

(R-99-526)

RESOLUTION NUMBER R-290780

ADOPTED ON SEPTEMBER 29, 1998

WHEREAS, Wuest Estate Company, Owner, and Shea Homes San Diego, Inc., Permittee, filed an application with The City of San Diego for permits to develop a master planned project referred to as Scripps Gateway and consisting of 242.1 gross acres (approximately 25.9 net acres of industrial development, approximately 12.8 net acres of commercial development, approximately 7.6 net acres of multi-family development with 135 dwelling units, and approximately 142.5 net acres of single family development with 309 dwelling units), located immediately east of Interstate 15 and north and south of Scripps Poway Parkway, in the Miramar Ranch North Community Plan area, in the R1-8000, R1-10,000, R-1500, M-IP and CA Zones; and

WHEREAS, the project site is legally described as the northeast quarter of Section 29 and a portion of the northeast quarter, of the northwest half of Section 29, along with a portion of the south half, of the south half of Section 20, all in Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California; and

WHEREAS, on July 30, 1998, the Planning Commission of The City of San Diego considered Planned Industrial Development/Planned Commercial Development/Planned Residential Development/Hillside Review [PID/PCD/PRD/HR] Permit No. 92-0466, and voted unanimously to recommend City Council approval of the permits; and

WHEREAS, the matter was set for public hearing on September 29, 1998, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to PID/PCD/PRD/HR Permit No. 92-0466:

PLANNED INDUSTRIAL DEVELOPMENT/PLANNED COMMERCIAL DEVELOPMENT/PLANNED RESIDENTIAL DEVELOPMENT:

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.

The proposed project, Scripps Gateway, will provide significant benefits to the City of San Diego by realizing the contributions required in the Development Agreement between Wuest Estates Company and The City of San Diego, by the development of a 120 vehicle Park and Ride facility adjacent to Scripps Poway Parkway one quarter mile east of Interstate 15, by the development of twelve point six acres of additional commercial development and twenty-five point nine acres of industrial development to the Miramar Ranch North community plan area where very little commercial development exists and no industrial development has occurred, by the addition of seven point three acres of open space to the Multiple Habitat Preserve Area of the City's Multiple Species Conservation Program, and by the preservation an additional seventy-eight point six acres of open space to be dedicated to the City of San Diego.

The proposed project is consistent with the Miramar Ranch North Community Plan by means of the community plan amendment proposed for adoption. The proposed project will be consistent with the Progress Guide and General Plan and will not cause adverse affects to these policy documents or to the City of San Diego. The Development Agreement between the Wuest Estate Company and The City of San Diego anticipated the need for a community plan amendment to approve the proposed project and adverse impacts to the Progress Guide and General Plan have not been identified as a result of the proposed project. The proposed project is consistent with the Development Agreement which covers this site. Requirements of the Development Agreement addressing sensitive site design have been included in the proposed project to reduce the visual impacts usually associated with ridge top development to create a project which works together with the site topographic constraints and the visually prominent location.

B. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.

The permit controlling the development and continued use of the industrial, commercial, park and ride, multi-family and single family development proposed for this site contains conditions addressing the project compliance with the City's Municipal Code and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. Conditions of approval address lighting, the generation of noise, the appearance of landscaping, placement of buildings, and the development of the site specifically addresses the continued operation of the site. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

C. The proposed use will fully comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Municipal Code effective for this site and have been written as such into the permit No. 92-0466. Development of the single family lots shall meet the requirements of the R-1-5 development criteria with regard to setbacks, and floor area ratio, as allowed through a Planned Residential Development permit. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

Further, the proposed project design is consistent with the relevant requirements of the Development Agreement which is in effect for this site.

HILLSIDE REVIEW:

A. The site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas.

Geotechnical studies performed for the proposed project indicate the site is physically suitable for the proposed grading design and building locations as shown on the proposed plans. Due to the conditions of approval which require contoured landform grading, revegetation of all slopes, and the sensitive placement of buildings, the proposed design of the project will result in the least disturbance to the site as possible. Although a greater area is graded to accomplish the landform contour grading, the resulting visual blending of the proposed slopes will result in a project that is consistent with the surrounding landscape.

B. The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other

geological instability which would affect health, safety and general welfare as approved by the City Engineer.

All slopes adjacent to open space areas will be revegetated with native plants capable of providing deep rooting characteristics for added slope stability and will be low spreading varieties to provide erosion control and protection. The planting and continued maintenance of these slopes, and all slopes within the project, will prevent soil erosion, silting of lower slope areas or geologic instability which would affect health, safety and general welfare by covering the manufactured slopes with living deep rooted low spreading shrubs. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within Hillside Review Permit No. 92-0466 require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

Plantings proposed for the project are common in the region and immediate area. The plant species selected for the project will be viable for this site, require a minimum of irrigation and care, and thrive in the intended locations. All proposed landscape plant species approved for the project will be common throughout the area and have no known diseases or associated pests.

C. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

The proposed roads of the site plan and tentative map follow the natural topography of the site in a curvilinear manner while utilizing changes in vertical alignment to minimize the disturbance to the site. The location of these proposed roads also creates an identity for smaller individual neighborhoods within the larger development to establish a sense of place in relation to the natural site features. The grading plan proposes slopes, both in cut and fill, which maximize the use of contoured, landform grading techniques to achieve a blend between the natural slopes and the proposed manufactured slopes.

The landscape concept plan uses as its theme the indigenous natural plant materials of the inland region. Manufactured slopes will be revegetated with native species to achieve a seamless visual blend of these slopes with the immediately adjacent natural slopes. The required placement of trees on the upper one third of slopes further soften the visual presence of the homes on the ridge. Plant materials which are out of character to the natural site would be prohibited through conditions in the permit.

Architectural designs present roof lines and building articulation sympathetic to the ridge top location in an effort to allow development while eliminating the visual impact of peak roof plans and elevations dominating the skyline. Lots located along natural open space areas require buildings to be setback a minimum of thirty feet from the top of slopes or natural area to provide a setback which further reduces the visual impact of the project from near and distant views by means of building setback areas. This setback area is also required to reduce risks from wild fires which might occur in the open space areas. This architectural sensitivity allows for development

of the site while retaining the visual quality by integrating the structures with the site rather than the site being completely altered to fit the structures.

D. The proposed development is in conformance with the Open Space Element of the City's Progress Guide and General Plan, the Open Space and Sensitive Land Element of the applicable community plan, any other adopted applicable plan in effect for this site, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.

The proposed project conforms with the City's Open Space Element and is consistent with the Open Space designation found in the Miramar Ranch North Community Plan amendment. The site is zoned for industrial, commercial, and residential development. Dedicated open space is proposed within the subdivision to preserve sensitive areas and retain the unique visual assets of the area. This open space will continue to be preserved in perpetuity and will not be further impacted by development.

E. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines."

By incorporating the proposed landform contour grading, by revegetating sensitive slopes with native plant species, by siting single family structures away from visually sensitive natural edges, by the architectural elements of roof planes facing the open space and stepping back of second story elevations, and by planting the manufactured slopes with the appropriate vegetation capable of preventing erosion, the design of the proposed project does conform to the qualitative guidelines and criteria established in Document No. RR-262129, on file in the office of the City Clerk.

BRUSH MANAGEMENT:

A. The proposed Brush Management Program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance.

The proposed Brush Management Program, by providing the required brush management zones of the Landscape Technical Manual as shown on Exhibit "A," dated September 29, 1998, on file in the office of Development Services, will modify the existing vegetation to the least practical extent while providing the necessary fire protection to persons and property as required by the Uniform Fire Code, Appendix IIA. Plant materials in Brush Management Zones One and Two will be selected to visually blend with the existing hillside vegetation and no invasive species will be used.

B. The proposed Brush Management Program, to the extent feasible, will minimize the alteration of vegetation and will not result in undue risks from erosional forces.

The proposed Brush Management Program, by using Alternative Compliance Provisions (Section 6.2) and Zone Reduction (Sections 6.6-2, 6.6-3 and 6.6-5) of the Landscape Technical Manual including the fire approved site walls and two-hour rated construction in areas shown with an asterisk on Exhibit "A," dated September 29, 1998, on file in the office of Development Services, will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code. All new plantings on slopes will conform to the Revegetation Standards of the Landscape Technical Manual, Section Seven, and incorporate low precipitation irrigation systems to minimize runoff.

BRUSH MANAGEMENT (ALTERNATIVE COMPLIANCE):

A. The proposed Brush Management Program will meet the purpose and intent of Appendix IIA of the Uniform Fire Code.

The proposed development complies with the purpose and intent by providing an effective fire break by means of Alternative Brush Management Zones, a fire approved site wall, and two-hour rated construction in areas as shown with an asterisk on Exhibit "A," dated September 29, 1998, on file in the office of Development Services, and the Alternative Compliance Provision (Section 6.2), the Architectural Features (Section 6.6-2), and Zone Reduction Application (Sections 6.6-3 and 6.6-5) of the Landscape Technical Manual.

B. The Brush Management Program because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area.

Requirements incorporated into the project provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing a higher density of revegetation at one plant per 100 square feet of slope face per the Landscape Technical Manual, Section Seven.

C. The provisions outlined in Section 6.6-2 of the Landscape Technical Manual (Document No. RR-274506) shall be satisfied and the proposed development shall provide other fire resistive features as required by the Fire Chief.

The Architectural Features (Section 6.6-2) of the Landscape Technical Manual have been incorporated into the project and in addition a two-hour rated construction and fire approved site wall as shown on Exhibit "A," dated September 29, 1998, on file in the office of Development Services, have been incorporated into the project to provide additional fire resistive features.


D. Compliance with the provisions of this section in addition to any other applicable adopted plans or ordinances would preclude reasonable development on the site.

Due to site constraints, the preservation of open space through dedication, and a site design which complies with the Community Plan (which includes a site layout and setbacks which would not accommodate the literal compliance with the provisions of the Uniform Fire Code), this project would require further and additional encroachment into sensitive habitat and the adjoining property, therefore, the Alternative Compliance Provision of the Landscape Technical Manual has been implemented to allow for reasonable development of the site.

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

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Planned Industrial Development/Planned Commercial Development/Planned Residential Development/Hillside Review Permit No. 92-0466 is hereby granted to Wuest Estate Company, Owner, and Shea Homes San Diego, Inc., Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
11/05/98
Or.Dept:Clerk
R-99-526
Form=permitr.frm
Reviewed by John Fisher

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

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED INDUSTRIAL/PLANNED COMMERCIAL/PLANNED
RESIDENTIAL/HILLSIDE REVIEW PERMIT NO. 92-0466
SCRIPPS GATEWAY
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Wuest Estate Company, Owner and Shea Homes San Diego, Inc., Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0454, 101.0920, 101.0910, and 101.0901. The 242.1 acre site is located immediately east of Interstate 15 and north and south of Scripps Poway Parkway in the M-IP, CA, R-1-8, R-1-10 and R-1500 zones of the Miramar Ranch North Community Plan area. The project site is legally described as the northeast quarter of Section 29 and a portion of the northeast quarter, of the northwest half of Section 29, along with a portion of south half, of the south half of Section 20, all in Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this permit, permission is granted to the Permittee to develop a master planned project described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated September 29, 1998, on file in the Office of Development Services. The facility shall include:

- a. A master planned project consisting of 242.1 gross acres; and
- b. Approximately 25.9 net acres of industrial development on six lots within Unit 3; and
- c. Approximately 12.8 net acres of commercial development on five lots, including a 1.5 acre Park and Ride lot serving 120 vehicles within Unit 2 and one lot within Unit 4; and
- d. Approximately 7.6 net acres of multi-family development with 135 dwelling units on one lot within Unit 1; and
- e. Approximately 142.5 net acres of single family development with 309 dwelling units on 309 lots within Units 5, 6, 7, 8, 9 and 10; and
- f. Brush Management and Landscaping (brush management, planting, irrigation and landscape related improvements); and
- g. Off-street parking facilities; and

- h. 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 Municipal Code in effect for this site.
- 1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
- 2. Prior to the issuance of any building permits for any industrial, commercial or multi-family development within the master planned 242.1 acre site, discretionary permits for the subject properties must be obtained by the processing and approval of complete, specific site development in conformance with the requirements for Planned Residential, Planned Commercial and Planned Industrial Developments as described by Municipal Code sections 101.0901, 101.0910 and 101.0920, respectively.
- 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 and Permittee sign and return the Permit to Development Services; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
- 4. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
- 5. 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.
- 6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
- 7. Issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.)
- 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/or 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/or building construction documents, as applicable, shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 29, 1998, on file in the Office of Development Services. No changes modifications or alterations shall be made unless appropriate applications or amendment of this permit shall 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 discretionary 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 special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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 new p 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

12. Rezoning of the subject property shall become effective with recordation of the corresponding first final subdivision map for the project site described as Tentative Map 92-0466.

13. This permit may be developed in multiple units and/or phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase, per the approved Exhibits "A," dated September 29, 1998, on file in the Office of Development Services.

14. **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Environmental Impact Report, LDR No. 92-0466, satisfactory to the City Manager and the City Engineer, which is included herein by this reference. Prior to issuance of any grading or building permits, mitigation measures shall be implemented as specifically outlined in the MMRP for the following areas:

Planned Commercial/Planned Residential Development:

a. Biology

- b. Noise
- c. Archaeological Resources
- d. Hydrology/Water Quality
- e. Paleontological Resources
- f. Public Services/Facilities

Planned Industrial Development:

- a. Biology
- b. Archaeological Resources
- c. Hydrology/Water Quality
- d. Paleontological Resources

15. All driveways shall be of sufficient depth and width to provide storage for two standard sized vehicles, without encroaching into the sidewalk area (20 foot minimum set back or 18 foot minimum with roll-up garage doors).

16. Provide building address numbers, visible and legible from the street or road fronting the property (UFC 901.4.4).

17. Show location of all existing hydrants, within 600', on site plan (UFC 903.2).

18. All signage associated with this development shall be consistent with sign criteria established by the City-Wide Sign Regulations.

19. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

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

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

22. 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.

23. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or 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.

24. No merchandise, material or equipment shall be stored on the roof of any building.

25. Prior to the issuance of building permits for any industrial, commercial or multi-family development within the master planned 242.1 acre site, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials 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," dated September 29, 1998, on file in the Office of Development Services.

26. Prior to issuance of any grading permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 29, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

27. Prior to issuance of grading permits, landscape plans shall include slope planting to screen and filter the view of the development from the Public rights of way and freeway and shall be located in the upper third of Zone Two brush management area. The planting shall include one and five gallon, large native shrubs and trees in drifts. All slope areas shall be planted at a minimum of one - one gallon for every 100 square feet in all graded areas.

28. Prior to issuance of any building permits, landscape plans shall include trees that will not exceed the height of homes within the development greater than a ratio of two and one half to one. Palm trees which exceed a mature height of fifteen feet and eucalypts are prohibited in all areas of the master planned project, including the industrial, commercial, multi-family and single family sites.

29. Prior to issuance of building permits, the Owner/Permittee shall incorporate into the Conditions, Covenants, and Restrictions (CC&Rs) a provision that subsequent landscape plans shall be prepared and submitted for review and approval by individual property owners to the Landscape Subcommittee of the Scripps Gateway Property Owners Association. Trees shall be in the rear and side yards. The placement of trees shall be considered within the rear third of the side yard setback or within the setback between the rear property line and the residential structure. This shall be required on the following lots:

<u>TM Unit No.</u>	<u>Lot No.</u>
5	297-301, 305-309
6	263-275, 280-290
7	209-234, 252, 253, 256 & 257
8	143-150
10	1-6, 26-50

30. Prior to issuance of grading permits, landscape plans shall include additional trees at the edge of grading for Tentative Map Unit 3, Lots 2 through 5, to filter the view of the industrial complex from Interstate 15. The trees shall be vertical, canopy trees in a combination of fifteen gallon and twenty-four inch box trees (60% and 40%). The trees shall be planted at a rate of 1 per 200 square feet for the first twenty feet of lot depth.

31. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section)

and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated September 29, 1998, on file in the Office of Development Services and all other applicable conditions of related permits.

32. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Owner/Permittee shall initiate such measures within forty-five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

33. Prior to scheduling of any final inspection for any structure, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

34. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modification such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner, shall be responsible for maintaining all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

36. The Owner/Permittee has reserved the right to maintain the maximum number of residential units allowed of 444. The project indicates 309 single family detached dwelling units and 135 multi-family dwelling units. If, in the process of developing final subdivision maps, the single family dwelling unit total is less than 309, the Owner/Permittee is entitled to transfer the dwelling units less than 309 to the multi-family site identified as Tentative Map 92-0466, Unit 1, Lot 1, to maintain the maximum number of total dwelling units at 444. If the number of dwelling units being transferred exceeds five, the Owner/Permittee shall be required to file an application for a Substantial Conformance Review for review and approval in accordance with the submittal requirements and fee schedule.

37. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated September 29, 1998, on file in the Office of Development Services:

- a. Prior to the issuance of any building permits, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A,"

dated September 29, 1998, on file in the Office of Development Services. The construction documents (site plan, landscape/brush management plan) shall show Zone One as a "Building Restricted Area" and Zones Two and Three as "Negative Open Space Areas."

b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A," dated September 29, 1998, on file in the Office of Development Services, and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, and Section Six of the Landscape Technical (Document No. RR-274506) on file at the Office of the City Clerk.

c. The Brush Management Zone Depths shall be as follows:

<u>Lot #</u>	<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
Lots 26,252,273, 300, 301, 305 & 306	High	10' *	40'	40'
Lots 148 & 149	High	45' **	10'	40'
Lot 150	High	50' **	0'	20'
Lots 151-154	High	70' **	0'	0'
All edge lots, except as noted above.	High	30'	40'	40'

Note: * indicates alternative compliance; 6' block wall or equal, and 2 hour rated construction of the building wall to continue a minimum of 20 feet on the side wall away from the brush management zones.

** indicates zone reductions (6.6-2 of the Landscape Technical Manual).

- d. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manger.
- e. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an imminent health and safety risks still exist.
- f. Plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted.
- g. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development

Services Department to discuss and outline the implementation of the Brush Management Program.”

Prior to final inspection for any building, the approved Brush Management Program shall be implemented for that lot.

The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.

38. Prior to the issuance of any building permits for any industrial, commercial or multi-family development within the master planned 242.1 acre site, complete outdoor lighting information shall be submitted to Development Services, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturer's name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Development Services Manager.

39. Prior to the approval of any future discretionary permit(s) on the multi-family site described as Tentative Map 92-0466, Unit 1, Lot 1, the Owner/Permittee shall provide for ten (10) dwelling units on this site affordable to persons in the low income category, consistent with Section 4.10 of Development Agreement, Document Number OO-17587 and Council Policy 600-19, to the satisfaction of the City of San Diego Housing Commission.

40. Prior to the issuance of the 200th building permit, the Owner/Permittee shall construct a pocket park in the single family development. The pocket park shall be constructed on Lots 160-162 of Unit 8, Tentative Map 92-0466, and shall be owned and maintained by the Homeowner's Association or through other arrangements with the Landscape Maintenance District.

41. Within the area described by Tentative Map 92-0466, Unit 4, Lot 1; and being re-zoned from M-IP (Manufacturing Industrial Park) to CA (Area Shopping Center), all land uses shall be restricted by this permit and through a future Planned Commercial Development Permit to only those uses allowed in the CR (Commercial Recreation) zone until December 31, 2002. If after December 31, 2002, the site has not been

entitled to develop in accordance with SDMC section 101.0910, all commercial uses allowed in the CA zone may be entitled to develop in accordance with SDMC section 101.0910.

42. The Owner/Permittee shall provide increased landscaping and, where required by the Mitigation Monitoring and Reporting Program, improved sound attenuation walls around the multi-family project.

43. Prior to the issuance of the 200th building permit, the Owner/Permittee shall install lighting on the play fields adjacent to Thurgood Marshal Middle School to allow evening use, satisfactory to the San Diego Unified School District and the City Manager, and not exceed a cost of one hundred twenty-five thousand dollars.

44. Prior to the issuance of the 200th building permit, the Owner/Permittee shall make a fair share contribution to intersection improvements at Scripps Ranch Boulevard and Mira Mesa Boulevard.

45. City Council directs the City Manager to have Traffic Engineering work with the District Five Office over the next six months to evaluate the Scripps Poway Parkway/Mercy Road/I-15 Interchange. The group shall include representatives from Miramar Ranch North, Scripps Ranch, Cal-Trans, and the City to study traffic issues in the area and identify solutions, as we have done so successfully in Sorrento Valley. The Owner/Permittee agrees to contribute the services of their traffic consultant to this effort and will take an active part in the discussions.

APPROVED by the Council of The City of San Diego on September 29, 1998, by Resolution No. R-290780.

12/16/98

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AUTHENTICATED BY THE CITY MANAGER

By _____

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

WUEST ESTATE COMPANY
Owner

By _____

SHEA HOMES SAN DIEGO, INC.
Permittee

By _____

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

12/16/98

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