

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

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3012

SITE DEVELOPMENT PERMIT (ESL) NO. 158004
MISSION VALLEY PLANNED DISTRICT
PACIFIC COAST OFFICE BUILDING - [MMRP]
HEARING OFFICER

This Site Development Permit No. 158004, is granted by the Hearing Officer of the City of San Diego to ROBERT B. POLLACK, MANAGING PARTNER AND LOLA POLLACK, PARTNER OF PACIFIC COAST ASSETS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504, and 123.2101. The 4.94-acre site is located in the 5300 Block of Scheidler Way, south of Camino Del Rio South in the MV-CO Zone of the Mission Valley Planned District, and Mission Valley Community Plan. The project site is legally described as Lot 1 of Nagel Tract Unit No. 2 Subdivision, Map No. 4737.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to implement site grading and development of an approximately of a 10,000 sq. ft. office building, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated November 2, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. A two-story, approximate 10,000 sq. ft. office building,
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Associated improvements including grading and retaining walls; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community

plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the 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 applicant 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," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. As conditions of Site Development Permit No. 158004, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION, PROJECT

NO. 54384, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the MITIGATED NEGATIVE DECLARATION) PROJECT NO. 54384 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological and Biological Resources, and Land Use/MSCP.

14. Prior to issuance of any construction permit, the applicant 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.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

16. The drainage system proposed for this development and outside of the public right-of-way is private and subject to approval by the City Engineer.

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

18. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit the Applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

20. This project proposes to export 3,700 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

21. Prior to the issuance of any grading permit the applicant shall obtain letters of concurrence for the drainage to the parking lot to the northwest parking lot and adjacent parking lot.

LANDSCAPE REQUIREMENTS:

22. 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.
23. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.
24. Prior to issuance of any grading permits, complete landscape construction documents, including a Landscape Construction Plan, an Irrigation Construction Plan, and ~~Brush Management Building Fire Protection Plan~~, shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to Exhibit 'A', on file in the office of Development Services.
25. Prior to issuance of any construction permits for structures, 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, on file in the Office of Development Services.
26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.
27. All required landscape shall be maintained in a disease, weed and litter free condition at all times. All required landscape shall be maintained on a permanent basis by the permittee or subsequent owner. 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.
28. 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.
- ~~29. The Brush Management Program shall substantially conform to the Exhibit "A" and all requirements listed under Section 142.0412 of the City of San Diego Municipal Code. The permittee or subsequent owner must maintain a minimum Brush Management Zone One depth of 30 feet and a minimum Brush Management Zone Two depth of 40 feet at all times.~~
30. Prior to issuance of a construction permit, architectural plans must be submitted to City Staff which incorporate 1-hour Fire Rated Wall construction for all walls adjacent to areas of natural vegetation and Class "A" Roof construction, these plans must substantially conform to the approved Exhibit "A" on file with the Office of Development Services.

PLANNING/DESIGN REQUIREMENTS:

31. No fewer than 36 off-street automobile parking spaces, including 2 accessible spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Additionally, a minimum of 2 motorcycle spaces, 2 bicycle spaces, lockers and shower facilities must be provided on the project site. Further, all on-site parking stalls and aisle 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 City Manager.
32. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. Satisfying Council Policy 200-18 may require, but not be limited to, the removal/modification of existing and/or the installation of new/additional street light facilities (bulbs, fixtures, poles, etc.).
33. 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.
34. 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.
35. 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.
36. 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.
37. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations
38. 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.

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

40. 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.

41. 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.

42. 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," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

43. Prior to issuance of any permit, the developer, owner and/or permittee shall provide improvement drawings (D-sheets) for the new off-site public sewer facilities in Scheidler Way according to all the requirements of the City of San Diego current Sewer Design Guide and to the satisfaction of Metropolitan Wastewater Department Director. These plans require approval of the wastewater section plan-check group.

44. All on-site sewer facilities are to be private and must be labeled as such.

45. Prior to the issuance of any building permit, the developer, owner and/or permittee shall assure, by permit and bond, the construction of necessary off-site sewer facilities based on approved D-sheet drawings, in a manner satisfactory to the Metropolitan Wastewater Department Director and the City Engineer.

46. Prior to the issuance of occupancy, the developer, owner and/or shall have already constructed necessary off-site sewer facilities based on approved D-sheet drawings, in a manner satisfactory to the Metropolitan Wastewater Department Director and the City Engineer.

47. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

48. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check. [Add if applicable.]

WATER REQUIREMENTS:

49. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of a 12-inch public water facility within an improved Scheidler Way, from Camino del Rio South to the southerly end of Scheidler Way, in a manner satisfactory to the Water Department Director and the City Engineer.

50. 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 vehicular use area, in a manner satisfactory to the Water Department Director and the City Engineer.

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

52. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants shall be located a minimum of five feet from any structures above, at or below grade. All on-site fire hydrants shall be private.

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

54. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities in acceptable alignments and rights-of-way.

55. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

56. 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 and associated easements, as shown on approved Exhibit "A", will require modification based on standards at final engineering. [Add if applicable.]

INFORMATION ONLY:

- a. 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.
- b. Development Impact Fees (DIF's) are required for this project and are due at the time of building permit issuance. This fee is based upon the determination that the project will result in an increase in square footage over what currently exists on the site (office building).
- c. Housing Trust Fund (HTF) impact fees on nonresidential development are required for this project and are due at the time of building permit issuance. These fees are based the square footage of the office use. Pursuant to Ordinance No. 0-17454, the HTF impact fees are dedicated to the provision of affordable housing and are administered by the San Diego Housing Commission.

APPROVED by the Hearing Officer of the City of San Diego on April 19, 2006, by Resolution No. _____.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document SDP / 54384
Date of Approval April 19, 2006

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Anne B. Jarque, Development Project Manager

On _____ e me, _____ (Notary public), personally appeared **Anne B. Jarque**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
Name of Notary _____

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____ Signed _____
Typed Name Typed Name

STATE OF _____
COUNTY OF _____

On _____ before me, _____ (Name of Notary Public) personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____