

(R-2003-460)

RESOLUTION NUMBER R-297088

ADOPTED ON SEPTEMBER 24, 2002

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit [PDP] No. 7250, Site Development Permit [SDP] No. 7251, and Multiple Habitat Planning Area [MHPA] boundary line adjustment to construct 999 single-family dwelling units, 108 affordable housing units, an elementary school/ neighborhood park site and a community recreation center known as the Pacific Highlands Ranch Units 5-11 project, located at the northeast corner of Black Mountain Road and Carmel Valley Road, between Del Mar Heights Road and Rancho Santa Fe Farms Road, and legally described as Parcels 1 and 2 of Parcel Map No. 11718, Parcel 1 of Parcel Map 9882 and portions of Sections 8, 9, and 16, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Pacific Highlands Ranch Subarea III Planning Area of the North City Future Urbanizing Area [NCFUA], in the RX-1-1, RS-1-14, RS-1-13, RS-1-11, AR-1-1, RT-1-2, and OC-1-1 zones; and

WHEREAS, on August 1, 2002, the Planning Commission of the City of San Diego considered PDP No. 7250/SDP No. 7251/MHPA boundary line adjustment, and pursuant to Resolution No. 3290-2-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on September 24, 2002, 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 PDP No. 7250/SDP No. 7251:

A. PLANNED DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT:

1. The proposed development will not adversely affect the applicable land use plan. At the time that the Pacific Highlands Ranch land use plan was considered and adopted by the City Council, a Council Policy site suitability analysis was also prepared addressing development impacts to environmentally sensitive resources in the plan area. Development impact was directed to the least sensitive portions of the plan area, preserving the more sensitive parts as open space. Subsequent discretionary actions to implement the land use plan are reviewed for consistency with earlier land use plan/site suitability approvals. If suitable conformance with the plan is established, future Site Development Permits shall be granted without requiring additional deviation findings.

The proposed development is consistent with the approved Pacific Highlands Ranch Subarea Land Use Plan. The proposed 1,107 dwelling unit project implements the Subarea Plan by providing a low-density and peripheral residential development consistent with the Subarea Plan's land use density designation (LOW DENSITY RESIDENTIAL and PERIPHERAL RESIDENTIAL) of 2.1 to 5 and 5.1 to 9 dwelling units per acre. The proposed development also provides for its fair share of the construction of Del Mar Heights Road and Carmel Valley Road in the alignment and grade shown in the Subarea plan. The proposed development will also result in the dedication of MHPA open space and the construction of a multi-use trail system consistent with the Subarea Plan. As such, the proposed development will not adversely affect the applicable Land Use Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed 1,107 dwelling unit development includes the dedication of right-of-way and contribution of its fair share cost towards construction of Del Mar Heights Road and Carmel Valley Road. The proposed development also constructs detention basins necessary to handle project storm runoff. The proposed development will construct sound attenuation walls thereby reducing noise impacts from Del Mar Heights Road and Carmel Valley Road and provide necessary sewer and water facilities to serve the residents. A fire station is proposed in the easterly portion of the Subarea, which will provide a response time of approximately five minutes. A police substation is proposed for construction in Carmel Valley immediately south of Del Mar Heights Road, which will also provide a response time of approximately five minutes. The development will also provide for the health, safety, and welfare of the residents by locating virtually all brush management outside of the MHPA while increasing the setback of houses from the fuel sources. As such the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. With the exception of the deviations requested with this application, which are appropriate for this location (see finding no. 5), the proposed development in all other respects complies with the Land Development Code. The proposed development contains seven sub-development units with five zone designations. Unit 5 is designated as RT-1-2 in the approved Subarea Plan. The RT-1-2 zone allows lots with a minimum size of 3,000 square feet. Units 6 and 7 are designated as RS-1-14 in said plan. The RS-1-14 zone allows lots with a minimum size of 5,000 square feet. Unit 8 is designated as RS-1-13 in said plan. The RS-1-13

zone allows lots with a minimum lot size of 6,000 square feet. Unit 9 is designated as RS-1-11 in said plan. The RS-1-11 zone allows lots with a minimum lot size of 10,000 square feet. Units 10 and 11 are designated as RX-1-1 in said plan. The RX-1-1 zone allows lots with a minimum lot size of 4,000 square feet. The proposed development has lots ranging from 2,600 square feet to 40,000 square feet. All other requirements including building setbacks, density, and parking requirements will comply with the regulations of the Land Development Code, reflecting the desired development patterns of the neighborhood and accommodating the need for future growth.

4. The proposed development when considered as a whole, will be beneficial to the community. The proposed development, when considered as a whole, will be beneficial to the community. The development will dedicate open space into the regional open space system (MHPA); it will dedicate right-of-way for public streets and construct a portion of Del Mar Heights Road and Carmel Valley Road; it will construct a portion of the multi-use trail system and will provide for detention basins capable of handling all project-related storm runoff. The development will also contribute to the region's housing supply by constructing 1,107 residential units, and it will pay all applicable public facilities financing and schools fees. The development will provide approximately 108 affordable housing units as "turn-key" dwelling units. Such affordable units will be provided in Unit 11, located at the northwest corner of Carmel Valley Road and the eastern terminus of the Village Loop Road, near the future Village Site, school, employment center, and a transportation corridor.

5. Any proposed deviation pursuant to San Diego Municipal Code [SDMC] section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Units 5-10 - Deviation for Floor Area Ratio [FAR] calculation, use of an average FAR.

Max Floor Area Ratios, according to zone development regulations are as follows: Unit 5: 0.95; Units 6-9: 0.60; Units 10-11: 0.70 averaging to be approximately 0.68 max floor area ratio across the entire project. The development proposes to utilize a lot averaging Floor Area Ratio [FAR]. This is appropriate for this large development due to the property's unique shape and the wide variety of lot sizes offered within each project site. As a result, lot size for the parcels coterminous with the City's MHPA preserve (primarily Units 7, 8 and 9) will be considerably larger (because of the brush management requirements adjacent to the MHPA) than the minimum 5,000 square feet allowed by the RS-1-14 zone for Unit 7; 6,000 square feet allowed by the RS-1-13 zone for Unit 8, and 10,000 square feet allowed by the RS-1-11 zone for Unit 9. By permitting house sizes to be averaged over the entire development, a more desirable neighborhood project design will result as opposed to designing each house within its sub-development in strict conformance with the development's designated zone regulations of the five zoning designations throughout the development (RT-1-2, R S-1-14, RS-1-13, RS-1-11, and RX-1-1).

Units 5-10 - deviation from the street frontage requirements:

The proposed development is consistent with the approved Pacific Highlands Ranch Subarea Land Use Plan. In accordance with the land use plan, this project has been designed to preserve natural topographic features, providing pedestrian and open space linkages within and between neighborhoods within the designated low-density and peripheral residential. In order to comply with the density designations of 2.1 to 5 (LOW DENSITY RESIDENTIAL) and 5.1 to 9 (PERIPHERAL RESIDENTIAL) dwelling units per acre, it was necessary to design the lots with the dwellings located to the rear of the lots, with longer driveways leading from the street to the dwelling, resulting in less street frontage for each lot throughout the development. Strict conformance with the street frontage requirements, ranging from 25 feet to 65 feet, would deprive the neighborhood of sensible planning techniques and generally reasonable use of the land. Moreover, Units 5, 9, and 10 do not contain any public streets, thus in order to satisfy the street frontage requirements, it would significantly reduce the number of dwelling units and create a monotonous subdivision design, which constitutes a less desirable neighborhood project design.

Unit 5 - Deviation from the 100-foot Lot Depth Requirements.

The proposed development is consistent with the approved Pacific Highlands Ranch Subarea Land Use Plan. Unit 5 consists of a total of 185 single family detached dwelling units. The designated density requirement is nine units per acre, in order to comply with the density requirements, and contribute the maximum number of units to the City's overall housing need. The average lot depth is approximately 80 feet, where 100 feet is required. The lot widths, however are at least 37 feet, where only 25 feet is required, making up for the shortage in lot depth with increased lot widths, thus not creating smaller than average lot sizes for this area. The use of alley access provides off street access to many units, reducing the amount of traffic throughout the development. The widths of the alleys decrease the overall lot sizes, reducing the depth of each lot to provide alleys. By combining density requirements with the City Council's stated need for greater numbers of housing units and the Subarea requirement for a fine-grain development pattern, this development satisfies the goals and objectives of the City's General Plan and Progress Guide and the Pacific Highlands Ranch Subarea Plan.

Units 5 and 6 - Deviations for substandard lot area.

The proposed development complies with the general intent and purpose of the Pacific Highlands Ranch Subarea Plan by creating a neighbor-friendly community with quality housing while making efficient use of the land available. Unit 5 provides 185 single family dwelling units, satisfying the density requirements as designated. Twenty-one of the 185 units are situated such that they provide 2,600-3,000 square feet of lot area where 3,000 square feet is required. These units provide the best use of the land, while creating a fine-grain pattern of housing, mixing in slightly varied lot sizes within a higher density area.

The required lot area for Unit 6 is 5,000 square feet. In order to provide a blending of housing products and lot sizes within the development, these units have lot sizes ranging from 4,000 to 5,000 square feet. When the 4,000 square-foot lots are mixed with the larger lots (5,000 square-foot), as required, these home sites blend with the surrounding areas, to create a more diverse and fine-grain community.

Providing alley access to the development in both Units 5 and 6 decreases the lot area on either side of the alley. The alleys provide an alternative route for vehicles, creating less street traffic, more intimacy throughout the community.

Units 6-10 - Deviation from the front yard setback requirements.

The proposed development is consistent with the approved Pacific Highlands Ranch Subarea Land Use Plan. For Units 6, 7, 8, and 10 the front setbacks within this development are 10 feet, where 15 feet is required for their respective zoning designations. For Unit 9, the development has a front setback line at 10 feet, where 20 feet is required. In accordance with the land use plan, this project has been designed to preserve natural topographic features, and provide pedestrian and open space linkages within and between neighborhoods within the designated low-density and peripheral residential zoning designations. These dwelling units have been designed with side-loaded garages, bringing the houses closer to the street, creating more intimacy throughout the community. Designing the development with the garages closer to the street serves as a traffic calming device, thus causing traffic throughout the neighborhood to drive slower, thus reducing the chance for traffic accidents. Adhering to the brush management zone one and two requirements, it was necessary to move the dwelling units closer to the street, to create more room in the rear property lines for brush management, allowing a decrease in the required front yard setback requirements.

B. SUPPLEMENTAL SITE DEVELOPMENT PERMIT FINDINGS - ENVIRONMENTALLY SENSITIVE LANDS:

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to Environmentally Sensitive Lands [ESL]. The entire Subarea has been designed to be consistent with the City's adopted Multiple Species Conservation Program [MSCP] and to preserve the maximum area for the MHPA. The proposed project is less impactful to ESL than the adopted Pacific Highlands Ranch Subarea Plan. Development footprints have been located on the least sensitive area of the Subarea. Additionally, nearly all brush management for this project has been located outside of the MHPA, thus further minimizing impacts to sensitive resources. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire

hazards. The Subarea has been designed to minimize alterations to natural landforms. Development footprints have been located to minimize erosion, flood, and fire hazards. Development complies with the Subarea-wide erosion control plan. The plan exceeds the otherwise Citywide applicable requirements related to storm water runoff and best management practices as related to storm water runoff. Specifically, the development area is located out of the floodway and on the flatter portions of the property. Virtually all brush management will be located out of the MHPA resulting in increased building setbacks and reduced fire hazards. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Consistent with the adopted Subarea Plan, the development footprint has been sited on the flatter portion of the site, which was previously used for agricultural purposes. Increased brush management will be provided which further minimizes impacts to adjacent environmentally sensitive lands. The proposed detention basins have also been located in previously disturbed area thereby avoiding any further reducing impacts to environmentally sensitive lands. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan. The Subarea Plan for Subarea III established the boundary of the MHPA within the Subarea. "Hard lines" were adopted for the MHPA when the Subarea Plan was approved. The project proposes an MHPA boundary line adjustment to remove approximately 1.93 acres of primarily Tier I and II habitats from the MHPA, and add 5.27 acres of Tier I and II habitats to the MHPA based on site-specific engineering. The proposed MHPA adjustment has been evaluated by City staff and the wildlife agencies and determined to meet the six functional equivalency criteria required for MHPA adjustments. The project also includes project features and mitigation measures to implement the City's MSCP land use adjacency guidelines. These measures include prohibiting invasives and requiring lights to be shielded adjacent to the MHPA, incorporating a filtration system to prevent pollutants from entering the canyon and the MHPA, requiring pre-construction surveys for the California gnatcatcher for area adjacent to the MHPA, and siting all brush management within the development area and outside the MHPA where required by the Development Agreement (September 8, 1998). All other requirements of the MSCP have been met or exceeded for the developable portions of the proposed development. Therefore, the proposed project will be consistent with the City's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located several miles inland from public beaches and local shoreline and therefore it is unlikely that on-site development will contribute to erosion of public beaches or adversely impact shoreline sand supply. Moreover, detention/desiltation basins are provided on-site to reduce surface water runoff and reduce water runoff velocities to the extent water runoff might increase downstream siltation and contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. In addition to a Subarea-wide environmental impact analysis, the Master EIR for the Subarea Plan for Subarea III included a site specific impact analysis for this proposed development. An initial study has been conducted for the proposed development on this site and has concluded that all environmental impacts analyzed in the MEIR for this site have not been exceeded and that no new or additional environmental impacts will occur with this proposed development. Findings to support the initial study's conclusion have also been made and are part of this project's record. In addition, all mitigation measures identified in the MEIR that are associated with this proposed development have been adopted and will be incorporated in to the planned development permit. Thus, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been or will be incorporated in to the conditions of the development permit.

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

BE IT FURTHER RESOLVED, that for purposes of access to the school site, in addition to the signalized access point at the intersection of Streets A and G, the Solana Beach School district shall have up to two additional driveway access points for vehicular bus access, to the satisfaction of the District and the City Engineer. Should both access points be needed, one access point shall be sited north of the signalized intersection at Streets A and G, as depicted on Exhibit A, dated September 24, 2002, on file in the Office of the Development Services Department. The District and the Park and Recreation Department shall consider redesign of the combined 15-acre school/park site and incorporation of access to address the needs of both the school and park sites. Emergency vehicular access shall be made available to the school site on the east side of the site from Street T. The 5-acre park site shall retain independent access off Street A south of the Urban Amenity.

BE IT FURTHER RESOLVED, that the project's trail system shall include signs that identify the location of the trails and state that the trails are available for public use.

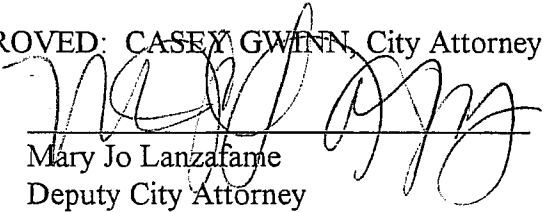
BE IT FURTHER RESOLVED, that if the City adopts a new Street Design Manual prior to the issuance of grading permits for this project, the Applicant may design the street(s) in accordance with the new Street Design Manual and to the extent permitted by law.

BE IT FURTHER RESOLVED, that within ninety days of approval of the permit, the boundaries of the proposed project shall be demarcated such that they are visible upon inspection to residents of the Del Mar Country Club.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 7250/Site Development Permit No. 7251 is granted to Pardee Homes, 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


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev

10/09/02

Or.Dept:Clerk

R-2003-460

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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 DEVELOPMENT PERMIT NO. 7250
SITE DEVELOPMENT PERMIT NO. 7251
PACIFIC HIGHLANDS RANCH UNITS 5-11 - Project No. 1409
CITY COUNCIL

This Planned Development Permit No. 7250/Site Development Permit No. 7251 is granted by the City Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to the City of San Diego Land Development Code. The 451.6-acre site is located at the northeast corner of Black Mountain Road and Carmel Valley Road, between Del Mar Heights Road and Rancho Santa Fe Farms Road, in the RX-1-1, RS-1-14, RS-1-13, RS-1-11, AR-1-1, RT-1-2, and OC-1-1 zones of the Pacific Highlands Ranch Subarea Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 11718; Parcel 1 of Parcel Map No. 9882; and Portions of Sections 8, 9, and 16, Township 14 South, Range 3 West, San Bernardino Meridian, all in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 999 single-family dwelling units, 108 affordable housing units, an elementary school/neighborhood park site, and a private community recreation center described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated September 24, 2002 on file in the Office of the Development Services Department. The facility shall include:

- a. 999 single-family dwelling units, 108 affordable housing units, 137-acres of Multiple Habitat Planning Area [MHPA] open space, an elementary school/neighborhood park site, and a private community recreation center;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;

- 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 Land Development Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the San Diego Municipal Code [SDMC]/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 Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.)
 7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of

the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 24, 2002, on file in the Office of 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 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 entitled as a result of obtaining 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" conditions(s) back to the discretionary body which approved the Permit for a

determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MSCP REQUIREMENTS:

11. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Pacific Highlands Ranch Units 5-11 Findings (LDR No. 41-0185) to the Pacific Highlands Ranch Subarea Plan Master EIR (LDR No. 96-7918), to the satisfaction of the Environmental Review Manager and City Manager. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Transportation/Circulation
- Biological Resources
- Hydrology/Water Quality
- Landform Alteration/Visual Quality
- Paleontological Resources
- Public Facilities/Services
- Water and Sewer Service
- Solid Waste
- Public Safety
- Noise
- Geology/Soils.

12. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement OR covenant of easement, which is then recorded on the property. For areas within the adjusted MHPA that are governed by the Master Restoration Plan for Pacific Highlands Ranch, in accordance with Section 5.2.6 of the Development Agreement, title of said lands shall only be transferred to the City upon successful completion of the restoration program and utilization of all the restoration acreage in the on-site mitigation bank (131 acres).

13. Prior to recordation of the first final map, the applicant shall assure construction of the "Street A" culvert crossing as a single-arched culvert with minimum dimensions of 10-feet-high by 20-feet-wide, as depicted on Sheet 108 of the approved project plans, satisfactory to the City Engineer.

14. Prior to recordation of the first final map and/or issuance of any grading permits, the applicant shall ensure construction of a six-foot-high fence (combination of view fence, view fence on block wall and block wall) along areas adjacent to the MHPA, satisfactory to the City Manager

and the City Engineer, to direct MHPA access to designated areas. Any necessary future fence repairs shall be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement.

15. Prior to recordation of the first final map and/or issuance of any grading permits, the Environmental Review Manager of LDR shall verify that all on-site planting within the MHPA is consistent with the Master Restoration Plan for Pacific Highlands Ranch, and that only native or non-invasive species are planted adjacent to the MHPA.

PLANNING/DESIGN REQUIREMENTS:

16. No fewer than two off-street parking spaces for each single-family unit, 228 parking spaces for Unit 11 Affordable Housing Project, and sixty parking spaces for the Unit 7 Recreation Center, shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated September 24, 2002, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC/Land Development 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 SDMC/Land Development 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. 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.

21. 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 September 24, 2002, on file in the Office of the Development Services Department); or
 - b. citywide sign regulations.
22. The project's trail system shall include signage indicating the location of the trails and allow for public use of the trails.
23. That if the City adopts a new Street Design Manual prior to the issuance of grading permits for this project, the Applicant will narrow the street to the extent permitted by the new manual for that category of street.
24. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
25. The use of textured or enhanced paving shall meet applicable City standards as to location, noise, and friction values.
26. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
27. Prior to the issuance of building permits for the Unit 11 Affordable Housing Project and Unit 7 Recreation Center, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development Code section 142.0801) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated September 24, 2002, on file in the Office of the Development Services Department.

TRANSPORTATION REQUIREMENTS:

28. Prior to issuance of any building permit, the project shall conform to the Subarea III/Pacific Highlands Ranch Transportation Phasing Plan and the approved Traffic Study/final EIR.
29. The applicant shall provide a minimum of 100 foot curve radius shown on the site plan for all the proposed residential streets, satisfactory to the City Engineer.

30. The applicant shall construct the private driveways of Units 9A and 9B with a minimum pavement width of twenty-eight feet within forty-five feet of parkway, satisfactory to the City Engineer.
31. The applicant shall provide a twenty feet triangular area at the corner of an intersection of two alleys, satisfactory to the City Engineer.
32. The applicant shall provide a physical delineation between public streets and private drives.
33. For purposes of access to the school site, in addition to the signalized access point at the intersection of Streets A and G, the Solana Beach School district shall have up to two additional driveway access points for vehicular bus access, to the satisfaction of the District and the City Engineer. Should both access points be needed, one access point shall be sited north of the signalized intersection at Streets A and G, as depicted on Exhibit A, dated September 24, 2002, on file in the Office of the Development Services Department. The District and the Park and Recreation Department shall consider redesign of the combined 15-acre school/park site and incorporation of access to address the needs of both the school and park sites. Emergency vehicular access shall be made available to the school site on the east side of the site from Street T. The 5-acre park site shall retain independent access off Street A south of the Urban Amenity.

LANDSCAPE REQUIREMENTS:

34. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the Land Development Code section 142.0401 and Landscape Standards, Exhibit "A" Landscape Development Plan, Brush Management Plan, Details and Notes, dated September 24, 2002, on file in the Office of the Development Services.
35. 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 Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.
36. 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. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity assumes responsibility such as a home owners association or a Landscape Maintenance District.

37. If any required landscape improvements (including, existing or new plantings, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage and prior to any Certificate of Occupancy.

38. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape Improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Tree stakes shall remain in place until trees are planted.

39. Prior to issuance of any engineering permits for grading, landscape construction documents (including irrigation plans) for slope planting, erosion control, re-vegetation and hydroseeding shall be submitted to the City Manager for approval.

40. Immediate installation of slope planting and erosion control, including seeding of all disturbed land (slopes and pads) and associated irrigation systems (temporary and/or permanent) is considered to be in the public's interest. Planting of all graded slopes shall be accomplished prior to any issuance of a build permit for structures. A letter of substantial conformance from the landscape architect or designer shall be submitted to the city manager for approval.

41. In the event that a Foundation Only permit is requested by the Permittee or subsequent Owner, a staking layout plan identifying all landscape areas shall be submitted to the City Manager for approval. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "Planting Area (PA)".

42. 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. A Landscape Maintenance Agreement and bond shall be entered into prior to the issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity assumes responsibility, such as a home owners association or a Landscape Maintenance District.

43. Prior to issuance of permits or recording of final maps, all easements or right of entry permits for the purpose of Brush Management shall be obtained.

44. Prior to issuance of any engineering permits for grading, complete Brush Management, planting and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval. All plans shall indicate the brush management zones depths by dimension.

45. Prior to any grading permit(s) the Owner/Permittee shall provide to the City Manager storm water Construction Best Management Practice [BMP's] and Permanent Best Management Practices [PBMP's].

46. Prior to any grading permit (s) the Owner/Permittee shall provide to the City Manager a schedule for phased grading and construction such that no more the Five Acers shall be graded without the installation of mechanical BMP's and Revegetation for all disturbed lands and slopes.

47. Prior to (final map) any grading permit (s) the Owner/Permittee shall enter into a Bonded Revegetation Installation Agreement for all disturbed lands and permanent BMP's to the satisfaction of the Development Services Landscape Section.

48. Prior to (final Map) any grading permit(s) the Owner/Permittee shall provide to the City Manager a bonded Landscape Maintenance and Establishment Agreement for the establishment and long term monitoring of all disturbed lands and permanent BMP's to the satisfaction of the Development Services Landscape Section.

ENGINEERING REQUIREMENTS:

49. A portion of this project has been identified as being within the Floodway of a Special Flood Hazard Area. No increases to base flood elevations are allowed. A Registered Professional Engineer shall submit a no rise certification along with a detailed engineering analysis to substantiate the certification. The analysis is subject to the approval of the City Engineer.

50. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision [LOMR] is obtained from FEMA. The LOMR is issued based upon as-built site conditions, therefore, the applicant must allow time to complete this process. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

51. All structures built within the Special Flood Hazard Area must have the lowest floor elevated two feet above the base flood elevation or if the structure is nonresidential it maybe flood proofed to that same elevation.

52. All fill placed within the Special Flood Hazard Area must be compacted to 95% relative compaction.

53. The developer shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus one foot.

54. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
55. The developer shall grant a flowage easement, satisfactory to the City Engineer.
56. The drainage system proposed with this development is subject to approval by the City Engineer.
57. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.
58. Within ninety days of approval of this Permit, the boundaries of the proposed project shall be demarcated such that they are visible upon inspection to residents of the Del Mar Country Club.

WATER REQUIREMENTS:

59. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of appropriate public potable and recycled water facilities as identified in the accepted water studies, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, maintaining potable redundancy throughout phasing of construction.
60. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. Fire hydrants within easement having no curbs shall have protective posts per SDW-102.
61. Prior to the issuance of any building or engineering permits, the Owner/Permittee 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 September 24, 2002, on file in the Office of the Development Services Department, will require modification based on standards and final engineering. If sufficient easement area cannot be provided to allow for operation and maintenance of public facilities, then the Owner/Permittee shall install a private water system.
62. Prior to the issuance of any building permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable private encroachments,

including, but not limited to, structures, enhanced paving, or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

63. If on site water facilities are to be public and if it is a gated community, then prior to the issuance of any building permits, the Owner/Permittee 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.

64. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A," dated September 24, 200, on file in the Office of the Development Services Department, will require modification based on standards and final engineering.

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

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

67. The Owner/Permittee agrees to design and construct all irrigation systems to utilize recycled water in a manner satisfactory to the Water Department Director and the City Engineer.

WASTEWATER REQUIREMENTS:

68. 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.

69. 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 CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.

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

71. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

AFFORDABLE HOUSING REQUIREMENTS:

72. Prior to the filing of the first final map, Subdivider shall comply with the requirements of the Pacific Highlands Ranch Subarea Plan [Affordable Housing Requirements] by satisfaction of the requirements of subparagraph A., below:

A. Subdivider shall assure the construction and occupancy of an on-site "Affordable Housing Project" consisting of 108 units to be constructed on Unit 11, as shown on the Tentative Map. Subdivider shall execute an agreement [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 [Affordable Housing Project] and dedication of land [Affordable Housing Site] for the construction of the Affordable Units [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 Housing Project shall occur on or before the earlier of:

(i) the issuance of building permits for construction of the 499th market rate dwelling unit (number of units which represents 50% of market rate units); or, (--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 499th market rate dwelling unit occur until building permits are issued for construction of the 108 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 499th and 749th or greater, market rate unit.

b. Completion of construction of the Affordable Project shall occur upon the earlier of:

(i) Twelve 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 749th market rate unit (number of units which represents 75% of market rate units) shall not occur until the completion of the 108 affordable units is authorized by the City.

c. Occupancy of the Affordable Project shall occur not later than 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 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 [Declaration], restricting the occupancy and affordability of the Affordable Project for a period of fifty-five 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 65% of the Area Median Income, as adjusted for family size and utilities. 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% 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.

Pardee Homes' Pacific Highlands Ranch Affordable Housing Program for Units 5-11 is attached to this Permit and is on file in the Office of the Development Services Department 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. To the extent that there is any inconsistency between the two, the terms of the condition 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 City Council of the City of San Diego by Resolution No. R-297088, on September 24, 2002.

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.

PARDEE HOMES
Owner/Permittee

By _____

By _____

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