

(R-96-963)

RESOLUTION NUMBER R-286930

ADOPTED ON FEBRUARY 13, 1996

WHEREAS, Christa McReynolds, Albert Graff and Marion Graff, Individuals, Owner/Permittee, filed an application to develop a Planned Residential Development, Planned Industrial Development, Hillside Review, Coastal Development Permit, Torrey Reserve Terrace, described as a portion of Section 32, all in Township 14 South, Range 3 West, S.B.M., located in the Sorrento Hills Community Plan area, in the A-1-10, Hillside Review Overlay Zone (proposed zones R-1500, M-IP and OS-OSP zones); and

WHEREAS, on February 13, 1996, the City Council of The City of San Diego considered Planned Residential Development, Planned Industrial Development, Hillside Review, Coastal Development Permit No. 91-0540 pursuant to Sections 101.0900, 101.0920, 101.0454 and 105.0200 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 Council adopts the following findings with respect to Planned Residential Development, Planned Industrial Development, Hillside Review, Coastal Development Permit No. 91-0540:

- I. **PLANNED RESIDENTIAL DEVELOPMENT AND PLANNED INDUSTRIAL DEVELOPMENT PERMIT FINDINGS:**
- A. **THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE ADOPTED COMMUNITY PLAN.**

The project will further 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. As proposed the development includes one hundred multi-family dwelling units, seventy one thousand one hundred thirty square feet of industrial space and approximately nineteen acres of land to be dedicated at no cost to the City.

The project's traffic circulation system is consistent with the adopted 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.

The project would provide the necessary public utilities, fees and services to the area, including water, drainage, sewage, fire, parks, open space and recreation consistent with the adopted community plan.

- 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 successfully resolved by the project design, will be mitigated through the Mitigation Monitoring and Reporting Program.

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

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.

- C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**

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 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 character of the underlying landform.

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 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 required by the City Engineer 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, as shown on the Landscape Concept Plan and as required by the Mitigation Monitoring and Reporting Program. 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 the 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, the Landscape Technical Manual and the Mitigation Monitoring and Reporting Program.

- 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 project was reviewed and redesigned to protect the natural landform while fitting the development into the site, as shown by the proposed grading on the tentative map.

All slopes will employ contour grading, slope sculpting, variable slope ratios and blending of slopes into the undisturbed natural when created adjacent to the undisturbed natural slopes.

- 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.**

Approval of the proposed project will confer to the City approximately nineteen acres of land currently owned by the applicant. The area of land is of high quality, biologically productive habitat. The area of land is also immediately adjacent to the Los Penasquitos Canyon Preserve. Other open space lots, indicated on the tentative map, will be owned in common

by the homeowners association and or the owner of the proposed lot sixteen. In either case, these lands will be protected from future development.

- 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.

**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 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 currently exists on the property covered by these permits of 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 internal private driveways.

The proposed development is located in the southwestern portion of the community plan area immediately east of Interstate 5 and north of Los Penasquitos Canyon Preserve.

- 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. 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 silt which does accumulate will be required.

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 and on-site mitigation is required for this development.

- 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 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 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.

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 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.

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 development.

Open space easements and dedications will be required to record on the final map which will 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.

Geologic 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". The 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 Landscape Technical Manual and the San Diego Municipal Code Section 62.0415.

The potential of wildfires will be reduced by the implementation of the Brush Management Plan submitted for this development. 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 development will appear as a hilltown neighborhood where development has been fitted to the terrain thereby retaining the visual quality of the area.

**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 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 proposed indicates that brush management plan will not occur within sensitive biological areas. The brush management plan will be implemented in a manner consistent with the Landscape Technical Manual.

Selective thinning and pruning of native plants will only be done when necessary to reduce the risks associated with fires. The proposed brush management plan will 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 plan for this project will occur in areas revegetated for erosion control only at the time a fire risk has established. 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 vegetation in areas not owned by the City. The existing root systems of plants thinned and pruned will be retained and the soil



surface will not be disturbed, therefore; minimizing alteration to existing vegetation.

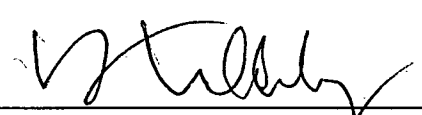
Undue risks from erosional forces will not occur as a result of the brush management program. Existing vegetation will retain its root system after the thinning and pruning thereby protecting the soil surface and preventing erosion from occurring as a result of implementing the brush management program.

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, Planned Industrial Development, Hillside Review and Coastal Development Permit No. 91-0540, is hereby granted to CHRISTA MCREYNOLDS, ALBERT GRAFF and MARION GRAFF, Individuals, Owner/Permittee, in the form and with the terms and conditions set forth in Permit No. 91-0540, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Chief Deputy City Attorney

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Or.Dept:Clerk  
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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 TERRACE 91-0540

This Permit is granted by the City Council of The City of San Diego to Christa McReynolds, Albert Graff and Marion Graff, Owner/Permittee, pursuant to Sections 101.0920, 101.0901, 101.0454 and 105.0200 of the Municipal Code of the City of San Diego.

Permission is hereby granted by the City Council of the City of San Diego to the referenced Owner/Permittee to develop 11.17 acres with 100 multifamily dwelling units; 9.25 acres with 72,130 square feet of industrial/office use, located in the Sorrento Hills Community Plan area, legally described as Portion of Section 32, T14S, R3W, S.B.B.M., in the existing A1-10, HRO (proposed zones R-1500, M-IP, HRO and OS-OSP) Zone.

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 February 13, 1996, on file in the office of the Development Services Department:

- a. 100 multi-family dwelling units consistent with R-1500 zoning and 72,130 square feet of industrial/office space consistent with the M-IP zone and this permit;
- b. Landscaping, Brush Management; and
- c. Off-street parking facilities; and
- d. 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 and showers, concrete patio and lounging area, drinking fountains, trash receptacles, barbecue; and
- e. A minimum 2,000 square-foot tot-lot developed with play equipment, park benches and safe play surfaces; and

f. Incidental accessory uses as may be determined incidental and approved by the Development Services Department.

2. This permit shall become effective eleven days after final approval by the City Council.

3. Development on this site is governed by the approved Design Guidelines and this permit, all identified as the Exhibit "A," dated February 13, 1996. It is the intention of these Design Guidelines to provide flexibility in the architectural site plan within the constraints of grading, the site plan, 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. 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.

5. 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 an amendment of this permit shall have been granted by the appropriate decisionmaker.

6. This project shall provide the required public facilities in a manner satisfactory to the City Engineer and the Development Services Department.

7. 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.

8. Prior to issuance of any grading permit, plans shall be submitted for review and approval to the satisfaction of the Development Services Department, Development and Environmental Planning Division indicating at a minimum the following information:

- a. Complete grading and landscape documents, including plans, details and specifications, and an irrigation system consistent with the Habitat Restoration/Revegetation Plan.
- b. All proposed grading shall be graphically represented by means of topographic contour lines, spot elevations and other graphic symbols necessary to communicate the design as required by this permit. All grading shall conform with the Tentative Map 91-0540 and the Hillside Review Design Guidelines.
- c. Complete landscape drawings, including an irrigation system, indicating the planting of shrubs and living ground covers on all slopes. Trees shall only be allowed on slopes not adjacent to any undisturbed open space adjacent to the Los Penasquitos Canyon Preserve. All slopes adjacent to any undisturbed open space shall utilize only regionally native California plant species in accordance with the Landscape Technical Manual and the approved Mitigation Monitoring and Reporting Program.
- d. All graded areas, slopes and future construction building pads, shall be hydroseeded to prevent and control erosion within thirty (30) 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.
- e. All areas disturbed for the construction of storm drains or other necessary improvements which occur in project open space, or across any easement shall be revegetated with regionally native California plant species.

9. Prior to the issuance of any grading permit, 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.

10. All storm drains and temporary desiltation basins which discharge drainage into any undisturbed area shall utilize velocity reducing ring pipe and rip rap energy dissipators in the final design and construction of the drainage system to the satisfaction of the City Engineer.

12. 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.

13. Prior to the issuance of any building permit, a Final Subdivision Map consistent with Tentative Map No. 91-0540 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.

14. 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, complete 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.

15. The Owner/Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

16. Prior to the issuance of any building permit, the developer shall provide evidence satisfactory to the Development Services Department that the contribution to the Los Penasquitos Lagoon Enhancement Fund (Fund) has been paid. Computation of the contribution shall be on the basis of the site surface affected by grading for urban development, exclusive of any habitat restoration or enhancement areas, at a rate of \$0.005/square feet for all areas to be graded, with an additional rate of \$0.03/square-foot for any impervious surfaces to be created by finish development.

17. The Owner/Permittee shall agree to participate in any benefit assessment district or other financing mechanism created to fund the permanent maintenance and conservation of the stream

channels and related habitats located in both the City of San Diego and the Los Penasquitos Lagoon watershed.

18. Prior to issuance of any building permit, site plans and other supporting documentation shall be submitted for review and approval to the satisfaction of the Development Services Department, Development and Environmental Planning Division indicating at a minimum the following information:

- a. All Municipal Code requirements for total required open space and required open space will be met or exceeded as specified in M.C. 101.0901.
- b. A complete exterior lighting plan for the proposed development. 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. Outdoor lighting shall be directed, and shielded by physical means if necessary, away from the Penasquitos Canyon Preserve. Prior to the issuance of any occupancy permit, a night-time inspection shall be required to assure compliance with this condition.
- c. Compliance with 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 Chapter X, Article 1, Division 20, Section 101.2001 of the San Diego Municipal Code. Storage areas shall be permanently maintained and not converted for any other use, unless otherwise approved by the Development Services Department.
- d. 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, section 101.0800 of the San Diego 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. No charge shall be made at any time for use of these off-street parking spaces.
- e. 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 (UFC 10.208).

- f. Indicating access to the site is provided in conformance with Fire Department Policy A-89-1 (UFC 10.207).
  - g. Complete building plans and landscape documents (including plans, elevations, details and specifications), including a permanent irrigation system.
  - h. Buildings shall be sited so that the only portions which will be visible from the centerline of Los Peñasquitos 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 Peñasquitos Canyon Creek.
19. 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 10.208.
20. Prior to the issuance of any occupancy permit for any structure, 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.
21. 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.
22. 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.
23. 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. No merchandise, material or equipment shall be stored on the roof of any building.
24. All signage associated with this development shall require approval by the Development Services Department and shall be consistent with sign criteria established by City-Wide Sign Regulations as determined by the Sign Code Administrator of the Development Services Department.

25. 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.

26. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

27. 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.

28. 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.

29. 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.

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 construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

32. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer/tenant.

33. 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.



34. 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:
  1. 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. 000-17068 and the Land Development Ordinance. Document No. 00-17068 contains erosion control measures for North City areas within the Coastal Zone draining into Los Peñasquitos Lagoon.
  2. 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.
  3. 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.
  4. 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.
  5. 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).
  6. In order to mitigate the project's contribution to schools associated with build-out of the Community Plan, the developer(s) will 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 DMUSD/SDUHSD for mitigation of impacts of the *Torrey Reserve Terraces* development through the acquisition of land for schools and the construction of new facilities. The developer(s) will participate in mitigation through either the payment of

school fees and/or participation in a Mello-Roos Community Facilities District. In addition to/as a part of the funding of new facilities for SDUHSD, mitigation will include the provision of portable classrooms to insure the adequate provision of school facilities are available to serve the residents of the project area.

7. Fees shall be established through an agreement with the DMUSD and SDUHSD prior to issuance of building permits by the City of San Diego.

APPROVED by the Council of The City of San Diego on February 13, 1996, by Resolution No. R-286930.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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.

CHRISTA MCREYNOLDS, ALBERT GRAFF,  
MARION GRAFF  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
02/26/96