

RESOLUTION NUMBER R-290104

ADOPTED ON MAY 12, 1998

WHEREAS, The Lodge at Torrey Pines Partnership, Owner/ Permittee, filed an application for a Coastal Development Permit, Planned Commercial Development Permit, and Conditional Use Permit Amendment (amendment to approved CUP No. 1024) No. 96-7358 to partially demolish an existing hotel and add new guestrooms, meeting and banquet space, a parking structure and other related site improvements to the subject property located at 11480 North Torrey Pines Road, described as Portions of Lots 1130 and 1331, Pueblo Lands of San Diego, Map No. 36, in the CV Zone, Coastal Zone, and Airport Environs Overlay Zone, within the University Community Planning Area; and

WHEREAS, on March 12, 1998, the Planning Commission of The City of San Diego denied Coastal Development Permit, Planned Commercial Development Permit, and Conditional Use Permit Amendment No. 96-7358 pursuant to San Diego Municipal Code sections 105.0202, 101.0920, and 101.0510; and

WHEREAS, the matter was set for public hearing on May 12, 1998, 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 with respect to Coastal Development Permit, Planned Commercial Development Permit, and Conditional Use Permit Amendment No. 96-7358:

**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.**

The proposed expansion of the Lodge at Torrey Pines will be developed within its existing leasehold, and will not encroach upon any existing accessway legally utilized by the public. Currently no ocean or scenic coastal views exist from any public vantage points through the project site. The existing Lodge at Torrey Pines is currently partially visible from North Torrey Pines Road (the primary public vantage point) between breaks in the eucalyptus landscaping, but no ocean views currently exist. Therefore the project will not obstruct any public views to and along the ocean and/or any other scenic coastal areas.

**B. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.**

The proposed expansion of the Lodge at Torrey Pines will not adversely affect marine or paleontological resources, or environmentally sensitive areas. Grading required for the project could affect unknown subsurface archaeological resources. However, the Mitigation, Monitoring, and Reporting Program of the Environmental Impact Report, and conditions of approval

contained within the Coastal and Planned Commercial Development Permit will reduce the potential for adverse impacts to archaeological resources to below a level of significance. Prior to the start of construction activities, the applicant shall be required to retain a qualified archaeologist to implement an archaeological construction monitoring program. The archaeologist's duties shall consist of monitoring, evaluation, analysis of collected materials, and preparation of a monitoring results report.

**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 (San Diego Municipal Code section 101.0462), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.**

Pursuant to the terms of the Resource Protection Ordinance, this project, located in the Coastal Zone, is exempt from San Diego Municipal Code section 101.0462 (the Resource Protection Ordinance).

**D. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.**

The proposed expansion of the Lodge at Torrey Pines will have a positive affect on recreational and visitor-serving facilities by providing an additional 101 hotel rooms within the Torrey Pines mesa area of the City. Adding more rooms will increase tourism and the opportunities for the public to enjoy recreational and coastal scenic resources in the area including but not limited to the Torrey Pines Golf Course, Torrey Pines State Reserve, Los Peñasquitos Lagoon, and the Pacific Ocean and its City and State beaches. Due to the project's proximity to

Torrey Pines State Park to the north, the Scripps Medical facilities to the south, and the Scientific Research business to the east, the additional hotel rooms will provide a needed service for business personnel, hospital outpatients undergoing extended treatments and visiting families of patients, players of the adjacent golf course, and San Diego tourists.

**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 proposed project will not adversely impact any environmentally sensitive habitats or scenic resources. The new Lodge buildings have been designed to step back from the adjacent golf course to maximize golf course views and minimize a "walling-off" effect. Landscaping and design of this stepped back area will blend with the adjacent golf course. The architectural style of the project emphasizes horizontal rather than vertical elements and utilizes natural materials such as rock, wood and brick. Extensive landscaping will reflect the project's surroundings by utilizing native materials designed to recreate areas of the Torrey Pines State Reserve and coastal bluff vegetation.

**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.**

Development of the Lodge at Torrey Pines will occur entirely on property previously graded and utilized for hotel purposes. The proposed grading which will consist of approximately

24,000 cubic yards of cut and 8,000 cubic yards of fill will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

**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 improvements to the Lodge at Torrey Pines would make use of natural building materials such as boulders and used brick, accentuated with wood features. To help the building blend with the existing character of the surrounding areas, the hotel design would have a horizontal rather than a vertical emphasis, using a Craftsman style bungalow architectural style. The landscape design for the Lodge at Torrey Pines would reflect the natural landscape of the surrounding Torrey Pines area through the use of pine trees and other landscape features that create a woodsy, natural forest setting. The western portion of the site would be opened up by demolishing the existing guest room buildings that are configured in a manner which limit golf course and ocean views. Views of the Lodge at Torrey Pines from the Torrey Pines Golf Course would be improved by the proposed architectural renovations.

**H. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.**

The proposed expansion of the Lodge at Torrey Pines is consistent with the Progress Guide and General Plan and the University Community Plan which designates the project site for visitor commercial land uses. An approved amendment to the University Community Plan will allow the hotel to expand from 74 rooms to 175 rooms.

The project is also consistent with the AEOZ. Notwithstanding the project's inconsistency with the NAS Miramar Comprehensive Land Use Plan (CLUP), the project satisfies the requirements of the AEOZ because the project minimizes the public's exposure to excessive noise and safety hazards to the extent feasible. The new guest rooms will incorporate features designed to attenuate the exterior noise to an acceptable level of 45 decibels. This reduction will be substantiated in specific acoustical analysis submitted for City review once construction drawings are prepared.

In accordance with the CLUP, the proposed project also incorporates features which will minimize the public's exposure to safety hazards. The CLUP suggests that uses which are considered compatible under Accident Potential Zone II cover less than 40 percent of a parcel. The proposed project will cover only 26 percent of its site. Furthermore, the Lodge has been designed as a low rise structure (not to exceed 30-feet). The proposed use is surrounded by a 36-hole golf course covering hundreds of acres, the Torrey Pines State Preserve, and the Pacific Ocean, where no land use intensity occurs. These areas provide huge expanses of open space surrounding what is in reality a very small development in relative terms and provide alternative "crash sites" for disabled aircraft.

**PLANNED COMMERCIAL 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 community plan.**

The Lodge at Torrey Pines will fulfill an individual and community need because it has been designed to provide San Diego and the Torrey Pines Mesa with a world-class destination

resort. It will exist in harmony with and be sensitive to the unique scenic qualities and landscape of its surroundings. In addition, it will provide an increase in full-service hotel rooms much needed on the Mesa by visiting golfers, hospital outpatients, and business travelers associated with the area's rapidly growing biotech and biomed industries. Because of this demand, the project will generate over \$1,000,000 annually in rent and transient occupancy tax to the City of San Diego. In addition, because of an improved site plan design, an upgrade to existing facilities, and an architecturally enhanced design using the California Craftsman architecture, views of the hotel both from the golf course and adjacent roadways will be greatly enhanced. The proposed project is also in conformance with the Progress Guide and General Plan and the University Community Plan, and will not adversely affect either of these land use documents.

**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 proposed Lodge at Torrey Pines expansion project has been designed so that it will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The project site lies within the airport influence area of Miramar, and is subject to the regulations of the NAS Miramar CLUP as well as the State Public Utilities Code relative to airport operations (Section 21670). It is the purpose of these articles to protect public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

The purpose and intent of these regulations are met because the proposed project covers only 26 percent of its site, compared to the lot coverage suggested for uses considered to be compatible under the NAS Miramar CLUP of up to 40 percent. The proposed project will be surrounded by hundreds of acres of open space, including a golf course, the Torrey Pines State Preserve, and the Pacific Ocean. Considering the unusual length of the accident potential zone, which exceeds regulations by more than 10,000 feet, the proposed project minimizes the public's exposure to safety hazards.

In addition, the proposed project will incorporate acoustical features designed to lower the amount of noise to an acceptable level. As required in the conditions of approval, an acoustical analysis shall be prepared by a qualified acoustician in conjunction with submittal of building permit applications.

**C. The proposed use will comply with the relevant regulations of the San Diego Municipal Code.**

The proposed expansion will comply with all of the relevant regulations of the underlying CV (Commercial Visitor) Zone, including but not limited to those regulating height, intensity, parking, coverage, setbacks and landscaping. The project also complies with the Airport Environs Overlay Zone (AEOZ) because it incorporates features designed to minimize the public's exposure to aircraft crash potential and noise. These features include required noise attenuation construction features, reduced lot coverage of 26 percent where 40 percent is allowed, and a low-rise structure design not to exceed 30 feet. In addition, the public's exposure to aircraft crash potential is reduced further because the project site is surrounded by vast areas of



open space, the hotel is situated approximately 5 miles from NAS Miramar, and the hotel's hours of operation are opposite the aircraft operation hours at Miramar.

**CONDITIONAL USE PERMIT FINDINGS:**

**A. The proposed use will not adversely affect the neighborhood, the General Plan, or the community plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.**

The proposed expansion of the Lodge at Torrey Pines is consistent with the Progress Guide and General Plan and the University Community Plan which designates the project site for visitor commercial land uses. A proposed and approved amendment to the University Community Plan will allow the hotel to expand from 74 rooms to 175 rooms.

Although the project is not consistent with the NAS Miramar Comprehensive Land Use Plan (CLUP), the Council has found by a 2/3 vote that the project complies with the AEOZ which is intended to minimize the public's exposure to excessive noise and safety hazards to the extent feasible. The new guest rooms will incorporate features designed to attenuate the exterior noise to an acceptable level of 45 decibels. This reduction will be substantiated in specific acoustical analysis submitted for City review once construction drawings are prepared.

The proposed Lodge at Torrey Pines expansion project has been designed so that it will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The project site lies within the airport influence area of MCAS Miramar, and is subject to the regulations of that document as well as the State Public Utilities Code relative to airport

operations. It is the purpose of these articles to protect public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The purpose and intent of these regulations are met because the proposed project covers only 26 percent of its site, compared to the lot coverage suggested for uses considered to be compatible under the NAS Miramar CLUP APZ II of up to 40 percent. The proposed project will be surrounded by hundreds of acres of open space, including a golf course, the Torrey Pines State Preserve, and the Pacific Ocean. Considering the unusual length of the accident potential zone, which exceeds regulations by more than 10,000 feet, the proposed project minimizes the public's exposure to safety hazards.

**B. The proposed use will comply with all the relevant regulations of the San Diego Municipal Code.**

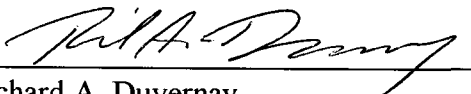
The proposed expansion will comply with all of the relevant regulations of the underlying CV (Commercial Visitor) Zone, including but not limited to those regulating height, intensity, parking, coverage, setbacks and landscaping. The project also complies with the Airport Environs Overlay Zone (AEOZ) because it incorporates features designed to minimize the public's exposure to aircraft crash potential and noise. These features include required noise attenuation construction features, reduced lot coverage of 26 percent where 40 percent is allowed, and a low-rise structure design not to exceed 30 feet. In addition, the public's exposure to aircraft crash potential is reduced further because the project site is surrounded by vast areas of

open space, the hotel is situated approximately 5 miles from NAS Miramar, and the hotel's hours of operation are opposite the aircraft operation hours at Miramar.

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

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is overruled, and Coastal Development Permit, Planned Commercial Development Permit, and Conditional Use Permit Amendment (amendment to approved CUP No. 1024) No. 96-7358 is granted to The Lodge at Torrey Pines Partnership, under the terms and conditions set forth in the permit attached hereto and made a part hereof; except, however, because the Lodge at Torrey Pines property is located in the Coastal Zone, the issuance of this permit first requires an amendment to the Local Coastal Program and therefore will not become effective until the California Coastal Commission unconditionally certifies the Local Coastal Program amendment.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
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

COASTAL DEVELOPMENT PERMIT, PLANNED COMMERCIAL DEVELOPMENT  
PERMIT, CONDITIONAL USE PERMIT AMENDMENT  
PERMIT NO. 96-7358  
LODGE AT TORREY PINES  
CITY COUNCIL

This Coastal Development Permit, Planned Commercial Development Permit and Conditional Use Permit Amendment (amendment to approved CUP No. 1024) No. 96-7358 is granted by the City Council of the City of San Diego to THE LODGE AT TORREY PINES PARTNERSHIP, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 105.0202, 101.0920, and 101.0510. The project site is located at 11480 North Torrey Pines Road within the CV Zone, the Airport Environs Overlay Zone, and the Coastal Zone, and is located within the University Community Planning area. The project site is legally described as Portions of lots 1130 and 1331, Pueblo Lands of San Diego, Map No. 36.

Subject to the terms and conditions set forth in this permit, permission is hereby granted to Owner/Permittee for a Coastal Development Permit, Planned Commercial Development Permit and Conditional Use Permit Amendment to allow partial demolition and construction of 101 additional guest rooms (for a total of 175 guest rooms), a three-level parking structure, and 4,500 additional square feet of meeting/banquet space, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated May 12, 1998, on file in the Office of Development Services. The facility shall include:

- a. Demolition of portions of the existing hotel, and construction of an additional 101 guest-rooms for a total of 175 guest-rooms; 4,500 additional square feet of meeting/banquet space, a three story partially-subterranean parking structure, and other hotel related facilities and site improvements; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and

- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zones, conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final 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. 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 appropriate decision maker.
  2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
    - a. The Permittee signs and returns these permits to Development Services; and
    - b. This Permit is recorded in the office of the County Recorder.
  3. Unless this permit has been revoked by The City of San Diego 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 City Manager.
  4. 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.
  5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
  6. 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.)
  7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
  8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 12, 1998, 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.

9. 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, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

10. 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 an 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(s) 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 a new 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.

11. 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.

12. This permit shall not become effective until the associated Local Coastal Program Amendment is unconditionally certified by the California Coastal Commission.

13. The Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals and Coastal Commission certification of the Local Coastal Program Amendment.

**Planning Conditions:**

14. No fewer than 294 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated May 12, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with SDMC Chapter X, Article 1, Division 8, and shall not be converted for any other use unless otherwise authorized by the City Manager.

15. Prior to the issuance of building permits, final construction drawings must be submitted, reviewed and approved by Development Services for compliance with Proposition "D" Coastal Height Limitation, San Diego Municipal Code section 101.0451. Buildings II and IV, and Buildings I and II shall be physically and structurally separated

in conformance with Proposition "D" Coastal Height Regulations (SDMC section 101.0451). Building II's east wing and west wing shall be connected by a walkway in conformance with Proposition "D" Coastal Height Regulations (SDMC 101.0451).

16. All on-site structures including walkways and retaining walls are subject to the Proposition "D" Coastal Height Regulations (MC 101.0451). No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted. The heights of the buildings shall not exceed 30 feet at any point as measured pursuant to the Proposition "D" 30-foot coastal height limitation.

17. There shall be compliance with the regulation of the underlying zone(s) unless a deviation to a specific regulation(s) is approved as a provision of this permit. Where there is a conflict between a provision of this permit (including exhibits) and a regulation of the underlying zone, the regulation shall prevail unless the provision was specifically approved as part of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

**Environmental Conditions:**

18. Prior to the issuance of any building permits an acoustical analysis shall be prepared by a qualified acoustician and submitted to Development Services. The acoustical analysis shall demonstrate to the satisfaction of the Acoustical Plan Check Section of Development Services that the location of the guest rooms, as well as structural features, as proposed will meet the 45 dB CNEL interior standard.

19. Prior to the start of any construction activities, the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement the archaeological construction monitoring program. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Environmental Analysis section of Development Services prior to the start of construction. A qualified archeologist is defined as an individual certified by the Society of Professional Archaeologists (SOPA). An archaeological monitor is defined as an individual who has expertise in the identification and recovery of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved in the archeological construction monitoring of this project shall be approved by LDR prior to construction. For questions regarding the archaeological sites, LDR shall be contacted.

20. A qualified archaeologist shall consult with the contractor responsible for clearing/brushing the site and shall make comments and/or suggestions concerning the monitoring program. The archaeologist's duties shall consist of monitoring, evaluation, analysis of collected materials, and preparation of a monitoring results report. These duties are further defined as follows:

- a. **Monitoring.** The qualified archaeologist or archaeological monitor shall be present on-site (or specified stations) during construction activities that involve removal of materials from the surface level to the depth at which the underlying formations are exposed.
- b. **Evaluation.** In the event that the archaeological resources are discovered, the archaeologist shall have the authority to divert, direct, or temporarily halt any ground disturbance operations in the area of discovery to allow evaluation of potentially significant archaeological resources. The archaeologist shall notify Development Services and the resident engineer at the time of discovery. The process of determining significance and the significance of the discovered resources shall be determined by the archaeologist, in consultation with Development Services staff. For significant archaeological resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts. Development Services must concur with the evaluation procedures to be performed before construction activities are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
- c. **Analysis.** All collected cultural remains shall be cleaned, catalogued, and permanently curated with an appropriate scientific institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and special studies shall be completed as appropriate.
- d. **Report Preparation.** A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the above program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR within three months following termination of the monitoring program and prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared as part of the evaluation report and carried out prior to issuance of a certificate of occupancy to mitigate project impacts. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to issuance of a certificate of occupancy.

**Engineering Conditions:**

21. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with SDMC sections 62.0401-62.0423 in a manner satisfactory to the City Engineer.
22. The drainage system proposed with this development is subject to approval by the City Engineer.



23. Prior to building occupancy, the applicant shall conform to SDMC section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

24. This project proposes export of 17,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.

25. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with The City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with The City of San Diego when received. In addition, the Owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

**Transportation Development Conditions:**

26. Prior to the issuance of building permits, the Owner/Permittee shall improve the shoulder on the southbound on-ramp from Callan Road to North Torrey Pines Road to provide curb, gutter and sidewalk.

**Fire Safety Conditions:**

27. Show location of all existing fire hydrants on the site plan to conform with Fire Department Policy #F-85-1 (UFC 903.2).

28. Post indicator valves, fire department connections, and alarm bell to be located on the address/access side of the pavilion structure (UFC 1001.4).

29. Provide roadway access in conformance with Fire Department Policy A-93-1 (UFC 901 and 902).

30. Building Sprinkler System required.

### **Landscaping Conditions:**

31. Prior to 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," Landscape Concept Plan, dated May 12, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

32. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

33. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modification such as severe pruning or 'topping' of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner shall be responsible for maintaining all street trees and landscape improvements consistent with the standards of the *Landscape Technical Manual*.

34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction 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.

35. Prior to the transplanting process of any trees on site, the Owner shall submit the method and time frame for transplanting to the satisfaction of the City Manager. If any required trees on the approved plans are damaged during transplanting or construction process, it shall be replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material 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.

36. Prior to the issuance of a building permit, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer that all planting and irrigation associated structures indicated on the construction plans has been reviewed and approved by signature that supporting structures are designed to accommodate the necessary structural loads. Such planting as shown on Exhibit "A," dated May 12, 1998, on file in the Office of Development Services, shall not be modified or altered unless this Permit has been amended.

37. This development may be subject to a building permit park fee in accordance with SDMC section 96.0401 et seq.

38. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Development Services Manager.

39. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits

APPROVED by the Council of The City of San Diego on May 12, 1998, by Resolution No. R-290104.

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.

**THE LODGE AT TORREY  
PINES PARTNERSHIP**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

6/4/98

LADUVERNA YPERMITS96-7358.WPD