

RESOLUTION NUMBER R-297091

ADOPTED ON SEPTEMBER 24, 2002

WHEREAS, David B. Goodell/Del Mar Management, Owner/Permittee, filed an application with the City of San Diego for Planned Residential Development [PRD] Permit No. 7436/Resource Protection Ordinance [RPO] Permit No. 7438 to construct between seventy-nine and eighty-five single-family residences known as the Fairbanks Country Villas project, on a 92.72-acre site located south of Carmel Valley Road, northeast of the proposed SR-56 alignment, north of Street "B," and west of the proposed Camino Ruiz alignment on both side of McGonigle Canyon, legally described as Parcel 3 of Parcel Map 6902 and Parcel 2 of Parcel Map 4768, in the Torrey Highlands Subarea IV Plan, in the RS-1-14 zone (previously referred to as the R-1-5000 zone) which is proposed to be rezoned to the OC-1-1 zone. Two development options are proposed including: sixteen affordable housing units on six lots with seventy-nine market rate, single-family residences; or eighty-five market rate, single-family residences on site, with sixteen affordable units provided off-site. In addition, both options include two parks, multi-use trails, utilities and streets on 22.44 of the 92.72-acre site; and

WHEREAS, on August 8, 2002, the Planning Commission of the City of San Diego considered PRD Permit No. 7436/RPO Permit No. 7438, and pursuant to Resolution No. 3297-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 PRD Permit No. 7436/RPO Permit No. 7438:

**A. RESOURCE PROTECTION ORDINANCE (ALTERNATIVE COMPLIANCE)
SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 101.0462.L (OLD CODE)**

1. The proposed development will not adversely affect the City of San Diego's Progress Guide and General plan. The subject 92.72-acre site located in the Torrey Highlands Subarea IV Plan area of the North City Planned Urbanizing Area. The site is designated for Low Density Residential (LD) and Resource-MSCP Preserve (R). The approval for this PRD Permit, together with the Vesting Tentative Map [VTM] and associated Rezone from A-1-10 (Agricultural/Residential, minimum lot size of ten acres to R-1-5000 (Residential, minimum lot size 5,000 square feet), will permit the construction of between seventy-nine and eighty-five single-family residences. Two development options are proposed including: sixteen affordable housing units provided on six lots with seventy-nine single-family residences; or eighty-five single-family residences on-site, with sixteen affordable units provided off-site, including two parks, multi-use trails, utilities and streets, a wetlands restoration site and Multiple Species Conservation Program [MSCP] Preserve Open Space consistent with the Subarea Plan land use plan. The project will provide a well-integrated land use pattern consisting of market-rate housing and affordable housing opportunities, as well as, public parks and open space in the Torrey Highlands Subarea.

The project design and circulation system is integrated with the designs of approved and proposed projects to the south, east and west. The project implements the land use element of the Torrey Highlands Subarea IV Plan which serves as the City's Community/General Plan for the area within which the subject property is located, and therefore, will not adversely affect the Plan.

2. The proposed development conforms to the adopted community plan of the area. As previously stated, the Torrey Highlands Subarea IV Plan serves as the Community Plan for the area and the Planning Commission is the designated Planning Group. The land use element of the Plan designates the site as Low Density Residential (LD) and Resource-MSCP Preserve (R). The approval for this PRD Permit, together with the Vesting Tentative Map [VTM] and associated Rezone, will permit the construction of between seventy-nine and eighty-five single-family residences. Two development options are proposed including: sixteen affordable housing units provided on six lots with seventy-nine single-family residences; or eighty-five single-family residences on-site, with sixteen affordable units provided off-site, including two parks, multi-use trails, utilities and streets, a wetlands restoration site and MSCP Preserve Open Space consistent with the Subarea Plan land use plan. As well, the proposed developed will conform to the provisions of the City's Planned Residential Development Ordinance, the State Subdivision Map Act and all other applicable local subdivision and zoning ordinances, plans and policies.

3. There are no other feasible measures that can be taken to further minimize the potential adverse effect on Environmentally Sensitive Lands and still avoid conflict with the substantially applicable provisions of City Council Policy. The subject development has been

designed in compliance with the land use element and the design guidelines of the Torrey Highlands Subarea IV Plan in an effort to avoid and/or minimize any potentially adverse impacts upon environmentally sensitive lands. The proposed project is in substantial conformance to the planned development area for the site established within the Torrey Highlands Subarea Plan. The impacts identified in the project's Mitigated Negative Declaration were anticipated by the Subarea Plan. The Torrey Highlands Subarea Plan was developed using a site constraints and opportunities analysis for the entire subarea. Mitigation areas were consolidated into a planned MSCP Preserve to provide a greater benefit to sensitive resource protection than would have occurred if Torrey Highlands were developed on a parcel by parcel basis. Implementation of the Mitigation, Monitoring and Reporting Program, as required for the proposed project, would reduce potential impacts to below a level of significance. A large portion of the Fairbanks Country Villas site will be preserved in the MSCP area designated for McGonigle Canyon.

B. PLANNED RESIDENTIAL DEVELOPMENT, SDMC SECTION 101.0901 (OLD CODE)

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 subject 92.72-acre site located in the Torrey Highlands Subarea IV Plan area of the North City Planned Urbanizing Area. The site is designated for Low Density Residential (LD) and Resource-MSCP Preserve (R). The approval for this PRD Permit, together with the Vesting Tentative Map [VTM] and associated Rezone from A-1-10 (Agricultural/Residential, minimum lot size of ten acres to RS-1-14 (Residential, minimum lot size 5,000 square feet), will permit the construction of between seventy-nine and eighty-five single-family residences.

Two development options are proposed including: sixteen affordable housing units provided on six lots with seventy-nine single-family residences; or eighty-five single-family residences on-site, with sixteen affordable units provided off-site, including two parks, multi-use trails, utilities and streets, a wetlands restoration site and MSCP Preserve Open Space consistent with the Subarea Plan land use plan. The project will provide a well-integrated land use pattern consisting of market-rate housing and affordable housing opportunities, as well as, public parks and open space in the Torrey Highlands Subarea.

The project design and circulation system is integrated with the designs of approved and proposed projects to the south, east and west. The project implements the land use element of the Torrey Highlands Subarea IV Plan which serves as the City's Community/General Plan for the area within which the subject property is located, and therefore, will not adversely affect the Plan.

The construction of the project will fulfill a community need by implementing the land use plan as defined by the Torrey Highlands Subarea IV Plan which acts as the City's Community/General Plan for the area within which the subject property is located.

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 permits controlling the development and continuing use of the Torrey Ranch

development will be conditioned to address the project's compliance with the City's regulations as well as other regional, state and federal regulations, to prevent and to mitigate any potentially detrimental effect or impacts to health, safety and general welfare of persons residing and/or working in the area in or around the project. Conditions of approval require compliance with several operational constraints and development controls intended to assure that continued health, safety and general warfare issues are adequately addressed. In addition, the project provides a circulation system that accommodates appropriate fire and safety vehicle access.

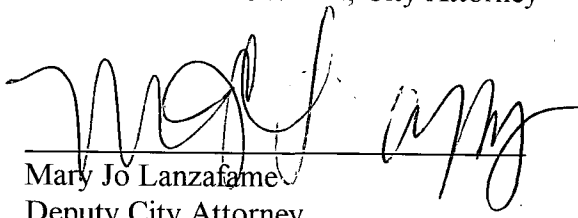
3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. When considered as a whole, the project will be beneficial to the community and is consistent with the land use regulations and design guidelines of the Torrey Highlands Subarea IV Plan, which govern development of the subject site as well as the Purpose and Intent of the Planned Residential Development Ordinance and the Resource Protection Ordinance, the State Subdivision Map Act and all other subdivision and zoning requirements of the Municipal Code of the City of San Diego.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Residential Development Permit No. 7436/Resource Protection Ordinance Permit No. 7438 is granted to David B. Goodell/Del Mar Management, 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
10/15/02
Or.Dept:Clerk
R-2003-462
Form=permitr.frm
Reviewed by Patricia Grabski

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
RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0329
FAIRBANKS COUNTRY VILLAS [MMRP]
CITY COUNCIL

This Planned Residential Development [PRD] Permit No. 7436/Resource Protection Ordinance [RPO] Permit No. 7438 is granted by the City Council of the City of San Diego to David B. Goodell/Del Mar Land Management, Owner/Permittee pursuant to the San Diego Municipal Code [SDMC] (Old Code). The 92.72-acre site is located south of Carmel Valley Road, northeast of the proposed SR-56 alignment, north of "Street B," and west of the proposed Camino Ruiz alignment on both sides of Mc Gonigle Canyon in the Torrey Highlands Subarea IV Plan and the Torrey Highlands Community Plan area, in the RS-1-14 zone (previously referred to as the R-1-5000 zone). The project site is legally described as Parcel 3 of Parcel Map 6902 and Parcel 2 of Parcel Map 4768.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop between seventy-nine and eighty-five single-family residences. Two development options are proposed including: sixteen affordable housing units provided on six lots with seventy-nine single-family residences; or eighty-five single-family residences on-site, with sixteen affordable units provided off-site, including two parks, multi-use trails, utilities and streets 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. The development of seventy-nine single family dwelling units and sixteen affordable housing units. The project includes an option to provide sixteen affordable housing units off-site and increasing the number of market rate single-family dwelling units on-site to eighty-five;

- b. Two on-site Homeowner Association maintained passive/tot lot open space areas and multi-use trails;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and
- e. 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/Land Development Code [LDC] 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 SDMC/LDC 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 agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.)

7. 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.

8. 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.

9. 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.

10. 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 application(s) or amendment(s) to this Permit have been granted.

11. 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 the 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/Permittee 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/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this 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 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.

12. This Permit shall become effective with recordation of the corresponding final subdivision map and approval of the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Prior to issuance of an Interim Habitat Loss Permit and associated grading or pre-grading permit from the City of San Diego for any portion of the project site, the Permittee must verify in writing to the City Manager that he/she has obtained final concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the Natural Communities Conservation Planning [NCCP] Process and Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence will require reconsideration by the appropriate City decision making body.

Approval of this Permit does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a 5% cumulative loss of coastal sage scrub and gnatcatcher occupied habitat calculated at the grading permit stage.

14. Prior to issuance of a grading or pre-grading permit from the City of San Diego for any portion of the project site, proof of an incidental take permit under Section 7 or Section 10(a) of the Endangered Species Act of 1973 [ESA] relative to the California gnatcatcher shall be provided to the City Manager. If such permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign required in

obtaining a Section 7 or Section 10a permit will require reconsideration by the appropriate City decision making body.

15. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 99-0329, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Paleontological Resources
- Hydrology/Water Quality
- Transportation/Circulation
- Historical Resources (Archaeological)

PLANNING/DESIGN REQUIREMENTS:

16. The Floor Area Ratio [FAR] standard for the proposed project is 60 percent. Eighteen units are proposed at or above the maximum FAR. These lots are considered built out to their maximum FAR capacity. Future building additions are prohibited on Lots 20-24, 26-27, 29-31, 51-54, 56, 63, 65, 70, and 87, unless the property owner can demonstrate that the proposal would not increase the existing FAR or would meet the FAR threshold of 60 percent for the individual lot.

17. Prior to issuance of any building permit for affordable housing units, a Process Two Substantial Conformance Review [SCR] shall be submitted to determine compliance with the Design Guidelines for the Fairbanks Country Villas Affordable Housing.

18. The pedestrian/bicycle entrance to the project shall provide permanent open access. No gates may be located at the pedestrian/bicycle entry to the project. A gated entry may only be located along the entry to the Carmel Valley Road portion of the project. No gates are permitted at the entry from Torrey Meadows Drive.

19. Prior to issuance of any building permit, the Owner/Permittee shall make available information on energy efficient appliances and technology in its marketing materials and within its sales office. Copies of the marketing materials shall be provided to the City Manager prior to issuance of building permit.

20. Prior to issuance of any building permit, the Owner/Permittee shall either provide, or offer as an option, alternative energy technologies to be incorporated into the residences during construction. The provision of, or option for, the alternative energy shall be identified in the marketing materials that are provided to the City Manager.



21. Fencing located on Lots 58 and 68 that are above the retaining walls along Private Drive "A" must provide a minimum planting area of two feet between the inside of the wall and the fence in order to reduce the effect of the combined height of the retaining wall and the fence..
22. Off-street parking spaces 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/LDC and shall not be converted for any other use unless otherwise authorized by the City Manager.
23. 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 a 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.
24. 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.
25. A topographical survey conforming to the provisions of the LDC 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.
26. 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.
27. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Director of the Development Services Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
28. 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.

29. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
30. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
31. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
32. Prior to the issuance of each building permit, a fire response time analysis shall be submitted to the Fire and Life Safety Services Section of LDR. If the building site is located outside of a six-minute response time radius from an existing operating fire station, a fire sprinkler system shall be installed in the structure(s) satisfactory to the City Fire Marshall.

PARK REQUIREMENTS:

33. The Park Purchase Agreement entered into by the owner and the City requires that the lands be purchased at the earliest possible time but no later than December 31, 2002. The Owner/Permittee of this project shall agree in writing prior to review of this project by the City Council to an extension of time on that agreement until such time as the conditions included in permit Conditions 31 through 33 below are satisfied or funding becomes identified in the Public Facility Financing Plan for the purchase of the additional lands for Neighborhood Park Number 2 within the Torrey Highlands Precise Plan Area.
34. The Owner/Permittee Developer shall reserve Lot 47 and Lot 99 in accordance with Section 66479, et seq., of the California Subdivision Map Act for a neighborhood park. Provisions of the Act require that the subdivider shall, prior to the recordation of the first final map for any unit within this development, enter into an agreement for the City to acquire the park site within two years after completion and acceptance of all public improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value of the raw unsubdivided land thereof at the time of the filing of the first substantially complete map, April 15, 1999, plus the taxes against such reserved area from the date of reservation, and any other costs incurred by the developer in the maintenance of such reserved areas, including interest costs incurred on any loan covering such reserved areas. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.
35. The Owner/Permittee shall hire a property appraiser, acceptable to the Real Estate Asset Director, for the purpose of appraising the value of the park site as raw, unsubdivided land. The appraiser shall be advised of the appropriate State, County, and City codes that apply to the park site as a portion of a 92.72 acre total property. The appraisal shall be completed and

approved by the Real Estate Asset Director prior to the recordation of the first final map for any unit within this development. Failure of the City to accept the appraisal from the developer, the City reserves the right to hire an appraiser to value the land. Failure of the two parties to resolve any differences will require the naming of a third appraiser to mediate the issue. Failure of both parties to agree on a mediator will require that the final value of the land be established by judgement of the Superior Court.

36. The Owner/Permittee developer shall, prior to the recordation of the first final map for any unit within this development, enter into an agreement with the City for reimbursement of any costs associated with the acquisition of the above property. The agreement shall define the method of compensation. The agreement shall be to the satisfaction of Facilities Financing of the Planning Department.

37. The Owner/Permittee shall provide for the rough grading of the park site to the Park and Recreation Department's specifications of a maximum 2% grade. Prior to the recordation of the first final map for any unit within this development, the subdivider shall enter into an agreement with the City for reimbursement of any costs associated with the above described grading work. The agreement shall define the method of compensation. The agreement shall be to the satisfaction of Facilities Financing of Planning Department.

MULTIPLE HABITAT PLAN AREA [MHPA] REQUIREMENTS:

38. Prior to issuance of the grading permit, the City Manager shall review and approve the Landscape Concept Plan to ensure that no non-native species shall be located in areas adjacent to the MHPA.

39. Prior to issuance of the grading permit access to the MHPA, if any, should be directed to minimize impacts and shall be shown on the Site Plan and reviewed and approved by the City Manager.

40. No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, until the following requirements have been met to the satisfaction of the City Manager.

41. Prior to any construction related activity, the biologist shall survey those areas of the MHPA that are within 500 feet of any proposed construction activity, in accordance with the U.S. Fish and Wildlife Service protocol for determining the presence/absence of California gnatcatchers and shall notify the City Manager of the results. If a survey is not conducted presence shall be assumed and a temporary noise barrier will be required.

42. If no California gnatcatchers are found to be present within the MHPA up to 500 feet of any proposed construction related activity, then vegetation clearing and project construction may commence.

43. If California gnatcatchers are found to be present within the MHPA, construction related activities within 500 feet shall not commence until temporary noise barrier(s) are placed between construction activity and occupied gnatcatcher habitat. The location of the noise barrier(s) shall be determined by the biologist and acoustical engineer. Construction noise levels shall be monitored at the edge of occupied habitat with noise barrier(s) in place.

44. In consultation with the City Manager, other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A) at the edge of occupied habitat.

45. Construction noise shall continue to be monitored twice weekly on varying days, or more frequently depending on construction activity, to verify that noise at the edge of occupied habitat is maintained below 60 dB(A). If not, other measures shall be implemented (in consultation with the City Manager), as necessary, to reduce noise levels to below 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment and limitations on the simultaneous use of equipment.

46. Prior to issuance of the grading permit, areas within the MHPA shall be dedicated in fee to the City, OR placed in a conservation easement OR covenant of easement specific to the MSCP which is then recorded on the property. The existing open space easement recorded in 1996 will not satisfy this condition, as the boundary has changed.

47. Prior to issuance of the building permit for structures adjacent to the MHPA, a lighting plan shall be submitted to the City Manager for review and approval. The plans shall require that exterior lighting in development areas adjacent to the MHPA be limited and shall shield and direct all lighting away from the MHPA. Lighting from homes abutting the MHPA shall be screened with vegetation. Large spot light type lighting that may affect the MHPA shall be prohibited. The lighting design shall be noted and graphically depicted on building and landscape plans and compliance with this measure shall be monitored by the City Manager.

48. Prior to issuance of any building permits, a fence plan shall be provided to the City Manager for review and approval. The plan shall require fencing or a similar barrier in all residential lots adjacent to the MHPA. The fencing or barrier shall be indicated on the building and landscape plans and compliance with this measure shall be reviewed by the City Manager.

49. Prior to issuance of the grading permit, the City Manager shall review and approve a Restoration Plan for the grading that will occur in the Multi-Habitat Planning Area (MHPA) but within the limits of the Subarea IV Grading Line for Unit 2.

LANDSCAPE REQUIREMENTS:

50. 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 SDMC/LDC 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 Department.

51 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.

52. 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 and Landscape Regulations. 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 Owner's Association or a Landscape Maintenance District.

53. Prior to issuance of any grading permits and construction for structures, complete landscape and irrigation construction for landscape finger islands between parking spaces, vehicular use area landscape regulations (SDMC/LDC sections 142.0406 and 142.0407), and a row of shrubs shall be included between the parking spaces and open space shall be submitted to the City Manager for approval.

54. Prior to issuance of any building permit or engineering permit, trees and tall shrubs shall provide screening of the walls and plantable walls. Walls for the development shall be earth-colored to visually blend with the environment. Walls along the trail shall be landscaped. Wall footings shall not prevent installation of landscaping in front of wall. The wall, north of Lot 57, shall have footings south of the wall and provide a small landscape area to plant vines and shrubs in front of the walls facing the trail. Landscape construction plans shall be submitted to the City Manager for approval.

55. Prior to issuance of any engineering permit, earth-colored concrete swale shall be provided to blend with the soil to catch the run-off.

56. Prior to issuance of any engineer permits for grading, complete landscape construction documents with native trees, a combination of minimum 15 gallon and 24 inch box trees, shall be planted on slopes, behind Lots 69 through 83 and south of Lots 28 through 32 (in Zone Two)

shall be submitted to the City Manager for approval. Trees shall filter the roof lines of the development and the trees shall be placed between the center of each property lot, so that the views will still be maintained and reduce the visual impact of the development. These trees shall not be removed, severe pruning or "topping" of trees is not permitted by private property owners. Temporary irrigation shall be provided for the establishment of trees and vegetation on slope areas.

57. Lots 69 through 83 and Lots 19 through 32 shall not have nor create private access from the lots to the slope areas.

58. Prior to issuance of any engineering permit for improvements, complete landscape construction documents for the Neighborhood Landscape Component Areas, Tot areas, and View Areas shall be submitted to the City Manager for approval. Unit One, south of Lot 13, shall have a Neighborhood Landscape Component Area that includes a non-combustible, minimum one-hour fire rated gazebo and non-combustible, one-hour rated benches and picnic tables. Unit One, east of Lot 14 and at the end of Private Drive H cul-de-sac, shall have a view area with a Tot. Unit One, east of Lot 41, shall have a view area with a Tot lot. Unit Two, east of Lot 69, shall have a Neighborhood Landscape Component Area that includes a non-combustible, minimum one-hour fire rated gazebo and non-combustible, minimum one-hour rated benches and picnic tables. All structures in View Areas, Tot Lot Areas and Neighborhood Landscape Component Areas shall be non-combustible, minimum one-hour fire rated material.

59. Prior to the issuance of any engineering permits and building permits, the Owner/Permittee shall submit a landscape observation schedule including the qualified landscape representatives' name and phone number, who will be performing the site observations and reporting back to the City in letter form at completion of each phase (phase include, but not limited to, job start, flat work/foundation, irrigation pressure test, finished grade planting layout/size and quantity, irrigation coverage test, and a final inspection with the City's Landscape Inspector).

60. The Design Guidelines for this development shall include Brush Management Criteria in regards to the following elements: Site Development, Architectural Characteristics, Outdoor Areas, Balconies, Private walls/fences, Roof Forms (eaves), Materials and Colors, and Design Detail.

61. Zone One is measured from the exterior of the structure and the structures must meet the following requirements:

- a. Roof materials shall be fire retardant. Wood shake shingles, whether fire retardant treated or untreated, are not permitted.
- b. Walls, eaves, and overhangs shall be one-hour, fire-resistive.

- c. Eave vents shall be covered with wire screen not to exceed 1/4-inch mesh.
- d. Structures, such as fences, balconies, and walls, that are located within brush management zone one shall be of noncombustible construction.

62. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

63. 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.

64. All tree locations shall have a 40 square feet minimum area around each tree's root zone which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of any pavement.

65. 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.

66. 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.

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

68. 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)".

69. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.

70. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in Section 1.3 of the Landscape Standards.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

71. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Development Plan, dated September 24, 2002, on file in the office of the Development Services Department.

72. 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.

73. 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.

74. Prior to 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 Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated September 24, 2002, on file in the office of the Development Services Department, and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, the Landscape Standards and the SDMC/LDC section 142.0412 (Ordinance -18451).

75. A Zone One of 35 feet shall be provided on Assessor's Parcel Number (APN.) 306-011-20 (Parcel 1 of Parcel Map 8133) and install permanent irrigation for Zone One. A Zone Two of 50 feet on APN 306-011-20 (Parcel 1 of Parcel Map 8133) shall be provided. Off-site Brush Management Zones are provided east of Lots 48 through 57.

76. The Brush Management Program shall consist of two zones as follows:

Lot #	East of I-805	Zone One	Zone Two
**South of Lot 13		55 feet	0 feet
**Lots 26 & 27		35 feet	
**Lot 28 through 32		35 feet	40 feet
**East of Lot 41		55 feet	
**Southeast to South of Lot 41		35 feet	40 feet
**North of Lot 57		35 feet	40 feet
**Lots 69 through 83		35 feet	40 feet
**South of lots 14 through 18		35 feet	40 feet

**All structures shall comply with following architectural features and these features shall be noted on all building plans:

- a. Roof material shall be fire retardant. Wood shake shingles, whether fire retardant treated or untreated, are not permitted.
- b. Walls, eaves, and overhangs shall be one-hour, fire-resistive.
- c. All eave vents shall be covered with wire screen not to exceed 1/4 inch mesh.

77. The building construction documents shall conform to the Architectural features as described in SDMC/LDC section 142.0412(d). In the event that Architectural Features are not added, an additional 10-foot shall be added to Zone One.

78. Within a standard Zone One, a minimum fire rating of ONE HOUR or more for additions or accessory structures (including, but not limited to decks, trellises, gazebos, balconies, etc.) are permitted with the approval of the Fire Marshall and the City Manager.

79. Prior to any construction or grading, it shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Mitigation, Monitoring and Conservation Section of Development Services Department to discuss and outline the implementation of the Brush Management Program. Provide the above mentioned note on plans.

80. Provide the following note on the Site Plan: "Zone One - Building Restrictive Area" with labeled Zone One and Zone Two width dimensions.

81. Zone One shall not be permitted on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot).

82. Wood fences shall not be permitted in Zone One.

83. Zone One shall have permanent irrigation.
84. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Marshall may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exist.
85. Prior to final inspection and issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.
86. In all Brush Management Zones the plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as determined by the Landscape Section of Development Services Department.
87. The Brush Management Maintenance Program as noted on Exhibit "A," dated September 24, 2002, on file in the office of the Development Services Department, shall be performed annually by the Permittee or subsequent Owner or until such time that another approved entity such as a Home Owners Association or a Landscape Maintenance District assumes annual responsibility.

TRANSPORTATION REQUIREMENTS:

88. The proposed project shall conform to the Torrey Highlands (Subarea IV) Transportation Phasing Plan dated October 1995, and the final EIR/Traffic Study dated June, 1996.
89. The applicant shall construct Carmel Valley Road as a four-lane major street with a minimum pavement width of 102-feet within 132-foot of right-of-way along the project's frontage with appropriate transition to the east, satisfactory to the City Engineer.
90. The applicant shall construct a traffic signal at the intersection of Carmel Valley Road and the project's entry, satisfactory to the City Engineer.
91. The applicant shall construct Torrey Meadows Drive as a two-lane collector street with a minimum of 40-feet curb-to-curb within a 70-foot right-of-way then transition to a two-lane collector street with two-way left-turn lane with a 50-foot curb to curb within an 80-foot right-of-way, satisfactory to the City Engineer. The applicant shall provide an interim 50-foot curb to curb radius within a 60-foot right-of-way radius at the western end of Torrey Meadows Drive, satisfactory to the City Engineer.

SEWER REQUIREMENTS:

92. 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.

93. 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.

94. 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.

95. 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.

WATER REQUIREMENTS:

96. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water facilities, as required in the accepted water studies, necessary to serve this development in a manner satisfactory to the Water Department Director and the City Engineer. Water facilities, as shown on approved Exhibit "A," dated September 24, 2002, on file in the office of the Development Services Department, shall be modified at final engineering to comply with City standards.

97. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the Del Mar Heights Pipeline relocation into Carmel Valley Road in a manner satisfactory to the Water Department Director and the City Engineer.

98. If on site water facilities are to be public within gated portions of the development, then prior to the issuance of any building permits, the Owner/Permittee shall provide the Water Operations Division with keyed access satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.

99. The Owner/Permittee shall install encroachment water services, to serve each lot with less than 40 feet of frontage containing a driveway curb cut, on an improved vehicular right-of-way or master meter assemblies to serve multiple lots, in a manner satisfactory to the

Water Department Director and the City Engineer. All water services and meters shall be installed behind full height curb and outside of any vehicular travel way including driveways.

100. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&R's for the operation and maintenance of all private water facilities that serve or traverse more than a single lot or dwelling unit.

101. 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", will require modification based on standards at final engineering.

102. Prior to the issuance of any building permits, the Owner/Permittee 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.

103. Prior to the issuance of any certificates of occupancy, all necessary public water facilities necessary to serve the development, maintaining appropriate redundancy, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer. 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 practice pertaining thereto.

104. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments 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.

AFFORDABLE HOUSING REQUIREMENTS:

105. Prior to the filing of the first final map, subdivider shall comply with the requirements of the Torrey Highlands Subarea Plan 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 Sixteen units to be constructed on Lot(s) 36-41, as shown on the Tentative Map. Subdivider shall execute an agreement [the Affordable Housing Agreement], subject to the approval of the Executive Director of the Housing Authority of the City of San Diego [Executive

Director], or designee, and the City Manager of the City of San Diego, or designee, addressing the following issues:

1. Performance Security for the construction of the Affordable Housing Project and dedication of land [Affordable Housing Site] for the construction of the Affordable Units on site, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the Executive Director;

2. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the Executive Director, provided that the following timetable is incorporated into the Affordable Housing Agreement:

a. Issuance of building permits for the Affordable Project shall occur on or before the earlier of:

(i) The issuance of building permits for construction of the 40th 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 40th market rate unit occur until building permits are issued for construction of the Sixteen 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 40th and 60th 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) The 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 60th market rate unit (number of units which represents 75% of

market rate units) shall not occur until the completion of the Sixteen 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 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 [CC&R's], 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&R's 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. 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 30% of the monthly income at 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 CC&R's) 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 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, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.

OR

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

B. The approval by the Executive Director, or designee, and the City Manager, or designee, of the dedication (that is, the irrevocable setting aside of land for affordable housing purposes) of developable land within the Subarea and Affordable Housing Plan(s) that address, provide for and assure the construction and occupancy of Affordable Units within the Subarea on common site(s) that is not located within the boundaries of this project and that has received City approvals. Each Affordable Housing Plan must address the following issues concerning Affordable Housing to the satisfaction of the Executive Director and the City Manager, or designee:

1. Siting, design, unit mix, appearance, architectural and floor plans, of the Affordable Units, as referenced on City approved tentative maps and City approved PRD exhibits for the common site(s);

2. Security for timely performance by the Subdivider of the approved Affordable Housing Plan(s) and Affordable Housing Agreement(s);

3. Execution and recordation of enforceable agreement(s), including the Affordable Housing Agreement, setting forth the requirements and timing of construction and occupancy of the Affordable Housing as referenced in the Affordable Housing Plan(s);

4. Phasing of the construction and occupancy of the Affordable Units;

5. Recordation of the CC&R's, as approved by the Executive Director, assuring affordability and occupancy of the Affordable Units for a period of fifty-five years from the date of completion of construction of the Affordable Units to families earning not more than 65% of area median income and at rates affordable to these families, as adjusted for family size. However, in the case of affordable rental units, in which provisions of the State Density Bonus Statute applies, rental rates shall not exceed 30% of the monthly income at 60% of the area median income, as adjusted for assumed family size and utilities.

6. Security in the form of a lien with second priority, junior only to the CC&R's, assuring dedication of the Affordable Housing Site and construction of the Affordable Units in a timely fashion, as set forth in the phasing element(s) of the Affordable Housing Plan(s). Subordination of the second lien priority security mentioned herein may be subordinated to construction and/or permanent financing deed(s) of trust in favor of institutional lender(s), as approved by the Executive Director, and as referenced in Paragraph 1.A.4. of this permit; and

7. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification(s) of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.

8. Subdivider, and their successors, heirs and assigns shall execute such other and further documents and shall perform such acts, as shall be requested by the Executive Director and the City Manager and as may, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.

The Fairbanks Country Villas Project (Job Order No. 99-0329) Affordable Housing Program is attached to these Planned Residential Development conditions and are 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 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 map 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-297091, 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.

David B. Goodell
Owner

By _____

DEL MAR MANAGEMENT,
Permittee

By _____

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