation and others, filed in the office of the City Clerk on May 15, 1989.

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

Approximately 31 acres of the project site is located within the Coastal zone. The project site does not include any visitor-serving facilities. In addition, due to the location of the project site, the proposed development will not directly impact the coastal scenic resources.

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 AREAS TO PROTECT SUCH RESOURCES.

The implementation of the proposed project would result in significant unmitigated direct and cumulative impacts to biological resources, due to the loss of sensitive habitat. Full mitigation to the cumulative significant unmitigated biological impacts would require off-site acquisition of 6.92 acres of Southern Maritime Chaparral in addition to the agreed upon mitigation as described below.

19.75 acres of the 55.26-acre project site will be designated as open space to protect the Los Penasquitos Canyon Preserve and to assure an adequate buffer between the proposed development and the 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 implement contour grading and re-vegetation of manufactured slope to mitigate landform alteration impacts to the area below a level of significance.

The Brush Management Plan requires conditions within these permits to maintain easement zones and landscaping to maximize the protection against potential wildfires.

G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA, 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 surrounding communities as

well as the surrounding proposed developments within the Sorrento Hills Community Plan.

- H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS IN EFFECT FOR THIS SITE.**

The proposed development and related improvements will conform and support the City's Progress Guide and General Plan and other adopted plans and programs in effect for this site. The amendment to the North City Local Coastal Program will be considered by the California Coastal Commission upon the City's approval of the Rezone proposal.

III. BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS:

- A. THE PROPOSED BRUSH MANAGEMENT PROGRAM WILL MEET THE PURPOSE AND INTENT OF APPENDIX IIA OF THE UNIFORM FIRE CODE.**

All lots shown in the tentative map which require brush management will implement a brush management program. The final map will record negative open space easements for brush management zones two and three as well as building restricted easements for brush management zone one.

On Lots 37 through 41, 61 and 62 only a building restricted easement will record with the final map. Alternative measures to provide fire protection will be a condition of approval for these lots. A five foot wall will be constructed of nonflammable materials at the property line to provide additional fire protection.

The adjacent property, dedicated to Cal Trans, will construct a slope to allow for the widening of Interstate 5. This slope will be revegetated with native Coastal Scrub species, will be an irrigated slope, and is isolated from any undisturbed natural area.

Because the fuel load of the adjacent slope is considered to be low, the absence of any undisturbed natural area with a significant fuel load, and the conditions of approval provide measures to assure fire protection, the proposed brush management program meets the intent of the Appendix II A of the Uniform Fire Code.

B. THE BRUSH MANAGEMENT PROGRAM WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA.

The provisions of Zones 1, 2 and 3, in addition to the masonry wall along Lots 37 through 41, 61 and 62, will provide an effective fire break for the proposed project. Additionally, the following architectural features, in accordance with the Landscape Technical Manual Section 6.6-2 and 6.6-3, will be incorporated: fire retardant roofing, one hour fire resistive surfaces for eaves and overhangs on walls adjacent to open space, and wire screens on vents.

Therefore, the brush management program designed for this proposed development will not be detrimental to the health, safety, and general welfare of persons residing or working in the area.

C. THE PROVISIONS OUTLINES IN SECTIONS 6.6-2 OF THE LANDSCAPE TECHNICAL MANUAL (DOCUMENT NUMBER RR-274506) SHALL BE SATISFIED AND THE PROPOSED DEVELOPMENT SHALL PROVIDE OTHER FIRE RESISTIVE FEATURES AS REQUIRED BY THE FIRE CHIEF.

In addition to the masonry wall barrier, the brush management zones 1, 2 and 3, architectural features outlined in Section 6.6-2 of the Landscape Technical Manual have been incorporated into the project. A site analysis was performed by the Fire Department to validate the fire suppression program, which resulted in modifications to the proposed development.

Therefore, the proposed project provides fire resistive features as required by the Fire Chief.

D. COMPLIANCE WITH THE PROVISIONS OF THIS SECTION IN ADDITION TO ANY OTHER APPLICABLE ADOPTED PLANS OR ORDINANCES WOULD PRECLUDE REASONABLE DEVELOPMENT OF THE SITE.

The purpose and intent of the Uniform Fire Code is adequately met for the project design through the compliance standards proposed. The brush management program will not be detrimental to the health, safety, and general welfare of persons residing or working in the area.

Literal compliance with all provisions of this section would require encroachments into easements dedicated to CalTrans for Interstate 5. Alternative compliance features have been reviewed and approved by the Development Services Department and the Fire Department. Therefore, granting this site alternating compliance to the brush management regulations, without

causing unnecessary encroachment into adjoining property, allows reasonable development on this site.

- E. 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. Therefore, the proposed brush management program does not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources and wetlands.

- F. 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, the City Council hereby APPROVES Planned

Residential Development Permit/Coastal Development Permit
No 93-0142 under the terms and conditions set forth in Permit
No. 93-0142, 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
12/15/94
Or.Dept:Clerk
R-95-959
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/COASTAL DEVELOPMENT
PERMIT NO. 93-0142
TORREY VIEW**

This Planned Residential Development Permit/Coastal Development Permit is granted by the Council of The City of San Diego to the Douglas Allred Company, Owner/Permittee, under the conditions contained in Sections 101.0900 and 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 121-unit residential subdivision, on a vacant 55.26-acre site, legally described as Lots 13 & 14, Sorrento Hills Corporate Center #3, Map No. 12635; and Parcels 1 & 2 of Parcel Map No. 14873, located in the Sorrento Hills Community Plan area, within the MIP, A-1-1, Coastal and HRO (proposed R-1-5000, A-1-1, Coastal and HRO) Zone.
2. The Planned Residential Development/Coastal Development Permit shall include the total of the following facilities:
 - a. One hundred twenty-one (121) single family dwelling units and associated improvements within Lots 1 through 121 of the accompanying Tentative Map No. 93-0142; and
 - b. Off-street parking (see Condition No. 7); and
 - c. Various open space and utility dedications; and
 - d. Site landscaping and brush management; and
 - e. Landscape pockets served by a network of pedestrian walkways (see Condition No. 13); and
 - f. 0.77-acres off-site park (see Condition No. 23); and
 - g. Incidental accessory uses as may be determined and approved by the Development Services Director.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Rezoning of the subject property shall be approved by the City Council and become effective with the recordation of the subdivision map. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering, Planning Director and Development Services Director.
4. A "Nonbuilding Area" designation shall be granted and shown on said map on all areas not shown for building sites and all Brush Management areas as recorded on the Final Map of Tentative Map No. 93-0142. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. The areas of the site designated as open space shall be accordance with Exhibit "A," dated December 6, 1994.
5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Department, Development and Environmental Planning Division for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Department, Development and Environmental Planning Division for approval. All plans shall be in substantial conformity to Exhibit "A," dated December 6, 1994, on file in the Development Services Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted. 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.
6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. A total of 494 parking spaces shall be provided (at a ratio of 4.08 spaces per dwelling unit). Of those spaces, 152 curb spaces shall be provided for guests (at a ratio of 1.26 spaces per unit). Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated December 6, 1994. Parking spaces and aisles shall conform to Development

Services Department standards. No change shall be made at any time for use of these off-street parking spaces.

8. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
9. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association and the Development Services Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
10. No manufactured slope shall be steeper than a ratio of 2:1.
11. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Development Services Director and shall be consistent with the criteria established by the existing Zone.
13. A network of walkways shall be provided throughout the development to the sidewalk within the private driveway right-of-way as shown on Exhibit "A", dated December 6, 1994; and, if the sidewalks are contiguous to the curb of the private driveway, a five-foot general utility easement must be provided behind this walk, satisfactory to the City Engineer.
14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be thirty days after final action by the California Coastal Commission. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Development Services Director, as set forth in Section 101.0900 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Development Services Director.
16. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to the Development Services Department;
 - b. The Planned Residential Development/Coastal Development Permit is recorded in the Office of the County Recorder.
17. The property included within this Planned Residential Development/Coastal Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by the City of San Diego.
 18. This Planned Residential Development/Coastal Development Permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.
 19. This Planned Residential Development/Coastal Development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
 20. All accessory structures less than 100 square feet require the approval of the Development Services Director and must meet zoning criteria and Planned Residential Development/Coastal Development Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.
 21. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Development Services Department.
 22. Prior to issuance of any permits, the developer shall enter into an agreement, acceptable to the City Manager, which provides for the acquisition, design and construction of 0.77 useable acres of population-based parks. Said acreage shall be at the community park located in Carmel Valley South or in an approved Neighborhood Park and Private Recreation Facility located within the Sorrento Hills Community Planning area, satisfactory to the Park & Recreation Director and Development Services Director.
 23. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these

departments as to location, noise and friction values, and any other applicable criteria.

24. This Planned Residential Development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Development Services Department, Development and Environmental Planning Division.
25. Noise walls, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated December 6, 1994, shall be permitted by an Encroachment Permit obtained from the City Engineer.
26. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
27. The Planned Residential Development/Coastal Development Permit shall comply with the conditions of the final map for Tentative Map No. 93-0142.
28. Prior to issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-80-1 (UFC 10.207). Driveways "B," "D," "E," "L," and "M" shall be red curbed on both sides.
 - d. Provide temporary street signs.
 - e. Comply with the City of San Diego Landscaping Technical Manual regarding brush management and landscaping.
29. Prior to issuance of building permits on any on the following lots shown on the Tentative Map 93-0142 as 37 through 73, 104 through 121, 154, 155, 156, 158, 160, 161, and 162, architectural drawings shall be submitted to Development Services Department indicating the following features are incorporated into the design of the structures;
 - a. The roof shall be of fire retardant construction. Wood shake or shingles, whether fire retardant treated or untreated, are not permitted.

- b. Eaves and overhangs shall have an exterior surface as required for one hour fire resistive walls for any portion of a structure located within the minimum Table 5 setback distance of the Landscape Technical Manual, Section Six.
 - c. All eave vents shall be covered with wire screen not to exceed one quarter inch mesh.
30. Prior to issuance of building permits on any of the following lots shown on the Tentative Map 93-0142 as 37 through 41, 61 and 62, site plans and construction details shall be submitted to Development Services Department, Development and Environmental Planning Division indicating the noise wall required by the environmental document and shown on the Landscape Concept Plan will also incorporate fire protection measures. The following features shall be incorporated into the design of the noise wall:
 - a. The wall shall be a minimum of five vertical feet.
 - b. The wall may be constructed entirely of concrete masonry block or may be constructed of three vertical feet of concrete masonry block and two vertical feet of one hour rated glass and assembly.
31. Prior to the issuance of any occupancy permit for any structure on the previously identified lots in conditions 29 and 30, an inspection shall be conducted to confirm satisfactory compliance with the approved brush management plan identified as Exhibit "A" by the Development and Environmental Planning Division of the Development Services Department, Landscape Inspector.
32. The City's Facilities Planning Division shall be responsible for ensuring the applicants participation in the required transportation improvements as identified in the Sorrento Hills Development Agreement, DEP No. 88-0590, and Public Facilities Financing Plan.
33. Prior to the issuance of building permits, building plans shall be reviewed and approved by the Principal Planner of the City's Environmental Analysis Section for the following noise mitigation measures:
 - a. An exterior perimeter sound wall shall be constructed to achieve a 65 dB(A) CNEL exterior noise level in usable outdoor spaces at residences with a direct line-of-site to I-5. A sound wall height of five feet is required for all lots within 500 feet of the freeway centerline and a sound wall height of 4.5 feet is required for lots beyond 500 feet of the centerline.

Sound walls would be constructed of either a solid glass or lexan interior with pilaster exterior and pilaster cap or half glass/half solid wall material. Affected lots and location of noise walls are shown in Figure 4-1 of the EIR.

- b. Building Design. For lots proposed along the north and west edges of the development area and adjacent to Carmel Mountain Road, as shown on Figure 48 of the EIR, if second floor exterior uses such as balconies are used in the calculation of usable open space, then such uses shall not be located facing I-5 and shall be exposed to noise levels less than 65 dB(A) CNEL.
 - c. Building Materials and Construction. Dual-glazed windows shall be utilized in residences with a direct line-of-site to the freeway and Carmel Mountain Road, as shown on Figure 4-1. An architectural noise abatement package should be designed for each residence to achieve an interior noise level of 45 dB(A) CNEL or less based on 450,000 ADT for I-5 and 43,000 ADT for Carmel Mountain Road.
 - d. Prior to the issuance of a Certificate of Occupancy for the project, Development and Environmental Planning staff shall inspect the installation of the noise wall.
34. In order to mitigate the project's incremental contribution to Hydrology/water quality impacts, specific Best Management Practices shall be shown on the final engineering plans as required by the City Engineer and implemented as a condition of the Planned Residential Development/Coastal Development Permit.
35. In order to mitigate the project's incremental contribution to cumulative school service impacts, the developer shall be required to work with the school districts to develop a school financing plan to provide schools concurrent with the needs of the proposed development. State law allows for negotiations between the landowner and Del Mar Union School District/San Dieguito Union High School District for mitigation of impacts of the proposed Torrey View development through the acquisition of land for schools and the construction of new facilities. The developers would participate in mitigation through either the payment of school fees and/or participation in a Mello-Roos Community Facilities District ("CFD"). These fees shall be established through an agreement with the school districts prior to issuance of building permits. In addition to/as a part of the funding of new facilities for SDUHSD, mitigation would include the provision of portable classrooms to insure

the adequate provision of school facilities are available to serve the residence of the project area.

36. The Planned Residential Development/Coastal Development Permit will comply with the conditions of the Mitigation Monitoring and Reporting Program DEP No. 93-0142.
37. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.
38. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).
39. 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-285093.

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