

RESOLUTION NUMBER R-295404

ADOPTED ON AUGUST 7, 2001

WHEREAS, Sycamore Estates LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to develop 551 single-family homes, 106 affordable housing units, a school site, public park site, two institutional sites, and the preservation of several open space lots for the project known as the Sycamore Estates project [Project], located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar, and legally described as Portions of Section 25, Township 14 South, Range 2 West, and Sections 19, 20, 21, 22, 28, 29, and 30, Township 14 South, Range 1 West, San Bernardino Meridian, being Portions of land described in Civil Case No. 162, in the City Future Urbanizing Area, in the IL-3-1 and IH-2-1 zones (previously referred to as the M1-A and M2-A zones) which is proposed to be rezoned to the AR-1-1 zone (previously referred to as the A-1-10 zone); and

WHEREAS, on July 19, 2001, the Planning Commission of the City of San Diego considered Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-0899, and pursuant to Resolution No. 3161-5-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on August 7, 2001, 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 it adopts the following findings with respect to PRD/RPO Permit No. 99-0899:

I. PLANNED RESIDENTIAL DEVELOPMENT PERMIT FINDINGS:

1. 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 will not adversely affect the City's Progress Guide and General Plan. The Progress Guide and General Plan identifies the project site as an Area for Future Growth Land Use within the Future Urbanizing Area (FUA). Properties within the FUA are permitted to develop in accordance with their underlying zoning designation and in accordance with City Council Policy 600-29. Council Policy 600-29 presents four options for limited development in the FUA, one of which is Rural Cluster Development. Under this option, development is permitted at the density permitted by the property's underlying zone, but clustered in order to promote more efficient land utilization and land conservation.

The Sycamore Estates sub-project site would be rezoned to AR-1-1 (previously referred to as the A-1-10 zone), and Council Policy 600-29 allows as one of its four development options, development pursuant to the Planned Residential Development (PRD) regulations at a density not to exceed one dwelling unit per four acres for agriculturally zoned land. Sycamore Estates proposes development under this option, and by applying an affordable housing density bonus would develop 551 single-family, market-rate units and 106 affordable multi-family units consistent with Council Policy 600-29.

The proposed development is consistent with the proposed Rancho Encantada Precise Plan and approval of the Rancho Encantada Precise Plan would serve as an amendment to the General Plan to change the land use designations as applied to the site. The proposed development implements the proposed Precise Plan and City General Plan by providing a low density development on the Future Urbanizing Area property. The development proposes the dedication of substantial acreage of open space areas as City's Multiple Habitat Planning Area (MHPA) land.

Council Policy 600-40 provides that a development suitability analysis be conducted as a first step in the preparation of a long range plan. The Project is consistent with Council Policy 600-40 in that the proposed Precise Plan has been designed to remain consistent with contiguous open space systems and to preserve sensitive environmental resources in open space. Implementation of the Rancho Encantada Precise Plan, of which Sycamore Estates is a sub-project, would preserve approximately 2,118 acres, or 80 percent of the Precise Plan area, as natural open space. Preserved open space would be consistent with contiguous open space systems to the east in the Sycamore Canyon County Open Space Preserve and to the north in the Beeler Canyon Wildlife Corridor. The proposed Project's physical site development, land use, circulation, and utilities will occur in the western and central portions of the site, in areas least constrained by sensitive environmental resources.

The Project is consistent with the City of San Diego's Multiple Species Conservation Plan. Significant portions of the project site would be preserved as part of the MHPA. Areas designated as MHPA would be preserved in perpetuity by either conveyance of the MHPA area to the City of San Diego or through the establishment of permanent conservation easements. An MHPA boundary adjustment is proposed which would increase the overall size of the MHPA by approximately 345 acres, while achieving greater biological functions and value than the existing MHPA. There would be no significant impacts to the habitats, wildlife movement, preserve conservation, or management of the MHPA.

The Project is consistent with the Housing Element and is regarded as a positive contribution to the City's housing stock by providing housing opportunities in the northeast portion of the city. Consistency with the Open Space Element is achieved by preserving approximately 1,900 acres, or 75 percent of the Precise Plan area, as natural open space.

In addition, the Project provides 106 affordable housing units, two lots totaling 13.9 acres to allow for future institutional uses, a 4-acre neighborhood park, a 12-acre elementary school site, and 1,498 acres of open space.

2. 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 Project has been designed and conditioned specifically to avoid impacts that may be detrimental to the health, safety, and general welfare of persons residing or working in the area. No area of a portion of the site to be developed is covered by a 100-year floodplain, so flood hazards are not present on the proposed developed site. With the application of mitigation measures specified in the Project's Environmental Impact Report, the Project will not result in undue risks from geological hazards, erosional forces or fire hazards. The project will implement Best Management Practices (BMPs) consisting of swales, filter strips, infiltration basins, detention controls, and housekeeping measures to reduce erosion and sedimentation.

The Project has been designed to provide a circulation system that accommodates appropriate fire and safety vehicle access. The Project provides brush management zones that separate industrial structures from potential fire hazards. Interior and exterior noise impacts for those homes that would be built adjacent to major roads will be mitigated by required noise attenuation construction measures such as double-paned windows or supplemental ventilation.

To mitigate potential short-term dust impacts during construction, the Project would be required to implement an accelerated dust abatement program which includes periodic site watering, truck and wash stations, truck covers, and soil stabilizers.

To promote water conservation, the Project will be required to use low water use plant species and soil moisture override systems, and provide low-flow toilets and faucets within homes.

To mitigate potential impacts to human health and safety, prior to the issuance of grading permits the Project would be required to properly remove an existing 4,000-gallon fuel tank and other existing buildings, test soil samples for constituents of concern, conduct Phase II site assessment, and remove the top 1 foot of soil in certain areas under the direction of a hazardous materials consultant.

The Project will be required to contribute fees, and dedicate land for a variety of public facilities including two lots totaling 13.9 acres to allow for future institutional uses, a 4-acre neighborhood park, and a 12-acre elementary school site.

The proposed Rancho Encantada project, of which Sycamore Estates is a sub-project, has been designed to minimize disturbance to sensitive biological resources and hillsides, and will disturb approximately 87 acres less land area than permitted by RPO's encroachment allowances for steep slopes and sensitive biological resources.

In addition, the development project has been clustered onto the least environmentally sensitive portions of the site to preserve portions of the site's natural landforms in open space. Exterior manufactured slopes will be contour graded and revegetated with native plant species to mimic the natural landform.

Additionally, prior to the actual construction of homes on the subject property, City staff will review building permit plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the Project are designed to protect the public's health, safety and welfare.

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

Although the San Diego Municipal Code (SDMC) was replaced by the Land Development Code (LDC) on January 1, 2000, the Sycamore Estates project is still subject to SDMC requirements because the Project application was deemed complete prior to the effective date of the LDC. Both SDMC and LDC zones are referenced herein.

The Project site is zoned AR-1-1, IL-3-1 and IH-2-1 (previously referred to A-1-5, M-1A and M-2A). AR-1-1 is an agricultural classification that requires a minimum of ten acres for each residential dwelling unit. The Project is consistent with the AR-1-1 zone by proposing 551 single family residential lots and 106 affordable housing units on the site under the provisions of Council Policy 600-29.

The Project is also subject to and consistent with the Resource Protection Ordinance. A Resource Protection Ordinance Permit is being processed to protect, preserve, and, where damaged, restore environmentally sensitive lands. Adoption of a long range plan, such as the proposed Rancho Encantada Precise Plan, is subject to SDMC section 101.0426 and Council Policy 600-40. Council Policy 600-40 provides that a development suitability analysis be conducted as a first step in the preparation of a long range plan. The Project is consistent with

Council Policy 600-40 in that the proposed Precise Plan has been designed to remain consistent with contiguous open space systems and to preserve sensitive environmental resources in open space. Implementation of the Rancho Encantada Precise Plan, of which Sycamore Estates is a sub-project, would preserve approximately 2,118 acres, or 80 percent of the Precise Plan area, as natural open space. Preserved open space would be consistent with contiguous open space systems to the east in the Sycamore Canyon County Open Space Preserve and to the north in the Beeler Canyon Wildlife Corridor. The proposed Project's physical site development, land use, circulation, and utilities will occur in the western and central portions of the site, in areas least constrained by sensitive environmental resources

II. RESOURCE PROTECTION ORDINANCE PERMIT FINDINGS:

1. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

The proposed Project will not adversely affect the City's Progress Guide and General Plan. The Progress Guide and General Plan identifies the project site as an Area for Future Growth Land Use within the Future Urbanizing Area (FUA). Properties within the FUA are permitted to develop in accordance with their underlying zoning designation and in accordance with City Council Policy 600-29. Council Policy 600-29 presents four options for limited development in the FUA, one of which is Rural Cluster Development. Under this option, development is permitted at the density permitted by the property's underlying zone, but clustered in order to promote more efficient land utilization and land conservation.

The Sycamore Estates sub-project site would be rezoned to AR-1-1 (previously referred to as the A-1-10 zone) and Council Policy 600-29 allows as one of its four development options, development pursuant to the Planned Residential Development (PRD) regulations at a density not to exceed one dwelling unit per four acres for agriculturally zoned land. Project proposes development under this option, and by applying an affordable housing density bonus, would develop 551 single-family, market-rate units and 106 affordable multi-family units consistent with Council Policy 600-29.

The proposed development is consistent with the proposed Rancho Encantada Precise Plan and approval of the Rancho Encantada Precise Plan would serve as an amendment to the General Plan to change the land use designations as applied to the site. The proposed development implements the proposed Precise Plan and City General Plan by providing a low density development on the Future Urbanizing Area property. The development proposes the dedication of substantial acreage of open space areas as MHPA land.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

There is currently no community plan applicable to the Rancho Encantada project site. The Rancho Encantada Precise Plan has been prepared for the project site and will be adopted as a

long range plan. The Rancho Encantada Precise Plan would be adopted as part of the Project and would implement, be a part of, and be consistent with the City's General Plan.

Although the San Diego Municipal Code (SDMC) was replaced by the Land Development Code (LDC) on January 1, 2000, the Rancho Encantada project is still subject to Municipal Code requirements because the Montecito and Sycamore Estates sub-project applications were deemed complete prior to the effective date of the LDC. Both SDMC and LDC zones are referenced herein.

The Sycamore Estates sub-project site is zoned AR-1-1, IL-3-1 and IH-2-1 (previously referred to as A-1-5, M-1A and M-2A). AR-1-1 is an agricultural classification that requires a minimum of ten acres for each residential dwelling unit. The Sycamore Estates sub-project is consistent with the AR-1-1 zone by proposing 551 single family residential lots and 106 affordable housing units on the site under the provisions of Council Policy 600-29.

The City of San Diego owned parcel is zoned OP-2-1, an open space designation, and is part of the MHPA. This parcel will be preserved as MHPA open space.

Council Policy 600-29, "Maintenance of the Future Urbanizing Area as an Urban Reserve," was enacted to avoid premature urbanization, to conserve open space, and natural environmental features and to protect the fiscal resources of the City by precluding costly sprawl and/or leapfrog urban development. The proposed Project is consistent with Council Policy 600-29 as described above.

Council Policy 600-40 provides that a development suitability analysis be conducted as a first step in the preparation of a long range plan. The Project is consistent with Council Policy 600-40 in that the proposed Precise Plan has been designed to remain consistent with contiguous open space systems and to preserve sensitive environmental resources in open space. Implementation of the Rancho Encantada Project, of which Sycamore Estates is a sub-project, would preserve approximately 2,118 acres, or 80 percent of the Precise Plan area, as natural open space. Preserved open space would be consistent with contiguous open space systems to the east in the Sycamore Canyon County Open Space Preserve and to the north in the Beeler Canyon Wildlife Corridor. The proposed Project's physical site development, land use, circulation, and utilities will occur in the western and central portions of the site, in areas least constrained by sensitive environmental resources.

The Project is consistent with the City of San Diego's Multiple Species Conservation Plan (MSCP). Significant portions of the project site would be preserved as part of the City's Multiple Habitat Planning Area (MHPA). Areas designated as MHPA would be preserved in perpetuity by either conveyance of the MHPA area to the City of San Diego or through the establishment of permanent conservation easements. An MHPA boundary adjustment is proposed which would increase the overall size of the MHPA by 348.3 acres, while achieving greater biological functions and value than the existing MHPA. There would be no significant impacts to the habitats, wildlife movement, preserve conservation, or management of the MHPA. The proposed Project would be

consistent with the MHPA guidelines by preserving approximately 75 percent of the site as natural open space.

3. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.

The proposed Project has been designed to minimize disturbance to sensitive biological resources and hillsides and will disturb approximately 87.5 acres less land area than permitted by RPO's encroachment allowances for steep slopes and sensitive biological resources. The Project conforms to the intent and purpose of RPO, notwithstanding the fact that the Project would impact 0.53-acre of wetlands on the Sycamore Estates sub-project site.

Portions of the Sycamore Estates sub-projects are located within the MHPA and as a component of the proposed Project, the existing MHPA would be expanded by 348.3 acres. The Project will mitigate upland habitat impacts through on-site preservation within the MHPA.

Impacts to the 0.53-acre of the natural flood channel would occur on the Sycamore Estates sub-project site. The Project has been designed such that all on-site mulefat scrub, southern willow scrub, freshwater marsh, and wet meadow (freshwater seep) habitat will be preserved in open space, and impacts to natural flood channel have been reduced to the maximum extent possible. All natural flood channel impacts are the result of utility and infrastructure improvements, including a water line, sewer pump station, detention basins, and roadway improvements.

The 0.53-acre of impact on the Sycamore Estates sub-project site is the result of detention basins, a sewer line, the construction of Rancho Encantada Parkway, and improvements proposed to Beeler Canyon Road. The detention basins are necessary to reduce peak flow volumes leaving the site to pre-development levels and to improve water quality. These basins must be located in the natural flood channel because that is the location where water naturally flows. The sewer line will be located adjacent to the detention basins and must be located at the lowest site elevation in order to achieve gravity flow. In the western portion of the Project site, Rancho Encantada Parkway would cross the natural flood channel. In this location, Rancho Encantada Parkway follows the alignment of an existing on-site dirt roadway and is aligned here because the least amount of grading and disturbance area would be necessary to achieve its construction. Improvements to Beeler Canyon Road are necessary to meet City Engineering standards.

4. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open-space areas and will provide adequate buffer areas to protect such resources.

The Rancho Encantada site is bounded to the west by Pomerado Road and developed communities in the City of San Diego and as such, no environmentally sensitive lands exist to the west.

To the north is the City of Poway, and the South Poway Business Park; however, between the business park and the Rancho Encantada site is the Beeler Canyon Regional Wildlife Corridor, as defined by the City of Poway Habitat Conservation Plan. The northern portions of the Project site form the southern slope of Beeler Canyon. The on-site portion of the MHPA in this area borders City of Poway open space, although there are approximately 10 existing homes along Beeler Canyon Road directly to the north of the site. In addition, there are two existing homes within the MHPA in this area. Given the width of the Beeler Canyon Regional Wildlife Corridor in this location (1,200 to 1,600 feet) and the addition of open space provided by the Project, this corridor would continue to function effectively as a regional wildlife corridor.

The Sycamore Canyon County Open Space Preserve, a public park operated by the County of San Diego, is located to the east of Rancho Encantada. The Sycamore Canyon Wildlife Corridor also traverses through this area. The eastern portion of the Sycamore Estates sub-project site is in the City's MHPA and will be preserved as permanent open space. As such, no impacts to the open space preserve would occur.

To the south is Marine Corps Air Station (MCAS) Miramar. The area east of I-15, including the portion of MCAS Miramar south of Rancho Encantada, is used for military training purposes. A San Diego Gas and Electric Company (SDG&E) utility substation is located on the MCAS Miramar property, approximately 200 feet south of the project site boundary, and a U.S. Forest Service facility used for vehicle repair and equipment storage is located southeast of the substation. Also, the military is considering four locations for the development of up to 1,600 military housing units. One of the locations under consideration is located immediately south of the Rancho Encantada project site. A Draft Integrated Natural Resources Management Plan (DINRMP) for MCAS Miramar is currently under review by the federal government. The DINRMP will govern MCAS Miramar's natural resource management program and the military operational requirements of the air station for the next five years. The proposed Project does not propose any off-site grading or brush management on MCAS Miramar property, and provides for natural open space and/or revegetated manufactured slopes as buffers between the site and the federal government property.

In summary, the configuration of open space to be retained on the Rancho Encantada project site would be consistent with that anticipated in the City of San Diego's adopted MSCP Subarea Plan, and would not significantly impact existing wildlife corridors or adjacent public lands. Overall project design would maintain the integrity of the preserve design mapped in the Final MSCP, City of Poway MSCP, and City of San Diego MSCP plans.

5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and /or flood and fire hazards.

The proposed development will alter existing natural landforms in areas proposed for development. However, development has been clustered onto the least environmentally sensitive portions of the site to preserve portions of the site's natural landforms in open space. Exterior manufactured slopes will be contour graded and revegetated with native plant species to mimic

the natural landform. No area of a portion of the site to be developed is covered by a 100-year floodplain, so flood hazards are not present on the proposed developed site. With the application of mitigation measures specified in the Project's EIR, the Project will not result in undue risks from geological hazards, erosional forces or fire hazards. Structural and non-structural Best Management Practices (BMPs) consisting of swales, filter strips, infiltration basins, detention controls, and housekeeping measures will be implemented to reduce erosion and sedimentation. The Project has been designed to provide a circulation system that accommodates appropriate fire and safety vehicle access and the required brush management zones that separate industrial structures from potential fire hazards. In addition, prior to the issuance of building permits for each development phase on the Sycamore Estates sub-project site, a fire response time analysis will be prepared, and if any structure is located outside of a six-minute response time from an existing or planned fire station, a fire sprinkler system will be installed.

6. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value or the affected significant prehistoric or historic site or resource have been provided by the applicant.

Cultural resource surveys of the project site have been conducted. Eight sites are located on Sycamore Estates, one is potentially important, but could not be accessed for study. A monitor will be on-site during the grading of this site and will have the authority to halt grading operations if important cultural material is found. No known paleontological resources are located on the site, but because the potential for such resources exists, a paleontologist or paleontological monitor will be on site full-time during the initial cutting of previously undisturbed areas. In the event that resources are found, the paleontologist will have the authority halt construction activities.

III. RESOURCE PROTECTION ORDINANCE PERMIT ALTERNATIVE COMPLIANCE FINDINGS:

SDMC section 101.0462(L) provides for alternative compliance with the Resource Protection Ordinance (RPO) if "the strict application of this section would either: (1) result in unnecessary hardship to the applicant; or (2) create conflict with City Council policy, the Progress Guide and General Plan or any adopted community plan; or (3) preclude provisions of extraordinary benefit to the public." The following findings are offered in support of each of these alternative compliance procedures.

1. There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this section would deprive the property owner from reasonable use of the land.

RPO stipulates that impacts shall not occur to the 100-year floodplain, cultural resources and wetlands, and provides encroachment provisions for sensitive hillsides and biological resources, and wetlands. The Project meets the RPO encroachment provisions for hillsides and biological

resources and no 100-year floodplain exists on the portion of the site to be developed. The Project conforms to the intent and purpose of RPO, notwithstanding the fact that the Project would impact wetlands. Because the Project would impact wetlands, the Project is seeking alternative compliance. The Project is constrained by the location of natural flood channel in the westernmost canyon of the Sycamore Estates sub-project site. The final Project design results in wetland disturbance that is the minimum necessary to afford relief from the special conditions of the land not of the applicant's making. The Project design is the result of a reiterative process involving several redesigns which were intended to avoid impacts to wetlands to the maximum extent feasible.

Wetlands: Impacts to 0.53-acre of the natural flood channel would occur on the Sycamore Estates sub-project site. The Project has been designed such that all on-site mulefat scrub, southern willow scrub, freshwater marsh and wet meadow (freshwater seep) habitat will be preserved in open space, and impacts to the natural flood channel have been reduced to the maximum extent possible. All natural flood channel impacts are the result of utility and infrastructure improvements, including a water line, sewer pump station, detention basins and Rancho Encantada Parkway.

The 0.53-acre of impact on the Sycamore Estates sub-project site is the result of detention basins, a sewer line, the construction of the Rancho Encantada Parkway road alignment, and improvements to Beeler Canyon Road. The detention basins are necessary to reduce peak flow volumes leaving the site to pre-development levels and to improve water quality. These basins must be located in the natural flood channel because that is the location where water naturally flows. The sewer line will be located adjacent to the detention basins and must be located at the lowest site elevation in order to achieve gravity flow. In the western portion of the sub-project site, Rancho Encantada Parkway would cross the natural flood channel. In this location, Rancho Encantada Parkway follows the alignment of an existing on-site dirt roadway and is aligned here because the least amount of grading and disturbance area would be necessary to achieve its construction. Improvements to Beeler Canyon Road are necessary to meet City Engineering standards.

2. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

The Project's design has incorporated all feasible measures to minimize impacts to environmentally sensitive lands and there are no other feasible measures that can further minimize the potential adverse effects to wetlands. As noted in Finding IV.1., the Project has been designed such that all on-site mulefat scrub, southern willow scrub, freshwater marsh, and wet meadow (freshwater seep) habitat will be preserved in open space. All natural flood channel impacts are the result of utility and infrastructure improvements necessary for the Project's water and sewer system, drainage system, and from the construction of Rancho Encantada Parkway. Additional mitigation measures are not feasible or warranted. All wetland impacts will be fully mitigated through on-site wetland habitat restoration or creation. All impacts to wetlands will be mitigated "in-kind" and achieve "no-net-loss" of wetland function and values. Wetland habitat restoration plans have been prepared for the Sycamore Estates project in compliance with the

City's Biology Guidelines, and revegetation and/or creation will occur adjacent to existing wetland habitat and within the project boundaries. The habitat restoration plan will include a monitoring and maintenance program to ensure the success of the wetland mitigation.

3. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego.

The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan. The proposed development, a neighborhood containing single family residential homes, a multi-family affordable housing site, two institutional sites and a public school and park, is consistent with the land use recommendations of the adopted Progress Guide and General Plan. The Progress Guide and General Plan identifies the project site as an Area for Future Growth Land Use within the Future Urbanizing Area (FUA). Properties within the FUA are permitted to develop in accordance with their underlying zoning designation and in accordance with City Council Policy 600-29. The Project is consistent with this Council Policy by clustering development on the least environmentally sensitive portions of the site at densities allowed by the Policy. The Project is consistent with the Housing Element and is regarded as a positive contribution to the City's housing stock by providing housing opportunities in the northeast portion of the city. Consistency with the Open Space Element is achieved by preserving approximately 2,118 acres, or 80 percent of the Precise Plan area, as natural open space. A conflict with the Industrial Element would occur from rezoning portions of the Sycamore Estates sub-project site from industrial to agricultural-residential, but this inconsistency is a land use issue that does not relate to wetland impacts.

4. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies, and ordinances.

There is currently no community plan applicable to the Rancho Encantada project site. The Rancho Encantada Precise Plan has been prepared for the project site and will be adopted as a long range plan. The Rancho Encantada Precise Plan would be adopted as part of the Project and would implement, be a part of, and be consistent with the City's General Plan.

Zoning: Although the San Diego Municipal Code (SDMC) was replaced by the Land Development Code (LDC) on January 1, 2000, the Rancho Encantada project is still subject to SDMC requirements because the Sycamore Estates project applications were deemed complete prior to the effective date of the LDC. Both SDMC and LDC zones are referenced herein.

The Sycamore Estates sub-project site is zoned AR-1-1, IL-3-1 and IH-2-1 (previously referred to as A-1-5, M-1A and M-2A). AR-1-1 is an agricultural classification that requires a minimum of ten acres for each residential dwelling unit. The Sycamore Estates sub-project is consistent with the AR-1-1 zone by proposing 551 single family residential lots and 106 affordable housing units on the site under the provisions of Council Policy 600-29.

The City of San Diego owned parcel is zoned OP-2-1, an open space designation, and is part of the MHPA. This parcel will be preserved as MHPA open space.

Policies: Council Policy 600-29, "Maintenance of the Future Urbanizing Area as an Urban Reserve," was enacted to avoid premature urbanization, to conserve open space and natural environmental features and to protect the fiscal resources of the City by precluding costly sprawl and/or leapfrog urban development. The proposed Project is consistent with Council Policy 600-29 as described above under Item I.1.

Council Policy 600-40 provides that a development suitability analysis be conducted as a first step in the preparation of a long range plan. The Project is consistent with Council Policy 600-40 in that the proposed Precise Plan has been designed to remain consistent with contiguous open space systems and to preserve sensitive environmental resources in open space. Implementation of the Project would preserve approximately 2,118 acres, or 80 percent of the Precise Plan area, as natural open space. Preserved open space would be consistent with contiguous open space systems to the east in the Sycamore Canyon County Open Space Preserve and to the north in the Beeler Canyon Wildlife Corridor. The proposed Project's physical site development, land use, circulation, and utilities will occur in the western and central portions of the site, in areas least constrained by sensitive environmental resources.

Plans: The Project is consistent with the City of San Diego's Multiple Species Conservation Plan (MSCP). Significant portions of the project site would be preserved as part of the City's Multiple Habitat Planning Area (MHPA). Areas designated as MHPA would be preserved in perpetuity by either conveyance of the MHPA area to the City of San Diego or through the establishment of permanent conservation easements. An MHPA boundary adjustment is proposed which would increase the overall size of the MHPA by 348.3 acres, while achieving greater biological functions and value than the existing MHPA. There would be no significant impacts to the habitats, wildlife movement, preserve conservation or management of the MHPA. The proposed Project would be consistent with the MHPA guidelines by preserving approximately 80 percent of the site as natural open space.

IV. BRUSH MANAGEMENT FINDINGS:

1. 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 brush management zones of the Landscape Regulation in the Land Development Code as referenced by the Biology Guidelines adopted by the City Council under Ordinance No. O-18451, and additional guidelines of the Landscape Technical Manual as shown on Exhibit "A," dated August 7, 2001, on file in the office of the Development Services Department, 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 Brush Management Zone Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

2. 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 Landscape Technical Manual) and provisions of the SDMC section 142.0412 (Brush Management), Ordinance No. O-18451, as shown on Exhibit "A," dated August 7, 2001, on file in the office of the Development Services Department, 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.

V. BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS:

1. 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 while minimizing the potential for soil erosion by incorporating Zone Reduction and the Alternative Compliance provisions consistent with Landscape Technical Manual Section seven, and brush management zones of the SDMC section 142.0412, Ordinance No. O-18451.

2. 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.

3. 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 and SDMC section 142.0412, Ordinance No. O-18451) of the Landscape Technical Manual have been incorporated into the project per Exhibit 'A'. No other fire resistive features are required by the Fire Chief.

4. 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.

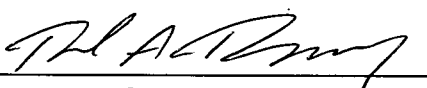
Due to site constraints, including the Multiple Habitat Planning Area (MHPA) boundary line of the Multiple Species Conservation Program (MSCP), this project would encroach into sensitive habitat and the adjoining property therefore the Alternative Compliance Provision of the Landscape Technical Manual has been implemented to allow for reasonable development of the site. A modified Brush Management Program is provided which supports the purpose and intent of the other applicable adopted plans and ordinances including the Biology Guidelines (Ordinance No. O-18451), which references the Brush Management requirements of SDMC section 142.0412, while providing the necessary fire protection as required by the Uniform Fire Code on this 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 with conditions, and Planned Residential Development/Resource Protection Ordinance Permit No. 99-0899 is granted to Sycamore Estates LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that Beeler Canyon Road shall be gated for emergency access only.

APPROVED: CASEY GWINN, City Attorney

By 
for Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
10/30/01
11/05/01 COR.COPY
Or.Dept:Clerk
R-2002-425
Form=permitr.frm
Reviewed by Mike Westlake

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
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 PERMIT/
RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0899 (MMRP)
SYCAMORE ESTATES
CITY COUNCIL**

This Permit is granted by the Council of the City of San Diego to SYCAMORE ESTATES LLC, Owner and Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 2,132-acre site is located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar, in the AR-1-1 zone (previously referred to as the A-1-10 zone) of the City's Future Urbanizing Area. The project site is legally described as those Portions of Section 25, Township 14 South, Range 2 West; and Sections 19, 20, 21, 22, 28, 29, and 30, Township 14 South, Range 1 West, San Bernardino Meridian, being Portions of land described in Civil Case No. 162.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to develop 551 single-family homes, 106 affordable housing units, a school site, public park site, two institutional sites, and the preservation of several open space lots, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated August 7, 2001, on file in the Development Services Department. The facility shall include:

- a. 551 single-family homes, 106 affordable housing units, a school site, public park site, and two institutional sites; 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 SDMC 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/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental 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. Section 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 August 7, 2001, on file in the Development Services Department. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Prior to the issuance of any grading permits, the permittee shall deposit \$7,200 with the Environmental Analysis Section of the Development Services Department to cover the City's costs associated with ensuring the implementation of the Mitigation, Monitoring, and Reporting

Program.

12. The permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] for the Sycamore Estates sub-project specified in the Rancho Encantada Environmental Impact Report (LDR No. 99-1094) to the satisfaction of the Environmental Review Manager and/or the City Engineer in the following issue areas: Landform/Visual Quality, Biological Resources, Geology/Soils, Hydrology/Water Quality, Transportation, Noise, Air Quality, Cultural Resources, Paleontological Resources, Public Services, Public Safety, and Water Conservation.

PLANNING/DESIGN REQUIREMENTS:

13. 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.

14. 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.

15. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

16. 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.

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

18. All signage associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," dated August 7, 2001, on file in the Development Services Department); or
- b. Citywide 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.

TRANSPORTATION REQUIREMENTS:

21. The applicant shall assure by permit and bond the construction of Street "A" from the westerly boundary to Street "B", as a modified two-lane collector street (no fronting property). The applicant shall dedicate 68 feet of right-of-way and shall provide 40 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 10 foot curb to property line distance, on the south side and 8 feet pedestrian path within 18 feet curb to property line on the north side satisfactory to the City Engineer. Additional widening to 50 feet pavement within 78 feet of right-of-way is required at intersections with transitions to the satisfaction of the City Engineer.
22. The applicant shall assure by permit and bond the construction of Street "A" from Street "B" to Street "Q", as a modified two-lane collector street. The applicant shall dedicate 72 feet of right-of-way and shall provide 44 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 14 foot curb to property line distance, satisfactory to the City Engineer. Additional widening to 54 feet of pavement within 82 feet of right-of-way is required at intersections with transitions, to the satisfaction of the City Engineer.
23. The applicant shall assure by permit and bond the construction of Street "A" from Street "Q" to Street "Y", as a modified two-lane sub-collector street. The applicant shall dedicate 64 feet of right-of-way and shall provide 36 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 10 foot curb to property line distance, satisfactory to the City Engineer.
24. The applicant shall assure by permit and bond the construction of Street "A" from Street "Y" to the easterly terminus. The applicant shall dedicate 60 feet of right-of-way and shall provide 36 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 12 foot curb to property line distance.
25. The applicant shall assure by permit and bond the construction of Street "B", as a modified two-lane sub-collector street. The applicant shall dedicate 64 feet of right-of-way and shall provide 36 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 14 foot curb to property line distance, satisfactory to the City Engineer.
26. The applicant shall assure by permit and bond the construction of Beeler Canyon Road as a modified two-lane rural local street. The applicant shall dedicate 50 feet of right-of-way and shall provide 24 feet of pavement, a 3 foot shoulder and 10 feet from the shoulder to the property line, satisfactory to the City Engineer.

27. The applicant shall assure by permit and bond the construction of Street "C" through Street "NN" as a modified two-lane residential local streets. The applicant shall dedicate 62 feet of right-of-way and shall provide 34 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 14 foot curb to property line distance, satisfactory to the City Engineer.
28. The applicant shall assure by permit and bond the construction of a standard cul-de-sac at Beeler Canyon Road and street "B". The applicant shall dedicate 60 feet radius of right-of-way and shall provide 50 feet radius of pavement, curb and gutter within a 10 foot curb to property line distance, satisfactory to the City Engineer.
29. The applicant shall assure by permit and bond the construction of Pomerado Road from Spring Canyon Road to north of Legacy Road as a modified four lane major street with appropriate transition, satisfactory to the City Engineer.
30. The applicant shall assure by permit and bond the construction of a traffic signal at the intersection of Ranch Encantada Parkway and Pomerado Road, satisfactory to the City Engineer.
31. The applicant shall assure the construction of a northbound right-turn lane and a southbound left-turn lane at the intersection of Rancho Encantada Parkway and Pomerado Road, satisfactory to the City Engineer.
32. The applicant shall assure the construction of a traffic signal at the intersection of Pomerado Road and Stonemill Drive, satisfactory to the City Engineer.
33. The applicant shall assure by permit and bond the construction of an additional northbound left-turn lane and an additional westbound left- turn lane at the intersection of Scripps Poway Parkway and Pomerado Road, satisfactory to the City Engineer.
34. The applicant shall assure the construction of an additional lane for the northbound off-ramp at I-15 and Pomerado Road, satisfactory to the City Engineer.
35. The applicant shall assure by permit and bond the construction of an additional lane along Pomerado Road between US Navy/Marine Reserve driveway and USIU secondary driveway to improve the eastbound merging for the I-15 northbound off-ramp, satisfactory to the City Engineer.
36. The applicant shall assure the construction of a High Occupancy Vehicle Lane (HOV) at I-15 and Pomerado Road westbound to southbound on-ramp, satisfactory to the City Engineer. As an alternative, the applicant shall contribute an equivalent cost (estimated as \$500,000) of the proposed on-ramp widening to the improvement program proposed by Caltrans, specifically the southbound auxiliary lane on I-15 from Mira Mesa Boulevard to Miramar Way, satisfactory to the City Engineer

37. The applicant shall assure by permit and bond the construction of a traffic signal at the intersection of Spring Canyon Road with Spruce Run Drive, Sunset Ridge Drive, Semillon Boulevard and Scripps Creek Drive, satisfactory to the City Engineer.

38. The applicant shall assure by permit and bond the construction of median improvements at the intersection of Spring Canyon Road with Semillon Boulevard, Sunset Ridge Drive, Scripps Creek Drive, Spruce Run Drive, Blue Cypress, and other locations along Spring Canyon Road needed to reduce cut-thru traffic on local collector street in the Scripps Miramar Ranch community, satisfactory to the City Engineer.

39. The applicant shall assure the construction of a traffic signal interconnect system on Spring Canyon Road between Scripps Ranch Boulevard and Pomerado Road, satisfactory to the City Engineer.

40. The applicant shall gate Street "B", just south of Beeler Canyon Road, for emergency vehicle access only.

LANDSCAPE REQUIREMENTS:

41. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

42. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

43. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.

44. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. The landscape construction document shall identify a 40 square feet water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an 'X' through it and labeled "planting area for street tree." Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to final inspection and issuance of a

certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.

45. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit 99-0899 (including Environmental conditions) and Exhibit "A," dated August 7, 2001, on file in the Development Services Department.

46. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

47. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

48. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

49. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

50. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

51. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT REQUIREMENTS:

52. The Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.

53. 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," Brush Management Program/Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department, and shall comply with the Uniform Fire Code (SDMC § 55.0889.0201), 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 SDMC section 142.9412 (Ordinance No. O-18451).

54. The construction documents shall conform to the Architectural Features as described in Section 6.6-2 of the Landscape Technical Manual.

55. The Modified Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of the SDMC section 142.0412 as follows:

<u>Zone One</u>	<u>Zone Two</u>
35'	50'

56. 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.

57. 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 exists.

58. 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."

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

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

WATER REQUIREMENTS:

61. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of certain portions of public water facilities, identified in accepted studies, necessary to provide service to this development and extending to the subdivision boundary, in a manner satisfactory to the Water Department Director and the City Engineer. Redundancy shall be maintained throughout construction phasing.

62. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. Fire hydrants within easements having no curbs or rolled curbs shall have protective posts per SDW-102.

63. If the Scripps Poway Parkway Pump Station (SPPPS) has not previously been assured, by permit and bond, then prior to the issuance of any building permits, the developer shall assure, by permit and bond, the construction of the Scripps Poway Parkway Water Pump Station, in a manner satisfactory to the Water Department Director and the City Engineer.

64. All on-site water facilities within Lot 552, the affordable housing site, shall be private including any necessary on-site fire hydrants.

65. Prior to the issuance of any building or engineering permits, the developer shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," dated August 7, 2001, on file in the Development Services Department, will require modification based on standards and final engineering.

66. Prior to the issuance of any building permits, the developer shall process encroachment maintenance and removal agreements for all acceptable encroachments of structures or landscaping into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

67. The developer agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities that do not meet the current standards shall be redesigned.

68. If public water facilities are located behind locked gates or bollards, then prior to the issuance of any building permits, the developer shall provide keyed access to the Water Operations Division in a manner satisfactory to the Water Department Director and the City

Engineer. The City will not be held responsible for any issues that may arise relative to the availability of keys.

SEWER REQUIREMENTS:

69. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

70. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

71. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.

72. For public on-site sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.

73. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director.

74. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

75. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.

AFFORDABLE HOUSING REQUIREMENTS:

76. Prior to the filing of the first final map for residential lot sales, subdivider shall comply with the Future Urbanizing Area [FUA] Planned Residential Development [PRD] requirements for Affordable Housing [Affordable Housing Requirements] by satisfying the requirements of subparagraph A below:

- A. Subdivider shall assure the construction and occupancy of an Affordable Housing Project consisting of 106 units to be constructed on Lot 552, as shown on the Exhibit A, dated June 19, 2001, on file in the Development Services Department. Subdivider shall execute an 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 the identified land [Affordable Housing Site], for the construction of the Affordable Units onsite, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the 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 Housing Project shall occur on or before the earlier of:
 - i. The issuance of building permits for construction of the 276th market rate dwelling unit (the number which represents 50 percent of market rate units); or the date which is eighteen months after the filing of the first final map
 - ii. In no event shall the issuance of building permits for the construction of the 276th market rate unit occur until building permits for construction of the 106 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 the market rate units, every such parcel sold shall nonetheless be included with the total number of building permits issued in determining when the issuance of the building permit occurs for the 276th and 413th or greater market rate unit;
 - b. Completion of construction of the Affordable Housing Project shall occur upon the earlier of:
 - i. Twelve months after the issuance of building permits for the Affordable Housing Project as referenced in subparagraph 2a above; or

- ii. The date which is two and one-half years after the filing of the first final map.

Further, the issuance of building permits for the construction of the 413th market rate unit (the number of units which represents 75 percent of market rate units) shall not occur until the completion of at least 106 affordable units is authorized by the City.

- c. Occupancy of the Affordable Housing Project shall occur not later than 180 days after the completion of construction as referenced in subparagraph 2b 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 months each. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, financial infeasibility, acts of Federal or State governmental agencies, litigation, etc., as shall be determined by the Executive Director, in the Director's sole discretion.
3. A Declaration of Covenants, Conditions and Restrictions [CC&Rs], restricting the occupancy and affordability of the Affordable Housing Project for a period of fifty-five years from the date of completion of the Affordable Housing Project, which CC&Rs 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 65 percent of the area median income, as adjusted for family size. However, in the case of affordable rental units, the provisions set forth in California Government Code section 65915, referred to as the State Density Bonus Statute applies, rental rates shall not exceed 60 percent 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 CC&Rs) assuring the timely performance of the Agreement referenced in subparagraph 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 approve by the Executive Director, in the Director's sole discretion, if deemed essential to construction and/or

operation of the Affordable Housing Project, upon such terms and conditions as the Director 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 the Director's 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 be required from time to time to effectuate the provisions of Affordable Housing Agreement as contemplated by these condition(s) of approval.

77. The Sycamore Estates Affordable Housing Program, dated August 7, 2001, is on file in the Office of Development Services and is incorporated herein. The provisions of the Affordable Housing Program shall not in any way modify or change any provisions of the Affordable Housing requirements as stated in the Planned Residential Development conditions. To the extent that there is any inconsistency between the two, the terms of this permit shall prevail.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on August 7, 2001, by Resolution No. R-295404.

10/30/01
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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.

SYCAMORE ESTATES LLC
Owner/Permittee

By _____

By _____

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

11/5/01
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