

(R-2006-114 COR. COPY 2)

RESOLUTION NUMBER R-300689

ADOPTED ON JULY 19, 2005

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a site development permit and planned development permit to allow construction of approximately 24,000 square-feet of commercial use and 644 multi-family residential units on portions of a 45.1-acre site known as the California Terraces Planning Areas 13 and 14 project, located at the northeast corner of Ocean View Hills Parkway and Otay Mesa Road, and legally described as a portion of the southwest quarter of the southwest quarter and a portion of the southeast quarter of the southwest quarter of Section 29, Township 18 South, Range 1 West, San Bernardino Meridian, in the California Terraces Precise Plan and the Otay Mesa Community Plan area, in the RM-3-7 and CC-1-3 zones and the Community Plan Implementation Overlay zone; and

WHEREAS, on April 21, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 6451 and Planned Development Permit [PDP] No. 8076, and pursuant to Resolution No. 3720-PC voted to recommend City Council approval of the Site Development Permit and the Planned Development Permit; and

WHEREAS, the matter was set for public hearing on July 19, 2005, 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 Site Development Permit No. 6451 and Planned Development Permit No. 8076:

**A. SITE DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 126.0504**

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The project site consists of approximately 45.1 acres of vacant land within the Otay Mesa community planning area and the California Terraces Precise Plan. In 1994, the City Council adopted the California Terraces Precise Plan designating the site for medium-high density residential (30-45 DU/AC) and two neighborhood commercial areas (1.0 and 1.4 acres).

The proposed project requests approval of a 644-unit condominium complex and a single 2.4-acre commercial center. The residential portion of the project consists of five 3-story buildings with one level of partially underground parking, nine 2-story buildings at grade with attached parking garages, two approximately 8,500 square foot recreational buildings and associated open space. The commercial center is proposed to include approximately 24,000 square feet within three buildings.

An Otay Mesa Community Plan Amendment/California Terraces Precise Plan Amendment is being requested to combine the two small commercially designated areas to create one larger, more viable commercial center. The 2.4-acre center would be adjacent to the proposed high-medium density housing and across from the project's primary shopping area. The former 1-acre commercially designated area would become high-medium density. To implement this portion of the proposal, a concurrent rezoning is also being requested. Approval of the amendment would not increase either the amount of commercial acreage or the number of residential units.

The proposal complies with the density standards for the zones. All other development standards that apply to this zone, such as setbacks, will be satisfied with this development proposal (except building height and required sound wall heights, as discussed below). Therefore, the proposed project will be consistent with the Precise Plan and will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development includes the construction of on-site water quality measures necessary to address the project's storm water runoff. The project would provide for the health, safety, and welfare of the residents by locating all brush management outside of the Multiple Habitat Planning Area [MHPA] open space lots as well as maintaining adequate separation from the vernal pool preserve/restoration areas.

The permit controlling the development and continued use of the development proposed for this site contains conditions addressing compliance with the City's regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and 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. All applicable Building, Fire, Plumbing, Electrical, Mechanical Code sections and the City 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. Therefore, based on the above, the project would not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The project as proposed would require the following deviations from applicable development regulations: (1) deviations from the Fence Regulations and Precise Plan; (2) deviations from maximum structure height regulations of the RM 3-7 zone; (3) deviation from minimum side yards for commercial development abutting residentially zoned properties; and (4) deviations from the Supplemental Planned Development Permit Regulations for Commercial Development in terms of the location of parking stalls in relation to the public right-of-way.

Deviations from the Fence Regulations and Precise Plan Deviation. The residential component of the project as proposed requires a 7.5' wall fronting Otay Mesa Road and a 7' wall fronting Ocean View Hills Parkway. The Precise Plan limits the height of these walls to 5.5' and citywide regulations limit their height to 3'. Staff can support this deviation as the higher walls are required to mitigate noise impacts.

Deviations from maximum structure height regulations of the RM- 3-7 zone. The permit would allow a 45-foot structure height where the maximum permitted per the underlying multi-family residential zones (RM 3-7) is 40-foot. Staff can support this deviation given the site constraints as large portions of the premises are encumbered for resource protection purposes (biological preserve) and open space.

Deviation from minimum side yards for commercial development abutting residentially zoned properties. The proposed commercial structure along the northern edge of the commercial site would not meet the required minimum side yards for commercial development abutting residentially zoned properties [SDMC section 131.0543(c) (1)]. Where the structure is set back 10 feet or more from the property line, development regulations require each 15 feet in height above 30 feet be stepped back at least 3 feet from the minimum setback of that portion of the structure immediately below. The proposed commercial structure would be set back 10 feet from the property line but no additional setback is proposed. Staff can support this deviation because both adjoining parcels are part of the proposed development and the residential parcel does provide for an adequate side yard setback (in excess of 20-feet) along the side of the parcel abutting the commercial development. The proposed design along the affected parcel boundary meets the intent of the ordinance by providing a separation that would exceed 30-feet between the proposed commercial and residential uses.

Deviations from the Supplemental Planned Development Permit Regulations for Commercial Development in terms of the location of parking stalls in relation to the public right-of-way. The project as proposed would also deviate from the Supplemental Planned Development Permit Regulations for Commercial Development [SDMC section 143.0460(f) (1)]. This regulation limits the amount of required parking that may be located between the public right-of-way fronting the property and the structures located closest to the public right-of-way. The project as proposed locates 100 percent of all required parking on these locations where regulations limit this amount to 75 percent. Staff can support this deviation as the project has been designed to provide direct pedestrian access from the proposed 644 residential units to the commercial areas. This design element is anticipated to reduce the parking demand that might

otherwise be generated on the commercial site. It should also be noted that there is a grade differential between the public right-of-way and the parking area of the commercial site. The grade difference along with the proposed landscape act as buffers to screen the parking stalls from the public right-of-way meeting the intent of the ordinance.

2. Supplemental Findings – Environmentally Sensitive Lands

a. 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 proposed development area is consistent with the Otay Mesa Community Plan and California Terraces Precise Plan and does not propose to encroach into any areas of designated open space or MHPA or open space. The project has been designed to comply with the land use adjacency guidelines and the Multiple Species Conservation Program [MSCP] general management directives. Therefore, the proposed development would be consistent with the City of San Diego's MSCP Subarea Plan.

b. 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. Grading for the proposed project will be consistent with all relevant City of San Diego regulations, the Community Plan, and Precise Plan and will preserve the structural character of the natural landforms while also allowing for the 644 multi-family units and a small commercial center. The project will preserve 43.4 percent of the site and grade the remaining 56.6 percent in a manner consistent with the characteristics of the area. This will be further enhanced through the implementation of slope plantings that at maturity would promote and enhance the visual blending of the slopes into the adjacent natural environment.

The area proposed for grading is the least sensitive topographically and is the most suitable area for development. All manufactured slopes will be planted with species capable of reducing and eventually preventing soil erosion from wind and rain. All slopes will be constructed in a manner consistent with current geotechnical and engineering standards. Therefore, the proposed development will not present undue risks to persons living or working in the area. The site is not located in an area prone to flooding and risks to persons or property from flooding is not present. A Brush Management Plan will also be implemented to assure a reduction in the risks associated from wild fires to persons or property. In these ways the project will not pose risks from geological and erosional forces and/or flood and fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The site is physically suitable for the design and siting of the proposed residential and commercial uses. The proposed development area is consistent with what is shown in the Community Plan and Precise Plan and does not propose to encroach into any areas of designated open space or MHPA open space. The project has been designed to comply with the land use adjacency guidelines and the MSCP general management directives.

The site is located adjacent to existing vernal pool preserve areas to the north and east, planned commercial uses to the south, and civic uses to the west. The proposed project design is compatible with these surrounding land uses and will serve as an extension of the adjacent planned residential and commercial development while preserving the vernal pools onsite as specified in the Precise Plan and through the implementation of the Dennery Canyon

Vernal Pool Restoration and Preservation Plan. Based upon these factors, the project was designed to minimize impacts to environmentally sensitive lands.

During construction of the project, appropriate measures will be taken to assure impacts do not accrue that have not been addressed through the environmental process, such as negative impacts to water quality, erosion, slope, or geologic stability, biological and wild fire impacts or other impacts to resources. Therefore, the proposed development would be sited and designed to prevent adverse impacts to any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan. The proposed development area is consistent with what is shown in the Community Plan and Precise Plan and does not propose to encroach into any areas of designated open space or MHPA open space. The project has been designed to comply with the land use adjacency guidelines and the MSCP general management directives. Therefore, the proposed development would be consistent with the City of San Diego's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project is located several miles inland and therefore would not contribute to the erosion of public beaches nor would it impact the local shoreline sand supply.

f. 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. See 2.c. above.

B. PLANNED DEVELOPMENT PERMIT SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. See number A.1.a. above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. See number A.1.b. above.

3. The proposed development will comply with the regulations of the Land Development Code. See number A.1.c. above.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project will provide new multi-family housing in the City of San Diego, specifically in the Otay Mesa community. A goal of the community plan is to be a balanced community that provides housing in proximity to employment opportunities. In addition, the proposed project will provide a commercial center to meet the shopping and convenience needs of Ocean View Hills (formerly known as California Terraces). The proposed condominiums and commercial center have been linked to provide an opportunity for people to walk to local retail services. The proposed project is also compatible with the proposed town center located west of Ocean View Hills Parkway. The project will improve circulation by completing the last segment of Ocean View Hills Parkway that provides a connection to Otay Mesa Road. Finally, the existing vernal pools adjacent to the residential portion of the project will be preserved in accordance with the previously approved Dennery Canyon Vernal Pool

Restoration and Preservation Plan. Therefore, the proposed development, when considered as a whole, will offer tangible benefits to the community.

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

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 Site Development Permit No. 6451 and Planned Development Permit No. 8076 are 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: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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Or.Dept:Clerk
R-2006-114
MMS #2286
PERMIT - Permit Resolution 11-01-04

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

JOB ORDER NUMBER 42-0945

SITE DEVELOPMENT PERMIT NO. 6451
PLANNED DEVELOPMENT PERMIT NO. 8076
CALIFORNIA TERRACES PLANNING AREAS 13 AND 14 [MMRP]
CITY COUNCIL

This Site Development Permit No. 206451/Planned Development Permit No. 8076 is granted by the Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 45.1-acre site is located at the northeast corner of Ocean View Hills Parkway and Otay Mesa Road within the RM-3-7 and CC-1-3 zones, and the Community Plan Implementation Overlay Zone zone(s) in the California Terraces Precise Plan of the Otay Mesa Community Plan area. The project site is legally described as a portion of the southwest quarter of the southwest quarter and a portion of the southeast quarter of the southwest quarter of Section 29, Township 18 South, Range 1 West, San Bernardino Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct approximately 24,000 square feet of commercial use and 644 multi-family residential units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 19, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of 644 multi-family dwelling units;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City

Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

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." 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. 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 exhibits).

13. At all bus stops within the project area, if any, the applicant 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:

14. 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.

15. As conditions of Site Development Permit No. 6451/Planned Development Permit No. 8076 and/or Vesting Tentative Map No. 6450, the mitigation measures specified in the MMRP, and outlined in the Addendum to Environmental Impact Report, LDR No. 4987 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in the Addendum to Environmental Impact Report, LDR No. 4987 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:

- Transportation/Circulation
- Air Quality
- Utilities
- Geology/Soils
- Historical Resources

17. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

18. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan.

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," and shall comply with the Uniform Fire Code, M.C. section 0889.0201, the Landscape Standards, and the Land Development Code [LDC] section 142.0412 (Ordinance – O-18451).

20. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of LDC section 142.0412 as follows. A minimum 35-foot

Zone One shall be provided over that portion of Lot 2 located adjacent to Lot A between the existing Vernal Pool Preserves over Lots C and D, with a minimum 40-foot Zone Two extending over Lot A between Zone One and the flammable vegetation, as shown on Exhibit "A," Landscape Concept Plan. The existing Vernal Pool Preserves over Lots C and D shall serve as a natural fire break in conjunction with on-site Zone One Brush Management for all other portions of Lots 1 and 2 adjacent to the Denney Canyon open space. 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 Fire Marshall and the City Manger's approval.

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

22. In Zones One and 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 of the Development Services Department.

23. Prior to final inspection and the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

24. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

TRANSPORTATION REQUIREMENTS:

25. No fewer than 150 vehicular (150 required) parking spaces shall be maintained for the commercial portion on the property at all times in the approximate locations shown on the approved Exhibit "A."

26. All 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.

27. The applicant shall assure by bond for the construction of Ocean View Hills Parkway as a 6-lane major roadway between Del Sol Boulevard and Otay Mesa Road, satisfactory to the City Engineer.

28. The applicant shall assure by bond, construction of "JJ" Street with 40 feet of pavement within 60 feet of right-of-way with curb, gutter and 5-foot sidewalk within 10-foot curb to property line distance on both side and a 50-foot curb radius cul-se-sac at the northerly end, satisfactory to the City Engineer.

29. Prior to the issuance of the first building permit, applicant shall assure by bond, construction of a westbound right turn lane on Otay Mesa Road at "JJ" Street, satisfactory to the City Engineer.

30. The applicant shall assure by bond construction of a traffic signal at the intersection of Otay Mesa Road/"JJ" Street, satisfactory to the City Engineer once Otay Mesa Road is returned to City of San Diego and full access is allowed at this intersection.

ENGINEERING REQUIREMENTS:

31. This Permit must conform to Tentative Map No. 6450.

LANDSCAPE REQUIREMENTS:

32. Prior to the issuance of any building permits, the applicant shall provide for vines (5-gallon container, minimum) along all fences and walls fronting the public right-of-way in accordance with the provisions of the California Terraces Precise Plan - Wall and Fence Plan.

33. Vines shall be provided at a minimum rate of one vine per 25 feet of linear footage of wall or fence.

34. 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.

35. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental Conditions) and Exhibit "A."

36. 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. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

38. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan. Construction plans shall take into account a 40-square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

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

40. 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.

41. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said 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.

42. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) 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 Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

43. Prior to the issuance of a building permit, construction drawings shall clearly demonstrate conformance with minimum and standard front yard setbacks in accordance with the development regulations of the RM 3-7 zone.

44. Prior to the issuance of a building permit, construction drawings shall clearly demonstrate that each dwelling unit includes a fully enclosed, personal storage area outside the unit in accordance with the provisions of SDMC section 131.0454.

45. Prior to the issuance of a building permit, construction drawings shall clearly demonstrate that each dwelling unit is provided with at least 60 square feet of usable, private, exterior open space with a minimum dimension of 6 feet in any direction. The minimum required open space must abut the unit.

46. Prior to the issuance of a building permit, construction drawings shall clearly illustrate that all fences and/or walls proposed to be located adjacent and parallel to the public right-of-way and that exceed 100 feet in length are articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be made an integral part of the fence or wall and shall be a minimum of 12 inches wide. All such walls shall be landscaped in conformance with the standards of the California Terraces Precise Plan.

47. Prior to the issuance of a building permit, construction drawings shall clearly illustrate a pedestrian path providing direct linkage between the commercial and the residential areas as shown on the approved Exhibit "A." This pedestrian path shall be

maintained in a clean and orderly fashion and shall be open and available for usage, at a minimum, from 6:30 AM to 10 PM seven days a week.

48. Prior to the issuance of building permits, construction drawings shall include a pedestrian path connecting Ocean View Hills Parkway to the commercial structures in accordance with the provisions of SDMC section 131.0550.

49. Prior to the issuance of building permits, construction drawings shall demonstrate conformance with the building articulation regulations of the CC 1-3 commercial zone in accordance with the provisions of SDMC section 131.0554.

50. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide standards for Refuse and Recyclable Materials Regulations (Chapter 14, Article 2, Division 8 of the San Diego Municipal Code) 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 and service providers of the subject development.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

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

- a. California Terraces Precise Plan (as amended); and
- b. Citywide sign regulations.

57. In the event that the residential portion of this project is established as a gated development, Police and Fire Department personnel shall be given the means to rapidly access the community in case of an emergency. Access may be provided by using a key, code, card or vehicle strobe detector system approved by the San Diego Fire Department.

58. Prior to the issuance of building permits, the applicant shall submit an acoustical study demonstrating the all interior noise levels of residential dwellings will meet the 45 CNEL noise level standard. The acoustical study shall be prepared in conformance with City standards and based on detailed architectural plans.

59. This Permit is subject to and shall comply with all applicable conditions included in Hillside Review Permit and Community Plan Implementation Overlay Zone Permit No. 86-1032, adopted by Resolution No. R-283695.

60. Prior to the issuance of building permits, the applicant shall provide for vines (5-gallon containers at a minimum) along all fences and walls fronting the public right-of-way in accordance with the provisions of the California Terraces Precise Plan - Wall and Fence Plan. Vines shall be provided at a minimum rate of one vine per twenty-five feet of linear footage of wall or fence.

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

62. Prior to the issuance of any building permits, 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.

63. Prior to the issuance of any occupancy permit, 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.

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

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

66. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

67. 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.

68. Prior to the issuance of building permits, 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."

PARK DEVELOPMENT AND OPEN SPACE REQUIREMENTS:

69. Lot A shall be an open space easement with Home Owners Association [HOA] ownership.

70. Lots E and F shall be an open space easement owned and maintained by the HOA.

GEOLOGY REQUIREMENTS:

71. An updated Geotechnical Report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.

72. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

WASTEWATER REQUIREMENTS:

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

74. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned.

75. The developer shall provide, satisfactory to the Director of the Metropolitan Wastewater Department, CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

76. Proposed private underground sewer facilities 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.

77. The developer will be required to install all facilities, as required by the accepted sewer study, necessary to serve this development.

78. All proposed private sewer facilities that serve more than one lot are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Accordingly, an accepted sewer study, improvement drawings, and inspection by the Field Engineering Division will be required.

79. No improvements or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any public right-of-way prior to the applicant acquiring an Encroachment Maintenance and Removal Agreement.

WATER REQUIREMENTS:

80. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development in a manner satisfactory to the Director of the Water Department and the City Engineer.

81. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of the Water Department, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

82. 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 Director and the City Engineer. Easements, as shown on approved Exhibit "A," shall be modified to comply with standards at final engineering.

83. Prior to the issuance of the first certificate 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.

84. Prior to the issuance of the first certificate of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

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

86. The Owner/Permittee agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved Exhibit "A," shall be modified at final engineering to comply with standards and accepted studies.

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 19, 2005, by Resolution No. R-300689.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

PARDEE HOMES
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04