

RESOLUTION NUMBER R- 304139

DATE OF FINAL PASSAGE SEP 16 2008

WHEREAS, Westbrook Torrey Hills, L.P., a Delaware limited liability company, AME Torrey View LLC., a California limited liability company and Pacific Centre Carmel Valley, LLC, a California limited liability company, Owners and Pacific Centre Carmel Valley, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a Planned Development Permit [PDP] No 352707 amending Planned Industrial Development, Planned Residential Development, Hillside Review, Coastal Development Permit No 95-0554 to construct 484 residential condominiums and one commercial condominium in eleven buildings with a subterranean parking garage and private garages known as the Torrey Hills VTM project, located between Vista Sorrento Parkway and West Ocean Air Drive, south of Calle de Mar Mariposa legally described as Lots 1 through 4 of Torrey Hills Unit No. 19, according to Map No 14301, filed November 13, 2001 as Doc No 2001-0823939 in the Torrey Hills Community Plan area, in the IP-2-1 and RM-2-5 Zones which is proposed to be rezoned to the RM-3-8 and OR-1-1 Zones, and

WHEREAS, on August 7, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No 352707, and pursuant to Resolution No 4443-PC voted to recommend City Council approval of the permit, and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

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decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on SEP 16 2008, 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 PDP Permit No 352707

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

**A. Findings for all Planned Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan** With the adoption of the Torrey Hills Community Plan Amendment, the proposed project will be consistent with the land use designations for this site, with the density identified for the site and all other design principles and goals of the community plan. The Torrey Hills VTM project will therefore not adversely affect the community plan or the Progress Guide and General Plan As discussed below, in finding 5, the project includes two deviations from the development regulations of the RM-3-8 Zone to allow a reduced side-yard setback and a retaining wall height to exceed the maximum allowed in the RM-3-8 Zone development regulations These deviations will result in a more desirable project than could have been achieved through strict conformance with the RM-3-8 Zone development regulations The Torrey Hills VTM project will therefore not adversely affect the community plan or the Progress Guide and General Plan

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development includes the minor improvement of right-of-way in the Torrey Hills community The proposed development will construct necessary sewer and water facilities to serve the occupants of the development; will incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code, will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards, will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and will 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

All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the

structures will meet or exceed the current regulations. Furthermore, the construction will be monitored and inspected in the field by certified inspectors. As such the proposed development will not be detrimental to the public health, safety, and welfare.

The applicant will contribute funds to the San Diego Fire Department to purchase a small brush rig (Type 6 Wildland Engine), a fire engine specifically designed for a wildland environment. The addition of this equipment to the San Diego Fire Department will enhance fire protection in the area. The brush rig and the Automatic External Defibrillators will prevent any increase in fire-services response times in the project area and will enhance the Fire Department's effectiveness in responding to wildland fires. Each of the eleven buildings within the project will be equipped with Automatic External Defibrillators, a portable electronic device that automatically diagnoses arrhythmias and can treat them through defibrillation. The project will include a training program to teach homeowners how to use this potentially life-saving device and will include permanent funding by the homeowners association to assure the continuation of the program and the equipment.

The permit controlling the development and continued use of the 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. 352707. Development of the property will meet all requirements of the regulations, as allowed through the approval of a Planned Development Permit. Two deviations are required to approve the project. Concept plans for the project have identified compliance with all development criteria in effect for the site, except as allowed through the approval of a Planned Development Permit. The two deviations include 1) Allowing a deviation to the required side yard setback adjacent to West Ocean Air Drive in the southeast corner of the site and 2) Allowing a deviation to the maximum height for a retaining wall in the southeast corner of the project adjacent to Building 8 to be constructed to six feet six inches maximum. All relevant regulations shall be complied with at all times for the life of the project and conditions of approval required such compliance. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code, as allowed through the Planned Development Permit process.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development with its two deviations, when considered as a whole, will be beneficial to the community. The project will complete the development of four vacant parcels within the community. The project will provide a park space as internal project

open space for residents of the project and community. The park will be owned and maintained by the homeowners association and will be open to and accessible to the general public by means of a public access easement to be recorded with the final map for the project. The proposed development will also contribute to the regional housing supply by constructing 484 residential units and pay all applicable fees. The development will pay the affordable housing in-lieu fees required to support the creation of affordable housing within the City of San Diego. The property owners have already partially met their parks requirements through an earlier separate agreement with the City of San Diego and will provide a 1.05 acre recreation easement over Lot 3 for a park designed and constructed by the applicant to City standards, as required by the Planned Development Permit No. 352707. While the park will be owned and maintained by the homeowners association, the recreational amenity will be open and accessible to the public.

Further, development of the proposed project within Torrey Hills area will provide a condominium housing project on a site previously designated for industrial development in a community without any condominium ownership. Considered cumulatively these features and improvements will provide significant benefit to the community of Torrey Hills and the City of San Diego.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed development complies with the amended Torrey Hills Community Plan and the Land Development Code, as allowed through the Planned Development Permit. All other requirements, including land use, density and parking requirements, comply with the policies of the Torrey Hills Community Plan and the regulations of the Land Development Code.

The design of the project is consistent with the amended Torrey Hills Community Plan development pattern and is requesting two deviations from the regulations of the Land Development Code. The RM-3-8 Zone requires the street side yard to be equal to ten percent of the width of the lot. The site is 640 feet wide and would require a 64 foot side yard setback. The deviation will allow the project to not observe a side yard setback equal to ten percent of the width of the site and instead observe a ten foot side yard setback. Similar projects in the neighborhood have side yard setbacks less than 10% of their site width. If the 10% setback normally required by the development regulations were applied to this project, the resulting development would be disharmonious with the development pattern of the surrounding neighborhood. An additional merit of the project is the design will create very little surface parking. If the 64 foot side yard setback were required, the setback area could be used to supply surface parking and this will result in a less inviting streetscape and inefficient use of scarce urban land. The second deviation will allow one retaining wall within the street side yard setback adjacent to Building 8 to be constructed to the approximate height of 6 feet 6 inches. The maximum height for a retaining wall in the RM-3-8 Zone street side yard would be two retaining walls with a maximum height of three feet each if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall. The proposed single retaining wall at a height of 6 feet 6 inches is below the public right-of-way and will not be visible from any public vantage point.

The proposed development with its deviations, when considered as a whole, will be beneficial to the community. The development will provide 484 additional market rate condominium housing units in a community without condominium ownership and will provide a recreational amenity for the residents of the project and community. The proposed development will pay all applicable fees. When considered in total the proposed project will be beneficial to the community and City. Other than the two deviations described above, the proposed project will comply with all other regulations of the Land Development Code and all Council policies relevant to the site.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and PDP Permit No. 352707 is granted to Westbrook Torrey Hills, L.P., a Delaware limited liability company, AME Torrey View LLC., a California limited liability company and Pacific Centre Carmel Valley, LLC, a California limited liability company, Owners and Pacific Centre Carmel Valley, LLC, a California limited liability company, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MR als js  
08/22/08  
09/04/08 CORR  
Or Dept DSD  
R-2009-187CORR  
MMS#6678

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**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
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 426605

Planned Development Permit No 352707  
Amending Planned Industrial Development, Planned Residential Development, Hillside  
Review, Coastal Development Permit No 95-0554  
**TORREY HILLS VTM [MMRP]**  
City Council

This Planned Development Permit No. 352707, amending Planned Industrial Development, Planned Residential Development, Hillside Review, Coastal Development Permit No 95-0554, is granted by the Council of the City of San Diego to Westbrook Torrey Hills, L P , a Delaware limited liability company, AME Torrey View LLC , a California limited liability company and Pacific Centre Carmel Valley, LLC, a California limited liability company, Owners and Pacific Centre Carmel Valley, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] §126.0600 The 22 3 acre site is located between Vista Sorrento Parkway and West Ocean Air Drive, south of Calle de Mar Mariposa in the RM-3-8 and OR-1-1 Zones in the Torrey Hills Community Plan area The project site is legally described as Lots 1 through 4 of Torrey Hills Unit No 19, according to Map No 14301, filed November 13, 2001 as Doc No. 2001-0823939

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the 22 3 acre site to create on Vesting Tentative Map No 352708 Lots 1 through 5 condominiums and develop a residential and commercial condominium project, site landscaping, and minor improvements in the public right-of-way, and to preserve and retain the existing protections on Vesting Tentative Map No. 352708 Lots 6 and 7 which are defined as community plan open space and which have a building restricted easement over those areas as required by Planned Industrial Development, Planned Residential Development, Hillside Review, Coastal Development Permit No. 95-0554, described and identified by size, dimension, quantity, type, and

**SEP 16 2008**

location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department

The project shall include

- a The subdivision of the 22.3 acre site to create on that portion described by the Vesting Tentative Map No. 352708 as Lots 1 through 5 condominiums and develop a residential/commercial condominium project with 484 residential condominiums and one commercial condominium for 4,000 square feet of commercial space in eleven buildings with a subterranean parking garage and private garages, a privately owned and maintained yet publicly accessible park space, site landscaping, and minor improvements in the public right-of-way, and to preserve and retain the existing protections on that portion described by the Vesting Tentative Map No 352708 as Lots 6 and 7 which are defined as community plan open space and which have a building restricted easement over those areas as required by Planned Industrial Development, Planned Residential Development, Hillside Review, Coastal Development Permit No 95-0554;
- b Deviations are approved with the project as follows. A retaining wall within the street side yard setback adjacent to Building 8 is allowed to the approximate height of 6 feet 6 inches, and a reduced street side yard setback along West Ocean Air Drive to a minimum of 10 feet,
- c Landscaping (planting, irrigation and landscape related improvements),
- d Off-street parking, and
- e Accessory improvements determined by the Development Services Department 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 This permit amends Planned Industrial Development, Planned Residential Development, Hillside Review, Coastal Development Permit No 95-0554 and no part of Planned Industrial Development, Planned Residential Development, Hillside Review, Coastal Development Permit No 95-0554 shall remain in force or effect upon the properties described by the Vesting Tentative Map No 352708 as Lots 1-5, yet shall remain in force and effect upon the properties described by the Vesting Tentative Map No 352708 as Lots 6 and 7

2. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.

3 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 Owner/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

4 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 Development Services Department.

5 This Permit is a covenant running with the subject property and shall be binding upon the Owner/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

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency

7 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 )

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. Construction 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" 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 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 This Permit may be developed in phases Each phase shall be constructed prior to sale or lease to individual owners or tenants of units within each phase to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A "

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report No 106228 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS

14 The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No 106228 satisfactory to the Development Services Department and the City Engineer Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas

**Noise;**  
**Traffic and Circulation;**  
**Paleontological Resources; and**  
**Public Services and Utilities (Solid Waste)**

15 Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring

**AFFORDABLE HOUSING REQUIREMENTS:**

16 Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) Prior to issuance of the first residential building permit, the Owner/Permittee shall enter into an agreement with the San Diego Housing Commission to ensure the set aside of 5% of the total units (24 affordable units) in compliance with the Inclusionary Housing Ordinance The units may be rental or for-sale In addition, the Owner/Permittee shall pay a partial in-lieu fee of 50.41%

**ENGINEERING REQUIREMENTS:**

17 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 Section C.7 of SWRCB Order No. 99-08 DWQ

18 Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), 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

**LANDSCAPE REQUIREMENTS:**

19 Prior to issuance of any engineering permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual Landscape Standards, to the satisfaction of the City Engineer and Development Services Department All plans shall be in substantial conformance to this permit and Exhibit "A"

20 In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas

consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscape area."

21. Prior to issuance of any construction permit for buildings, complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square foot area with a minimum inside dimension of five feet around each tree. This area shall be unencumbered by hardscape and utilities as set forth under LDC 142 0403(b)5

22. Prior to issuance of any engineering permit for public right-of-way improvements, the Owner/Permittee shall submit, for review and approval, complete landscape construction documents for right-of-way improvements to the Development Services Department. Improvement plans shall provide a forty square foot area around each tree with a minimum inside dimension of five feet. This area shall be unencumbered by hardscape and utilities as set forth under LDC 142 0403(b)5. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

23. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape including required Street Trees. A "No Fee" Street Tree permit shall be obtained for the installation, establishment, on going maintenance and or removal of any street trees.

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

25. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the public right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said 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.

26. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

27 The Owner/Permittee shall ensure all proposed landscaping will not include exotic plant species that may be invasive to native habitats. Plant species listed in the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the City of San Diego's Land Development Manual, Landscape Standards are prohibited

**PLANNING/DESIGN REQUIREMENTS:**

28 No fewer than the total minimum parking spaces of 985 is required for the entire project, both Product A and B Product A shall provide 783 automobile parking spaces assigned for the residences and commercial retail use, 21 accessible parking spaces assigned for residences and commercial retail use, 108 parking spaces for guest parking, 4 loading spaces and 39 motorcycle spaces Product B shall provide 202 parking spaces assigned for residences, 2 accessible parking spaces assigned for residences, 31 parking spaces for guest parking, 1 loading space, and 10 motorcycle spaces Two hundred forty-seven (247) bicycle spaces for both Product A and B are required All required 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 Development Services Department

29 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 Owner/Permittee

30 All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations

31 The Owner/Permittee shall post a copy of this permit and Tentative Map in the sales office for consideration by each prospective buyer

32 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

**WASTEWATER REQUIREMENTS:**

33 All onsite sewer facilities will be private

34 Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development

35 Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director,

indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership

36 Prior to the issuance of any engineering permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities located in or over the public right of way

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

38 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:**

39 Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new on-site 12-inch public water facilities, in a manner satisfactory to the Water Department Director and the City Engineer Approval of final alignment, grade, easements and connection of the proposed water mains will be determined at final engineering plan check

40 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) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer

41 Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer

42. 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 If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main, then the Owner/Permittee shall design and construct adequate facilities to provide a redundant water supply

43 Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer Easements, as shown on approved Exhibit "A" will require modification based on standards at final engineering

44. Prior to the issuance of any building permits, the Owner/Permittee shall provide Encroachment Removal and Maintenance Agreement (EMRA) for all public water facilities located within the proposed easement.

45. Prior to the issuance of any building permits, the Owner/Permittee shall provide keyed access to the Water Operations Division if the proposed project is a gated community, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

46. 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 Water Department Director and the City Engineer.

47. 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. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

**PARK AND RECREATION REQUIREMENTS:**

48. Prior to the issuance of any building permit, the Owner/Permittee shall enter into a Park Development Agreement with the City of San Diego for the development of 1.05 acres within Lot 3 of Vesting Tentative Map No. 352708 with Neighborhood park amenities. The park amenities shall be in conformance with the Park & Recreation Department Consultant's Guide to Park Design and Development, and in accordance with City standards and specifications.

49. The Owner/Permittee shall ensure that a General Development Plan (GDP) for the development of 1.05 acres within Lot 3 of Vesting Tentative Map No. 352708, designed with public input, per Council Policy 600-33, COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, is provided prior to issuance of the final Certificate of Occupancy.

50. The Owner/Permittee shall ensure that the park is accessible from Lots 2 & 5 of Vesting Tentative Map No. 352708 and in conformance with the Americans with Disabilities Act.

51. Prior to issuance of the final Certificate of Occupancy, the Owner/Permittee shall complete construction of all park improvements within Lot 3 of Vesting Tentative Map No. 352708.

**GEOLOGY REQUIREMENTS:**

52 Prior to the issuance of any construction permit, engineering or building, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports, to the satisfaction of the City Engineer

**POLICE DEPARTMENT REQUIREMENTS:**

53. Prior to the issuance of any building permit, the Owner/Permittee shall make a contribution to the Police Department in the amount of \$28,000 00 and provide evidence to the Development Services Department that such contribution has been received.

**FIRE DEPARTMENT REQUIREMENTS:**

54 Prior to the issuance of any building permit, the Owner/Permittee shall make a contribution to the Fire Department to provide a brush rig, to the satisfaction of the Fire Department

55 Prior to the issuance of any building permit, the construction drawings shall indicate the location and installation of Automatic External Defibrillators (AEDs) in each of the eleven buildings onsite, to the satisfaction of the Fire Department and Development Services Department

**PLANNING COMMISSION REQUIREMENTS:**

56 Prior to the issuance of any building permits, the Owner/Permittee shall provide landscape construction drawings indicating the irrigation system shall be designed to accept reclaimed water

**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 §66020
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on SEP 16 2008  
Resolution No R- 304139

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

**WESTBROOK TORREY HILLS, L.P** , a  
Delaware Limited Partnership  
By Westbrook Torrey Hills GP, LLC , a  
Delaware Limited Liability Company,  
Owner/Permittee

By \_\_\_\_\_  
E William Meyer  
Assistant Vice President

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



**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**AME TORREY VIEW LLC** , a California  
limited liability company  
By Applied Molecular Evolution, Inc , Its  
Manager Owner

By \_\_\_\_\_  
Thomas F. Bumol  
President

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

**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder

**PACIFIC CENTRE CARMEL VALLEY, LLC**, a California limited liability company  
By: Coast Pacific Centre, LLC, a California limited liability company,  
By: Coast Income Properties, INC , a California Corporation, its Manager  
Owner/Permittee

By \_\_\_\_\_  
Thomas G Blake  
President

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

08 275

Passed by the Council of The City of San Diego on, SEP 16 2008, by the following vote

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 16 2008

AUTHENTICATED BY

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Mary Zumaya*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-304139