

RESOLUTION NUMBER R- **315229**

DATE OF FINAL PASSAGE **NOV 14 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND AFFIRMING THE
DEVELOPMENT SERVICES DEPARTMENT'S DECISION TO
APPROVE COASTAL DEVELOPMENT PERMIT NO. 2583162
AND NEIGHBORHOOD DEVELOPMENT PERMIT NO.
2590738 FOR TORREY PINES U-STOR-IT – PROJECT NO.
697502.

WHEREAS, U-STOR-IT TORREY PINES, LLC, a California Limited Liability Corporation Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit and Neighborhood Development Permit to demolish a vacant two-story, 17,040-square-foot building and construct a new three-story, 166,313-square-foot self-storage building which includes two basement levels, self-storage spaces, a parking garage (level two), a management office (level two), and associated site improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 2583162 and Neighborhood Development Permit No. 2590738) on portions of a 1.46-acre site (Project); and

WHEREAS, the project site is located at 11391 Sorrento Valley Road in the IL-3-1 Zone, Prime Industrial Lands, Marine Corps Air Station (MCAS) Miramar Airport Influence Area (Review Area 1), MCAS Miramar Airport Safety Zones, Accident Potential Zones (APZ II and Transition Zone), Coastal (Non-Appealable-1) Overlay Zone, Coastal Height Limitation, Very High Fire Hazard Severity, and Transit Priority Area (TPA) within the Torrey Pines Community Plan area; and

WHEREAS, the project site is legally described as Lots 11 and 12 of Via Sorrento Valley Industrial Park Unit No. 3, in the City of San Diego, County of San Diego, State of California,

according to Map thereof No. 5693, filed in the Office of the County Recorder of San Diego County, February 9, 1966; and

WHEREAS, on May 26, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination of Tiered Mitigated Negative Declaration for the Project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guidelines Section 15152 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, on June 15, 2023, the Development Services Department adopted Tiered Mitigated Negative Declaration No. 697502/SCH. No. 2019060003 to Final Program Environmental Impact Report SCH. No. 2019060003 and adopted the Mitigation, Monitoring and Reporting program for the Project; and

WHEREAS, on June 15, 2023, the Development Services Department of the City of San Diego considered and approved Coastal Development Permit No. 2583162 and Neighborhood Development Permit No. 2590738 and issued a Notice of Decision; and

WHEREAS, on June 29, 2023, the Torrey Pines Community Planning Board submitted an appeal of the Development Services Department's approval of Coastal Development Permit No. 2583162 and Neighborhood Development Permit No. 2590738 (Appeal); and

WHEREAS, on November 14, 2023, the City Council of the City of San Diego (City Council) considered the Appeal and Coastal Development Permit No. 2583162 and Neighborhood Development Permit No. 2590738, pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public

hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego 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 decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it denies the Appeal and adopts the following findings with respect to Coastal Development Permit No. 2583162 and Neighborhood Development Permit No. 2590738:

A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0708

1. Findings for all Coastal Development Permits:

a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan, and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The project site is located approximately 1.5 miles east of the Pacific Ocean and is not within the First Public Roadway. There are no public views or physical accessways from the project site, as identified in the Community Plan. The project complies with the community goals regarding public view preservation and enhancement since the project was designed to comply with the underlying IL-3-1 Zone, including height (30 feet) that does not exceed the 30-foot height limit, setbacks, and floor area ratio (1.53) which is below the (2.0) maximum requirement. No deviations or variances are required. Therefore, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan, and the proposed coastal development will

enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

b. The proposed coastal development will not adversely affect environmentally sensitive lands. The project site is developed and does not contain environmentally sensitive lands nor is it within or adjacent to the Multiple Species Conservation Program/Multiple Habitat Planning Area. Staff has reviewed and accepted a preliminary geotechnical report for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards. A Tiered Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program shall be implemented to reduce the project's potentially significant impacts on Historical Resources (Archaeology) and Tribal Cultural Resources to less than a significant level. Therefore, the proposed coastal development would not adversely affect any environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The existing structures are more than 45 years old, requiring City staff to evaluate the proposal for historic significance (SDMC Section 143.0212). Staff determined that the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria. The project was designed to comply with the underlying IL-3-1 Zone, including height (30 feet) that does not exceed the 30-foot height limit, setbacks, and floor area ratio (1.53) that is below the (2.0) maximum requirement. No deviations or variances are required.

Please note that the IL regulations regarding Moving and Storage Facilities were revised as part of the 2022 SDMC Update (Code Update) process, which was adopted outside of the Coastal Overlay Zone on March 7, 2023 (O-21618). However, the amendments as adopted by the 2022 SDMC Update will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Coastal Program Amendment. Prior to the Code update, Moving and Storage Facilities were permitted in the IL Zone without restriction, per SDMC Table 131-06B (Distribution and Storage land use category). The Code update added a footnote prohibiting Moving and Storage Facilities in Prime Industrial Land within the IL Zone. However, since the project site is located within the Coastal Overlay Zone it is not subject to the Code update since the amended Moving and Storage Facilities language has not yet been certified by the California Coastal Commission.

The proposed project does not adversely impact the General Plan and Community Plan. The project site is designated Prime Industrial Land in the General Plan and Industrial in the Community Plan. The General Plan (EP-A.15) provides that the "identification of Prime Industrial Land on any property does not preclude the development or redevelopment of such property pursuant to the development regulations and permitted uses of the existing zone and community plan designation."

The Community Plan promotes the need to provide opportunities for light manufacturing type of land uses and to contain industrial development within areas specifically designated for

industrial usage. The project implements these Community Plan policies by providing a land use that is characterized as light industrial which is considered an appropriate use within the Light Industrial Uses category, per Table LU-4 of the General Plan and Community Plan Land Use Categories.

The project also promotes the Community Plan goal of maintaining the character of Torrey Pines industrial areas by ensuring that redevelopment occurs in a manner that preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures. Staff determined that the project is consistent with the established theme, including the development patterns of the commercial and industrial uses in the surrounding area. The project also promotes the Community Plan goal of encouraging new industrial development to be well-designed and aesthetically pleasing. The project implements this Community Plan goal by providing a design that incorporates masonry, metal panels, and glass materials that complement the surrounding commercial and industrial uses.

The project site is located approximately 1.5 miles east of the Pacific Ocean and is not within the First Public Roadway. There are no public views or physical accessways from the project site, as identified in the Community Plan. Therefore, the development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is not located between the nearest public road and the sea or the shoreline of any body of water. There is no public access to the project site, as identified in the Community Plan. The project will be developed entirely within private property and will not adversely impact any public recreation opportunities. Therefore, the project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. NEIGHBORHOOD DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0404

1. Findings for all Neighborhood Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The project site is designated Prime Industrial Land in the General Plan and Industrial in the Community Plan. The General Plan (EP-A.15) provides that the “identification of Prime Industrial Land on any property does not preclude the development or redevelopment of such property pursuant to the development regulations and permitted uses of the existing zone and community plan designation.”

The Community Plan promotes the need to provide opportunities for light manufacturing type of land uses and to contain industrial development within areas specifically designated for industrial usage. The project implements these Community Plan policies by providing a land use that is characterized as light industrial which is considered an appropriate use within the Light

Industrial Uses category, per Table LU-4 of the General Plan and Community Plan Land Use Categories.

The project also promotes the Community Plan goal of maintaining the character of Torrey Pines industrial areas by ensuring that redevelopment occurs in a manner that preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures. Staff determined that the project is consistent with the established theme, including the development patterns of the commercial and industrial uses in the surrounding area. The project also promotes the Community Plan goal of encouraging new industrial development to be well-designed and aesthetically pleasing. The project implements this Community Plan goal by incorporating masonry, metal panels, and glass materials that complement the surrounding commercial and industrial land uses.

The project site is located approximately 1.5 miles east of the Pacific Ocean and is not within the First Public Roadway. There are no public views or physical accessways from the project site, as identified in the Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to public health, safety, and welfare. The project site is developed and does not contain environmentally sensitive lands nor is it within or adjacent to the Multiple Species Conservation Program/Multiple Habitat Planning Area. Staff has reviewed and accepted a preliminary geotechnical report for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect public health, safety, and welfare. Permit requirements, include requiring constructing a new sidewalk, curb gutter, and ramps, per current City Standards; obtaining an Encroachment Maintenance Removal Agreement for improvements and landscaping within the public right-of-way; design and construct new water and sewer services outside of any driveway, including the abandonment of any existing unused water and sewer services; installing appropriate private backflow prevention devices on each water service; submitting a geotechnical investigation report that addresses the construction plans; implementing construction best management practices; maintenance of all landscaping improvements; prohibiting loitering and requiring that video surveillance be recorded within the interior and exterior of the premises. Therefore, the proposed development will not be detrimental to public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The existing structures are more than 45 years old, requiring City staff to evaluate the proposal for historic significance (SDMC Section 143.0212). Staff determined that the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria. The project was designed to comply with the underlying IL-3-1 Zone, including height (30 feet) that does not exceed the 30-foot height limit,

setbacks, and floor area ratio (1.53) that is below the (2.0) maximum requirement. No deviations or variances are required.

Please note that the IL regulations regarding Moving and Storage Facilities were revised as part of the 2022 SDMC Update (Code Update) process, which was adopted outside of the Coastal Overlay Zone on March 7, 2023 (O-21618). However, the amendments as adopted by the 2022 SDMC Update will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Coastal Program Amendment. Prior to the Code update, Moving and Storage Facilities were permitted in the IL Zone without restriction, per SDMC Table 131-06B (Distribution and Storage land use category). The Code update added a footnote prohibiting Moving and Storage Facilities in Prime Industrial Land within the IL Zone. However, since the project site is located within the Coastal Overlay Zone it is not subject to the Code update since the amended Moving and Storage Facilities language has not yet been certified by the California Coastal Commission.

A Neighborhood Development Permit is also required for non-residential development that utilizes an alternative method of calculation to demonstrate compliance with the maximum intensity (people per acre) for the site. The project has been conditioned for a maximum intensity: No more than 20 parking spaces shall be provided on the site to conform with the maximum intensity regulations of the Miramar Marine Corps Air Station Airport Land Use Compatibility (MCAS ALUCP). Maximum intensity: 73 people; 1.46 acres (lot size) x 50 people/acre= 73 people. Any changes shall require amendment of the development permit in accordance with SDMC Section 126.0114 for any future development that exceeds the maximum intensity specified in the permit. Therefore, the proposed development complies with the regulations of the Land Development Code.

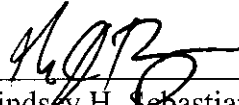
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Appeal of the Torrey Pines Community Planning Board is denied and the decision of the Development Services Department is affirmed; and

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the City Council, Coastal Development Permit No. 2583162 and Neighborhood Development Permit No. 2590738 is hereby granted by the City Council to the referenced Owner/Permittee, in the

form, exhibits, terms and conditions as set forth in Permit Nos. 2583162 and 2590738, a copy of which is attached hereto and made a part hereof.

APPROVED: MARA W. ELLIOTT, City Attorney

By  for
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
11/20/2023
Or. Dept: DSD
Doc. No. 3479148

Attachment: Coastal Development Permit No. 2583162 and Neighborhood Development
Permit No. 2590738

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

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

INTERNAL ORDER NUMBER: 24009044

SPACE ABOVE THIS LINE FOR THE RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 2583162
NEIGHBORHOOD DEVELOPMENT NO. 2590738
TORREY PINES U-STOR-IT - PROJECT NO. 697502 [MMRP]
CITY COUNCIL**

This Coastal Development Permit No. 2583162 and Neighborhood Development No. 2590738 are granted by the City Council of the City of San Diego to U-STOR-IT TORREY PINES LLC, a California Limited Liability Corporation, Owner/Permittee, pursuant to San Diego Municipal Code sections 126.0702 and 126.0402. The 1.46-acre site is located at 11391 Sorrento Valley Road in the IL-3-1 Zone (Light Industrial), Coastal Overlay Zone (Non-Appealable Area), Marine Corps Air Station (MCAS) Miramar Airport Influence Area (Review Area 1), MCAS Miramar Airport Safety Zones (APZ II and Transition Zone), Coastal Height Limit Overlay Zone, Very High Fire Hazard Severity Overlay Zone, Prime Industrial Lands, and Transit Priority Area within the Torrey Pines Community Plan Area. The project site is legally described as Lots 11 and 12 of Via Sorrento Valley Industrial Park Unit No. 3, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 5693, filed in the Office of the County Recorder of San Diego County, February 9, 1966.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to demolish an existing vacant building and construct a new three-story, self-storage building, described, and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 14, 2023, on file in the Development Services Department.

The project shall include:

- a. Demolishing a vacant two-story, 17,040-square-foot building, and constructing a new three-story, 166,313-square-foot self-storage building which includes two basement levels, self-storage spaces, parking garage (level two), and management office (level two); and
- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning

regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision-maker. This permit must be utilized by November 14, 2026.
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:
 - The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - The Permit is recorded in the Office of the San Diego County Recorder.
3. Prior to the issuance of any construction permits authorizing grading or construction of impervious surfaces, a fee shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision-maker.
5. This Permit is a covenant running with the subject property and all the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All the conditions in this Permit have been considered and were determined necessary to make the required findings for approval of this Permit. The Permit holder is required to comply with every condition in order to maintain the entitlements that are granted by this Permit.

If 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 that 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. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such an election, the Owner/Permittee shall pay all the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and the Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by the Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the **Mitigation, Monitoring, and Reporting Program [MMRP]** shall apply to this Permit. These **MMRP** conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in the **Mitigated Negative Declaration, NO. 697502**, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in **Mitigated Negative Declaration NO. 697502**. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Cultural Resources (Archaeological), and Tribal Resources.

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for the curb outlets and trees/landscape/irrigation in the Sorrento Valley Road public right-of-way.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the proposed grading. All grading shall conform to the requirements of the SDMC, in a manner satisfactory to the City Engineer.

18. The proposed drainage system as shown on the site plan is private and subject to approval by the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate into the construction plans or specifications any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for ongoing permanent BMP maintenance, satisfactory to the City Engineer

21. Prior to the issuance of any construction permits, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

22. The development of this project shall comply with all stormwater construction requirements of the State Construction General Permit Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ or subsequent order, a Risk

Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

23. Prior to the issuance of any construction permits, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to the filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPING REQUIREMENTS:

24. Prior to prior to issuance of any grading permit, the owner/permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City's landscape standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A," on file in the Development Services Department.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall submit complete landscape construction documents for public right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water, and sewer laterals shall be designed to not prohibit the placement of street trees.

26. In the event that a foundation-only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as "landscaping area."

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements as shown on the approved plans, including in the public right-of-way unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscaping shall be maintained consistent with the City's Landscape Standards in a disease, weed, and litter-free condition at all times. Severe pruning or "topping" of trees is not permitted.

28. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) as shown on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and in an equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

30. Maximum Intensity - No more than 20 parking spaces shall be provided on the site to conform with the maximum intensity regulations of the Miramar Marine Corps Air Station Airport Land Use Compatibility (MCAS ALUCP). Maximum intensity: 73 people; 1.46 acres (lot size) x 50 people/acre= 73 people. Any changes shall require amendment of the development permit in accordance with SDMC Section 126.0114 for any future development that exceeds the maximum intensity specified in the permit.

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

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 of the SDMC.

POLICE DEPARTMENT REQUIREMENTS:

33. Loitering shall be prohibited.

34. Video surveillance shall be recorded and available to law enforcement upon request covering both the interior and exterior of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided, or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.

35. Litter and any unauthorized graffiti shall be removed promptly.

TRANSPORTATION REQUIREMENTS:

36. All on-site parking stalls and aisles widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing by the appropriate City decision-maker in accordance with the SDMC.

37. Prior to issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the dedication of four (4) feet along the Sorrento Valley Road frontage for the construction of a 14-foot parkway with non-contiguous sidewalk and a 16-foot-wide raised median as shown in Exhibit A, satisfactory to the City Engineer. All improvements shall be completed and operational prior to occupancy.

38. Prior to issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of one (1) existing two-way driveway and construction of one (1) two-

way 28-foot-wide driveway and one (1) one-way 20-foot-wide driveway per current City standards adjacent to the site on Sorrento Valley Road, as shown on Exhibit A satisfactory to the City Engineer.

39. Prior to the issuance of any construction permits, the Owner/Permittee shall pay the Active Transportation In-Lieu Fee in compliance with the requirements of the City's Land Development Code.

GEOLOGY REQUIREMENTS:

40. Prior to the issuance of any construction permits, the Owner/ Permittee shall submit a geotechnical investigation report or updated letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or updated letter shall be reviewed for adequacy by the Geology Section of the Development Services Department.

41. The Owner/ Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the exoneration of the bond and grading permit close-out.

WATER AND SEWER DEVELOPMENT REQUIREMENTS:

42. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the design and construction of new water and sewer services outside of any driveway or drive aisle, including the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

43. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention devices (BFPDs) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. The BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the public right-of-way.

44. All proposed private water and sewer facilities shall be designed to comply with the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

45. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

46. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for the private sewer lateral encroaching into the public right-of-way.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received a final inspection.
- 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 development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Council of the City of San Diego on November 14, 2023, by San Diego Resolution No. R-315229.

Coastal Development Permit No. 2583162
Neighborhood Development No. 2590738
Date of Approval: November 14, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Ollie Shepherd
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 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.

U-STOR-IT TORREY PINES, LLC,
Owner/Permittee

By _____
Lawrence S. Nora, President

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on NOV 14 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 14 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

315229

Resolution Number R-_____