

RESOLUTION NUMBER R- 288042

ADOPTED ON NOVEMBER 12, 1996

WHEREAS, the San Dieguito Partnership, Owner/Permittee, filed an application for a Planned Industrial Development, Resource Protection Ordinance, Hillside Review, and Coastal Development Permit to develop a light manufacturing project known as the Corporate Research Park, located north of I-805 and west of Mira Mesa Blvd., described as Map No. 12745 in the County of San Diego, in the proposed M1-B and M1-B (H.R.) zones; and

WHEREAS, the matter having been set for public hearing on November 12, 1996, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council adopts the following findings for Planned Industrial Development, Resource Protection Ordinance, Hillside Review, and Coastal Development Permit.

**PLANNED INDUSTRIAL DEVELOPMENT PERMIT**

**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 satisfies a community identified need for the provision of high technology research and development corporate uses and open space, and is consistent with the land use pattern of the Mira Mesa Community Plan in effect for this site.

The 104-acre project site lies entirely within the community of Mira Mesa. As proposed the development includes 26 net acres of pad for business park development.

The project extends the range of employment opportunities within the community. This fulfills the Community Plan objective of providing employment opportunities through the efficient use of industrial designated land.

A total of 51 acres (or 49 percent of the site) are designated for open space. By offering dedication of the majority of this land to The City of San Diego, in addition to the imposition of

building restricted areas, the preservation of permanent open space is assured and open space objectives of the Community Plan are promoted.

The project's traffic circulation system is consistent with the adopted community plan and City street design standards. The project's planned circulation system will accommodate expected project traffic.

The project provides the necessary public utilities, fees, and services to the area, including water, drainage, sewage, and open space consistent with the requirements of the Mira Mesa 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.**

The design and subsequent development of this site as a business park area will be complimentary to adjacent industrial areas in the community.

The permit for this project includes a number of conditions which implement applicable regulations of the municipal code to assure the health, safety and general welfare of persons working in the area.

The proposed use is compatible with the character of the surrounding area and therefore would not adversely affect other property in the vicinity.

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

The land uses and intensity of development for Corporate Research Park comply with the relevant regulations in the Municipal Code. Industrial and open space uses are consistent with the requested zoning.

Building permits and Engineering permits will be reviewed for substantial conformance with all discretionary approvals. This process will assure another level of review by City staff to monitor compliance with all relevant building codes, and site development codes including, but not limited to: the governing permits for the Planned Industrial Development, Resource Protection, and Hillside Review Ordinances.

The proposed development is consistent with the relevant regulations of the municipal code as implemented through the Planned Industrial Development Permit for this site, including requirements for setbacks, various site coverages, and structural and site design guidelines as specified or recommended by the MI-B Zone and the adopted Mira Mesa Community Plan.

## COASTAL DEVELOPMENT

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

The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted local coastal program land use plan; nor will it obstruct view to and along the ocean and other scenic coastal areas from public vantage points as these circumstances do not exist and are not relevant to the site.

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

The proposed development will not affect any marine resources, archaeological or paleontological resources. Minor encroachments into small, discontinuous environmentally sensitive areas have been identified (2.6 acres of coastal sage scrub and non-native grassland). The project proposes to dedicate 46.9 acres of open space containing environmentally sensitive coastal sage scrub as well as revegetate adjacent manufactured slope areas with native and naturalized vegetation thereby providing for the long term improvement of habitat values of the property.

**3. 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 will result in the permanent preservation of approximately 46.9 acres in open space (46% of the entire project) including 30.8 acres of Diegan coastal sage scrub (92% of the habitat onsite) and 17 acres of grassland. These onsite areas to be preserved include habitat for sensitive plant and animal species which would contribute to the ongoing regional conservation planning efforts. Additionally areas of manufactured slope areas adjacent to the proposed open space will be revegetated with native vegetation. Collectively this effort would minimize to the maximum extent practicable sensitive habitat losses and would satisfy mitigation measures set forth within the Resource Protection Ordinance. A separate Resource Protection Ordinance permit will be issued pursuant the terms of the Ordinance.

**4. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATION OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.**

The proposed development will not affect any recreational or visitor-serving facilities or coastal scenic resources since it is not located near any recreational visitor-serving facilities or coastal scenic resources.

**5. 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 proposed development is not located adjacent to any parks or recreation areas.

**6. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

The project, as proposed, has minimized to the extent feasible alterations to the natural landforms by utilizing development techniques applicable to steep slope areas. The development has been clustered or concentrated on a portion of the site in order to preserve predominant landforms and biological resource areas (46.9 acres). The lots have been stepped in a fashion not to eliminate but to replace the existing slope gradient.

Implementation of project mitigation measures to minimize soil erosion will be implemented by the City Engineer through grading permit conditions. In addition to the above, a detailed geotechnical report will be required prior to the issuance of a grading permit to further assure that no erosional disturbances would occur during grading activities on the project site. This report would also indicate any other geologic instabilities which may occur as a result of project implementation and would recommend alternatives to mitigate the potential for adverse impacts related to slide damage or the silting of lower slopes.

Graded slopes would be revegetated with plant materials identified in the landscape concept plan and Planned Industrial Development permit. Plant species considered useful for controlling erosion will be planted on steep slopes and native species will be used in an effort to blend with surrounding natural areas for those slopes adjacent to natural open space. Revegetation plans are subject to the requirements of the Land Development Ordinance, The City of San Diego's Landscape Technical Manual.

Daylight grading techniques will be used to the extent possible on ridge tops and highly visible areas. Slopes adjacent to open spaces will be rounded, contoured, and undulated where possible using variable slope ratios to blend into the natural landscape and topography.

The Mitigation Monitoring and Reporting Program prepared for the project includes various measures to reduce potential adverse impacts associated with site grading and erosion, including the installation of erosion control features and controlled grades to reduce uncontrolled run-off and resultant soil erosion.

The geologic reconnaissance report prepared for the project, and which is included in the Mitigation Monitoring and Reporting Program, indicated that the compacted soils incorporated into the project grading plan would securely support the proposed structures without any risk to the health, safety and general welfare.

**7. 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 Corporate Research Park PID (96-0265) contains design standards and guidelines for the project. The proposed project would retain the aesthetic qualities and character of the surrounding industrial and business park uses consistent with the adopted community plan for the area. The ultimate design of the proposed structures would incorporate a variety of architectural treatments, materials and styles intended to contribute to the aesthetic qualities present in the area.

The visual quality will be enhanced by the retention of 49 percent of the site as undeveloped open space, including 46.9 acres offered for dedication to the City. Where possible, manufactured slopes will be rounded, contoured, and undulated using variable slope ratios and native or naturalized plant material to blend into the landscape and topography of the project site.

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

The proposed development is consistent with applicable adopted plans. It conforms with the land use, open space, circulation, public facilities objectives of adopted plans. The project also conforms to specific development policies and ordinances as implemented through project permit conditions. It has the unanimous endorsement of the Mira Mesa Planning Group.

**R.P.O. (ALTERNATIVE COMPLIANCE)**

**A. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN; AND**

**B. THE PROPOSED DEVELOPMENT CONFORMS TO THE ADOPTED COMMUNITY PLAN OF THE AREA;**

The Mira Mesa Community Plan designates the project area as industrial and open space use and calls "for preservation of an adequate supply of industrial land, a reduction in traffic conflicts and

congestion in industrial areas, improvement in the visual quality of industrial development in the community". Detailed planning undertaken through this project has resulted in the definition of a specific limit of development and specific open space preservation. The project provides for implementation of the Circulation Element through the widening and improvement of Vista Sorrento Parkway and the reservation of right-of-way of Vista Sorrento Place. It also provides 51 acres (49 percent) of the site for open space of which 46.9 acres will be dedicated to the City as a contribution to the ongoing regional conservation planning efforts and implementation of community plan open space objectives. The Corporate Research Park PID (96-0265) contains design standards and guidelines for the project consistent with the stated development criteria within the Sorrento Mesa Subarea of the Mira Mesa Community Plan. The project would retain the aesthetic qualities and character of the surrounding area. The ultimate design of the proposed structures would incorporate a variety of architectural treatments, materials and styles intended to conform to the aesthetic qualities present in the area. The project received the unanimous endorsement of the Mira Mesa Community Planning Group, confining its conformance with the community plan for the area.

**C. THERE ARE NO OTHER FEASIBLE MEASURES THAT CAN BE TAKEN TO FURTHER MINIMIZE THE POTENTIAL ADVERSE AFFECT ON ENVIRONMENTALLY SENSITIVE LANDS AND STILL AVOID CONFLICT WITH SUBSTANTIALLY APPLICABLE PROVISIONS OF CITY COUNCIL POLICY.**

The project as proposed is a redesign of a previously approved and mapped project which reduces and minimizes direct impacts to sensitive habitats and steep hillsides substantially from those of the previously approved project. The remaining impacts to environmentally sensitive lands are limited to scattered, small, fragmented slope areas and habitats. Avoidance of these impacts, due to their scattered, fragmented character, would reduce the developable area to a point which would make it impossible to create practical large lot (minimum 80,000 square feet) industrial/business park lots as called for in the adopted community plan. As redesigned, the usable area of the project is only 25% (26 acres) of the total site area (104 acres).

**HILLSIDE REVIEW PERMIT FINDINGS:**

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

The proposed development will minimize disturbance of environmental sensitive areas on the site, such as, hillsides and biologically sensitive resources areas in accordance with the Hillside Review Ordinance. This has been accomplished primarily by avoiding development on 49 percent of the site and employing lot clustering, grading controls and other preferred site designs consistent with recommended design elements of the adopted community plan to minimize impacts within the developed portions of Corporate Research Park

The geological reconnaissance report prepared for the development (included as part of the Mitigation Monitoring and Reporting Program) indicated that the proposed structures would be

sited, designed and constructed to be physically suitable to the topographic conditions of finished site grade. Ornamental and functional plant materials incorporated into the slope plantings element of the project landscape and brush management plan will contribute significantly to the structural integrity of the proposed business park.

The Mitigation Monitoring and Reporting Program prepared for the project includes measures to retain the integrity of remaining natural slopes, open space areas and other sensitive resources identified on the site, and would ensure their minimal disturbance during the construction phase of the project.

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

Implementation of project mitigation measures to minimize soil erosion will be enforced by the City Engineer before a grading permit is issued.

Graded slopes would be revegetated with plant materials identified in the landscape concept plan and described in the written text of the revegetation plan. Plant species considered useful for controlling erosion will be planted on steep slopes and native species will be used in an effort to blend with surrounding natural areas for those slopes adjacent to natural open space.

Revegetation plans are subject to the requirements of the Land Development Ordinance, the city of San Diego's Landscape Technical Manual, as well as the approved revegetation plan and associated EIR No. 96-0625.

Daylight grading techniques will be used to the extent possible on ridge tops and highly visible areas. In addition, manufactured-slopes will be rounded, contoured, and undulated where possible using variable slope ratios to blend into the natural landscape and topography.

The Mitigation Monitoring and Reporting Program prepared for the project includes various measures to reduce potential adverse impacts associated with site grading and erosion, including the installation of erosion control features and controlled grades to reduce uncontrolled run-off and resultant soil erosion.

The geologic reconnaissance report prepared for the project, and which is included in the Mitigation Monitoring and Reporting Program, indicated that the compacted soils incorporated into the project grading plan would securely support the proposed structures without any risk to the health, safety and general welfare.

Proposed grading, landscape and brush management plans incorporate revegetation of disturbed slopes with native and naturalized vegetation. The revegetation of these slopes will contribute to mitigation efforts to reduce the potential for erosion and flooding impacts on site.

In addition to the above, a detailed geotechnical report will be required prior to the issuance of a grading permit to further assure that no erosional disturbances would occur during development of the project. This report would also indicate any other geologic instabilities which may occur during project implementation and would recommend alternatives to mitigate the potential for adverse impacts related to slide damage or the silting of lower slopes.

**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 Corporate Research Park PID (96-0265) contains design standards and guidelines for edges, architecture, and site design. The proposed project would retain the aesthetic qualities and character of the surrounding industrial/business park area. The ultimate design of the proposed structures would incorporate a variety of architectural treatments, materials and styles intended to contribute to the aesthetic qualities present in the area.

The retention of visual quality is further addressed by the fact that 49 percent of the site remains undeveloped, including 46.9 acres offered for dedication to the City. Manufactured slopes will occur, but will be rounded, contoured, and undulated (wherever possible) using variable slope ratios to blend into the natural landscape and topography of the project site.

Drainage systems have been designed and located to minimize their visibility. Revegetation on manufactured slopes will provide erosion control. Fire resistant and drought tolerant plants are included within the plant palette to ensure erosion control and compatibility with surrounding biological communities.

**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.**

The proposed Corporate Research Park development respects the open space boundaries shown in the adopted Community Plan. This is emphasized by the fact that 49 percent of the ownership will remain in open space.

The applicant has discussed the feasibility of open space dedications with appropriate city staff. Staff has determined the proposed open space element for the project to be acceptable in terms of



acreages function and practicality and that no additional easements, open space dedications or exactions on the property would be necessary to comply with open space requirements of the community plan.

**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 site will be developed in accordance with the standards and guidelines in PID 96-0265 which are derived, in part, from the Mira Mesa Community Plan and implement portions of the Mitigation and Monitoring Program. Development of biologically sensitive areas have been minimized to the extent that 49 percent of the site will be dedicated as either open space or non-building easements. The proposed development has been designed to allow for reasonable use and maintain the natural character of undeveloped areas.

**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 proposed Brush Management Program by using the zone reduction provisions of Section 6.6 of the Landscape Technical Manual will modify the existing natural vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code Appendix IIA. Therefore, 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; and

**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.**

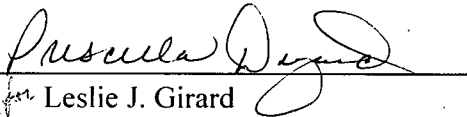
The proposed brush management program will alter the existing natural vegetation for purposes of fire protection by providing the effective fire break consisting of a Zone 1 which incorporates the architectural features and Zone Reduction criteria as outlined in Section 6.6 of the Landscape Technical Manual. The alterations to existing vegetation will be minimized, and all new plantings on the slopes will conform to the revegetation standards of the Landscape Technical Manual.

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

BE IT FURTHER RESOLVED, that Planned Industrial Development, Resource Protection Ordinance, Hillside Review, and Coastal Development Permit No. 96-0265 are granted to the San Dieguito Partnership under the terms and conditions set forth in the permit on file in the Office of the City Clerk as Document No. R-288042, a copy of which is attached and incorporated in this resolution.

APPROVED: CASEY GWINN, City Attorney

By   
for Leslie J. Girard  
Assistant City Attorney

LJG:PD:js:cdk  
12/19/97  
Or.Dept:Dev.Svcs  
R-97-518  
Form=permit.res

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  
RESOURCE PROTECTION ORDINANCE  
HILLSIDE REVIEW  
COASTAL DEVELOPMENT  
PERMIT NO. 96-0265  
CITY COUNCIL  
CORPORATE RESEARCH PARK

This Planned Industrial Development, Resource Protection Ordinance, Hillside Review, and Coastal Development Permit is granted by the City Council of the City of San Diego to the San Dieguito Partnership, Owner/Permittee, under conditions in Section 101.0920, 101.0462, 101.0454, and 105.0202 of the Municipal Code of the City of San Diego.

1. Subject to the terms and conditions set forth in this permit, permission is hereby granted to Owner/Permittee, to develop nine industrial lots located on the east side of Interstate 805 and north of Mira Meas Boulevard, more particularly described as Corporate Research Park Map 12745, in the City of San Diego, in the R1-40,000 zone, Hillside Review Overlay zone and the proposed M1-B/HR zone.
2. The 104.2 acre Project site area shall consist of the following:
  - a. A nine-lot subdivision for industrial park uses (M1-B);
  - b. One open space lot;
  - c. Four Property Owners association lots (A-D) for manufactured slope landscaping (A-C) and brush management (D);
  - d. Landscaping;
  - e. Off-street Parking; and
  - f. Incidental accessory uses as may be determined incidental and approved by the City Manager.
3. Parking shall comply with Planned Industrial Development Exhibit "A" dated November 12, 1996, on file in the office of Development Services.
4. Prior to the issuance of any building permits, a final subdivision map

DOCUMENT NO. RL-288042

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SAN DIEGO, CALIFORNIA

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and concurrent discretionary permits 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. Prior to obtaining building permits, a final Subdivision Map shall be recorded on the property.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to Development Services for approval. Concurrently, plans shall be submitted by the applicant to the Mira Mesa Community Planning Group for informational purposes only. Plans shall be in substantial conformity to Exhibit "A," dated November 12, 1996, on file in the office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Prior to the issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A' dated November 12, 1996, Landscape Concept Plan, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

7. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all approved landscape and obtain all required landscape inspections.

8. All approved landscape shall be maintained in a disease, weed and liter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" of trees is not permitted unless specifically noted in this permit.

9. If any existing or installed landscape (including hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

10. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

11. This Planned Industrial, Coastal Development and Hillside Review Permit must be used within 36 months after the effective date of final approval by the City Council or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0920 of the Municipal Code.

12. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

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13. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by Development Services; 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.

This Planned Industrial Development, Coastal Development and Hillside Review Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

14. No permits for any activity associated with this permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to Development Services;
- b. The Planned Industrial Development Permit is recorded in the office of the County Recorder.

15. This Planned Industrial Development, Coastal Development and Hillside Review Permit is a covenant running with the lands 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.

16. Should development exceed 5,200 ADT, the subdivider shall be required to provide an updated traffic study and mitigate any significant traffic impacts.

17. Prior to the 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-89-1 (UFC 10.207).
- d. Provide temporary street signs.

18. The property included within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Manager or the permit has been revoked by

19. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Manager, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

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20. Prior to issuance of any signs or building permits, the applicant shall submit a Comprehensive Sign Plan for review and approval by Development Services. Once approved, all signs requested and proposed for this project shall conform to the comprehensive signage plan, Exhibit "A," dated November 12, 1996.

21. Any shared parking facility shall be provided with adequate signing on the premises indicating the availability of that facility for patrons of the participating uses.

22. Subsequent modifications to the structure or change in tenant occupancy shall require review by Development Services.

23. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises, unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building to the satisfaction of the City Planning Division.

24. A "Nonbuilding Area" designation shall be granted and shown on the final subdivision map for all areas not shown as building sites. Such areas shall be coupled with the severalty interests of the owners of the buildings and shall be maintained as open space.

25. Prior to issuance of Building Permits or Grading Permits or recordation of any final map, the landowner shall execute and record a document, in a form and content acceptable to Development Services, irrevocably offering to dedicate to a public agency or a private association approved by Development Services, an open space dedication over the area shown on the approved plan Exhibit "A," dated November 12, 1996.

26. The dedication of open space shall prohibit any alteration of landforms, placement or removal of vegetation, or erection of structures of any type with the easement area.

The document shall be recorded free of prior liens except tax liens which the Development Services Manager determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONS (27, 28, and 29)**

27. Permanent erosion-control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, including the native revegetation of manufactured slopes within Lot D shall be installed prior to issuance of the first building permit. Maintenance of the manufactured slopes and desilting basins, as shown on the accompanying tentative map, shall be the responsibility of a property owners association or similar maintenance district.

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28. Prior to issuance of the first building permit, a report of findings on the recovery of paleontological resources, even if negative, shall be submitted to the Environmental Analysis Section of the City of San Diego and the San Diego Natural History Museum.

29. All artificial lighting shall be directed and shielded away from native habitat and its buffer zone.

30. This permit shall become effective on the eleventh day following the decision of the City Council.

31. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property, or the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

32. 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 such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

33. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the City Council of The City of San Diego on November 12, 1996.

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