

RESOLUTION NUMBER R-298153

ADOPTED ON JULY 1, 2003

WHEREAS, Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, Permittee, filed an application with the City of San Diego for a Planned Residential Development Permit/Coastal Development Permit [PRDP/CDP] and a Multiple Habitat Planning Area [MHPA] boundary line adjustment to construct a single and multi-family unit residential development known as the Crescent Heights project, located north and south of Calle Cristobal, east and west of Camino Santa Fe, and legally described as a Portion of Section 34, Township 14 South, Range 3 West, Section 35, Township 14 South, Range 3 West, West half and Portion of Northeast quarter, Portion of Section 34, Township 14 South, Range 3 West Northeast quarter of Northeast quarter, Section 27, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the Mira Mesa Community Plan area, in the City of San Diego, County of San Diego, California, in the AR-1-1 zone (previously referred to as A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5 and OC-1-1 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered PRD Permit No. 9693/CDP No. 9694, and MHPA boundary line adjustment, and voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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. 9693/CDP No. 9694, and MHPA boundary line adjustment:

**PLANNED RESIDENTIAL DEVELOPMENT**

**1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.** The proposed project would provide significant benefits to the City of San Diego by realizing the preservation and dedication of 145.08 acres of land into the Multiple Habitat Preservation Area [MHPA] and by the development of 40.12 acres of additional residential development providing a mixture of housing at various prices; 128 single-family units and 144 multi-family units in the Mira Mesa community.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. All slopes adjacent to open space areas will be revegetated with native plants capable of providing deep rooting characteristics for added slope stability and will include low profile, spreading varieties to provide erosion control and protection. The planting and continued maintenance of these slopes, and all slopes within the project, will prevent soil erosion, silting of lower areas or geologic instability which would affect health, safety and general welfare by covering the manufactured slopes with living, deep rooted, trees and low spreading shrubs. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

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

The proposed project conforms with the City's Open Space Element and would be consistent with the Open Space designation as described in the proposed Mira Mesa Community Plan amendment. The site is zoned for residential development and open space. Dedication of open space is proposed within the subdivision to preserve sensitive areas, retain the unique visual assets of the land area and to increase the area within the Multiple Habitat Preservation Area established by the Multiple Species Conservation Program [MSCP]. This open space then being deeded in fee to the City of San Diego would continue to be preserved in perpetuity and would not be further impacted by development.

The proposed project would be consistent with the Mira Meas Community Plan by means of the community plan amendment proposed for adoption. The proposed project would be consistent with the Progress Guide and General Plan and would not cause adverse affects to these policy documents or to the City of San Diego. Revisions to the project have been incorporated into the design to create consistency with the requirements of the Hillside Review Overlay Zone and Hillside Design and Development Guidelines by blending manufactured slopes to the existing topography, by orienting the street and development pattern to be compatible with the natural topography of the land and by significantly reducing the boundaries of the proposed development. The revised design of the project would create a development which works with the site topographic conditions and the site's visually prominent location rather than against it. In these ways the proposed project would fulfill a community need for additional housing products at a variety of market prices and would not adversely affect the policies of the City of San Diego.

**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 permit controlling the development and continued use of the single-family and multi-family development proposed for this site contains conditions addressing the project compliance with the City's regulations and policies and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Compliance with these relevant regulations would result in a project which does not adversely affect other properties in the vicinity.

Geotechnical studies performed for the proposed project indicate the site is physically suitable for the proposed grading design and building locations as shown on the proposed plans. Due to the conditions of approval which require contoured landform grading, revegetation of all slopes, and the sensitive placement of buildings, the proposed design of the project will result in the least possible disturbance to the site. Although a greater area is graded to accomplish the landform contour grading, the resultant visual blending of the proposed slopes would create a project that is consistent with the surrounding landform and development patterns. All biologically sensitive areas disturbed by the proposed development would be mitigated by complying with the adopted Mitigation Monitoring and Reporting Program [MMRP] which would require the dedication of land to the City's MHPA. This would include 4.48-acres of coastal sage scrub, 16.59 acres of chaparral and 1.29 acres of non-native grassland along with additional habitat areas for a total of 145.08 acres of dedicated land. These mitigation requirements would be consistent with the City's adopted Biological Guidelines. The proposed development would not impact identified vernal pools located on the site and disturbances to other habitats would be considered fully mitigated by measures described in the MMRP to be adopted for the project.

The proposed development would retain the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The proposed roads of the site plan and tentative map follow the natural topography of the site in a curvilinear manner while utilizing changes in vertical alignment to minimize the disturbance to the site and to be parallel to the natural grade. The location of these proposed roads also reduces the grading necessary to provide the desired housing opportunities. The grading plan proposes slopes, both in cut and fill,

which utilize contoured, landform grading techniques to achieve a blend between the natural undisturbed slopes and the proposed manufactured slopes.

The landscape concept plan uses as its theme the indigenous natural plant materials of the inland region. Manufactured slopes will be revegetated with native species to achieve a seamless visual blend of these slopes with the immediately adjacent natural slopes.

Architectural designs present roof lines and building articulation sympathetic to the site location in an effort to allow development while eliminating the visual impact of roof planes and elevations dominating the skyline. Lots located along natural open space areas require buildings to be set back a minimum of 30 feet from the top of slopes or natural area to reduce the visual impact of the project from near and distant views. This setback area is also required to reduce risks from wild fires which might occur in the open space areas. This architectural sensitivity allows for development of the site while retaining the visual quality by integrating the structures with the site rather than the site being completely altered to fit the structures.

Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. Conditions of approval address lighting, the generation of noise, the appearance of landscaping, placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm water quality would be addressed through conditions of approval which require implementation of Best Management Practices [BMP] during and post construction. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity.

As described in the Environmental Impact Report, the proposed project would have adequate levels of essential public services available for health, safety and general welfare of persons residing or working in the area. The nearest fire station would have a response time 5.4 minutes and the nearest police station would have a response time of 7.6 minutes in accordance with the required levels. The addition of the Crescent Heights project would not impact these response times. Other vital services, such as schools, libraries, public parks, electricity, water and sewer would be adequate for the proposed project.

**3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.** Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Development of the single-family lots and multi-family developments shall meet the requirements, respectively, of the RX-1-2 and RM-2-5 development criteria with regard to setbacks and floor area ratio, as allowed through a Planned Residential Development permit. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines." By incorporating the proposed landform contour grading; by revegetation sensitive slopes with native plant species; by siting single-family structures away

from visually sensitive natural edges; by the architectural elements of roof planes facing the open space and stepping back of second story elevations; and by planting the manufactured slopes with the appropriate vegetation capable of preventing erosion, the design of the proposed project conforms to the qualitative guidelines and criteria established in Document No. RR-262129. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

## **COASTAL DEVELOPMENT**

**1. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.** The proposed site does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas. The proposed site is not identified in the Mira Meas Community Plan or Local Coastal Program Land Use Plan as a proposed accessway to be utilized by the general public for providing access to the ocean or other scenic coastal area. The project site is approximately eight and one half miles east of the Pacific Ocean and the beaches and bluffs located there. The geographic location of the site will not obstruct views to and along the ocean and other scenic coastal areas as no such views are possible to these resources from the site. The adjacent Lopez Canyon may be considered a scenic coastal resource; however, the proposed project would be developed in a manner to minimize impacts to public views into and from the Lopez Canyon by lowering the elevation of building pads, minimizing grading and consolidating the development onto fewer parcels.

**2. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.** Environmental review of the proposed project did not identify any potential for impacts to marine resources, archaeology or paleontology. Site investigations and research revealed the project site does not contain nor would the proposed development adversely affect these resources. Significant impacts to biological resources would be mitigated to a level below significance through conditions contained in the MMRP. The Owner/Permittee has agreed to all conditions in the MMRP and the City will monitor compliance with these conditions.

**3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter 10, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.** The proposed project is specifically excluded from the Resource Protection Ordinance as described in the SDMC section 101.0462(E)(2). Therefore, the proposed project is consistent with the requirements of the Resource Protection Ordinance which provides the exclusion by virtue of the site being within the Calle Cristobal Assessment District. The Owner/Permittee has provided and continues to provide funds and support for the improvements of the aforementioned assessment district. Therefore, the proposed project is exempt from the requirements of the Resource Protection Ordinance by its terms.

**4. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.** The proposed residential development will not adversely affect facilities serving the recreational needs of the community or facilities serving the needs of the visiting public in connection with coastal resources. The two proposed multi-family developments will provide recreational facilities which would be utilized by the residents of those development units. The site is not located adjacent to identified recreational or visitor-serving facilities or coastal scenic resources. The proposed development will provide dedication of open space lands to the City of San Diego, Parks and Recreation Department Open Space Division and the Multiple Species Conservation Program's Multiple Habitat Preservation Area.

**5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.** Park and recreational areas do not exist adjacent to this site, although there are regional open space preserves planned adjacent to the site in the Lopez Canyon. The proposed development will not impact environmentally sensitive habitats and scenic resources located in any parks within the community. Buffer areas are provided to protect resources in the Lopez Canyon from the proposed project in that the project area has been reduced significantly to limit impacts from the proposed project to environmentally sensitive habitats and scenic resources located in and adjacent to Lopez Canyon.

**6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.** The project proposes mass grading of the site in a manner consistent with the Hillside Review Ordinance and Hillside Review and Design Guidelines. The amount of grading necessary to develop the project has been reduced to limit the impact of development to the adjacent Lopez Canyon. The proposed grading plans indicate the site will be graded in a manner consistent with the general existing topography. The plans indicate landform contouring of manufactured slopes adjacent to undisturbed tributary canyons to create the visual blending required by the Hillside Review Ordinance and Hillside Review and Design Guidelines in a manner consistent with the existing canyon topography. This landform contouring requires more area be graded than by conventional engineering methods, yet will yield a result compatible with the natural topographic signature of the site. The proposed project will not result in potential risks from geologic forces based on the review of geotechnical reports provided by the geotechnical consultant. Additional geotechnical review would be provided with the construction documents for the improvement of the site. Undue risks from erosional forces on manufactured slopes will be reduced and eventually eliminated by planting of trees, shrubs and ground covers as indicated by the Landscape Concept Plan. These plantings will be included in the grading operations during the development of the site. Undue risks from flood hazards will be not be present since the proposed site is not within any mapped floodway or flood channel. The site elevations are approximately 208 to 112 feet above the canyon bottom of the adjacent Lopez Canyon and approximately 200 feet or more above the canyon bottom of Los Penasquitos Canyon. Undue risks from fire hazards will be reduced through the implementation of the Brush

Management Plan proposed in connection with the development of the site. The Brush Management Plan establishes three zones to reduce the potential of wildfires reaching the proposed development consistent with the Landscape Technical Manual adopted by the City of San Diego. All brush management would be conducted in a manner consistent with the Landscape Technical Manual.

**7. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas.** The project proposes mass grading of the site in a manner consistent with the Hillside Review Ordinance and Hillside Review and Design Guidelines. The amount of grading necessary to develop a project has been reduced to limit the impact of development to the adjacent Lopez Canyon. The proposed grading plans indicate the site will be graded in a manner consistent with the general existing topography. The plans indicate landform contouring of manufactured slopes adjacent to undisturbed tributary canyons site to create the visual blending required by the Hillside Review Ordinance and Hillside Review and Design Guidelines in a manner consistent with the existing canyon topography. This landform contouring requires more area be graded than by conventional engineering methods, yet will yield a result compatible with the natural topographic signature of the site. In this manner, the proposed project would be visually compatible with the surrounding undisturbed environment and topography. The two types of proposed housing developments would be compatible with surrounding existing housing developments in the immediate area in bulk and scale, setbacks from property lines, architectural detail, and development pattern.

**8. The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site.** With the adoption of the proposed Community Plan amendment and Local Coastal Program amendment, the proposed development would be consistent with the Mira Mesa Community Plan, Progress Guide, and General Plan each of which identifies these sites for residential development. As described below, the project would implement the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community by providing 128 additional single-family and 144 multi-family housing units while minimizing the environmental impacts of the development.

The proposed project would be developed with a combination of residential and open space zoning in accordance with the Community Plan, as amended by the amendment thereto, which contemplate two types of zoning for the proposed project area. To implement the goals and policies of the Community Plan approximately 40.12 acres would be rezoned from AR-1-1 to RM-2-5 and RX-1-2 and approximately 145.08 acres to OC-1-1. The dual zoning would allow the clustering of residential development while preserving a significant amount of open space. The proposed project would be consistent the land use designations of the Community Plan by providing nine open space lots and 272 residential dwelling units at a density of 2.1 dwelling units per acre. This residential density is within the Community Plan's density range of 0-4 dwelling units per acre.

The propose project would implement the intent of the Sensitive Resources and Open Space System Elements of the Community Plan by incorporating sensitive resource preservation and enhancement and by mitigating impacts to on-site biological resources to below a level of significance, as described in the Environmental Impact Report. The natural drainage systems, flood plains and recreational opportunities would remain intact in the proposed and existing open space preserve areas as required by the Community Plan. The proposed project would comply with the relevant policies and purposes of the Community Plan, the Local Coastal Program Land Use Plan and the Progress Guide and General Plan by dedicating more than seventy-five percent of the project area to open space, by avoiding encroachment into the vernal pools located on site, by minimizing impacts to other habitat areas, by providing appropriate mitigation and by restoring 4.61 acres of manufactured slopes with coastal sage scrub immediately adjacent to the Multiple Habitat Preservation Area.

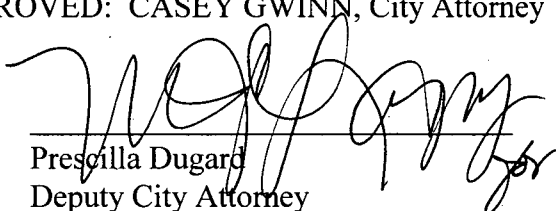
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Residential Development Permit No. 9693/Coastal Development Permit No. 9694, and a MHPA boundary line adjustment is granted to Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes; Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on Vesting Tentative Map No. 9691, is approved.

APPROVED: CASEY GWINN, City Attorney

By

  
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Prescilla Dugard  
Deputy City Attorney

PD:dm

7/07/03

Or.Dept:Dev.Svcs.

R-2004-10

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Reviewed by John Fisher



**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 9693/  
COASTAL DEVELOPMENT PERMIT NO. 9694/MULTIPLE HABITAT  
PRESERVATION AREA BOUNDARY LINE ADJUSTMENT  
CRESCENT HEIGHTS  
City Council**

This Planned Residential Development Permit No. 9693/Coastal Development Permit No. 9694 [PRDP/CDP] and Multiple Habitat Preservation Area [MHPA] boundary line adjustment is granted by the Council of the City of San Diego to Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, a California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0920, 101.0454, and 105.0200. The 185.2-acre site is located north and south of Calle Cristobal, east and west of Camino Santa Fe, in the AR-1-1 zone (previously referred to as A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5, and OC-1-1 zones of the Mira Mesa Community Plan. The project site is legally described as a Portion of Section 34, Township 14 South, Range 3 West, Section 35, Township 14 South, Range 3 West, West half and Portion of Northeast quarter, Portion of Section 34, Township 14 South, Range 3 West, Northeast quarter of Northeast quarter, Section 27, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the City of San Diego, County of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to subdivide a 185.2-acre site and develop 128 single-family dwellings and 144 multi-family dwellings, public improvements and landscaping on approximately 35.2 acres of the site, dedication of 129.18 acres of open space to the City for conservation and twenty-eight other lots for open space and homeowner association ownership, described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department. The facility shall include:

- a. Development and construction of 128 single-family dwellings and 144 multi-family dwellings, public improvements and landscaping on approximately 35.2 acres of the

185.2-acre project site, dedication of 129.18 acres of open space to the City for conservation and twenty-eight other lots for open space and homeowner association ownership;

- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

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 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. 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.

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 July 1, 2003, on file in 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.

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 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 of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

11. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

12. Rezoning of the subject property shall become effective with recordation of the corresponding final map for the project site only after certification of the Local Coastal Program by the California Coastal Commission.

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department.

14. Prior to the issuance of any building permit for the single family lots or the multi-family units in VTM Unit 2, lot 134, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at the intersection of Calle Cristobal and Street "A," satisfactory to the City Engineer.

**MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:**

15. Third Party Beneficiary Status:

The 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 [EAS] and any amendments thereto (16 U.S.C. § 1531, et seq.).

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 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. 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.

16. Multiple Habitat Planning Area Land Use Adjacency Guidelines:

The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Environmental Documentation for the "Crescent Heights and Sunset Pointe Project" (LDR Nos. 99-0639 and 40-0329, SCH No. 99091107), satisfactory to the City Manager and the City Engineer, for the following issues areas to ensure compliance with the MSCP Land Use Adjacency Guidelines: Land Use, Biological Resources and Hydrology/Water Quality. Additionally, the following conditions shall apply:

A. Prior to recording the first final map and/or issuance of any grading permits, to restrict access to the MHPA, the Owner/Permittee shall assure construction of fencing ranging from five to six feet (combination of tubular steel, block wall/tubular steel, or block wall and tubular steel on retaining wall or any other design acceptable to Parks & Recreation, Open Space Division) along all areas adjacent to the MHPA, satisfactory to the City Manager, City Engineer and Parks & Recreation, Open Space Division, including vernal pool Lots 136 and 138. All private fencing shall be located on private property, and not on any portion of Unit 2, Lots 136 and 138. Any necessary future fence repairs shall be the responsibility of the property owner and be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement. For the vernal pool sites, Unit 2, Lots 136 and 138, fencing shall be erected and maintained along Calle Cristobal satisfactory to the City Manager, City Engineer and the Park & Recreation, Open Space Division.

B. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA area(s) 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 in the MHPA within brush management zone two and proposed revegetation areas, a conservation easement or covenant of easement would be appropriate. All other areas could be conveyed through any of the three above methods. Management of the on-site preserved MHPA and revegetation areas shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

17. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Environmental Impact Report, Project No. 99-0639,

satisfactory to the City Manager and City Engineer. Prior to issuance of the any grading permits and/or building permits, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use
- Landform Alteration/Visual Quality
- Biology
- Geology/Soils
- Hydrology/Water Quality
- Transportation
- Noise
- Air Quality
- Cultural Resources
- Paleontological Resources

**WASTEWATER REQUIREMENTS:**

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
19. The Owner/Permittee 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.
20. The Owner/Permittee shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, 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 facilities that serve more than one lot/ownership.
21. 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:**

22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of appropriate public water facilities as identified in the accepted water study, necessary to serve this development, in a manner satisfactory to the Director of the Water Department and the City Engineer, extending to the subdivision boundary and maintaining redundancy throughout phasing of construction. Parallel water mains shall have a minimum separation of twenty feet.

23. The Owner/Permittee shall install encroachment water services, to serve each building with less than 40 feet of frontage on public water facilities or less than 10 feet curb to property line distance, in a manner satisfactory to the Director of the Water Department and the City Engineer. All water meters shall be installed behind full height curb and outside of sidewalks or any vehicular travel way including driveways.
24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of the Water Department and the City Engineer. If reclaimed water is not yet available, then the irrigation systems shall be designed in such a manner as to accept reclaimed water when available and avoid any potential cross connections.
25. 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 July 1, 2003, on file in the Development Services Department, will require modification based on standards and final engineering.
26. Prior to the issuance of any building permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable encroachments of structures, enhanced paving, private utilities or landscaping into any easement containing public water facilities. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
27. 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 Director of the Water Department. The City will not be held responsible for any issues that may arise relative to the availability of keys.
28. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer.
29. 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. Facilities as shown on approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department, will require modification at final engineering to comply with standards.

30. Prior to the issuance of any final inspections or certificates of occupancy, the public water facilities, necessary to serve this development, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

31. Within the multi-family lots 134 and 139, no fewer than 169 and 120 off-street parking spaces, respectively, and within the single family lots no fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

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

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

35. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

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

37. Prior to the issuance of building permits for any multi-family dwelling, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC Chapter 14, Article 2, Division 8) 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 July 1, 2003, on file in the Development Services Department.

38. Prior to issuance of any grading permit, a fee shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot



for all areas graded. The enhancement fee shall be computed by the applicant and verified by Development Services.

39. Prior to issuance of any building permit, a fee shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of all impervious surfaces at the rate of \$0.03 per square feet for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by Development Services.

40. Prior to issuance of any building permits, the Owner/Permittee shall submit for review an acoustical study to assure that interior noise levels will not exceed CNEL 45, to the satisfaction of the Development Services Department.

41. The subject site is located within the 60-65 CNEL for MCAS Miramar. For all property transactions, the Owner/Permittee shall provide appropriate legal notice to all purchasers, lessees and/or renters of property which clearly describe the potential for noise associated from airport operations. Notice will also be provided as required on the state Real Estate Disclosure Form.

**LANDSCAPE REQUIREMENTS:**

42. Prior to issuance of any building permits, complete landscape construction documents consistent with the Landscape Technical Manual, including plans, details and specifications shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated July 1, 2003, on file in the Development Services Department.

43. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Landscape construction documents shall identify a 40 square feet water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "planting area for street tree." Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

44. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to final inspection for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated July 1, 2003, on file in the Development Services Department.

45. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be

submitted in accordance with the Landscape Technical Manual Section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to the Landscape Exhibit "A," dated July 1, 2003, on file in the Development Services Department.

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

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

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

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

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

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

51. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated July 1, 2003, on file in the Development Services Department:

- A. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated July 1, 2003, on file in the Development Services Department.
- B. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated July 1, 2003, on file in the Development Services Department, and shall comply with the Uniform Fire Code, M.C. 55.0889.0201 and Section Six of the Landscape Technical Manual (document number RR-274506) on file at the office of the City Clerk.
- C. The Brush Management Zone Depths shall be shown as approved on Exhibit "A," dated July 1, 2003, on file in the Development Services Department.

Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

Within Zone Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

Provide the following note on the Brush Management Construction Documents: It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Planning and Development Review Department to discuss and outline the implementation of the Brush Management Program.

- D. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.
- E. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

52. The Owner/Permittee shall be required to monitor all revegetation of manufactured slopes for a five year period to assure an 80 percent successful establishment of all plant material.

Should 80 percent success criteria not be achieved by the end of the five year period additional monitoring periods of five years each shall commence until the success criteria is achieved.

**INFORMATION ONLY:**

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

APPROVED by the Council of the City of San Diego on July 1, 2003.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

**PLUMBERS AND PIPEFITTERS  
WELFARE EDUCATION FUND AND  
PLUMBERS AND PIPEFITTERS  
PENSION FUND, LOCAL 562, Owner**

By \_\_\_\_\_

**PARDEE HOMES, a California  
Corporation, Permittee**

By \_\_\_\_\_

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