



**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

DATE: July 8, 2024

TO: City of San Diego Hearing Officer

FROM: Christian Hoppe, Development Project Manager, Development Services Department

SUBJECT: Corrections to the Permit, Agenda Item No. 3 - PRJ-1070661 Enclave Park (HO-24-024) Hearing Officer Meeting, July 10, 2024

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The hearing documents for Project No. PRJ-1070661 were updated to include an added condition to the permit. Please see the following edits:

1. "A safety fence, with accompanying signage, shall be installed around the open conveyance channel in the northwest corner of the project near the outfall to Penasquitos Creek. This fence shall extend along the top of the slope, and final details of the fence design shall be provided to the satisfaction of the City Engineer."

Attachments:

1. Revised Permit

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

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INTERNAL ORDER NUMBER: 24009365

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3177146  
SITE DEVELOPMENT PERMIT NO. PMT-3177147  
**ENCLAVE PARK - PROJECT NO. PRJ-1070661**  
HEARING OFFICER

This Coastal Development Permit No. PMT-3177146 and the Site Development Permit No. PMT-3177147 are granted by the Hearing Officer of the City of San Diego to 4174 SORRENTO VALLEY OWNER, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0505. The 5.39-acre site is located at 4202 Sorrento Valley Boulevard in the Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Area Overlay Zone (MCAS Miramar-Review Area 1), Airport Safety Zone (Accidental Potential Zone 2 Portion & Transition Zone), Brush Management, Coastal Overlay Zone (Non-Appealable and Appealable Area), Special Flood Hazard Areas (100-Year Floodway and 100 Year Floodplain), Stream-Los Penasquitos Creek, Prime Industrial Lands (PIL), Multi-Habitat Planning Area (MHPA), MSCP Sensitive-Southern Riparian Scrub, Parking Impact Overlay Zone (Coastal), Transit Priority Area (TPA), Very High Fire Severity Zone (VHFSOZ) within the Torrey Pines Community Planning Area. The project site is legally described as: PARCELS A AND B AS SHOWN ON PARCEL MAP NO. 1203, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN PAGE 1203 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 29, 1972, BEING A PORTION OF LOTS 14, 15 AND 16 VIA SORRENTO VALLEY INDUSTRIAL PARK UNIT NO. 6, ACCORDING TO MAP NO. 6922.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to demolish seven buildings and construct a new nine-story building totaling approximately 300,000 square feet and a seven-story parking structure with 716 parking spaces as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 26, 2024, on file in the Development Services Department.

The project shall include:

- a. Demolition of seven single-story buildings
- b. Construction of a new nine-story, 300,000-square-foot research and development building along with a seven-story parking structure containing approximately 716 parking spaces.

- b. Landscaping (planting, irrigation and landscape-related improvements);
- c. Off-street parking;
- d. 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 July 24, 2027.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
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. 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 of 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 of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and 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 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. 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 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 election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and 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 Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. All mitigation requirements contained in the Mitigation, Monitoring, and Reporting Program [MMRP] No. PRJ-1062427 / SCH No. 92041021 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP No. PRJ-1070661 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Biology
- Cultural Resources
- Traffic and Circulation

15. Prior to issuance of a building permit, the project applicant shall demonstrate to the City that testing of proposed generators would not result in noise levels exceeding 60 decibels A-weighted Equivalent Level (dBA LEQ) at the Multiple Species Conservation Program Multi-Habitat Planning Area boundary.

A Level 1 sound enclosure shall be installed with the proposed generators to sufficiently attenuate noise levels during generator testing. Other noise-attenuating equipment and/or acoustical shielding may be incorporated into the project design to comply with the noise limit and demonstrate such compliance to the City. Other noise-attenuating features may include, but not be limited to, noise walls, noise control enclosures, and/or noise-absorbing paneling around the generator.

16. Prior to the issuance of a building permit, an exterior-to-interior noise analysis shall be performed for all office spaces with facades with a line of sight to Sorrento Valley Boulevard. The exterior-to-interior noise analysis shall demonstrate that interior noise levels do not exceed 50 decibels A-weighted Community Noise Equivalent Level (dBA CNEL).

The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels for the planned office spaces. If predicted noise levels are found to exceed 50 dBA CNEL, the analysis shall identify architectural materials or techniques that could be included to reduce noise levels to 50 dBA CNEL in office spaces. Standard measures such as glazing with appropriate Sound Transmission Class (STC) ratings, as well as walls with appropriate STC ratings, should be considered. Final plans shall demonstrate that interior noise levels do not exceed 50 dBA CNEL for office facades with a line of sight to Sorrento Valley Boulevard.

**ENVIRONMENTAL SERVICES REQUIREMENTS/WASTE MANAGEMENT PLAN:**

17. The Owner/Permittee shall comply with the Waste Management Plan dated September 2023 and shall be enforced and implemented to the satisfaction of the Environmental Services Department.

**CLIMATE ACTION PLAN REQUIREMENTS:**

18. 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:**

19. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

20. Prior to the issuance of any Grading permit, the Owner/Permittee shall obtain an approved Drainage Study to the satisfaction of the City Engineer. The Drainage Study shall demonstrate the capacity of the project's storm conveyance system considering both onsite and offsite flows draining to the project site as well as tailwater conditions from Penasquitos Creek for both the 100-year and 10-year water surface conditions. Coordination with the Stormwater Department shall be required if insufficient capacity of the storm conveyance system is determined.

21. Prior to the issuance of any building permit, the Owner/Permittee shall install properly sized energy dissipation shall be provided on the project site prior to overflow of Penasquitos Creek, satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

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

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

25. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report (Stormwater Quality Management Plan) that will be subject to final review and approval by the City Engineer, based on the City's Stormwater Standards Manual in effect at the time of the construction permit issuance.

26. Development of this project shall comply with all stormwater construction requirements of the State Construction General Permit (CGP), Order No. 2022-0057-DWQ, NPDES No. CAS000002,

## ATTACHMENT 6

and National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region. This project will be required to adhere to the City of San Diego Stormwater Standards Manual in effect at the time of approval of ministerial permit.

27. In accordance with Order No. 2022-0057-DWQ, 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.

28. Prior to issuance of a grading or a construction permit, 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 Statewide 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. 2022-0057-DWQ and a copy shall be submitted to the City.

29. Prior to the issuance of any building permits, the Owner/Permittee shall denote on the final map and the improvement plans "Subject to Inundation" for all areas of the project site with elevations less than the base flood elevation plus 2 feet.

30. The Applicant shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.

31. The property owner shall enter into an agreement to indemnify, protect, and hold harmless the City, its officials, and employees from any and all claims, demands, causes or action, liability or loss because of, or arising from flood waters.

32. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.

33. Prior to the issuance of a grading permit, the permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA. The request for the CLOMR must be submitted through the Floodplain Management Section of the City Stormwater Department. The Permittee must provide all documentation, engineering calculations for the floodplain and floodway, and fees which are required by FEMA.

34. Prior to occupancy, a Letter of Map Revision (LOMR) must be obtained from FEMA. The Permittee must submit a request for the Final LOMR to FEMA via the Floodplain Management Section of the Stormwater Department. The Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

35. The bond for this project will not be released until the Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Stormwater Department will notify the Development Services Department of such issuance as soon as it is informed by FEMA.

36. The applicant shall obtain an approval from the Stormwater Department's Operations Division regarding the connections of the existing and proposed storm drain systems in the vicinity of the Penasquitos Creek channel.

37. A safety fence, with accompanying signage, shall be installed around the open conveyance channel in the northwest corner of the project near the outfall to Penasquitos Creek. This fence shall extend along the top of the slope, and final details of the fence design shall be provided to the satisfaction of the City Engineer.

**LANDSCAPE REQUIREMENTS:**

38. 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 of San Diego 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 (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

39. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for 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 so as not to prohibit the placement of street trees.

40. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

41. In the event that the Owner/Permittee requests a foundation-only permit, 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.'

42. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the 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 landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.



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

**MULTIPLE HABITAT PLANNING AREA [MHPA] LAND USE ADJACENCY REQUIREMENTS:**

44. Prior to issuance of any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the Owner/Permittee shall depict the following requirements on construction documents for the Project Site under the heading "MHPA Land Use Adjacency Requirements."

**Grading/Land Development/MHPA Boundaries** -Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.

**Drainage** - All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

**Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."

**Lighting** -All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.

**Barriers** -Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

**Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.

**Brush Management** -Brush management zones will not be greater in size that is currently required by the City's regulations (this includes use of approved alternative compliance). Within

Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.

**Noise** - Due to the site's location adjacent to the MHPA, construction noise will need to be avoided, if possible, during the breeding season of least Bell's vireo (3/15-9/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence.

If the species is not identified within the MHPA, no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms. If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed. Noise levels from construction activities during the bird breeding season shall not exceed 60 dBA hourly LEQ at the edge of the occupied MHPA, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

**LIGHT-FOOTED RIDGWAY'S RAIL (RALLUS OBSOLETUS LEVIPES) REQUIREMENTS:**

45. Prior to the issuance of any grading permit, NTP, or Pre-construction meeting, the City Deputy Director (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the light-footed Ridgway's rail are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and September 15, the breeding season of the light-footed Ridgway's rail, until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas within suitable habitat that would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the light-footed Ridgway's rail. Surveys for the light-footed Ridgway's rail shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of any construction. If rails are present, then the following conditions must be met:
  - i. Between March 1 and September 15, no clearing, grubbing, or grading of occupied rail habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist. The location and extent of occupied rail habitat shall be verified through additional surveys by a Qualified Biologist conducted the day immediately prior to the initiation of work and once a week during construction in the breeding season; and
  - ii. Between March 1 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied rail habitat. An analysis showing that noise generated by construction activities

would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City representative at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

- iii. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the light-footed Ridgway's rail. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

\*Note: Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City representative, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If light-footed Ridgway's rails are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and September 15 as follows:

- i. If this evidence indicates the potential is high for light-footed Ridgway's rail to be present based on historical records or site conditions, then condition A.iii shall be adhered to as specified above.
- ii. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

46. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall demonstrate that a Right of Entry (ROE) permit has been obtained or is in the process of being obtained from the City Parks and Recreation Department Open Space Division for the removal and revegetation of asphalt parking stalls located on city-owned property (APNs 310-050-13 and 310-050-14) along the northern property boundary.

47. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall submit complete construction documents depicting the removal and revegetation of asphalt parking stalls located on city-owned property (APNs 310-050-13 and 310-050-14) along the northern property boundary.

**PLANNING/DESIGN REQUIREMENTS:**

48. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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 authorized by the appropriate City decision maker in accordance with the SDMC.

49. 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.

50. Prior to issuance of any construction permit 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 based on 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.

51. Per San Diego Municipal Code Section 143.0141(b)(5), a minimum 100-foot wetlands buffer shall be provided as shown on Exhibit "A." Impacts to wetlands shall be avoided, and this wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

52. Permitted uses in the wetland buffer areas are limited to those identified in SDMC section 143.0130(e) and as shown in the Exhibit "A."

53. The physical fitness facility may only be used by employees of the premises as an accessory use per SDMC section 131.0623(k).

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

55. 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.

**TRANSPORTATION REQUIREMENTS**

56. Prior to issuance of any building permit, the Owner/Permittee shall widen Sorrento Valley Boulevard along the Project frontage by approximately 4 feet. The improvements shall be completed and operational prior to first occupancy.

57. Prior to issuance of any building permit, the Owner/Permittee shall construct a 14-foot-wide raised median along Sorrento Valley Boulevard along the Project frontage. The improvements shall be completed and operational prior to first occupancy.

58. Prior to issuance of any building permit, the Owner/Permittee shall dedicate 8 feet and provide a 4 feet curb widening for 52 feet of half-width right-of-way improvements along Sorrento Valley Boulevard along the project frontage, satisfactory to the City Engineer. The improvements shall be completed and operational prior to first occupancy.

59. Prior to issuance of any building permit, the Owner/Permittee shall install high visibility crosswalks, bicycle loop detectors and retroreflective signal head backplates on all legs of the Sorrento Valley Road / Sorrento Valley Boulevard intersection to the satisfaction of the City Engineer. This improvement will require a traffic signal modification plan, and the improvements shall be completed and operational prior to first occupancy.

60. Prior to issuance of any building permit, the Owner/Permittee shall install loop detectors for bicycles on all legs of the Sorrento Valley Road / Vista Sorrento Parkway intersection to the satisfaction of the City Engineer. This improvement will require a traffic signal modification plan, and the improvements shall be completed and operational prior to first occupancy.

61. Prior to occupancy clearance on any building permit, the Owner/Permittee shall install a pedestrian resting area/recreation node on-site (as shown on Exhibit A), adjacent to Sorrento Valley Boulevard, to the satisfaction of the City Engineer. The resting area/recreation node shall include signage designating the space as publicly available and shall be maintained by the property owner, satisfactory to the City Engineer.

62. The Owner/Permittee shall provide and maintain access to services, specifically an on-site gym and café for tenant employees (in the general location shown on Exhibit A) satisfactory to the City Engineer.

63. The Owner/Permittee shall meet or exceed the City of San Diego Climate Action (CAP) requirements and Municipal Code requirements for short-term and long-term bicycle parking

spaces to the satisfaction of the City Engineer. The Project is required to provide 36 short-term and 36 long-term bicycle parking spaces and shall provide 40 short-term and 40 long-term bicycle parking spaces.

64. The Owner/Permittee shall provide and maintain TDM bulletin boards in central locations that encourage alternative transportation options including transit, satisfactory to the City Engineer.

65. Prior to issuance of any building permit the Owner/Permittee shall commit to maintaining an employer network in the SANDAG iCommute program and promoting the "RideMatcher" service to employees, satisfactory to the City Engineer.

66. Prior to occupancy clearance on any building permit, the Owner/Permittee shall provide and maintain on-site multi-modal information kiosks.

67. Prior to issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of a 30-foot-wide City Standard driveway at the eastern side of the site on Sorrento Valley Boulevard, satisfactory to the City Engineer.

68. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of 26-foot-wide City Standard driveway, at the western side of the site on Sorrento Valley Boulevard, satisfactory to the City Engineer.

69. The Owner/Permittee shall provide and maintain a 10-foot by 10-foot visibility triangle area on both sides of the eastern driveway measured along the property line on Sorrento Valley Boulevard. No Obstacles higher than 36 inches shall be located within this area, e.g., shrubs, or landscape. hardscape, walls, columns, signs etc.

70. The Owner/Permittee shall provide and maintain a 10-foot by 10-foot visibility triangle area on both sides of the western driveway measured along the property line on Sorrento Valley Boulevard. No Obstacles higher than 36 inches shall be located within this area e.g. shrubs, landscape. hardscape, walls, columns, signs etc.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

71. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

72. Prior to the issuance of any construction permit for building, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and 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.

73. Prior to the issuance of any construction permit for building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Backflow Prevention Device(s) [BFPDs], on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the right-of-way.

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

75. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

76. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

77. Prior to any construction permit for building, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

78. 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.

**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 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 Hearing Officer of the City of San Diego on July 10, 2024, and [Approved Resolution Number].

**ATTACHMENT 6**

COASTAL DEVELOPMENT PERMIT NO. PMT-3177146

SITE DEVELOPMENT PERMIT NO. PMT-3177147

Date of Approval: July 10, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Christian Hoppe  
Development Project Manager

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

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**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.

**4174 SORRENTO VALLEY OWNER, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

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