

RESOLUTION NUMBER R-299674

ADOPTED ON SEPTEMBER 21, 2004

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 4651 and Site Development Permit No. 4652 to develop a 244.71-acre site with 677 single family dwelling units, a private community recreational center, 60 affordable housing site at one of two optional sites, dedication of an 11.01-acre elementary school site, a dedication of 42.21 acres of open space inside the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA), and 14.02 acres of urban amenity open space. An additional 55 residential units would be allowed on the school site as an optional use if the site is not purchased by the Solana Beach School District. The site designated in the Subarea Plan III for a Fire Station is proposed for residential uses and the Fire Station is being moved to a site in Pacific Highlands Ranch Unit 14 closer to the State Route 56/Carmel Valley Road interchange, known as the Pacific Highlands Ranch, Units 17-22 project, located on the property adjacent to the northwest corner of the intersection of Carmel Valley Road and Rancho Santa Fe Farms Road, and legally described as Parcel A: Parcel 1 of Parcel Map No. 11718, excepting that portion within Parcel Map No. 18755, in the City of San Diego, County of San Diego, State of California; Parcel B: The west half of the southeast quarter of Section 9, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California; Parcel C: Parcel 2 of Parcel Map No. 11718, excepting that portion lying southerly of the baseline of that Water Easement (File No. 61545), in the City of San Diego, County of San Diego, State of California., in the Pacific Highlands Ranch Subarea III Plan area, in the OC-1-1, RS-1-11, RS-1-13, RS-1-14 and RM-1-2 zones; and

WHEREAS, on August 22, 2004, the Planning Commission of the City of San Diego considered Planned Development Permit No. 4651 and Site Development Permit No. 4652 pursuant to Resolution No. 3557-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on September 21, 2004, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to PDP Permit No. 4651 and SDP Permit No. 4652:

PLANNED DEVELOPMENT PERMIT – Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. At the time the Pacific Highlands Ranch Land Use Plan was considered and adopted by the City Council, a site suitability analysis was also prepared, in accordance with City Council Policy, addressing development impacts to environmentally sensitive resources in the plan area. Development was directed to the least sensitive portions of the plan area while preserving the open space areas. Subsequent discretionary action to implement the Land Use Plan were to be reviewed for consistency with the Land Use Plan/site suitability approvals. If conformance with the Land Use Plan is determined, future Site Development Permits were to be granted without requiring additional deviation findings.

The proposed development is consistent with the approved Pacific Highlands Ranch Subarea Plan. The proposed 677 dwelling unit project implements the Subarea Plan by providing the following: low density residential development consistent with the Subarea Plan's land use density designation, low density residential, of two to five dwelling units per acre; peripheral density residential designation, core residential density, of nine to fourteen dwellings per acres; an optional elementary school site; Urban Amenity open space; and Multiple Habitat Preservation Area (MHPA) open space. The proposed development also provides for its fair share contribution through the Facilities Benefit Assessment for construction of State Route 56, the State Route 56/Camino Santa Fe interchange, Carmel Valley Road and Rancho Santa Fe Farms Road in the alignments and at the grades shown in the Subarea Plan. The proposed development will also result in the dedication of open space which will become part of the City's MHPA and the construction of a multi-use trail system consistent with the Subarea Plan. The Pacific Highlands Ranch Subarea III Plan identifies these sites for single- and multi-family residential development, urban amenity and MHPA open space, and public right-of-way. The

design of the subdivision, layout of the streets, creation of slopes, management of potential fuel sources to reduce the risks of wild fires, improvements in the public right-of-way, installation of landscaping, and construction of single-family and multi-family housing units is consistent with the land use plan and other design criteria in the existing Subarea plan. Being determined the proposed project is consistent with the community plan, the proposed project will not adversely affect the land use plan. As such, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the subdivision and development proposed for this site contains conditions addressing the project compliance with the City's regulations 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. 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. The proposed development will construct necessary sewer and water facilities to serve the residents of the region as well as the development. The proposed development funds the construction of detention basins necessary to handle the project storm runoff. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to persons or other properties in the vicinity and will be required throughout the life of the project.

The proposed development includes the dedication of right-of-way and contribution of its fair share cost towards construction of State Route 56, State Route 56/Camino Santa Fe interchange, Carmel Valley Road, Rancho Santa Fe Farms Road, and internal streets. The proposed development will construct necessary sewer and water facilities to serve the residents of the region as well as the development. The proposed development also funds the construction of detention basins necessary to handle project storm runoff. The development will also provide for the health, safety, and welfare of the residents by providing brush management while increasing the setback of houses from the fuel sources. As such the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into PDP Permit No. 4651 and SDP Permit No. 4652, except as deviations allowed through a planned development permit with regard to zoning requirements. Development of the property shall meet all requirements of the regulations and development criteria, except as specified in Finding 4 below.

In order to design a project consistent with the Pacific Highlands Ranch Subarea Plan's desired development pattern, six deviations for the regulations of the Land Development Code are required. The Pacific Highlands Ranch Subarea Plan goal of fostering pedestrian activity between dwelling units and the street., Units 17, 19, 21 and 22 include deviation from the standard front yard setback. Specifically these Units include the option for living area and side loaded garages to observe a ten foot front yard setback where fifteen feet is required. This type of

deviation promotes pedestrian activity at the street while discouraging the standard street aesthetic of garage doors facing the street.

The Pacific Highlands Ranch Subarea Plan seeks to blend various housing options within the new neighborhoods. Unit 21 implements this goal by providing a mixture of alley loaded and front loaded single family homes. The standard rear yard setback in the RS-1-13 and RS-1-14 zones is ten feet, however; to limit the hardscape area within the alleys, the project includes a deviation to allow rear yard setbacks be four feet which will allow the garages to be closer to the property line and reduce the driveway pavement. The use of alley loaded dwellings permits the front yards to be utilized for pedestrian activity free of vehicles entering garages which implements a Subarea Plan goal.

The Subarea Plan envisions a variety of housing types within the community to address the needs of the region. To that end, the proposed project includes attached and detached dwelling units on differing lot sizes. Unit 21 is located in the single family RS-1-14 zone which typically would consist of a subdivision design with predominate garage access from the street and requiring minimum 5,000 square foot lots. However, Unit 21 includes 106 single family homes with vehicular access from alleys at the rear of lots less than 5,000 square feet in size. Like Unit 21, Unit 22 includes two types of home and lot sizes. Specifically, the lots west of Rancho Santa Fe Farms Road are traditional 5,000 square foot lots while the lots on the east side of the Rancho Santa Fe Farms Road are less than the RS-1-14 zone requirement of 5,000 square-feet. Specifically, this deviation implements the Subarea Plan's goal of blending lot sizes, home orientations, and encouraging pedestrian activity.

The project's design reflects the Pacific Highlands Ranch Subarea Plan goal of providing dwelling units consistent with the Land Use Plan's pattern and numerical objective. Implementing the numeric housing goal of the Subarea plan results in instances where the minimum street frontage for a limited number of lots is not achievable given the site constraints and environmentally sensitive areas. Concept plans for the project identify all other development criteria in effect for the site will be complied with in the final design. All other relevant regulations shall be complied with at all times for the life of the project.

4. The proposed development, when considered as a whole, will be beneficial to the community. The development will dedicate open space into the regional open space MHPA system; will dedicate right-of-way for public streets and construct a portion of Carmel Valley Road and Rancho Santa Fe Farms Road, internal streets, and a 36" regional water main; and will construct a portion of the multi-use trail system. The development will also contribute to the region's housing supply by constructing 737 residential units, and it will pay all applicable public facilities financing and schools fees.

The development of these units within Pacific Highlands Ranch will provide 677 single family dwelling units, a private community recreational center, 60 affordable housing site at one of two optional sites, provision of an approximately 11.01-acre elementary school site, dedication of approximately 42.22 acres of open space inside the City's Multiple Species Conservation Program, Multi-Habitat Planning Area, and approximately 14.02 acres of urban amenity open space. An additional 55 residential units would be allowed on the school site as an optional use if the site is not purchased by the Solana Beach School District. The development of

677 market rate housing units, 60 multi-family affordable housing units at one of two optional sites, and additional community amenities will include completion of needed public improvements in the area. Considered in total, these features and improvements will provide significant benefit to the community and City of San Diego.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The project includes limited deviations as described herein. These deviations allow for the creation of a project are justified and will not adversely affect the land use plan, adjacent properties or persons working or living in the area. These deviations are as follows:

- 1) Reduced front-yard setbacks for single-family dwelling units to allow living area and side-loaded garages to be ten feet where fifteen feet is required;
- 2) Reduced rear-yard setback for single-family dwelling units to allow alley-loaded garages to be four feet where ten feet is required;
- 3) Reduced lot area for single-family alley lots;
- 4) Reduced lot depth for single-family lots;
- 5) Reduced street frontage to achieve the Subarea Plan density; and
- 6) Increase width of driveway percentage to lot frontage for shared driveways and lots with constricted frontage.

These minor deviations will result in successful neighborhoods by allowing greater flexibility to site structures in configurations allowing for side loaded garages, larger rear yards for private use, provide for garages to be closer to alley and utilize more of the lot for outdoor activities, realize the density goals of the Subarea, and increase shared utilization for driveways resulting in less cumulative pavement. All deviations are appropriate for the proposed neighborhood and will results in greater benefits for the City of San Diego than by strict adherence to the minimum development regulations of the zones.

SITE DEVELOPMENT PERMIT - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. Being determined the proposed project is consistent with the community plan, as evidenced in Planned Development Permit (PDP) finding 1 above, the proposed project will not adversely affect the relevant land use plan. The proposed project will not adversely affect the land use plan as described above in PDP Finding number one. See PDP finding number 1.

2. The proposed development will not be detrimental to the public health, safety, and welfare. Being determined the proposed project would not result in detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area, as evidenced in PDP finding 2 above, the permit controlling the development and continued use of the project proposed for this site would contribute in a positive manner to the community. The proposed project will not be detrimental to the public health, safety, and welfare. See PDP finding number two above.

3. The proposed development will comply with the applicable regulations of the Land Development Code. Being determined the proposed project would comply, as evidenced in PDP finding 3, with all applicable regulations, the concept plans for the project identify all other development criteria in effect for the site. All relevant regulations would be complied with at all times for the life of the project as required by the conditions of approval. The proposed project will comply with all applicable regulations as allowed through a Planned Development Permit. See PDP finding number 3 above.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The Pacific Highlands Subarea III Plan (Plan) was planned and approved consistent with the City's adopted MSCP preserving significant acreage for the MHPA. The development footprint of the project has been located consistent with the Plan. The proposed development has been sited on the portions of the project site having the least topographic relief. These areas have been disturbed by previous agricultural activities. As a result, both the grading of the site and disturbance of sensitive habitat is minimized in the proposed design. Disturbance within the surrounding offsite sensitive habitats will be prevented through careful monitoring during the construction phases to ensure construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit "A." All sensitive habitat impacted by construction activities will be mitigated by conditions required in the permit. Grading plans shall clearly identify the type and location of erosion control devices to preclude potential erosion impacts to the sensitive habitats to be preserved within and adjacent to the project as shown on the approved Exhibit "A." That the project will not have a significant effect on the environment is based on an Initial Study of the proposal, project revisions and conditions which mitigate potentially significant environmental impacts.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Pacific Highlands Subarea III Plan (Plan) was designed to minimize alterations to natural landforms. The project design has integrated the characteristics of the landform into the development of the site and the design of the buildings are fitted into the site topography rather than completely altering the character of the land. The development will minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan. The project meets or exceeds the applicable City-wide requirements related to storm water runoff, best management practices and brush management to reduce risks associated from wildfires. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. When adopted, the Pacific Highlands Subarea III Plan (Plan) analyzed environmentally sensitive lands within the Plan area consistent with City Council Policy 600-40. The proposed project is consistent with the adopted Plan development area contemplated for the project site. The project has been sited and designed to fit the development into rather than onto the site. All impacts to environmentally sensitive lands will be mitigated at the ratios adopted by the City of San Diego and accepted by the state

and federal wildlife agencies. The design of the project will not impact adjacent environmentally sensitive lands through the careful monitoring of construction activities by City inspectors. The proposed development will be sited and designed to prevent adverse impacts to any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The Pacific Highlands Subarea III Plan (Plan) established the boundary of the MHPA within the Subarea. Boundaries were adopted for the MHPA when the Plan was approved. The proposed development is consistent with the MHPA preserve boundary. All other requirements of the MSCP have been met or exceeded or will be for the developable portions of the proposed development. As such, the proposed project will be consistent with the City's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located several miles inland and east of the Pacific Ocean's beaches and local shoreline. On-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply through the application of the storm water management plan and best management practices designed to reduce water quality impacts. Storm drain facilities are provided on-site to reduce and control surface water runoff and reduce water runoff velocities to prevent any impacts to the shoreline or beaches several miles west of the project site. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The Master Environmental Impact Report for the Pacific Highlands Ranch Subarea Plan included an impact analysis for development. An initial study has been conducted for the current proposed development on this site and concluded the MEIR addressed all environmental impacts associated from this project. All impacts as a result of the implementation of the proposed project will be mitigated in accordance with the adopted policies and regulations of the City of San Diego. Findings to support the Pacific Highlands Subarea III Plan MEIR's conclusions have been made and are part of the project record. In addition, all mitigation measures identified in the Master EIR associated with this proposed development have been adopted and will be incorporated into the requirements of the development permits. All mitigation is reasonably related to and calculated to alleviate negative impacts created by the proposed development. No mitigation requirement is imposed which is not directly necessary to address a potential negative impact. All mitigation has been incorporated into the conditions of the development permits.

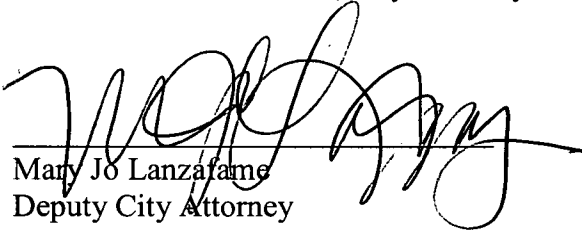
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 4651 and Site Development Permit No. 4652 is

granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
11/01/04
Or.Dept:DSD
R-2005-429
mms#681

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 DEVELOPMENT PERMIT NO. 4651/
SITE DEVELOPMENT PERMIT NO. 4652
PACIFIC HIGHLANDS RANCH 17-22A [MMRP]
CITY COUNCIL**

This Planned Development Permit No. 4651/ Site Development Permit No. 4652 is granted by the Council of the City of San Diego to Pardee Homes, A California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604, 126.0504. The 244.71-acre site is located at the northwest and northeast corners of Carmel Valley Road and Rancho Santa Fe Farms Road in the OC-1-1, RS-1-11, RS-1-13, RS-1-14 and RM-1-2 zones in the Pacific Highlands Ranch Subarea III Planning Area. The project site is legally described as Parcel A: Parcel 1 of Parcel Map No. 11718, excepting that portion within Parcel Map No. 18755, in the City of San Diego, County of San Diego, State of California, Parcel B: The west half of the southeast quarter of Section 9, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, Parcel C: Parcel 2 of Parcel Map No. 11718, excepting that portion lying southerly of the baseline of that Water Easement (File No. 61545), in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop a 244.71-acre site with 677 single-family dwelling units, fifty-five affordable housing units, a private community recreational center and optional affordable housing site, dedication of an 11.015 acre elementary school site, dedication of 42.22 acres of open space inside the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA), and 16.1 acres of urban amenity open space. An additional fifty-five single family residential units would be allowed on the school site as an optional use if the site is not purchased by the Solana Beach School District and ten additional affordable housing units in Unit 22A, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated September 21, 2004, on file in the Development Services Department.

The project or facility shall include:

- a. Development and construction of 677, or 732 if the school site is not optioned by the Solana Beach School District, single family dwellings ranging in size from 1,883-5,830 square feet;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Recreation facility; including adult pool kids pool, spas, decking garden walls, monument signs, benches, barbeques, shade structures safety fencing, walkways, trellises, tot lot play area, clubhouse building with equipment room, bathrooms, showers, office room, and plaza fountain;
- e. Public trails;
- f. Deviations as follows: 1) Reduced front-yard setbacks for single-family dwelling units to allow living area and side-loaded garages to be ten feet where fifteen feet is required; 2) Reduced rear-yard setback for single-family dwelling units to allow alley-loaded garages to be four feet where ten feet is required; 3) Reduced lot area for single-family alley lots; 4) Reduced lot depth for single-family lots; 5) Reduced street frontage to achieve the Subarea Plan density; and 6) Increase width of driveway percentage to lot frontage for shared driveways and lots with constricted frontage. All as shown on Exhibit "A"; and
- g. 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," 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.

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

12. At all bus stops within the project area, if any, the Owner/Permittee shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Planned Development Permit No. 4651/Site Development Permit No. 4652/Tentative Map No. 4653/Public Right-of-Way Vacation No. 26273, the mitigation measures specified in the MMRRP, and outlined in the Findings to MEIR No. 5382 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/-MITIGATION REQUIREMENTS

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the MEIR No. 5382 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation

measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

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

16. The Mitigation, Monitoring, and Reporting Program [MMRP] shall require a deposit of \$3,200 to be collected prior to the issuance of any grading and/or building permits to cover the City's costs associated with implementation of the MMRP.

AFFORDABLE HOUSING REQUIREMENTS:

17. Prior to the filing of the first final map, Owner/Permittee shall comply with the requirements of the Pacific Highlands Ranch Subarea Plan, [Affordable Housing Requirements] by satisfaction of the requirements of Paragraph A., below:

A. Owner/Permittee shall assure the construction and occupancy of an Affordable Housing Project consisting of fifty-five units to be constructed on Lot 22A, as shown on the Tentative Map, or within the Pacific Highlands Ranch Village. Owner/Permittee shall execute an agreement [the Affordable Housing Agreement], subject to the approval of the Executive Director of the Housing Authority of the City of San Diego, or designee, and the City Manager of the City of San Diego, or designee, addressing the following issues:

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

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

The issuance of building permits for the construction of the 339th market rate dwelling unit (number of units which represents 50 percent of the market rate units); or within eighteen months of the approval of the first Final Map for Units 17-22-A, whichever shall occur first.

In no event shall the issuance of building permits for the construction of the 339th market rate dwelling unit occur until building permits are issued for the construction of the fifty-five affordable units by the City and are obtained by the Owner/Permittee.

Further, if individual parcels are sold initially by Owner/Permittee 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 339th and 508th or greater market rate unit. Provided, however, that lots sold in bulk shall not be included in the total number of building permits issued for purposes of determining when the issuance of building permit occurs for the 339th and 508th or greater market rate unit, until building permits are issued for such individual lots.

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

- i) Twelve months after the issuance of building permits for the Affordable Project as referenced in Paragraph 2a. hereof; or

- ii) The date that shall be three years after the filing of the first final map.

Further, the issuance of building permits for the construction of the 508th market rate unit (number of units which represents 75 percent of market rate units) shall not occur until the completion of the fifty-five affordable units is authorized by the City.

- c. Occupancy of the Affordable Project shall occur not later than one 180 days after the completion of construction as referenced in Paragraph 2.b. above.
 - d. For "good cause" shown to the satisfaction of the Executive Director, the dates referenced herein may be extended for one or more period(s) of up to twelve months, each. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the Executive Director, in her sole discretion.
- 3. A Declaration of Covenants, Conditions and Restrictions [Declaration], restricting the occupancy and affordability of the Affordable Project for a period of fifty-five years from the date of completion of the Affordable Project, which Declaration shall incorporate the Affordable Housing Agreement by reference, shall be recorded against the Affordable Housing Site, in a first priority position. All Affordable Units shall be for occupancy by and at rates affordable to, families earning no more than 65 percent of the Area Median Income, as adjusted for family size and utilities. However, in the case of affordable rental units, in which provisions of the State Density Bonus Statute [Government Code section 65915] applies, rental rates shall not exceed 60 percent of the Area Median Income, as adjusted for assumed family size and utilities.
 - 4. Additional security for the performance by the Owner/Permittee of the Affordable Housing Requirements shall be provided by a deed of trust in favor of the Executive Director, recorded against the Affordable Housing Site, in second lien priority, (junior only to the Declaration) assuring the timely performance of the Agreement referenced in Paragraph A, hereof. The deed(s) of trust in favor of the Housing Authority may be subordinated to construction deed(s) of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the Executive Director, in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Project, upon such terms and conditions as she/he may impose.
 - 5. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.
 - 6. Owner/Permittee, 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.

- B. The affordable housing requirements described in Paragraph A. assume that the Solana Beach Elementary School District [District] will locate an elementary school in Unit 22. Should the District not locate an elementary school in Unit 22, 55 additional market rate units would be built on the site and 10 additional affordable units would be built in Unit 22A. Under this scenario 732 market units and 65 affordable units would be built, and the schedule for the construction and occupancy of the affordable units would be revised in order to be consistent with the intent of the phasing described in Subparagraph 2.

The Pacific Highlands Ranch, Units 17-22A, Affordable Housing Program is attached to these Planned Residential Development conditions and is on file in the Office of the Development Services Department and is incorporated herein. The provisions of the Affordable Housing Program shall not in any way modify or change any provisions of the Affordable Housing requirements. To the extent that there is any inconsistency between the two, the terms of the condition shall prevail

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

18. 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 September 21, 2004, on file in the Development Services Department.

19. 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 21, 2004, on file in the Development Services Department and shall comply with the Uniform Fire Code [SDMC section 55.0889.0201] and the Land Development Manual Landscape Standards.

20. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations and the Exhibit "A" Brush Management Plans:

UNIT 17 - Lots 42 through 56 and Lots 58 through 73:

Zone One: Min. 30'

Zone Two: Min. 40' (Lot C)

UNIT 18 - Lots 1 through 9; Lots 15 through 17; Lots 19 through 31; Lots 33 through 39:

Zone One: Min. 35'
Zone Two: Min 50' (Lots A and D)

UNIT 18 - Lots 51 through 54:

Zone One: Min. 60' (through zone reduction; includes private drive)
Zone Two: None

UNIT 19 - Lots 6 through 14; Lots 106 through 124; Lots 135 through 140; Lot A:

Zone One: Min. 30'
Zone Two: Min 40' (Lots C, D and E)

UNIT 20 - Lots 1 through 3, 37-44:

Zone One: Min. 35'
Zone Two: Min 50' (Lots E and H)

UNIT 20 - Lots 10 through 13:

Zone One: Min. 60' (through zone reduction; includes private drive)

UNIT 21 - Lots 1 through 22; and Lot B:

Zone One: Min. 30'
Zone Two: Min 40' (Lot A)

UNIT 22 (school site) - School Site (north side):

Zone One (Lot A): Min. 30'
Zone Two (Lot F): Min 40'

UNIT 22 (alternate housing site) - Lots 44 through 56; and Lot A (Park):

Zone One: Min. 30'
Zone Two: Min 40' (Lot F)

21. Construction documents shall conform to the architectural features as described in Land Development Code Section 142.0412(d)(1-3) or as otherwise modified by the Fire Chief (LDC 142.0412(i)).

22. Within Zone One combustible accessory structures (including but not limited to decks, trellises, gazebos, etc.) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to the Fire Chief and the City Manager's approval.

23. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."
24. Prior to final inspection for any building permit, the approved Brush Management Program shall be implemented.
25. Zone One and Zone Two plant materials shall be selected that 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.
26. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Chapter 14 Landscape Regulations and with the Land Development Manual Landscape Standards.

GEOLOGY REQUIREMENTS:

27. For the submittal of the grading plans, a comprehensive geological (geotechnical) investigation is required for Pacific Highlands Ranch units 17 through 22. The scope of the required investigation is outlined in the City's "Technical Guidelines for Geotechnical Reports."

LANDSCAPE REQUIREMENTS:

28. Prior to the issuance of any engineering permits for grading or improvement the Owner/Permittee shall complete a Maintenance Assessment District [MAD] Agreement form for early confirmation.
29. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan to the extent that landscape area, trees and points remain consistent with Exhibit "A," as approved by the City Manager.
30. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
31. Prior to issuance of any construction permits, complete landscape construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the Development Services Department, Development and Environmental Planning Division for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of Development Services.
32. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall provide a 40 square foot area around each tree unencumbered by utilities.

Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

33. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of Development Review.

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

35. 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. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

36. 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. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

37. Prior to any grading the Owner/Permittee shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

38. Prior to the release of any performance bond a Landscape Maintenance Bond shall be submitted to Development Services.

39. Prior to the release of the Landscape Maintenance Bond an establishment period for slopes and revegetation shall be for a minimum of five years or that period necessary to achieve eighty percent success criteria.

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

41. The Owner/Permittee 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.

42. Graded pad areas shall be hydro-seeded to prevent erosion, in the event that construction of building(s) does not occur within thirty days of grading. Hydro-seed shall be irrigated or reapplied as necessary to establish growth.

43. Prior to issuance of any engineering permits for grading, construction documents for slope planting including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. Plans shall provide one tree or shrub a minimum of one gallon in size for every 100 square feet of disturbed area. All plans shall be in substantial conformance with Exhibit "A," on file in the Office of Development Services.

PLANNING/DESIGN REQUIREMENTS:

44. Prior to issuance of any grading permit, grading design shall utilize contour grading techniques for fill slopes, including variable slope ratios and rounding the tops and toes of slopes, as generally depicted on the Exhibit "A," Grading Plan. Retaining walls are to be avoided adjacent to open space lots, except as shown on the approved "Exhibit A".

45. No fewer than two off-street parking spaces per single family residence and twenty-three spaces at the recreation center in Unit 19 shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," 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

46. 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.

47. 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.

48. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the

building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

49. 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.

50. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

51. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.

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

53. Prior to the issuance of any building permits, for the recreation center, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line; construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

54. Prior to the issuance of the occupancy permit, for the recreation center, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

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

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

57. 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 structure whose top and sides may include grillwork, louvers, and latticework.
58. Prior to the issuance of building permits, for the recreation center, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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."
59. Unit 22A is identified as an optional affordable housing site in the Master Affordable Housing Program for Pardee's Ownership within Pacific Highlands Ranch. A Site Development Permit shall be submitted prior to development of this site as an affordable housing project.
60. For all residential units, the Owner/Permittee shall make available to prospective buyers information on energy efficient appliances and technology in its marketing materials and within its sales office. Copies of the representative marketing materials shall be provided to the City Manager prior to issuance of building permit, exclusive of model permits.
61. 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 provided to the City Manager prior to issuance of building permit, exclusive of model permits.
62. Gates are approved to restrict automobile access only. A separate un-restricted pedestrian and bicycle entrance shall be provided adjacent to each automobile gate identified on the Exhibit "A". The pedestrian/bicycle entrances shall provide permanent, barrier-free access at all times.
63. Prior to implementation of the residential option within Unit 22, Lot A (school site), the Owner/Permittee shall obtain the assurance from the applicable school district that a school is not planned in this location.
64. Required fencing between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated.

**MULTIPLE SPECIES CONSERVATION PROGRAM [MSCP]
REQUIREMENTS:**

65. Multiple Habit Planning Area [MHPA] 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 "Pacific Highlands Ranch Units 17-22" (PTS No. 2692, LDR No. 42-0084), satisfactory to the City Manager and the City Engineer, for the following issues areas to ensure compliance with the MSCP Land Use Adjacency Guidelines: Biological Resources and Hydrology/Water Quality. Additionally, the following conditions shall apply:

A. Prior to recordation of the first final map and/or issuance of any grading permits, the City Manager shall verify that construction of a six-foot-high fence (combination of view fence, view fence on block wall and block wall) along areas adjacent to the MHPA, satisfactory to the City Manager and the City Engineer, as shown on the approved Landscape Fencing Plans/Exhibit "A" (Sheets 31-33, 35 and 36, dated 10/21/03). The fencing shall be sited within the development lots (outside of OS lots) and maintained in perpetuity by the owner/permittee. Any necessary future fence repairs shall be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement.

B. Prior to issuance of any building occupancy permits, the City Manager shall verify that the project fencing has been constructed in accordance with the approved Fencing Plans (Exhibit A).

C. Prior to recordation of the first final map and/or issuance of any grading permits, the ERM of LDR shall verify that all on-site planting shown in the Landscape plan within the MHPA is consistent with the Master Restoration Plan for Pacific Highlands Ranch, and that only native or non-invasive species are planted adjacent to the MHPA. Prior to release of project landscaping bonds, the City Manager shall verify that the project MHPA planting has been installed in accordance with the approved landscaped plans and Master Restoration Plan.

66. MHPA Conveyance:

A. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement or covenant of easement, which is then recorded on the property. For areas within the adjusted MHPA that are governed by the Master Restoration Plan for Pacific Highlands Ranch and in accordance with Section 5.2.6 of the Development Agreement (September 8, 1998) and previous conveyances for Units 1-4, 5-11 and 12-16, MHPA lands within the 131-acre on-site mitigation bank shall only be transferred to the City in fee title upon successful completion of the restoration program and utilization of all the restoration acreage in the bank.

Conveyance of any MHPA land in fee shall exclude detention basins or other storm water control facilities, brush management areas, landscape/revegetation areas, and graded slopes; these features shall have conservation easements recorded over them if accepted into the MHPA, with maintenance and management responsibilities retained by the Owner/Permittee unless otherwise agreed to by the City.

67. MHPA Adjustment:

A. Prior to recordation of the first final map and/or issuance of any grading permits, the ERM of LDR shall verify that the 4.52 acres of disturbed/ruderal/Ag. lands adjusted into the MHPA are revegetated in accordance with the approved landscaping plans and Master Restoration Plan for Pacific Highlands Ranch. Prior to release of project landscaping bonds, the City Manager shall verify that the project planting for the said 4.52 acres of land adjusted into the MHPA has been installed in accordance with the approved landscaped plans and Master Restoration Plan. For areas within the adjusted MHPA that are revegetated and/or governed by the Master Restoration Plan for Pacific Highlands Ranch, a conservation easement shall be recorded unless otherwise agreed to by the Park and Recreation Department, Open Space Division Deputy Director.

WASTEWATER REQUIREMENTS:

68. 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.

69. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

70. 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:

71. Prior to the issuance of the first building permit, the 36-inch water transmission pipeline, within the Del Mar Heights Road and Carmel Valley Road rights-of-way, including a pressure regulating station, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

72. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the public water facilities, both potable and reclaimed, identified in the accepted water studies, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, maintaining redundancy throughout phasing of construction.

73. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a minimum pavement width of 24-feet within the Rancho Santa Fe Farms Road right-of-way, from Carmel Valley Road to Private Driveway "H", in a manner satisfactory to the Water Department Director and the City Engineer.

74. At no time shall public water facilities with services be located within travel ways with alley type cross sections (no curbs). Parallel public water facilities shall have a minimum separation of 20-feet.

75. 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.

76. The Owner/Permittee shall install encroachment water services, to serve each unit or building with less than forty feet of frontage on public water facilities or less than ten 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.

77. 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. Any proposed fire hydrant installation not conforming to Water Department standards for public fire hydrants, shall be private.

78. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.

79. Prior to the issuance of any building 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 Director of the Water Department and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

80. Prior to the issuance of any building permits, the Owner/Permittee shall grant water easements over a portion of Unit 18 Lot "D," and a GUE over a portion of Unit 19 Lot "B," and Unit 20 Lot "E," in a manner satisfactory to the Director of the Water Department and the City Engineer.

81. Prior to the issuance of any certificates of occupancy, all public water facilities and vehicular access roadways 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.

82. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide keyed access to Water Operations Division, in a manner satisfactory to the Director of the Water Department, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

83. 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. Public water facilities and associated easements, as shown on

approved Exhibit "A," shall be modified at final engineering in accordance with accepted studies and standards.

84. 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.

TRANSPORTATION REQUIREMENTS:

85. Prior to issuance of any building permit, the project shall conform to the Subarea III/Pacific Highlands Ranch Transportation Phasing Plan and the approved Traffic Study/final EIR.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on September 21, 2004, by Resolution No. R-299674.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

PARDEE HOMES, A CALIFORNIA
CORPORATION
Owner/Permittee

By _____

By _____

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

**AFFORDABLE HOUSING PROGRAM FOR
PACIFIC HIGHLANDS RANCH, UNITS 17 THROUGH 22A
July 2004**

The Project:

The proposed Pacific Highlands Ranch, Units 17 through 22A comprise an approximately 244.71-acre site in Pacific Highlands Ranch. The applicant, Pardee, proposes to build 677 market rate dwelling units on the 244.71-acre site in accordance with the policies and requirements of the Municipal Code and the Pacific Highlands Ranch Subarea Plan. The project also includes Unit 22A which will provide an on-site option for a total of 60 Affordable Housing Units where 55 units are required.

Affordable Housing Tentative Map Condition Units 17 through 22A:

The Owner and Developer of Units 17 through 22A in conjunction with the Executive Director of the Housing Authority and City Staff have developed an Affordable Housing Tentative Map Condition which provides for a mechanism to fulfill the Affordable Housing obligation. The Affordable Housing obligation will be fulfilled either on Unit 22A or within the Pacific Highlands Ranch in the Village.

Affordable Housing Site Location and Unit Type

The Owner and Developer of Units 17 through 22A in conjunction with the Executive Director of the Housing Authority and City Staff, have developed an overall Master Affordable Housing Program ("Program") for Pardee's Ownership within Pacific Highlands Ranch. The Master Affordable Housing Program for Pardee's Ownership within Pacific Highlands Ranch identifies several locations for siting and Affordable Housing. A balanced community, rather than a concentration of Affordable Housing at only one location is to be achieved. With the exception of Unit 22A, units 17-22 are designated as low density residential (2-5 du's/acre) and are relatively far from the Village and public services such as retail, high school, library and community park. As such, the Affordable Housing Units for units 17-22 will either be provided in Unit 22A which is located in the core residential area adjoining the Village and public services and south of Carmel Valley Road, or within the Village itself.

Unit 22A consists of 60 Affordable Housing Units. All units will consist of 2/3-story buildings and a recreation center consisting of a swimming pool and recreation buildings. Of the 60 Affordable Housing dwelling units, there will be 23 1-bedroom, 19 2-bedroom and 18 3-bedroom units. Vehicular and pedestrian access will be provided for all units to the Village, the High School/Jr. High, and the community park.

The Master Affordable Housing Program for Pardee's ownership within Pacific Highlands Ranch anticipates that the construction of the exact unit count of Affordable units in relation to the construction of a corresponding number of market rate units is difficult given that 4 Affordable units must be built for every 21 market rate units built. As such, it is anticipated that there will

be occasions where the number of affordable units actually constructed and occupied may fall behind or be ahead of the actual number of affordable units that are required to be constructed and occupied.

As such, 60 affordable units will be created within Units 22A or the Village. 129 units are required to satisfy the Affordable Housing requirements for the 677 market rate dwelling units contained within Units 17 through 22A. Affordable Housing Units 4, 11, 13 and 16 will have a surplus of 74 Affordable Housing Units. These 74 surplus Affordable Housing Units in conjunction with Unit 22A's 55 units, or the units in the Village will provide the required Affordable Housing Units for Units 17 through 22 consistent with the Master Affordable Housing Program.

The Solana Beach Elementary School District has the option of locating an elementary school within Unit 22. If the School District fails to exercise this option, 55 additional market rate units would be built in Unit 22. Under this circumstance, Units 17 through 22A will contain a total of 732 market rate units ($677+55 = 732$) and an increase in the number (139 versus 129) of total affordable housing units would be required. Given the 74-unit surplus discussed above, a total of 65 additional affordable housing units would be provided in Unit 22A or the Village.

1. Affordable Housing Timeline

The Affordable Housing Tentative Map Condition for Units 17 through 22A requires Pardee to obtain Building Permits for the Affordable Housing Units prior to the issuance of the 339th "market-rate" Building Permit for Units 17 through 22A, (which number represents 50% of the market rate units), or within 18 months of the approval of the first Final Map for 17 through 22A, whichever shall first occur.

Completion of construction for the Affordable Housing Units shall occur within twelve months of issuance of the building permits for the Affordable Housing Units or within two and one half years of the filing of the first Final Map for Units 17 through 22A, whichever date shall first occur. Occupancy of the Affordable Housing Units shall occur no later than 180 days after the completion of construction as referenced above. Further, the issuance of building permits for the construction of the 508th (number of units which represents 75% of the market rate units within the Units 17-22A) shall not occur until the completion of the 55 affordable units is authorized by the City.

2. Security for the Timely Provision of the Affordable Housing Project

Commensurate with the required number of Affordable Housing Units for each Final Map within Units 17-22A, the applicant will be required prior to recordation of each Final Map, to post security, in the form of a bond, to cover the construction costs and the timely occupancy of each of the Affordable Housing Units.

3. Declaration of Covenants, Conditions and Restrictions

Depending upon where Unit 17-22 Affordable Housing units are provided, either Unit 22A or the units within the Village must have recorded against it, in first priority, a declaration of Covenants, Conditions and Restrictions (CC&R's) restricting the occupancy and affordability of

the Affordable Housing Units for a period of fifty-five years from the date of completion of the Affordable Housing Units. CC&R's shall be consistent with conditions as set forth in the program.

4. Affordable Housing Requirements

Nothing contained herein shall modify the Conditions of Approval referenced in the Tentative Map, the Planned Development Permit, or the Site Development Permit for Units 17 through 22A.

**Table I
Pardee Ownership
Project/Affordable Unit Counts**

Projects	Market Units	Required AH Units	Proposed AH Units	Total Project Units	All Units Cum. Total	Affordable Housing Cumulative Total Surplus (Deficit)
Unit 1	97	18 (off-site)	0	97	97	(18)
Units 2-4	287	55	92	379	476	19
Units 5-11	999	190	108	1,107	1,583	(63)
Units 12-16	507	97	234	741	2,324	74
Units 17-22A	677*	129**	554***	732	3,048	0
Total		489	489			

* 732 if the Solana Beach School District does not locate an elementary school in Unit 22.

** 139 if the Solana Beach School District does not locate an elementary school in Unit 22.

*** 654 if the Solana Beach School District does not locate an elementary school in Unit 22.

**Table II
Pardee Ownership
Bedroom Summary**

Unit #	Total Affordable Units	1 Bedroom	2 Bedroom	3 Bedroom
4	92	12	48	32
11	108	18	54	36
13	197	38	95	64
16	37		37	
22A/Village	<u>554</u>	<u>23</u>	<u>19</u>	<u>18</u>
Total	489	91	253	150
Percent		19%	51%	30%
Percent Required		20% Max.	50% Min.	30% Min.