

RESOLUTION NUMBER R-291727

ADOPTED ON JUNE 1, 1999

WHEREAS, Western Pacific Housing, Owner/Permittee, filed an application with The City of San Diego for a Planned Residential Development/Resource Protection Ordinance Permit to construct 68 single family dwellings and two open space lots on a 32.2 acre site for the Torrey Glenn Project in the Torrey Highlands Subarea Plan for Subarea IV, and legally described as a portion of the Northeast Quarter of the Southwest Quarter of Section 13, Township 14 South, Range 3 West, San Bernardino Meridian, Parcel 6 of Parcel Map No. 14576, in the A1-10 (proposed R1-6000) zone; and

WHEREAS, on May 6, 1999, the Planning Commission of The City of San Diego considered Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 98-0261, and pursuant to Resolution No. 2796-PC-2 voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on June 1, 1999, 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 PRD/RPO Permit No. 98-0261:

I. PLANNED RESIDENTIAL DEVELOPMENT (PRD) FINDINGS

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 subject 32.2-acre site is within the Torrey Highlands Subarea IV Plan area for North City Future Urbanizing Area Subarea IV and designated for LD Low Density (2-5 DU/Gross Acre) residential use. Table 4-3 of the Subarea Plan labels the subject site as Parcel S and T for

the development of a maximum of 141 residential dwelling units. The proposed project of 68 dwelling units will provide single-family homes on lots compatible in size to the adjacent neighborhood. The proposed 68 single-family residential dwelling units is consistent with the City of San Diego General Plan and the adopted Torrey Highlands Subarea IV Plan and will meet the community need for residential housing as designated for Parcels S and T.

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 development of Parcels S and T as a 68 unit, 32.2-acre residential subdivision, is subject to a concurrent Planned Residential Development and Resource Protection Ordinance Permit and rezone from A1-10 to R1-6000. The development is consistent to the adopted Torrey Highlands Subarea IV Plan and existing single-family residential development within the Rancho Penasquitos Community Plan area adjacent to the east and to other adjacent properties within the Subarea Plan designated for residential use. No deviations from the underlying proposed R1-6000 zone are requested and the development of the 68 residential dwelling units will not be detrimental to persons or property within the vicinity or area of the subject property.

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

The development of 68 single-family residential units on 32.2-acre site being rezoned to the R1-6000 zone from the A1-10 zone, is determined to be in compliance with the General and Torrey Highlands Subarea IV Plans of the City of San Diego, the proposed zoning with no deviations to the regulations thereof, the Planned Residential Development Ordinance Purpose and Intent, and the requirements of the State Subdivision Map Act and local subdivision and rezoning regulations.

II. RESOURCE PROTECTION ORDINANCE/ALTERNATIVE COMPLIANCE PROVISION FOR SUBSTANTIAL CONFORMANCE DETERMINATION

The subdivision of this 32.2-acre site into 68 single-family residential lots with proposed R1-6000 zoning, is being designed according to the provisions of the adopted Torrey Highlands Subarea IV Plan. Section 2.2 of the Subarea IV Plan (Resource Protection Ordinance) references City Council Policy 600-40 as to how RPO analysis was formulated for the entire Subarea IV Plan area. The Plan specifies that, "if future project or permit applications within Torrey Highlands are found to be consistent with the Torrey Highlands are found to be consistent with the Torrey Highlands Subarea Plan, then future RPO permits may be approved using the substantial conformity determination referenced in the alternative compliance subsection of the RPO." An Urban Amenity Open Space canyon lies further to the east. The project would grade 83 percent of the site for the subdivision of 68 lots compatible with existing residential development to the east. The subject site is shown for total development within the Subarea Plan. The proposed subdivision and development of 68 residential units as indicated on Exhibit "A," dated June 1, 1999, is consistent with the RPO, MSCP (Multiple Species Conservation Program)

and Open Space provisions of the Plan. The project is therefore sited and designed to minimize adverse impacts to environmentally sensitive areas.

III. BRUSH MANAGEMENT FINDINGS

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, San Diego Municipal Code section 101.0462.

The proposed Brush Management Program, by providing the required brush management zones of the Landscape Technical Manual as shown on Exhibit "A," 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, Appendix IIA. Plant materials in the Brush Management Zone One and Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

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

The proposed Brush Management Program, by using Alternative Compliance Provision (Section 6.2) and Zone Reduction (Sections 6.6-2, 6.6-3, and 6.6-5) of the Landscape Technical Manual as shown on Exhibit "A" 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.

IV. BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS

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

The proposed development complies with the purpose and intent by providing an effective fire break by means of an Alternative Brush Management Zones, as shown on Exhibit "A," 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 proposed 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 permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing revegetation to all slopes per the Landscape Technical Manual, Section Seven.

C. The provision as outlined in Section 6.6-2 of the document titled City of San Diego Landscape Technical Manual, on file in the Office of the City Clerk as 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 as shown on Exhibit "A."

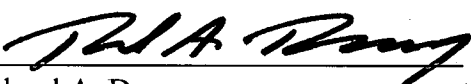
D. Compliance with the provision of this section in addition to any other applicable adopted plans or ordinances would preclude any reasonable development on the site.

Due to site constraints, open space easements and a site design which comply with the Torrey Highlands Subarea Plan and the PRD/RPO/VTM/RZ Permit, (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 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 recommendation of the Planning Commission is sustained, and Planned Residential Development/Resource Protection Ordinance Permit No. 98-0261 is granted to Western Pacific Housing, Owner/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:js
12/15/99
Or.Dept:Clerk
R-2000-202
Form=permitr.frm
Reviewed by Robert Gentles

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION
ORDINANCE PERMIT NO. 98-0261 (MMRP)
TORREY GLENN
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Western Pacific Housing, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.091, 101.0462, and 111.0510. The 32.2-acre site is located on the east side of the extension of Camino Ruiz between Highway 56 and Carmel Valley Road in the A1-10 (proposed R1-6000) zone of the Torrey Highlands Subarea IV Plan. The project site is legally described as portion of Northeast Quarter of the Southwest Quarter of Section 13 Township 14 South, Range 3 West, San Bernardino Meridian, Parcel 6 of Parcel Map No. 14576.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide and construct a 68-unit single family detached development with two open space lots through the PRD Ordinance described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated June 1, 1999, on file in the office of Planning and Development Review. The facility shall include:

- a. Sixty-eight (68) detached single-family residential dwelling units, on 68 lots zoned and in compliance with the R1-6000, two (2) open space lots, four floor plans containing 2,646-3,204 square feet; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. 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 decisionmaker.

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 Planning and Development Review; 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 agencies.

6. 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.)

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/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 working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 1, 1999, on file in the office of Planning and Development Review. 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 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. 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 final subdivision map for the project site.

13. All projects shall be in compliance with Maximum Height of a Building or Structure) and Procedural Requirements for Determination of Structure Height) of the Municipal Code.

14. All projects shall be in compliance with Topographical Survey Requirements of the Municipal Code and all building plans shall be predicated upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in the Municipal Code.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. The owner/permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 98-0261

(LDR No. 98-0261), to the satisfaction of the City Manager and the City Engineer. Prior to the issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- a. Noise
- b. Water Conservation
- c. Transportation/Circulation
- d. Public Services/Utilities.

PLANNING/DESIGN REQUIREMENTS:

16. No fewer than 3 off-street parking spaces shall be maintained on each lot at all times in the approximate locations shown on the approved Exhibit "A," dated June 1, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

17. 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 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.

18. 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.

19. A topographical survey conforming to the provisions of the Municipal Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

20. 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.

21. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning and Development Review Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

22. The articulation on the side and rear of the homes shall match the articulation on the front elevations of the homes in style, quantity and quality.

23. There shall be an approximately equal number of all four models built in the proposed development.

24. Forty percent (40%) of the homes shall have either a usable porch or a courtyard in order to create a livelier street scene. The porches shall have a minimum dimension of sixty(60) square feet, with a minimum depth of 4 square feet. This area shall be free of permanent, structural obstacles and shall be covered.
25. A variety of roof pitches shall be utilized in order to break up the massing of the homes. There shall be no home with a single pitch roof covering the entire structure. A minimum of three distinctive roof pitches shall be incorporated.
26. Plan 1 shall be permitted provided that it meet SDMC, Landscape Requirements for Streetyards and minimum separation for driveways.
27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
28. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the 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.
30. 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. Modifications 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 to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.
31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, 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.
32. Prior to issuance of any building and 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 June 1, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

BRUSH MANAGEMENT PROGRAM:

33. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of Moderate. The Permittee shall implement the following requirements in accordance with the Brush Management Program and Modified Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated June 1, 1999, on file in the Office of Planning and Development Review:

- a. Prior to the issuance of any grading or 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." 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" and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, Section Six of the Landscape Technical Manual (Document No. RR-274506), on file at the Office of the City Clerk, and the alternative compliance provision of Section Six of the Landscape Technical Manual (document number RR-274506) on file at the Office of the City Clerk and the Land Development Code section 142.9412 (Ordinance No. O-18451).

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>
27 through 32	Moderate	25'	30'	30'
58		22'	30'	33'
59 through 65		30'	30'	25'
66		40'	0'	30'

- c. The Modified Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of the Land Development Code Section 142.0412 as follows:

<u>Lot #</u>	<u>Zone One</u>	<u>Zone Two</u>
32 through 40, 43 through 48	30'	40'
52 through 57	30'	40'
49 through 51	20'	50'

- 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 Manager.

- 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 eminent health and safety risk 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 Planning and Development Review Department to discuss and outline the implementation of the Brush Management Program."

34. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

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

AFFORDABLE HOUSING REQUIREMENTS:

36. Prior to the filing of the first final map, Subdivider shall comply with the requirements of the Torrey Highlands Subarea Plan for Affordable Housing (the "Affordable Housing Requirements") by satisfaction of the requirements:

A. Subdivider shall assure the construction and occupation of an "Affordable Housing Project" consisting of thirteen (13) units to be constructed on Lots 28, 29, and 30, as shown on the Tentative Map. Subdivider shall execute an agreement ("the Affordable Housing Agreement"), subject to the approval of the Executive Director of the Housing Authority of The City of San Diego, or designee, and the City Manager of The City of San Diego, or designee, addressing the following issues:

- 1. Performance Security for the construction of the "Affordable Housing Project" and dedication of land (the "Affordable Housing Site") for the construction of the Affordable Units on site, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the Executive Director of the Housing Authority of the City of San Diego, or designee ("Executive Director");
- 2. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the Executive Director, provided that the following timetable is incorporated into the Affordable Housing Agreement:
 - a. Issuance of building permits for the Affordable Project shall occur on or before the earlier of:

- (i) the issuance of building permits for construction of the 33rd market rate dwelling unit (number of units which represents 50% of market rate units); or, (--date-- which is eighteen (18) months after the filing of the first final map--);
 - (ii) In no event shall the issuance of building permits for the construction of the 33rd market rate unit occur until building permits are issued for construction of the thirteen (13) affordable units, are authorized by the City and are obtained by the Subdivider. Further, if individual parcels are sold initially by Subdivider without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building permit issued, in determining when the issuance of the building permit occurs for the 33rd and 49th or greater, market rate unit.
- b. Completion of construction of the Affordable Project shall occur upon the earlier of:
- (i) Twelve (12) months after the issuance of building permit for the Affordable Project as referenced in Paragraph 2a. hereof; or
 - (ii) (--date--) (Date shall be two and one-half years after the filing of the first final map).

Further, the issuance of building permits for the construction of the 49th market rate unit (number of units which represents seventy-five percent (75%) of market rate units) shall not occur until the completion of the thirteen (13) affordable units is authorized by the City.

- c. Occupancy of the Affordable Project shall occur not later than one hundred eighty (180) days after the completion of construction as referenced in Paragraph 2.b. above.
 - d. For "good cause" shown to the satisfaction of the Executive Director, the dates referenced herein may be extended for one or more period(s) of up to twelve (12) months, each. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the Executive Director, in her sole discretion.
3. A Declaration of Covenants, Conditions and Restrictions (the "Declaration"), restricting the occupancy and affordability of the Affordable Project for a period of fifty-five (55) years from the date of completion of the Affordable Project, which Declaration shall incorporate the Affordable Housing Agreement by reference, shall be recorded against the Affordable Housing Site, in a first priority position. All Affordable Units shall be for occupancy by and at rates affordable to, families earning no more than sixty-five percent (65%) of the Area Median Income, as adjusted for family size. However, in the case of affordable rental units, in which provisions of the State Density Bonus Statute ("Government Code Section 65915") applies, rental rates shall not exceed

sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities.

4. Additional security for the performance by the Subdivider of the Affordable Housing Requirements shall be provided by a deed of trust in favor of the Executive Director, recorded against the Affordable Housing Site, in second lien priority, (junior only to the Declaration) assuring the timely performance of the Agreement referenced in Paragraph A, hereof. The deed(s) of trust in favor of the Housing Authority may be subordinated to construction deed(s) of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the Executive Director, in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Project, upon such terms and conditions as she/he may impose.
5. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.
6. Subdivider, and their successors, heirs and assigns shall execute such other and further documents and shall perform such acts, as shall be requested by the Executive Director and the City Manager and as may, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.

OR

As an alternative to satisfying the requirements of subparagraph A above, the Subdivider shall, prior to the filing of the first final map, comply with the requirements of subparagraph B below:

- B. The approval by the Executive Director, or designee, and the City Manager, or designee, of the dedication (that is, the irrevocable setting aside of land for affordable housing purposes) of developable land within the Subarea and "Affordable Housing Plan(s)" that address, provide for and assure the construction and occupancy of Affordable Units within the Subarea on common site(s). Each Affordable Housing Plan must address the following issues concerning "Affordable Housing" to the satisfaction of the Executive Director and the City Manager, or designee:
 1. Siting, design, unit mix, appearance, architectural and floor plans, of the Affordable Units, as referenced on City approved tentative maps and City approved PRD exhibits;
 2. Security for timely performance by the Subdivider of the approved Affordable Housing Plan(s) and Affordable Housing Agreement(s);
 3. Execution and recordation of enforceable agreement(s), including the Affordable Housing Agreement, setting forth the requirements and timing of construction and occupancy of the Affordable Housing as referenced in the Affordable Housing Plan(s);

4. Phasing of the construction and occupancy of the Affordable Units;
 5. Recordation of a Declaration of Covenants, Conditions and Restrictions, as approved by the Executive Director, assuring affordability and occupancy of the Affordable Units for a period of fifty-five (55) years from the date of completion of construction of the Affordable Units to families earning not more than sixty-five percent (65%) of Area Median Income and at rates affordable to these families, as adjusted for family size. However, in the case of affordable rental units, in which provisions of the State Density Bonus Statute applies, rental rates shall not exceed sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities.
 6. Security in the form of a lien with second priority, junior only to the Declaration, assuring dedication of the Affordable Housing Site and construction of the Affordable Units in a timely fashion, as set forth in the phasing element(s) of the Affordable Housing Plan(s). Subordination of the second lien priority security mentioned herein may be subordinated to construction and/or permanent financing deed(s) of trust in favor of institutional lender(s), as approved by the Executive Director, and as referenced in Paragraph 36.A.4., hereof; and
 7. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification(s) of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.
 8. Subdivider, and their successors, heirs and assigns shall execute such other and further documents and shall perform such acts, as shall be requested by the Executive Director and the City Manager and as may, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.
37. The Torrey Glenn Affordable Housing Program is attached to this Permit as Exhibit "B."

APPROVED by the Council of The City of San Diego on June 1, 1999, by Resolution No. R-291727.

L:\DUVERNAY\PERMITS\P98-0261.WPD

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.

WESTERN PACIFIC HOUSING
Owner/Permittee

By _____

By _____

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

12/16/99

LADUVERNAYPERMITSP98-0261.WPD

EXHIBIT A

to

Planned Residential Development/
Resource Protection Ordinance Permit No. 98-0261
Torrey Glenn

Dated June 1, 1999
On file in the Office of Planning and Development Review

R-

291727

TORREY GLENN AFFORDABLE HOUSING PROGRAM

APRIL 27, 1999

The Project:

The proposed Torrey Glenn Planned Residential Development is a 32 acre site located within Torrey Highlands, Subarea IV of the North City Future Urbanizing Area (NCFUA) (Attached as Exhibit A). The applicant, Western Pacific Housing, proposes to build residential units on the site in accordance with the policies and requirement of the City Municipal Code and the approved Torrey Highlands Subarea Plan.

Affordable Housing Requirement:

Pursuant to the policies of the Torrey Highlands Subarea Plan, all residential development within Torrey Highlands, including Torrey Glenn, is subject to an affordable housing obligation which may be fulfilled by:

- (1) providing no less than 20 percent of total housing units for occupancy by, and at rates affordable to, families earning no more than 65 percent of the median area income adjusted for family size, or
- (2) Dedicating developable land of equivalent value.

Affordable Housing Tentative Map/Planned Residential Development (PRD) Condition:

The Executive Director of the Housing Authority, in conjunction with the developers and owners of property within Torrey Highlands and City Staff, have developed an affordable housing Tentative Map/PRD Condition which provides for two alternative mechanisms to fulfill the above-stated obligation (Attached as Exhibit B). The first option is to provide for the project's affordable housing by constructing the required amount of units onsite. The other option is to provide the required number of affordable housing units off-site on a common site(s) within Torrey Highlands.

Utilization of Density Bonus Program:

In accordance with the policies outlined in the North City Future Urbanizing Area Framework Plan, the Torrey Highlands Subarea Plan allows for a maximum of 2600 total residential units inclusive of affordable housing and by utilizing the Density Bonus Program which allows for an increase of 25 percent of the units permitted by the density regulations of the underlying zone. As such, each residential project of more than 10 units in Torrey Highlands will take advantage of this density bonus program to calculate the number of affordable housing required of each project. Pursuant to ballot measure approval in November 1996, under no circumstances will more than 2600 dwelling units be allowed in Torrey Highlands.

A. Provision of Affordable Housing Units On-Site:

In the event the affordable housing requirement for Torrey Glenn is satisfied by providing affordable units on-site, the total residential units allowed on-site would be 78. Of those 78 units, 13 units would be affordable, while 65 units would be sold at market rate as follows:

- 65 - Detached market rate units on 65 lots
- 13* - Units which will be restricted for occupancy by, and at rates affordable to, households earning no more than 65 percent of the median area income, as adjusted for household size. This affordability restriction units will remain in place for a period of no less than 55 years.
- 78 - Total units onsite

Affordable Housing Project Location and Unit Type:

Western Pacific Housing has proposed the siting of the 13 affordable units in the southern area of the project. An Exhibit showing the site layout and design concept is attached as Exhibit C.

The type of affordable unit proposed is comparable to other Western Pacific Housing developments built in Scripps Ranch, Carlsbad and Carmel Valley. The design concept is to build 2 separate 2-story structures comprising 13 units. The proposed units are contemplated to contain a proportionate mix of 1, 2 and 3 bedroom/2 bath units anticipated to range in size from 900 to 1500 square feet, but may be built to include only 2 and 3 bedroom units, as follows:

- 1 bedroom = 4 units - 30%
- 2 bedroom = 6 units - 46%
- 3 bedroom = 3 units - 23%

It is anticipated that the units in the Torrey Glenn Affordable Housing Project would be rental units but the possibility of for sale condominium units remain an option. The precise terms of the ownership program will be established between Western Pacific Housing and the Executive Director of the Housing Authority prior to filing the final map.

Affordable Housing Timeline

The Torrey Glenn project is anticipated to be constructed in several phases over a one to three year period, depending on market conditions and absorption rates. However, as stated in the affordable housing tentative map/PRD condition, the affordable housing project building permits must be issued at the earlier of the issuance of the 33rd market rate dwelling unit (which represents 50 percent of the market rate units) or 18 months after the filing of the first final map.

* In accordance with the NCFUA Framework Plan and the Torrey Highlands Subarea Plan, the calculation of Torrey Glenn's affordable housing requirement, utilizing the density bonus program, is derived as follows: The number of affordable housing units required is 20 percent of the pre-bonus units (i.e. 20% x 62 pre-bonus units) = 13 units.

Completion of construction of the affordable housing project shall occur upon the earlier of 12 months after the issuance of building permits for the affordable housing project or 30 months after the filing of the first final map.

The issuance of permits for the construction of the 49th market rate unit (which represents 75 percent of the market rate units) shall not occur until the completion of the 13 affordable units is authorized by the City.

Occupancy of the affordable housing project shall occur no later than 180 days after the completion of construction as referenced above.

If individual parcels are sold by Western Pacific Housing initially, these parcel sales will count toward the permit issuance thresholds described above, and which are further specified in the TM/PRD Conditions attached hereto as Exhibit B. The affordable housing schedule provides sufficient time for Western Pacific Housing to complete the sale of market rate units that will generate adequate funds to cover the cost of site preparation and construction of the affordable units.

Security for the Timely Provision of Affordable Housing Project:

Western Pacific Housing will be required, prior to recordation of the first final map, to execute an Affordable Housing Agreement and to post security in the form of a bond to cover construction costs of the affordable housing project. Further, Western Pacific Housing shall provide a deed of trust in favor of the Housing Commission, recorded against the affordable housing site assuring the timely performance of this agreement. The deed of trust may be subordinated to construction deeds of trust and/or permanent financing deeds of trust in favor of institutional lenders, as approved by the Executive Director of the Housing Authority.

Declaration of Covenants, Conditions and Restrictions:

The on-site affordable housing project and site must have recorded against it, in first priority, a declaration of Covenants, Conditions and Restrictions (CC&Rs) restricting the occupancy and affordability of the affordable housing project for a period of 55 years from the date of completion of the affordable project (unless Alternative B, described below, is utilized by the Applicant to meet the 13 unit obligation). All affordable units shall be for occupancy by and at rates affordable to, families earning no more than 65 percent of the Area Median Income, as adjusted for family size.

However, in the case of affordable rental units, in which provisions of the State Density Bonus Statute (Government Code Section 65915) applies, rental rates shall not exceed 60 percent of the Area Median Income, as adjusted for family size and utilities.



B. Provision of Affordable Housing Off-Site:

As an alternative to satisfying the affordable housing requirement by providing units on-site, the project may, prior to the filing of the first final map, dedicate land of equivalent value within the Subarea that provides for and assures the construction and occupancy of affordable units within the Subarea on common sites.

In the event the affordable housing requirement is satisfied by provision of affordable units off-site, the total number of market rate units allowed on-site will be 68, with a 13 unit affordable housing requirement to be provided on a common site.

Due to the economies of scale associated with providing a common affordable housing site comprised of 75 or more units, builders and land owners in the Subarea may provide for a better quality, more easily managed project than many, very small, affordable projects scattered around the Subarea.

Affordable Housing project Location and Unit Mix:

In order to take advantage of this off-site alternative, the developer must obtain the approval of both the Executive Director of the Housing Authority and the City Manager through the execution of an "Affordable Housing Agreement." Such Agreement shall address the dedication of developable land off-site within the Subarea to provide for and assure the construction and occupancy of the required 13 affordable units, as well as the appropriateness of siting, design, unit mix, appearance, architectural and floor plans of the affordable housing off-site project.

Western Pacific Housing is currently processing another Tentative Map and Planned Residential Development within Subarea IV known as Torrey Santa Fe which, in addition to a corporate center and market rate single family residential units, includes a 76 unit affordable housing project on approximately four acres in the southern area of the Subarea.

The buildings have been designed by Case Group Architects and Western Pacific Housing has entered into an agreement with Bridge Housing Corporation as its non-profit affordable housing partner to build and manage the affordable housing project. (Attached as Exhibit D).

This Torrey Santa Fe affordable housing project has been designed to accommodate the Torrey Glenn project's affordable housing requirement under this Alternative B scenario. That is, the Torrey Santa Fe affordable housing project, as proposed, contains more than enough units to satisfy both the Torrey Santa Fe market rate units' affordable requirement and that of Torrey Glenn.

The Torrey Santa Fe Affordable Housing PRD application contains a total of 76 units with the following mix of unit types:

- 1 bedroom = 12 units – 16%
- 2 bedroom = 40 units – 53%
- 3 bedroom = 24 units – 31%

Western Pacific Housing proposes the Torrey Santa Fe Affordable Housing Project to be the off-site location to satisfy the Torrey Glenn affordable housing requirement. However, as the Torrey Santa

The project has not at this time received tentative map entitlement status, Western Pacific Housing reserves the option to participate in another proposed off-site common affordable housing site in the Subarea.

Timing of Affordable Housing Units:

Prior to obtaining the 33rd market rate building permit for Torrey Glenn (which represents 50 percent of the market rate units) building permits for a minimum of 13 units of the off-site affordable housing project must be issued.

Completion of at least 13 units of the off-site affordable housing project must be completed upon the earlier of 12 months after the issuance of building permits for the affordable housing project or 30 months after the filing of the first Torrey Glenn final map.

The issuance of permits for the construction of the 49th market rate unit (which represents 75 percent of the market rate units) shall not occur until the completion of the 13 off-site affordable units is authorized by the City.

Occupancy of the off-site affordable housing project shall occur no later than 180 days after the completion of construction as referenced above.

Security for the Timely Performance of the Off-site Affordable Housing Project:

Western Pacific Housing will be required to assure the Executive Director of the Housing Authority through the posting of security for the timely performance of the off-site affordable housing project as well as the execution and recordation of enforceable agreements setting forth the requirements and timing of construction, phasing and occupancy of the off-site Affordable Housing project.

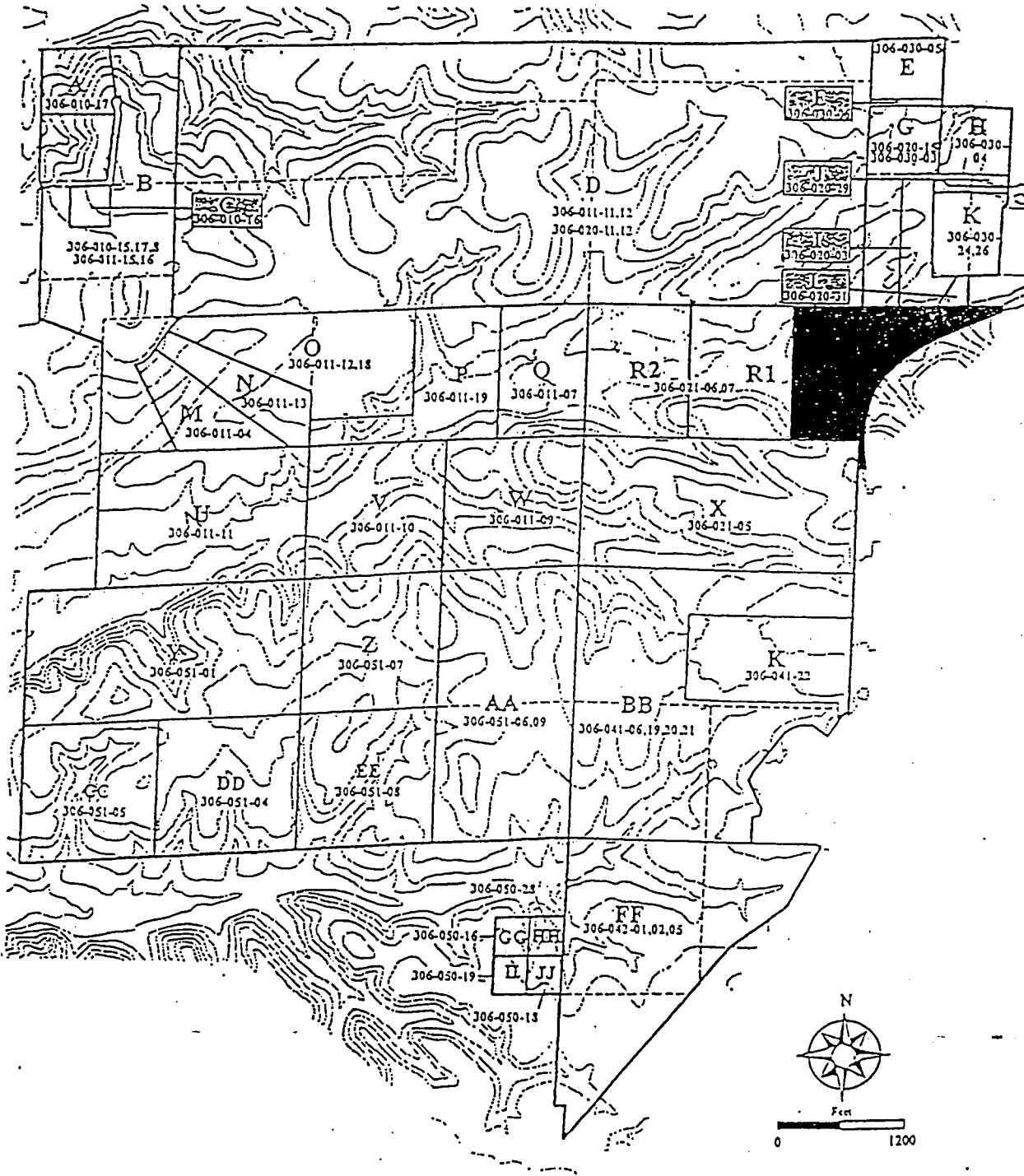
Additionally, the off-site affordable housing site must be secured by a lien on the off-site affordable housing site, assuring dedication of the affordable housing site and construction of the affordable housing units in a timely fashion. This lien may be subordinated to construction and/or permanent financing deeds of trust in favor of institutional lenders as approved by the Executive Director.

Declaration of Covenants, Conditions and Restrictions.

The off-site affordable housing project and site must have recorded against it, in first priority, a declaration of Covenants, Conditions and Restrictions (CC&Rs) restricting the occupancy and affordability of the affordable housing project for a period of 55 years from the date of completion of the affordable project. All affordable units shall be for occupancy by and at rates affordable to, families earning no more than 65 percent of the Area Median Income, as adjusted for family size.

However, in the case of affordable rental units, in which provisions of the State Density Bonus Statute (Government Code Section 65915) applies, rental rates shall not exceed 60 percent of the Area Median Income, as adjusted for family size and utilities.

EXHIBIT A



TORREY HIGHLANDS SUBAREA PLAN

R- 291727

Exhibit B

NOTE: DRAFT PRD/VTIM CONDITIONS FOR TORREY GLEN PROJECT ARE CONTAINED IN DRAFT PERMIT CONDITIONS INCLUDED AS AN ATTACHMENT TO STAFF'S PLANNING COMMISSION REPORT FOR THIS PROJECT.

R- 291727

TURKEY GLENN AFFORDABLE HOUSING SITE

EXHIBIT C

LOTS 28, 29 AND 30

SUMMARY

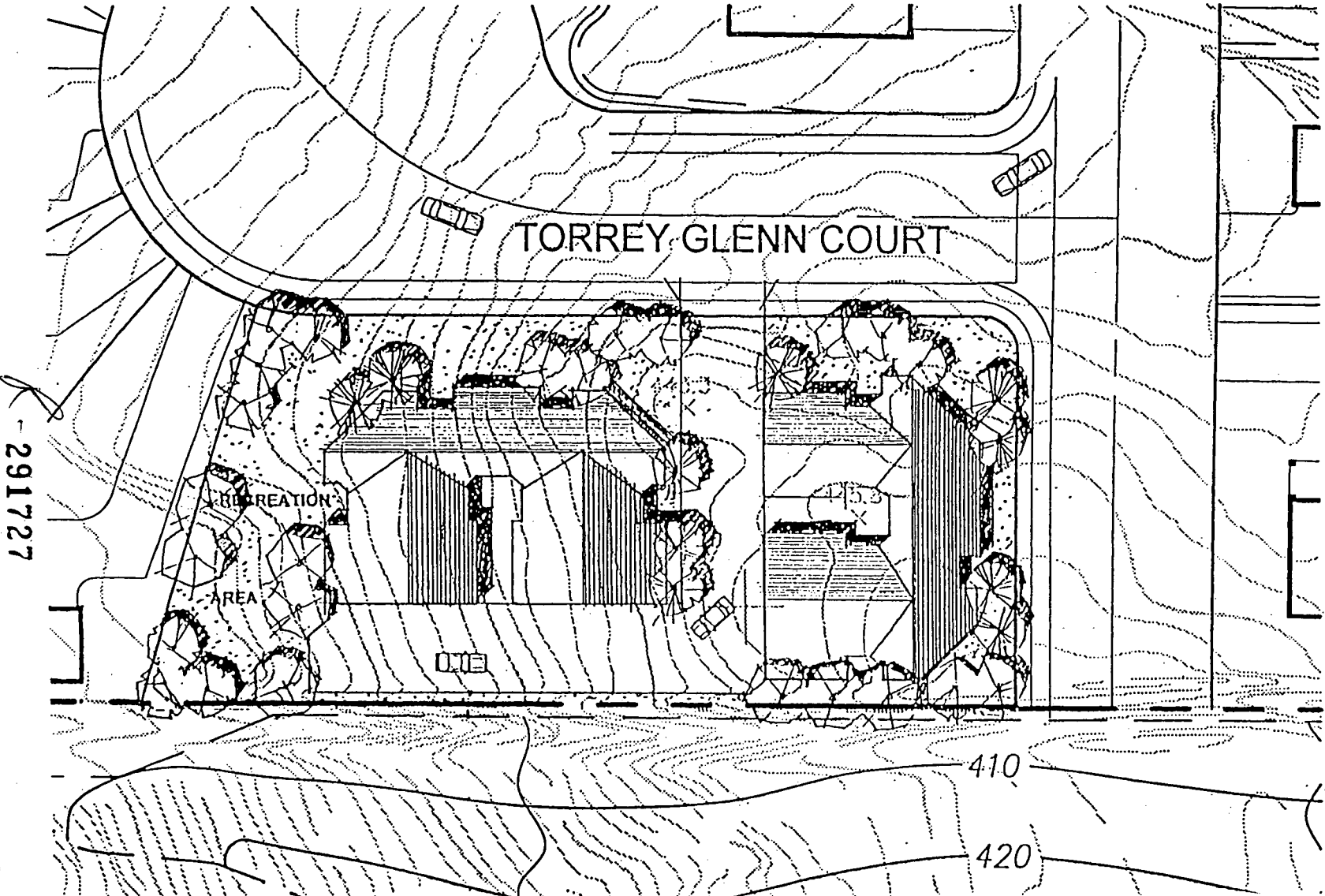
13 MULTIFAMILY UNITS
 2 STORY BUILDING
 4-1BDRM/1BATH
 6-2 BDRM/1BATH
 3-3 BDRM/2 BATH
 TOTAL SITE AREA - .53 ACRES

REQUIRED PARKING

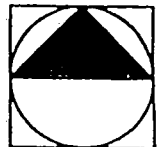
4 UNITS X 1.0 = 4.0
 6 UNITS X 1.2 = 7.2
 3 UNITS X 1.4 = 4.2
 15.4 RESIDENT SPACES
 4.02 SUPPLEMENTAL SPACES
 3.48 COMMON SPACES
 22.9 PARKING SPACES REQ'D.
 26 PARKING SPACES PROVIDED
 15 GARAGE
 11 ONSTREET

OPEN SPACE REQUIREMENTS

ASSUMED ZONE - R1-1500
 REQUIRED OPEN SPACE
 13 UNITS X 900 = 11700 SQ. FT.
 PROVIDED OPEN SPACE
 11700 SQ. FT.
 REQUIRED USEABLE OPEN SPACE
 13 UNITS X 450 = 5850 SQ. FT.
 PROVIDED USEABLE OPEN SPACE
 11700 SQ. FT.



-291727



NORTH

1" = 40'
 W.O. 1751-12
 4-20-99















HUNSAKER & ASSOCIATES
 SAN DIEGO, INC.

PLANNING 1079 Haverlock St. Suite 200
 SAN DIEGO, CA 92108

EXHIBIT D

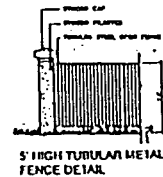
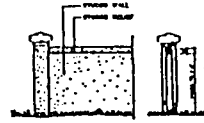
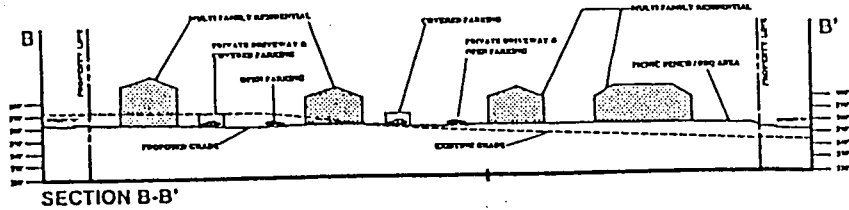
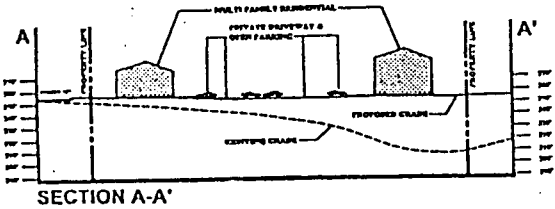
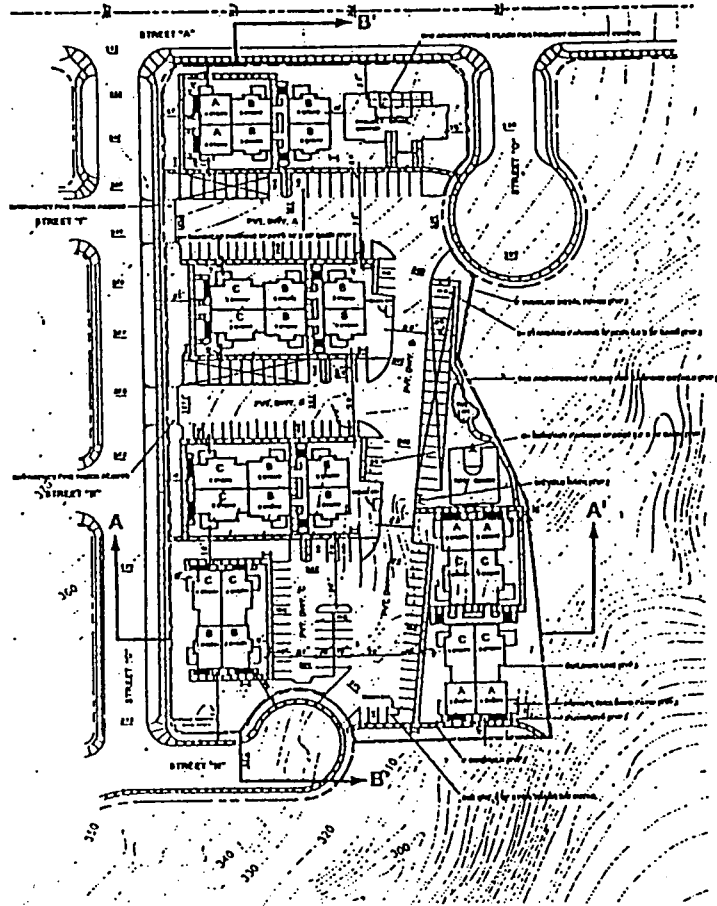
LEGEND

-  PROPOSED ELEVATIONS
-  EXISTING CONTOURS
-  PROJECT BOUNDARY
-  OPEN PARKING
-  COVERED PARKING
-  PROPOSED MULTI-FAMILY HOUSING
(7 1/2' width to the architectural plan)
-  PROPOSED CURB / PARKWAY /
SIDEWALK / PROPERTY LINE
-  PROJECT COMMUNITY CENTER
-  TOT LOT SITE
-  REC. COURT
-  SOUND ATTENUATION WALL
-  5' TUBULAR METAL FENCE



TABULATION OF UNIT TYPES

(A) 1 BEDROOM = 12 UNITS - 16%
(B) 2 BEDROOM = 40 UNITS - 53%
(C) 3 BEDROOM = 24 UNITS - 31%
TOTAL 76 UNITS - 100%



LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of San Diego, and is described as follows:

Parcel 3, Fraction of parcel into one (1) 1/2, to the City of San Diego, County of San Diego, State of California, which is the office of the acting recorder of San Diego County, book 15, 1973 on the map 12118 of official records.

TAXES

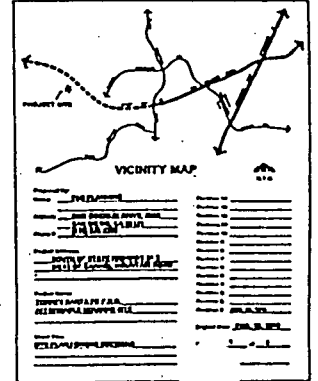
Parcel 3, Fraction of parcel into one (1) 1/2, to the City of San Diego, County of San Diego, State of California, which is the office of the acting recorder of San Diego County, book 15, 1973 on the map 12118 of official records.

NOTES

- See 1-14 for the location and width of all existing and proposed streets, alleys, driveways, and easements.
 - See 1-14 for all existing trees and shrubs.
 - See 1-14 for all existing and proposed utilities on the site as to the authorized depth of any such as telephone, electric, gas and underground utility lines.
- There to be shown here is a north arrow.

DEVELOPER

THE STATE PUBLIC HOUSING
NEW CANNON VIEW MOBILE HOME
CAMPUS, SAN DIEGO
CITY OF SAN DIEGO



R-291727

SITE PLAN / CROSS SECTIONS TURREY SANTA FE P.R.D. AFFORDABLE HOUSING SITE