

RESOLUTION NUMBER R-300352

ADOPTED ON APRIL 19, 2005

WHEREAS, Gatlin Development Company, Inc., Owner/Permittee, filed an application with the City of San Diego for a planned development permit and site development permit to construct two 1-story buildings; one to be a 9,450 square-foot office building and the second to be a 1,130 square-foot storage building; parking; landscaping, improvements in the public right-of-way and the rescission of Conditional Use Permit No. C-19157 on the 2.25-acre site known as the Villa Paraiso project, located at 3840 Via de la Valle, and legally described as Portion of the Northwest Quarter of the Southeast Quarter of Section 6, Township 14 South, Range 3 West, San Bernardino Meridian, in the County of San Diego, State of California, according to Official Plat thereof, also known as Assessors Parcel Number 302-090-28-00, in the Planned Urbanizing Area, in the AR-1-1 zone (previously referred to as the A-1-5 and A-1-10 zones) which is proposed to be rezoned to the CO-1-1 zone; and

WHEREAS, on February 24, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 7081 and Site Development Permit [SDP] No. 7082, and pursuant to Resolution No. 3675-PC voted to recommend City Council approval of the Planned Development Permit and Site Development Permit; and

WHEREAS, the matter was set for public hearing on April 19, 2005, 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. 7081 and Site Development Permit No. 7082:

**A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0604**

1. The proposed development will not adversely affect the applicable land use plan. The required actions associated with the application included a Progress Guide and General Plan amendment and rezoning of the property, in addition to the required permits, to allow the development of the site as proposed and the rescission of Conditional Use Permit No. C-19157. The proposed land use is consistent with and will not adversely affect the Progress Guide and General Plan and complies with all relevant regulations which apply to this site for the proposed uses. The development density, intensity of use, design and operation is consistent with the General Plan's land use regulations and policies in effect for this site.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the subdivision and development proposed for this site contains conditions addressing the project 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 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 Planned Development Permit No. 7082 and Site Development Permit No. 7081. Development of property shall meet all requirements of the regulations and development criteria. 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.

4. The proposed development, when considered as a whole, will be beneficial to the community. The development of the Villa Paraiso project will provide a corporate headquarters for a concern actively engaged in business in the San Diego region on a sensitive site which has been long underdeveloped where illegal grading has occurred in the past and which will be a benefit for the entire community both within the City of San Diego and the County of San Diego. Considered cumulatively the development of this site with an office headquarters development and public improvements will provide a significant benefit to the community and City of San Diego.

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. The Planned Development Permit is required to allow a deviation from Land Development Code section 131.0550. Section 131.0550 requires the proposed project to provide a pedestrian path from each adjacent street to the commercial development. A deviation is sought to allow only one pedestrian path from Via de la Valle and not one from El Camino Real. Providing a pedestrian path from El Camino Real would require impacts to the wetlands in this area which are not consistent with the goals of preservation. Strict conformance with the

development regulation would result in a less desirable project. No other deviations are proposed for the project and these are the minimum possible.

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The development density, intensity of use, design and operation is consistent with the Progress Guide and General Plan's land use regulations and policies. The following excerpts from the Progress Guide and General Plan relate to environmentally sensitive lands.

Prime production agricultural lands should be retained in permanent agricultural zones.

The site currently is defined by the existing asphalt parking lot, ruderal vegetation, wetland and soil disposal area. These existing features do not constitute prime agricultural land.

Runoff, sedimentation, and erosion both during and after construction should be carefully studied and controlled

The development will provide erosion control Best Management Practices [BMP's] as well as improvements to surface drainage to enhance the water quality leaving the site as urban runoff and of the existing wetland.

Priority should be given to open space acquisition that also serves to preserve important ecological resources

Wetlands are identified as significant resources intended for protection under the Environmentally Sensitive Lands regulations. The proposed plan amendment will designate the onsite wetland area as Open Space and the development project proposes to conserve the wetland through rezone to Open Space Conservation, OC-1-1, consistent with the above General Plan objective.

As they relate to the ESL regulations, General Plan priorities for establishing an open space system include the protection of natural resources and the protection of natural landforms as a visual resource.

The proposal to designate and rezone the onsite wetland as Open Space will achieve this natural resource objective in the General Plan's open space system. The designation and rezone of the wetland area as open space will protect the wetland as a visual resource.

For additional factual information addressing this required finding, see Planned Development Permit finding A.1 above.

b. The proposed development will not be detrimental to the public health, safety, and welfare. All 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. For

additional factual information addressing this required finding, see Planned Development Permit finding A.2 above.

c. The proposed development will comply with the applicable regulations of the Land Development Code. All relevant regulations shall be complied with at all times for the life of the project. For additional factual information addressing this required finding, see Planned Development Permit finding A.3 above.

2. Supplemental Findings - Environmentally Sensitive Lands

a. 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 character of the development and design of the structures is low profile, highly articulated and adorned with architectural detail and use of high quality materials to result in a project attractive to the neighborhood and similar land uses in the vicinity. The proposed structures have been located on the site in the areas of least sensitivity and will preserve the values of sensitive areas on site. The existing environmental resources present on the site will be preserved and will be buffered by the proposed landscape materials proposed for the site. No disturbance to the sensitive areas will occur as a result of the proposed development. Limits of construction indicated on the conceptual plans do not intrude upon any sensitive areas of the site.

b. 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 development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan. The plan exceeds the otherwise City-wide applicable requirements related to storm water runoff and best management practices as related to storm water runoff. Specifically, the development area is located out of the floodway and on the flatter portions of the property. No brush management is required for this site as there is no threat of wildfires from native vegetation present on or adjacent to the site. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will avoid impacting and preserve all environmentally sensitive lands present on the site. The development is sited and designed to avoid impacting the sensitive wetland area and is located on the more level and less sensitive area of the site.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. This proposed development is entirely consistent with the Multiple Habitat Planning Area [MHPA] preserve boundary and is not within the MHPA preserve or adjacent to it. Therefore, the proposed project will be consistent with the City's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located approximately four miles east of the Pacific Ocean's beaches and local shoreline. On-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply. On-site drainage structures will be provided to address water quality requirements to


prevent pollutants from surface water runoff from entering the open drainage ditch and flowing into the San Dieguito Lagoon watershed. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. 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. An initial study has been conducted for the proposed development on this site and concluded a Negative Declaration [ND] is the appropriate CEQA document for the proposed project. In addition, no mitigation measures are required to reduce any significant impacts and none have been identified. Thus, mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development will not be incorporated into the conditions of the development permit since no impacts will result from the project's implementation.

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. 7081 and Site Development Permit No. 7082 is granted to Gatlin Development Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:pev
05/16/05
Or.Dept:Clerk
R-2005-1203
MMS #1668
PERMIT - Permit Resolution 11-01-04

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER; 41-0764

Planned Development Permit No. 7081 and Site Development Permit No. 7082
Rescinding Conditional Use Permit No. C-19157

VILLA PARAISO
City Council

This Planned Development Permit No. 7081 and Site Development Permit No. 7082 is granted by the Council of the City of San Diego to Gatlin Development Company, Inc., a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0600 and 126.0500. The 2.25-acre site is located at 3840 Via de la Valle in the Planned Urbanizing Area. The project site is legally described as a Portion of the Northwest Quarter of the Southeast Quarter of Section 6, Township 14 South, Range 3 West, San Bernardino Meridian in the County of San Diego, State of California, according to Official Plat thereof, also known as Assessors Parcel Number 302-090-28-00.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct two 1-story buildings: one to be a 9,450 square foot office building and the second to be a 1,130 square-foot storage building; parking; landscaping and improvements in the public right-of-way and the rescission of Conditional Use Permit No. C-19157, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 19, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Two 1-story buildings; one to be a 9,450 square foot office building and the second to be a 1,130 square-foot storage building;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Forty-seven off-street parking spaces; thirty-two spaces required for development of this site as proposed plus fifteen spaces required by legal agreement between the property owner and the adjacent property owner at 3790 Via de la Valle;

- d. Preservation and enhancement of wetland habitat;
- e. The rescission of Conditional Use Permit No. C-19157; and
- f. 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.

STANDARD REQUIREMENTS:

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 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. 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.

8. 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 site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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." 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.

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. At all bus stops within the project area, if any, the Owner/Permittee shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

12. This Planned Development Permit No. 7081 and Site Development Permit No. 7082 shall amend Conditional Use Permit No. C-19157 rendering all rights, privileges and obligations of Conditional Use Permit No. C-19157 rescinded.

ENGINEERING REQUIREMENTS:

13. 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 the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

14. The drainage system proposed for this development is subject to approval by the City Engineer.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

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

FEMA REQUIREMENTS:

19. A portion of this project has been identified as being within the Floodway of a Special Flood Hazard Area (San Dieguito River, panel 1326). No increases to base flood elevations are allowed. A Registered Professional Engineer shall submit a "no-rise" certification along with a detailed engineering analysis to substantiate the certification. The analysis is subject to the approval of the City Engineer.

20. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the Owner/Permittee must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of a grading, engineering or building permit. The Owner/

Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

21. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision [LOMR] is obtained from FEMA. The LOMR is issued based upon as-built site conditions; therefore, the Owner/Permittee must allow time to complete this process. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.
22. No structures except those allowed by Section 131.0222 (Use Regulations for Open Space Zones) of the Land Development Code shall be built within the Floodway.
23. All structures built within the Special Flood Hazard Area must have the lowest floor elevated two feet above the base flood elevation, or if the structure is nonresidential it may be flood-proofed to that same elevation.
24. All fill placed within the Special Flood Hazard Area must be compacted to 95 percent relative compaction.
25. The Owner/Permittee shall denote on the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus one foot.
26. The Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
27. The Owner/Permittee shall grant a flowage easement, satisfactory to the City Engineer.
28. Prior to issuance of any construction permits, the Owner/Permittee shall clearly delineate on the plans the floodway and floodplain boundaries. All references to "wetland" shall be replaced with "floodway" or "floodplain".

GEOLOGY REQUIREMENTS:

29. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.
30. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

LANDSCAPE REQUIREMENTS:

31. Prior to issuance of any construction permits for buildings, grading or public improvements, 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 Development Plan.

32. 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.

33. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be the responsibility of the Permittee/Owner, to assure that it shall be repaired and/or replaced in kind and equivalent size per the approved plans within thirty days.

34. Prior to any utility stub out, for wet and/or dry utilities a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required street trees. The location of the street trees shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

37. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

38. Within the ten foot landscape buffer adjacent to the wetland area, shown on the Landscape Development Plan as two, five foot wide areas, no hardscape or impervious surfaces may be installed.

PLANNING/DESIGN REQUIREMENTS:

39. No fewer than forty-seven off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

40. All structures shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.
41. 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.
42. 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.
43. 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
44. 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.
45. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.
46. 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 of the site development as light sources are located and not fall within the area of enhanced wetland to be zoned OC-1-1.
47. 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 City Manager.

48. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

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

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

51. 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.

52. 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.

53. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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."

54. Prior to final inspection, fencing and signage with prohibitive language regarding dumping and public access shall be installed along the ten-foot landscape buffer adjacent to the wetland to discourage access into the wetland area.

WASTEWATER REQUIREMENTS:

55. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

56. 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 or shall be permitted under the Self Certification Program.

WATER REQUIREMENTS:

57. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 12-inch water facilities within the Via De La Valle right-of-way adjacent to the project site, from El Camino Real (north bound) to the westerly property boundary, in a manner satisfactory to the Water Department Director and the City Engineer, connecting to existing public water facilities owned and operated by the City of San Diego.

58. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, in Via De La Valle adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer. All on-site water facilities shall be private including all domestic, fire and irrigation systems.

59. Prior to the issuance of the first building permit, the Owner/Permittee shall apply for plumbing permit(s) for the installation of private back flow prevention device(s) on all water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Water Department Director and the City Engineer.

60. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director, and the City Engineer.

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

62. 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," shall be modified to comply with standards at final engineering.

TRANSPORTATION REQUIREMENTS:

63. The Owner/Permittee shall construct Via de la Valle as a 4-lane major street. The Owner/Permittee shall dedicate one half width along the project's frontage of 98' of right-of-way and shall provide a 78' curb-to-curb, curb, gutter and a 5' sidewalk within a 10' curb to property line distance then transiting to right-of-way width of 108' with a minimum curb-to-curb width of 88' including curb, gutter and a 5' sidewalk within a 10' curb to property line distance, satisfactory to the City Engineer. Prior to issuance of any engineering permit for the construction of this requirement, a subsequent amendment or new Site Development Permit is required and CEQA document in accordance with the

current regulations at the time of application. This permit does not authorize the required frontage improvements of Via de la Valle.

64. The Owner/Permittee shall enter into a bonded deferred improvement agreement for the required frontage improvements along Via de la Valle to the satisfaction of the City Engineer.

65. Prior to the widening of Via de la Valle to four lane Major Street standards, the proposed project shall be restricted to a single major office tenant and two minor sublet tenants.

66. The Owner/Permittee shall provide a standard 30' wide driveway. The Owner/Permittee shall designate the proposed driveway only for right-in/right-out traffic movements, satisfactory to the City Engineer.

67. The Owner/Permittee shall construct El Camino Real as a two-lane collector street. The Owner/Permittee shall dedicate 60' of right-of-way and shall provide a 40' of pavement, curb, gutter and a 5' sidewalk within a 10' curb to property line distance along the project's frontage, satisfactory to the City Engineer.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit 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 April 19, 2005 by Resolution No. R-300352.

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.

GATLIN DEVELOPMENT COMPANY,
INC.
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04