

(R-2003-1042)

RESOLUTION NUMBER R-297658

ADOPTED ON FEBRUARY 18, 2003

WHEREAS, Vons Companies, Inc., a Michigan Corporation, Owner/Permittee, filed an application with the City of San Diego for a planned development permit to allow a development of a retail/office center including a supermarket, family medical office center and other retail business buildings including a structured parking garage which totals 136,325 square feet known as the Torrey Hills Center project, located at the southeast corner of Carmel Mountain Road and East Ocean Air Drive, and legally described as Parcels 2 through 7 of Parcel Map No. 18123, in the Sorrento Hills Community Plan area, in the CC-1-3 zone which is proposed to be rezoned to the CN-1-2 zone; and

WHEREAS, on November 14, 2003, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 2118, and pursuant to Resolution No. 3325-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 18, 2003, 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 No. 2118:

- 1. The proposed development will not adversely affect the applicable land use plan.** The planned development permit prepared for this site includes conditions of approval and exhibits relevant to achieving compliance with the development policies of the Sorrento Hills

Community Plan and the Progress Guide and General Plan. The project is consistent with the land use designation in the Sorrento Hills Community Plan of a Neighborhood Commercial Center and meets a key policy of the plan to "provide adequate retail and support commercial uses to meet community demand." Having achieved consistency with the community plan, the proposed project will not adversely affect the land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The permit controlling the development and continued use of this site contains conditions addressing the compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

**3. The proposed development will comply with the regulations of the Land Development Code.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into PDP Permit No. 2118, except as specifically allowed through deviations of the planned development permit process. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project, except as specifically allowed through deviations of the planned development permit process and as further specified in this resolution, see finding 5.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development will be beneficial to the community by providing a conveniently located, aesthetically pleasing neighborhood commercial center to meet the needs of the community. The center includes a mix of uses including retail, medical office and civic uses which will support the surrounding residential and business community. The center will also provide employment opportunities within the community.

**5. Any proposed deviations pursuant to San Diego Municipal Code [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.** In accordance with the General Development Regulations for Planned Development Permits in SDMC section 143.0410(a), minor deviations to the CN-1-2 regulations are proposed in order to achieve a more desirable project consistent with the intent of the zone and the goals of the Sorrento Hills Community Plan. Minor deviations are proposed to the overall square footage of the development, the maximum height of the buildings, and the proposed signage for the project.

The Sorrento Hills Community Plan designates the Torrey Hills Neighborhood Commercial center for 130,000 square feet, inclusive of the adjacent gas station and car wash. The project proposes a maximum of 138,250 square feet exclusive of the gas station and car wash. The community plan recommends a range of commercial uses be provided to complement the mix of other uses within the community. The project includes a medical office component and community room adding to the mixed-use nature of the site and serves to meet existing needs within the community. While these uses add to the overall square footage of the project there is no increase in traffic impacts previously assumed for the project site.

The development regulations of the CN-1-2 zone establish a maximum building height of 30 feet. The development regulations for a planned development permit allows deviations from the base zone requirements and makes reference to additional uses as defined within the applicable land use plan. The Sorrento Hills Community Plan defines a 50 foot height limitation for commercial retail development. The architectural mass of the retail commercial buildings on the site conform to the 30 foot limit. The project includes several design elements that exceed the 30 foot limit, yet all are within the 50 foot limit of the community plan. These architectural features add to the overall aesthetics of the center and are scaled with respect to the project site, topographic setting and surrounding uses.

The base zone sign regulations for the CN-1-2 are established in the SDMC/Land Development Code [LDC] and may be deviated by means of the planned development permit. The sign regulations allow ground signs to be up to 8 feet in height with a sign area maximum of 100 square feet. Ground signs are also allowed to be double faced. The project will provide two single faced ground signs at project entries a maximum of 6 feet in height with a sign area of 45 square feet. The proposed signs have been designed to blend harmoniously with the architecture of the center and are consistent with signs permitted at other similar commercial centers.

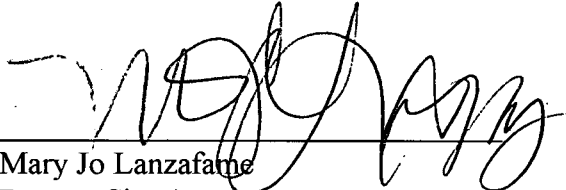
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 2118 is granted to Vons Companies, Inc., a

Michigan Corporation, 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:pev

2/25/03

Or.Dept:Clerk

R-2003-1042

Form=permitr.frm

Reviewed by John Fisher

**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 No. 2118  
**TORREY HILLS CENTER [MMRP]**  
City Council

This Permit is granted by the City Council of the City of San Diego to Vons Companies, Inc., a Michigan Corporation, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] section 126.0601. The 17.1 acre site is located at the southeast corner of Carmel Mountain Road and East Ocean Air Drive in the CN-1-2 (proposed zone) (CC-1-3 existing) of the Sorrento Hills Community Plan. The project site is legally described as Parcels 2 through 7 of Parcel Map No. 18123.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow development of a retail/office center including a supermarket, family medical office center and other retail buildings including a structured parking garage which totals approximately 138,250 square feet described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department. The facility shall include:

- a. Approximately 138,250 square feet of commercial development in eight buildings and three kiosks: one single story supermarket measuring approximately 55,000 square feet; three single story retail buildings approximately 24,500 square feet, 10,500 square feet, 8,500 square feet, and 5,500 square feet respectively; three single story outlying retail pads for 5,000, 3,500, and 2,500 square feet respectively; one single story 2,000 square foot community building; one approximately 45,000 square foot two story medical center; and three 250 square foot retail kiosks;
- b. Landscape improvements (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;

- d. Retaining walls, public plaza with a fountain, tables and benches, bike racks, refuse enclosures, and other miscellaneous improvements;
- e. Torrey Hills Center Sign Program;
- f. Reparcelsation of lot lines and creation of an additional lots for Municipal purposes as shown on the Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department; and
- g. 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 SDMC in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC 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 agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee 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 or the adjacent public right-of-way, if any, the Owner/Permittee 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 February 18, 2003, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee 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/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this 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 proposed 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 thirty days after adoption by the City Council.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department).

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report or Mitigated Negative Declaration, Project No. 1119, 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:

- General Measures
- Biological Resources
- Hydrology/Water Quality
- Paleontological Resources
- Transportation/Circulation

**PLANNING/DESIGN REQUIREMENTS:**

14. No fewer than 689 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated February 18, 2003, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

15. 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 a 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.

16. 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.



17. A topographical survey conforming to the provisions of the SDMC 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.

18. All signage associated with this development shall be consistent with sign criteria established by the approved project sign plan (Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department).

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

20. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the Director of the Development Services Department.

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

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

23. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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 architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

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

25. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Refuse and Recyclable Materials Storage Regulations (SDMC section 142.0801) 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 February 18, 2003, on file in the Office of the Development Services Department.

26. All permitted uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight. All truck deliveries shall be limited to between the hours of 6 a.m. and 10 p.m.

27. Drive-in and drive-through restaurants and live entertainment are not permitted.

28. Eighteen car pool parking spaces shall be provided for the medical office building and shall be clearly labeled and conveniently located close to employee entrances.

29. A kiosk or bulletin board shall be provided that displays information on transit use, car pooling, and other forms of ridesharing.

30. Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department, identifies retaining walls and indicates their design, including section elevation views. Walls shown on Exhibit "A" are granted a deviation from the offsetting plane requirement as shown on the plans. Any new walls not shown on Exhibit "A" shall either be consistent with the deviation granted the plans or any retaining walls of 3 feet in height or greater shall have at least one horizontal or vertical offset for each 120 square feet of wall area. The horizontal or vertical offset shall be at least 12 inches wide with a minimum reveal of 4 inches.

31. Clock tower element on any structure may be functional, but shall not emit any excessive noise.

32. All buildings located on outlying pads A, B and C shall require architecture and design elements consistent with the theme and materials used with Retail buildings 1, 2 and 3.

33. All elevations visible from the public right-of-way shall provide facade articulation as indicated on Exhibit "A," dated February 18, 2003, on file in the Office of the Development

Services Department. Design elements shall include trellis structures, decorative stonework and a variety of wall plane offsets as indicated on Exhibit "A."

34. Retaining walls visible from the public right-of-way shall be screened with vine materials planted within the walls and at the bottom of the walls in order to minimize their visual impact as indicated on Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department.

35. Prior to recording any Parcel Map on this property, the Parcel Map shall indicate Parcel 7, 8 and 9 to be dedicated to the City of San Diego in fee.

36. Prior to issuance of any building permit, plans for the improvement of a public dog park, including landscaping, irrigation, fencing, and any other reasonable improvements for the safe and efficient operation of a dog park, shall be submitted for the review and approval by the Park and Recreation and Development Services Departments for the reasonably level area within Parcel 8. Development of said dog park shall require inspection and acceptance by the Park and Recreation and Development Services Departments. The Owner/Permittee of the commercial center or subsequent owner of the commercial center shall in perpetuity provide all necessary maintenance for the dog park and enter into a maintenance agreement, to the satisfaction of the City Manager, with the City of San Diego for said purposes.

37. The dog park shall be completed prior to the issuance of any occupancy permit for the Vons supermarket.

**TRANSPORTATION REQUIREMENTS:**

38. The Owner/Permittee shall provide a 30' wide standard driveway on Ocean Air Drive, satisfactory to the City Engineer.

39. The Owner/Permittee shall provide a southbound left turn pocket on East Ocean Air Drive into the project's entrance, satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

40. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the SDMC/LDC section 142.0401, Landscape Standards, Exhibit "A" Landscape Development Plan, Details and Notes, dated February 18, 2003, on file in the Office of the Development Services.

41. All required landscape plant materials shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. All trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

42. If any required landscape improvements (including, but not limited to, existing or new planning, hardscape, landscape features) are damaged or removed during demolition or construction, they shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage and prior to any Certificate of Occupancy.

43. Prior to issuance of building permits for the garage structure, plans shall be submitted indication the trellis area on the top of the parking structure shall equal to one canopy tree within 30 feet of each parking space, where one canopy tree is equivalent to 700 square feet of trellis area.

44. All tree locations shall have a 40 square feet minimum area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of any pavement.

45. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Tree stakes shall remain in place until trees are planted.

46. In the event that a "Foundation Only" permit is requested by the Owner/Permittee, a construction staking plan shall identify all landscape areas shall be submitted to the City Manager for approval. All landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "Planting Area (PA)."

47. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for review and approval.

#### **ENGINEERING REQUIREMENTS:**

48. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the closure of the non-utilized driveway with City standard curb, gutter and sidewalk, on

East Ocean Air Drive, per Standard Drawings G- 2, G-7, G-9 and SDG-100, satisfactory to the City Engineer.

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the installation of a City standard 30 foot wide driveway, on East Ocean Air Drive, per Standard Drawings G-14B, G-16 and SDG-100, satisfactory to the City Engineer.

50. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an encroachment removal agreement from the City Engineer for landscaping, irrigation and appurtenances in the City right-of-way.

51. The mass grading drawing 28992-D, for this site shall be as-built prior to any additional grading permits issued for this project.

52. The drainage system proposed with this development is subject to approval by the City Engineer.

53. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.

54. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), 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 implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

55. 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. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

56. Prior to building occupancy, the Owner/Permittee 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.

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

58. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.

59. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP necessary to comply with the SDMC, into the construction plans or specifications.

60. Prior to the issuance of any construction permit the Owner/Permittee shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a NOI filed with the State Water Resources Control Board.

**WASTEWATER REQUIREMENTS:**

61. All on-site sewer will be private.

62. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.

63. The developer shall provide, satisfactory to the Director of the Metropolitan Wastewater Department, CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.

64. 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. In addition, the developer shall submit calculations, satisfactory to the Director of the Metropolitan Wastewater Department, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

65. Providing sewer facilities for this development is dependent upon prior construction of certain sewer facilities along East Ocean Air Drive and Carmel Mountain Road by previously approved developments. If such facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.

66. No private sewer facilities shall be installed in or over any public right of way prior to the Owner/Permittee obtaining an Encroachment Maintenance and Removal Agreement.

**WATER REQUIREMENTS:**

67. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), and the removal of existing unused services within the East Ocean Air Drive and Carmel Mountain road rights-of-way adjacent to the project site in a manner satisfactory to the Water Department Director and the City Engineer. All services shall be connected to existing public water facilities operating at the 470 hydraulic grade line.

68. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. All on-site fire hydrants shall be private.

69. All on-site water facilities shall be private including all domestic, fire and irrigations systems. Prior to the issuance of any building permits, the Owner/Permittee shall obtain encroachment maintenance and removal agreements for all private water facilities within the public right-of-way.

70. Prior to the issuance of any building or engineering permits, except for grading permits, or the recordation of any final map, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of the on-site private water facilities which serve or traverse more than a single lot, in a manner satisfactory to the Director of the Water Department.

71. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

72. The Owner/Permittee 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. Water facilities, as shown on approved Exhibit "A," dated February 18, 2003, on file in the Office of the Development Services Department, will require modification based on standards at final engineering.

**INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the

approval of this Permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego, by Resolution No. R-297658, on February 18, 2003.



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.

VONS COMPANIES, INC. a Michigan Corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

R-297658