

RESOLUTION NUMBER R-296203

ADOPTED ON MARCH 19, 2002

WHEREAS, Gondor Investments, LLC, a California Corporation, and Western Pacific Housing, Owners, and Gondor Investments, LLC, Permittee, filed an application with the City of San Diego for a permit to subdivide a 79.20 acre site into twenty lots with nineteen lots for development of commercial, industrial, and open space use on 27.66 acres through a Planned Development Permit/Site Development Permit, including the approval of a Multiple Habitat Planning Area [MHPA] boundary adjustment, for the project known as Torrey Highlands located on the west side of Camino Ruiz and the north and south sides of State Route 56, and legally described as Parcel D and a Portion of Parcel A, Parcel Map No. 6038, within the Torrey Highlands Subarea IV Plan area, in the AR-1-1 zone, which is proposed to be rezoned to the IP-2-1, CV-1-2, and OC-1-1 zones; and

WHEREAS, on February 7, 2002, the Planning Commission of the City of San Diego considered Planned Development Permit/Site Development Permit No. 40-0315 and Multiple Habitat Planning Area boundary adjustment, and pursuant to Resolution No. 3234-PC voted to recommend City Council adoption of staff recommendations, as presented in Planning Commission Report No. P-02-003 with the deletion of Exhibit 6E of the "Design Guidelines and Development Standards"; and

WHEREAS, the matter was set for public hearing on March 19, 2002, 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 Planned Development Permit/Site Development Permit No. 40-0315 and Multiple Habitat Planning Area boundary adjustment:

A. PLANNED DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE SECTION 126.0604:

1. The proposed development will not adversely affect the applicable land use plan. The 79.02 acre site, with 27.66 acres to be developed with three commercial lots, fifteen industrial lots, one open space lot, and a remainder parcel of 51.36 acres, is consistent with the Plan and would not adversely affect it. This site is west of Camino Ruiz and north and south of State Route 56 and is identified for these uses within the Plan. Projects adjacent to the west and east have been approved previously and the public improvements provided by this subject project are complimentary to those already provided. The accompanying Vesting Tentative Map conditions and those of the Planned Development and Site Development Permit, shall assure that the development of the site will be in compliance with the Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The industrial, commercial and open space being developed on a 27.66 acre portion of the 79.02 acre site is being approved on the basis of project conformity to the General Plan, Torrey Highlands Subarea IV Plan, and all regulations applicable to the Vesting Tentative Map and discretionary permits applied for. With conditions to assure for the provision of public improvements and design and development guidelines for on-site improvements, the proposed development will not be detrimental to the public health, safety and welfare. In conjunction with previously approved project applications and others to follow, this planning area will be fully developed as envisioned by the City of San Diego, achieving a balance of development area and preservation of open space.

3. The proposed development will comply with the regulations of the Land Development Code. The development of 27.66 acres of the 79.02 acre project with commercial, industrial and open space uses is in compliance with the adopted Plan and will comply with the regulations of the Land Development Code. To develop the anticipated and requested uses, along with a 51.36 acre remainder parcel, a Vesting Tentative Map, Planned Development and Site Development Permit and a rezone from the existing AR-1-1 agricultural zone to the CV-1-2, IP-2-1 and OC-1-1 zones, is required to achieve this compliance with the regulations of the Land Development Code. In addition, the Multiple Species Conservation Program [MSCP] goals are being achieved in the preservation of sensitive habitats within the totality of the Plan.

4. The proposed development, when considered as a whole, will be beneficial to the community. This 79.02 acre site, with 51.36 acres in a remainder parcel and 27.66 acres to be developed as industrial, commercial and open space, when considered as a whole, will be

beneficial to the community. The project site lies between two approved projects to the west and east. Roads, water and sewer lines, provisions for the development of State Route 56, and the on-site development of commercial, industrial and open space uses, will link the infrastructure and balance the land uses within the predominant residential use of the Plan. The Plan was adopted by the City to preserve sensitive lands identified by the MSCP and to place private development on the less sensitive areas. This development achieves the goals of the adopted Plan. The project is also compatible with the adjacent Rancho Penasquitos Community Plan area.

5. Any proposed deviations pursuant to SDMC 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. All development of the 27.66 acre developable portion of the site are subject to criteria established by the Plan and the Design Guidelines adopted with the project. As specific needs of future industrial users are not generally known in advance, the City allows the underlying zone requirements and Design Guidelines to be used to determine Substantial Conformity for the specific site permitting process.

B. SITE DEVELOPMENT PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE SECTION 126.0504:

1. The proposed development will not adversely affect the applicable land use plan. The 79.02 acre site, with 27.66 acres to be developed with three commercial lots, fifteen industrial lots, one open space lot and a remainder parcel of 51.36 acres, is consistent with the Plan and would not adversely affect it. This site is west of Camino Ruiz and north and south of State Route 56 and is identified for these uses within the Plan. Projects adjacent to the west and east have been approved previously and the public improvements provided by this subject project are complimentary to those already provided. The accompanying Vesting Tentative Map conditions and those of the Planned Development and Site Development Permit shall assure that the development of the site will be in compliance with the Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The industrial, commercial and open space to be developed on a 27.66 acre portion of the 79.02 acre site is being approved on the basis of project conformity to the General Plan, Plan, and all regulations applicable to the Vesting Tentative Map and discretionary permits applied for. With conditions to assure for the provision of public improvements and design and development guidelines for on-site improvements, the proposed development will not be detrimental to the public health, safety and welfare. In conjunction with previously approved project applications and others to follow, this planning area will be fully developed as envisioned by the City of San Diego, achieving a balance of development area and preservation of open space.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The development of 27.66 acres of the 79.02 acre project with commercial, industrial and open space uses is in compliance with the adopted Plan and will comply with the regulations of the Land Development Code. To develop the anticipated and requested uses, along with a 51.36 acre remainder parcel, a Vesting Tentative Map, Planned Development and Site Development Permit, and a rezone from the existing AR-1-1 agricultural zone to the CV-1-2, IP-2-1 and OC-1-1 zones, are required to achieve this compliance with the regulations of the Land Development Code. In addition, the MSCP goals are being achieved in the preservation of sensitive habitats within the totality of the Plan.

C. 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 project site contains 79.02 acres of which 51.36 acres of State Route 56 right-of-way and land north of the freeway will be in a remainder parcel with no development rights established by this project action. The 27.66 acres south of the freeway is bounded on the west by a previously approved project titled, "Torrey Santa Fe," and on the east by the previously approved "Greystone Torrey Highlands" project. The MSCP boundary bisects the southerly portion of the area to be developed with industrial and commercial uses. A Multiple Habitat Planning Area [MHPA] boundary adjustment is being approved for this project which will preserve approximately one acre in an open space easement. Grading for the development of Camino Ruiz and the 'A' Street intersection requires some grading of environmentally sensitive lands but the entire project will result in minimum disturbance of sensitive lands.

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 27.66 acres of this 79.02 acre subdivision map that are proposed for development of industrial and commercial land uses has been reviewed for grading, fire hazards, geologic conditions and erosion and flooding potentials. The grading and development footprints are consistent with the Plan and the environmental document. The entire Plan area was comprehensively reviewed for compliance with the previous Resource Protection Overlay zone with the intent that if the individual projects were determined to conform, that additional analysis would not be required. The limits of project grading is consistent with the Plan and the grading approved for the three adjacent projects. MSCP Adjacency Guidelines are required to be complied with to eliminate adverse projects impacts on the MSCP/MHPA areas. Drainage, fire safety, and grading/geologic conditions have been incorporated into the permits or noted on the Plan Exhibit "A," dated March 19, 2002, on file in the Development Services Department.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Environmentally sensitive lands are adjacent to the southerly boundary of the 27.66 acre portion of the 79.02 acre total site area to be developed. Portions of these lands are within the project boundaries and are being addressed through a MHPA boundary adjustment and an open space easement over approximately one acre.

The general development area is consistent with the Plan and environmental document certified for it. Design and Development Guidelines will be adopted as part of the conditions of approval for this project and include standards that site buildings away from the sensitive areas and have landscaping and brush management requirements that buffer the sensitive lands. MSCP Adjacency Guidelines will be required to assure that development impacts do not adversely affect the sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan. The proposed 79.02 acre map with 27.66 acres slated for commercial and industrial development is a part of the Plan that was comprehensively designed to preserve the environmentally sensitive lands and to allow individual projects to proceed without further analysis if it was determined that the development footprint was consistent with the Plan. Planning, MSCP and Environmental staff has reviewed the proposed project and determined that this project is consistent with the MSCP Subarea Plan. With consensus between the City and State and Federal Agencies, a MHPA boundary adjustment is being approved and approximately one acre of the sites' southwestern boundary area is being placed in an open space conservation easement.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The 79.02 acre map and project site is not in the California Coastal Zone and is miles inland from the Pacific Ocean adjacent to the Rancho Penasquitos Community Plan area. Best Management Practices associated with grading and landscaping requirements for disturbed areas and additional conditions for site drainage will mean that this project will not contribute to the erosion of public beaches or adversely affect local 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. A Mitigated Negative Declaration [MND] has been prepared and certified by the decision-maker approving this 79.02 acre map that includes a 27.66 acre development area for commercial and industrial use. With the MND is a Mitigation Monitoring and Reporting Program which states required conditions to alleviate negative impacts created by this proposed development. Standard conditions of approval and those prepared specific to this development for the Vesting Tentative Map and Development Permits will also extend protection to alleviate any negative impacts.

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

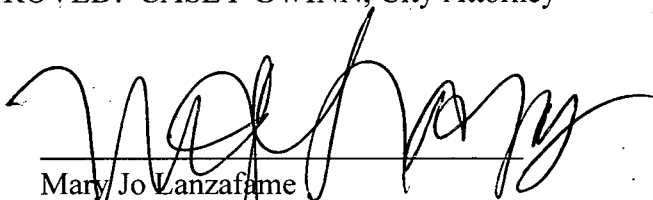
BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit/Site Development Permit No. 40-0315 is granted to

Gondor Investments, LLC, a California Corporation, and Western Pacific Housing, Owners, and
Gondor Investments, LLC, Permittee, under the terms and conditions set forth in the permit
attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on
Vesting Tentative Map No. 40-0315 is approved.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:lc:dr
04/30/02
Or.Dept:Clerk
R-2002-1303
Form=permitr.frm
Reviewed by Robert Korch

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

PLANNED DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT NO. 40-0315
AND MULTIPLE HABITAT PLANNING AREA BOUNDARY ADJUSTMENT (MMRP)
TORREY HIGHLANDS
CITY COUNCIL

This Permit is granted by the COUNCIL of the City of San Diego to Gondor Investments, LLC, a California Corporation, and Western Pacific Housing, Owners, and Gondor Investments, LLC, Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 79.02 acre site is located on the west side of Camino Ruiz and south side of the State Route 56 Freeway in the AR-1-1 zone (proposed IP-2-1, CV-1-2 and OC-1-1 zones) of the Torrey Highlands Subarea IV Plan. The project site is legally described as Parcel D and a Portion of Parcel A, Parcel Map No. 6038.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to subdivide the 79.02 acre site into 20 lots with a rezoning to a commercial zone for Lots 1-3, industrial zoning for Lots 4-18, open space for Lot 19 and a 51.36 acre remainder parcel on Lot 20, with development criteria established by the Torrey Highlands Subarea IV Plan and specific design guidelines and development standards, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated March 19, 2002, on file in the Development Services Department. The facility shall include:

- a. Potential hotel, gasoline service station and restaurant and commercial on Lots 1-3, industrial uses for Lots 4-18, open space on Lot 19 and a 'remainder lot' designation on Lot 20 (no development rights extended), subject to the limitations of the Torrey Highlands Subarea IV Plan and the Employment Center at Torrey Highlands Design Guidelines and Development Standards;
- b. Landscaping and Brush Management (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. A bike path is being provided within the State Route 56 right-of-way with an easement are for a future overcrossing of Camino Ruiz, 6-foot high open design wall/fence adjacent to the MSCP resource areas, retaining walls with landscape screening, outdoor lighting shielded from open space/MSCP areas and adjacent properties, pedestrian walkways securing from vehicular use area, outdoor pedestrian use areas and signage guidelines; 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. 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.
7. 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.
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 March 19, 2002, on file in the Development Services Department. 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.

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" conditions(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.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report or Mitigated Negative Declaration, LDR No. 40-0315, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Land Use
- Noise
- Transportation/Traffic Circulation
- Paleontological Resources
- Hydrology/Water Quality

12. The issuance of this permit by the City of San Diego does not authorize the applicant 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.).

13. 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:

14. A future Conditional Use Permit [CUP] is required for the development of a Gasoline Service Station within the commercially zoned lots.

15. No fewer than the minimum parking required by the underlying zone for the particular land use proposed, shall be provided as off-street parking spaces, maintained on the property at all times in the approximate locations as conceptually shown on the approved Exhibit "A," dated March 19, 2002, on file in the Development Services Department, and Design Guidelines, to the satisfaction of the City Manager. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

16. 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.

17. 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.

18. 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.

10. 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.

20. No building additions shall be permitted unless approved by the Development Services Department Director.

22. All signage associated with this development shall be consistent with sign criteria established by the Design Guidelines and Development Standards (Exhibit "A," dated March 19, 2002, on file in the Development Services Department) and the Citywide sign regulations.

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

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

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

25. 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.

26. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

27. No merchandise, material or equipment shall be stored on the roof of any building.

28. 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 Sec.) 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 March 19, 2002, on file in the Development Services Department.

29. If, prior to issuance of first building permit, the Metropolitan Transit Development Board [MTDB] determines that the project site is suitable for a transit center, then the applicant shall work with MTDB and city staff to design and appropriately locate the facility.

30. Review of specific site development proposals based on compliance with this Permit, underlying zones, and the "Design Guidelines and Development Standards," shall be accomplished through the Substantial Conformance Review [SCR] as a Process 2 application.

LANDSCAPE REQUIREMENTS:

31. 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.

32. Prior to issuance of any engineering permits for grading, construction documents for slope and retaining wall 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 40-0315 (including Environmental conditions) and Exhibit "A," dated March 19, 2002, on file in Development Services Department.

33. 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. 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.

34. Prior to issuance of any construction permits for structures the installation of landscaping and irrigation on slopes and retaining walls shall be installed consistent with the Landscape Standards and approved Landscape Construction Documents. An observation of said slopes and

walls shall perform by the Landscape Architect and a letter of conformance shall be sent to the Landscape Section of Development Services.

35. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner 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.

36. 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.

37. The Permittee or subsequent Owner 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. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

38. 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.

BRUSH MANAGEMENT PROGRAM:

39. In the event that boundaries of SR 56 rights of way have not been graded prior the submittal for any building permit, an interim brush management plan for Lots 2 through 9* shall be prepared and submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager.

40. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated March 19, 2002, on file in the Development Services Department.

a) Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated March 19, 2002, on file in Development Services Department.

b) Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," Brush Management Program/Landscape Concept Plan, dated March 19, 2002, on file in the Development Services Department, and shall comply with the Uniform Fire Code, (SDMC section 55.0889.0201), the Landscape Standards, and the SDMC section 142.0412 (Ordinance No. O-18451).

c) The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the SDMC section 142.0412 as follows:

Lots #16, 17 & 18,	Zone One	Zone Two
	50'	0'
*Lots # 2 to 9 interim	Zone One	Zone Two
	30'	50'

d) The construction documents shall conform to the Architectural features as described in Section 142.0412(d).

e) Within Zone One combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

f) Provide the following note on the Brush Management Construction Documents: It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Planning and Development Review Department to discuss and outline the implementation of the Brush Management Program.

g) In zone Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

41. Prior to final inspection and issuance of any Certificate of Occupancy, for any building, the approved Brush Management Program shall be implemented.

42. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

ENGINEERING REQUIREMENTS:

43. This Permit shall conform to Vesting Tentative Map No. 40-0315.

44. Prior to the issuance of the first building permit, the project shall conform to the Torrey Highlands Subarea IV Land Use Plan dated July, 1996, the Transportation Phasing Plan in the Public Facilities Financing Plan dated October, 1996, and the final EIR/Traffic Study dated June, 1996. These plans would permit 551,000 square-feet of office and light industrial use with a maximum of 25-percent (138,000 square-feet) for multi-tenant usage.

45. Office use parking ratio shall not exceed four parking spaces per 1,000 square-feet of floor area.

SEWER REQUIREMENTS:

46. 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.

47. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide Covenants, Conditions and Restrictions for the operation and maintenance of on-site private sewer mains that serve more than one lot.

48. The developer shall design all proposed public or private sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be re-designed, satisfactory to the Metropolitan Wastewater Department Director.

49. 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:

50. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of parallel water mains consistent with the Water System Analysis for Torrey Highlands Subarea IV, or any subsequent studies, necessary to serve this development (including redundancy), in a manner 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 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. 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 Design Guide and City regulations, standards, and practices pertaining thereto.

53. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area including, but not limited to, the completion of the water facilities in Camino Ruiz, Street 'B' and Street 'A' in Torrey Highlands Subarea IV. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

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 90 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 March 19, 2002, by Resolution No. R-296203.

L:\LANZAFAM\Resos\Reso2002\R-296203_permit-PDP-SDP-TorreyHilands.wpd

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

GONDOR INVESTMENTS, LLC,
a California Corporation
Owner/Permittee

By _____

WESTERN PACIFIC HOUSING
Owner

By _____

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

5/24/02

L:\LANZAFAM\Resos\Reso2002R-296203_permit-PDP-SDP-TorreyHilands.wpd