

RESOLUTION NUMBER R-295888

ADOPTED ON DECEMBER 11, 2001

WHEREAS, H.G. Fenton, Owner/Permittee, filed an application with the City of San Diego for a permit to construct the Fenton-Carroll Canyon Technology Center for industrial and office use, located at the northern terminus of Camino Santa Fe from Miramar Road and the southern terminus of Camino Santa Fe from Mira Mesa Boulevard, and legally described as Parcels 1, 2, and 3 of Parcel Map No. 17983, in the Mira Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-5 zone) which is proposed to be rezoned to the IL-2-1 (Industrial) and OR-2-1 (Open Space) zones (previously referred to as the M-1B and OS-OSP zones, respectively); and

WHEREAS, on November 1, 2001, the Planning Commission of the City of San Diego considered Planned Development/Site Development [PD/SD] Permit No. 98-1199, and pursuant to Resolution No. 3189-PC voted to recommend City Council approval of the project; and

WHEREAS, the matter was set for public hearing on December 11, 2001, 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 it adopts the following findings with respect to PD/SD Permit No. 98-1199:

**I. FINDINGS FOR SITE DEVELOPMENT PERMITS - SAN DIEGO MUNICIPAL CODE SECTION 126.0504**

**a. Findings for all Site Development Permits:**

**1. The proposed development will not adversely affect the applicable land use plan.**

The proposed project will implement the Mira Mesa Community Plan. The proposed Fenton Carroll Canyon Technology Center is addressed in the Carroll Canyon Master Plan Element of the Mira Mesa Community Plan area. The project proposes the development of 22 industrial/business park lots. The project would limit overall development of the business park to the maximum number of vehicle trips established for the project site by the Community Plan (i.e., 13,700 ADTs). Landscaping and site design proposed as parts of the project are consistent with the recommendations of the community plan.

Additionally, the project provides for roadway improvements as envisioned by the community plan. Specifically, the project will construct Camino Santa Fe. Camino Santa Fe would cross Rattlesnake Canyon as a bridge and Carroll Creek as culverts, as recommended in the Community Plan. The project also provides for the future construction of Carroll Canyon Road through the dedication of right-of-way and bonding for roadway improvements where Carroll Canyon Road traverses the project site. The project would also dedicate right-of-way for the future LRT through the project site, as required in the Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

The draft permit for the applicant's development includes a variety of requirements and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code in effect for this site to assure that the health, safety and general welfare of persons residing or working in the area shall be adequately maintained. These conditions include minimum standards for landscaping, maximum floor area ratio, off-street parking, building design, and visual compatibility of the proposed structures with the surrounding neighborhood.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The project is conditioned to comply with the applicable IL-2-1, development regulations of the Land Development Code, as well as the Planned Development Permit regulations, pursuant to San Diego Municipal Code Section 126.0602.

The Planned Development Permit also requires provisions of Supplemental Development Regulations. The intent of the Supplemental Development Regulations is to accommodate an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits. The project is proposing the Fenton-Carroll Canyon Design Guidelines in place of the supplemental development regulations. The design guidelines establish the design

philosophy and objectives to implement the Mira Mesa Community Plan and the Fenton Carroll Canyon Master Plan.

**b. Supplemental Findings - Environmentally Sensitive Lands:**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The site is physically suitable for the proposed development. The project site is currently the location of a mining operation and is being reclaimed in accordance with the approved Reclamation Plan and Conditional Use Permit No. 89-0585. The proposed development is the end use of the resource extraction operation and would occur within the previously mined areas and/or identified for reclamation. However, the project does have impacts to a wetlands area. Wetland impacts would occur with the construction of a detention basin located within Rattlesnake Canyon along the northern part of the Fenton property. The basin is required to address significant water quality impacts. Construction of the detention basin would impact 0.51 acre of mule fat scrub and freshwater marsh, a portion of which is located within the Multiple Habitat Planning Area [MHPA]. A Relocation of the Detention Basin Alternative was analyzed in the EIR which would elevate the basin further up a north facing slope just south of the drainage channel. This alternative would have the effect of reducing wetland impacts by 0.19 acre to 0.32 acre, and would provide for a project that would be more consistent with Environmentally Sensitive Lands Ordinance [ESL] which requires that wetland impacts be reduced to the maximum extent feasible.

The applicant has submitted a finding that states the Relocation of the Detention Basin Alternative would be infeasible due to the loss of 2 acres of buildable area, the loss of a gravity-flow drainage network and could result in slope instability due to water infiltrating a manufactured slope. Staff from the City's Engineering Review Section of the Development Services Department has reviewed the proposed plans and concluded that a gravity-flow drainage network could still be incorporated into the project and slope stability could be maintained with the proper grading design. It is acknowledged that some buildable pad area may be lost, but the overall design of the project would be more consistent with the City's adopted guidelines. Therefore, staff recommends adoption of the Relocation of the Detention Basin Alternative.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazard. The project site is apart of current reclamation activities that have been conducted on the site

in association with Conditional Use Permit [CUP] No. 89-0585. The original landform has been significantly altered by the quarry operations.

The proposed development will not result in significant impacts to existing natural topography. Landform alteration is concentrated in the area needed for building pads. The extension of Camino Santa Fe across Rattlesnake Canyon is not anticipated to have significant impacts to the natural topography since the improvements and alignment is consistent with the landform alteration identified in the *Carroll Canyon Master Plan*.

The Geology Report prepared for the project concluded that the proposed buildings would be constructed in accordance with applicable geotechnical standards of the City Engineer and that the development would not result in any adverse impacts associated with slope instability, erosion, or the unnecessary scarring of sensitive areas on site or on adjoining properties.

The site will be fully landscaped to minimize erosion effects related to the grading on site. The project will include a state-of-the-art measure for controlling runoff control and reducing transport of sediment and urban pollutants.

Pursuant to the City Landscape Requirements, the project include a Brush Management Plan to minimize fire hazards. The plan includes a zonal approach to managing vegetation fuel loads. Brush Management will occur primarily on the graded slopes to minimize disturbance to existing native vegetation located on the perimeter of the project.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

Most of the subject site is located within the boundaries of an existing Conditional Use Permit that allows for grading and reclamation as part of the approved Reclamation Plan. The majority of the proposed development will be sited and designed in the area that has been previously disturbed by the existing mining operation. In the area where grading goes beyond the mining and Reclamation Plan limits, the project does have impacts to upland and wetland vegetation. The project EIR incorporates mitigation measures to reduce impacts to wetlands to below a level of significance. Most of the grading occurring outside the Reclamation Plan limits, is necessary to recompact a slope where uncompacted fill has been placed and to accommodate a detention basin designed to capture runoff and urban pollutants from the developed site. The detention basin is in response to recent requirements established by the Regional Water Quality Control Board.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.**

The proposed project is, with conditions, consistent with the Multiple Species Conservation Program [MSCP] Subarea Plan. The MHPA boundaries are located in the

northern and southern portions of the site. Specifically the MHPA is located in the areas where Rattlesnake Canyon and Carroll Creek traverse the site. To minimize potential impacts to the MHPA preserve, conditions have been incorporated into the project to implement adjacency guidelines consistent with the MSCP. Through a boundary adjustment the project will expand the MHPA by adding quality habitat.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The proposed project is not located in the Coastal Zone. The project is located in the Mira Mesa Community and will not contribute to the erosion of beaches or adversely impact shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

Changes or alterations to the proposed project have been required or incorporated to avoid or considerably lessen the significantly environmental effects. The Environmental Impact Report [EIR] (LDR No. 40-0870) describes impacts and mitigation measure that will address noise, biological resources, transportation/ circulation, air quality, hydrology/water quality, geology/soils, and paleontological resources.

**II. FINDINGS FOR PLANNED DEVELOPMENT PERMIT - SAN DIEGO  
MUNICIPAL CODE SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.**

See (a)(1), above.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

See (a)(2), above.

**3. The proposed development will comply with the regulations of the Land Development Code.**

See (a)(3) above.

**4. The proposed development, when considered as a whole, will be beneficial to the community.**

The proposed development is beneficial to the Mira Mesa community. The project provides for the construction of much-needed circulation roadways. Camino Santa Fe would be fully constructed as part of the project. The project would bond for construction of the portion of Carroll Canyon Road which traverses the project site. The project provides employment opportunities located proximate to existing housing and housing anticipated in future phases of the Carroll Canyon Master Plan. The project is the first phase of a master development plan for Carroll Canyon. It is in accordance with the Carroll Canyon Master Plan Element and implements all of the community's requirements as expressed in the Community Plan. Development of the project is governed by design guidelines that provide the basis for a well-designed, functional and aesthetically pleasing project. An important element of the Design Guidelines is the recognition of the need for future lot development to be compatible with both the built and natural environmental which surrounds the site.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

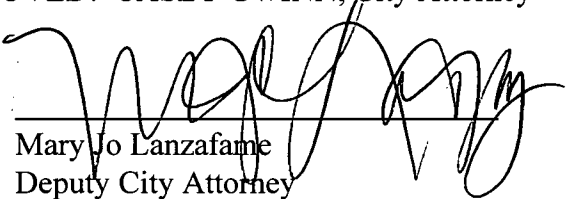
No deviations are proposed with this current project.

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 recommendation of the Planning Commission is sustained, and PD/SD Permit No. 40-0870 is granted to H.G. Fenton, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:lc

03/23/02

Or.Dept:Clerk

R-2002-857

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Reviewed by Patricia Grabski

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**AND WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT/PLANNED DEVELOPMENT PERMIT NO. 98-1199  
**CARROLL CANYON TECHNOLOGY CENTER**  
CONDITIONAL USE PERMIT NO. 89-0585 AMENDMENT  
CITY COUNCIL

This Site Development Permit/Planned Development Permit [SDP/PDP] No. 98-1199 is granted by the Council of the City of San Diego to H. G. Fenton Company, Owner/Permittee, pursuant to Sections 143.0110 and 126.0604 of the San Diego Municipal Code [SDMC]. The 130.9-acre site is located in the I-L-2-1 and OR-2-1 Zones of the Mira Mesa Community Plan. The project site is located at the northern terminus of Camino Santa Fe from Miramar Road and at the southern terminus of Camino Santa Fe from Mira Mesa Boulevard. The site is legally described as Parcels 1, 2 and 3 of Parcel Map No. 17983.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to create a 26-lot business park with light industrial and office use described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," and associated Design Guidelines dated December 11, 2001, on file in the Development Services Department. The facility shall include:

- a. Twenty-two office lots with a maximum overall development not to exceed 13, 200 ADTs consistent with the Carroll Canyon Master Plan, two detention basin lots and two opens space lots;
- b. All development shall be decided in accordance with a Process 2 Decision;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and
- e. 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 zone(s), conditions of this permit, and any other applicable regulations of the Land Development 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/Land Development 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 the Permit to the Development Services Department; and
  - b. The Permit is recorded in the office of the San Diego 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. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act



(ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

9. 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 December 11, 2001, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. 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.

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 the 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. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Environmental Impact Report LDR No. 40-0870 satisfactorily to the City Manager and City Engineer. Prior to the issuance of any grading or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Noise, Biological Resources, Transportation/Circulation, Air Quality, Hydrology/Water Quality, Geology/Soils, and Paleontological Resources.

13. Prior to issuance of any grading permits within Rattlesnake Canyon the applicant shall submit construction plans, to the satisfaction of the City Manager, which demonstrates that

significant disruptions to wildlife corridor usage due to construction and/or maintenance shall be minimized. The construction plans must clearly specify how this will be achieved. The following conditions shall be noted on the plans:

- All staging areas shall be located such that wildlife movement through Rattlesnake Canyon is not significantly obstructed. All staging areas shall be identified on all grading and building plans related to construction activities in Rattlesnake Canyon. All equipment and/or materials related to construction within Rattlesnake Canyon shall be stored in designated staging areas. The location of the staging area shall be reviewed and approved by the City Manager.
- All lighting of construction areas within Rattlesnake Canyon shall be the minimum necessary for safety and security purposes and shall be shielded and directed away from the wildlife corridor.
- All construction related activities within the wildlife corridor shall be limited to daylight hours.
- A responsible party shall be identified to ensure conformance with these measures (i.e., superintendent, resident engineer).
- All construction crews and/or field workers shall be trained to ensure that all conditions are met. Grading and building plans that include these conditions shall be readily available to crews in the field.

14. All lighting associated with the Fenton-Carroll Canyon Technology Center, including lighting for the extension of Camino Santa Fe, that is adjacent to or within 100 feet of the Multiple Habitat Planning Area(MHPA) shall be hooded and shielded to direct the light downward and away from the MHPA. Prior to issuance of Grading Permits for Camino Santa Fe and Building Permits for the technology center, a lighting plan shall be reviewed and approved by the City Manager which depicts hooded and/or shielded lighting fixtures and directs all lighting away from native habitats. The lighting plan shall be noted and graphically shown on all building, landscape, and street plans.

15. Prior to issuance of the grading permit, the City Engineer shall review grading plans to ensure drainage shall be directed into the proposed drainage basins.

16. Prior to issuance of the grading permit, the City Manager shall review and approve the landscape plan to ensure that no non-native plant species shall be located in areas adjacent to the MHPA.

17. Prior to issuance of the grading permit, access to the MHPA, if any, should be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the City Manager.

18. No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, until the following requirements have been met to the satisfaction of the City Manager.

- a. Prior to any construction related activity, the biologist shall survey those areas of the MHPA that are within 500 feet of any proposed construction activity, in accordance with the U.S. Fish and Wildlife Service protocol for determining the presence/absence of California gnatcatchers and shall notify the City Manager of the results. If a survey is not conducted presence shall be assumed and a temporary noise barrier will be required.
- b. If no California gnatcatchers are found to be present within the MHPA up to 500 feet of any proposed construction related activity, then vegetation clearing and project construction may commence.
- c. If California gnatcatchers are found to be present within the MHPA, construction related activities within 500 feet shall not commence until temporary noise barrier(s) are placed between construction activity and occupied gnatcatcher habitat. The location of the noise barrier(s) shall be determined by the biologist and acoustical engineer. Construction noise levels shall be monitored at the edge of occupied habitat with noise barrier(s) in place. In consultation with the City Manager, other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A) at the edge of occupied habitat.
- d. Construction noise shall continue to be monitored twice weekly on varying days, or more frequently depending on construction activity, to verify that noise at the edge of occupied habitat is maintained below 60 dB(A). If not, other measures shall be implemented (in consultation with the City Manager), as necessary, to reduce noise levels to below 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment and limitations on the simultaneous use of equipment.

19. Prior to issuance of the grading permit, areas within the MHPA shall be dedicated in fee to the City, OR placed in a conservation easement OR covenant of easement which is then recorded on the property.

20. Prior to issuance of the Grading Permit the area approved for the MHPA boundary line adjustment shall be depicted and identified on the site plan for the Vesting Tentative Map.

21. The issuance of this permit by the City of San Diego does not authorize the permittee for this 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.).

22. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

**PLANNING/DESIGN REQUIREMENTS:**

23. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval 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 the 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.

24. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

25. A topographical survey conforming to the provisions of the Municipal/Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

26. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

27. All signage associated with this development shall be consistent with sign criteria established by the Fenton Carroll Canyon Technology Design Guidelines and Citywide Regulations.

28. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

29. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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

31. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

32. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, except as provided in the Fenton Carroll Canyon Technology Design Guidelines.

33. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development Code ) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated December 11, 2001, on file in the Development Services Department.

34. Non-contiguous sidewalks are required on the "Loop Road" and as required by the City Engineer on Carroll Canyon Road.

**LANDSCAPE REQUIREMENTS:**

35. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

36. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated December 11, 2001, on file in the Development Services Department.

37. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to Certificate of Occupancy.

38. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 98-1199 (including Environmental conditions) and Exhibit "A," dated December 11, 2001, on file in the Development Services Department.

39. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished and prior to any building permit. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

40. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

41. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

42. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape

Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

43. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

**ENGINEERING REQUIREMENTS:**

44. This permit shall comply with the conditions of the final map for Fenton Carroll Canyon Technology Center, Vesting Tentative Map No. 98-1199.

**SEWER REQUIREMENTS:**

45. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

46. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

47. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director.

48. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

49. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of appropriate public water facilities as identified in accepted water studies, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, maintaining a redundant potable water supply throughout the phasing of construction. Parallel potable water mains shall have a minimum separation of 20 feet.

50. Prior to the issuance of any building or engineering permits, the developer shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer.

51. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. If more than two (2) fire hydrants or 30 dwelling units are located on a dead-end main then the developer shall install adequate facilities to provide a redundant water supply, satisfactory to the Water Department Director.

52. All irrigations services shall utilize reclaimed water in a manner satisfactory to the Water Department Director.

53. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

54. During the term of this permit, whenever a Final Map is recorded for property with non-mining uses consistent with the Fenton-Carroll Canyon Technology PDP/SDP Permit No. 98-1199, that redeveloped area shall no longer be considered part of Conditional Use Permit No. 89-0585.

#### **INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within ninety days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on December 11, 2001, by Resolution No. R-295888.

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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.

**H.G. FENTON COMPANY**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

4/20/02  
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