

RESOLUTION NUMBER R-300749

ADOPTED ON AUGUST 2, 2005

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a resource protection ordinance permit and a planned residential development permit to construct 108 single-family dwelling units and twenty-one affordable, on-site multi-family units known as the Penasquitos West project, located east of Camino del Sur west of Calderon Road, bounded on the north and south by residential development (APN 306-021-15), and legally described as the west half of the south quarter of Section 12, Township 14 South, Range 3 West, San Bernardino Meridian, in the Torrey Highlands Subarea IV Plan area, in the RS-1-14 and RM-1-3 zones; and

WHEREAS, on February 24, 2005, the Planning Commission of the City of San Diego considered Resource Protection Ordinance [RPO] Permit No. 8166/Planned Residential Development [PRD] Permit No. 89234, and pursuant to Resolution No. 05-180-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on August 2, 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 Resource Protection Ordinance No. 8166/Planned Residential Development Permit No. 89234:

**A. PLANNED RESIDENTIAL DEVELOPMENT PERMIT SAN DIEGO  
MUNICIPAL CODE [SDMC] SECTION 101.0901**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed project is consistent with the land uses approved in the final Master Environmental Impact Report [MEIR] for the Torrey Highlands Subarea IV Environmental Impact Report [EIR] (LDR No. 93-0152/SCH No. 93071041) and the residential development would be consistent with the adopted the Torrey Highlands Subarea Plan.

**2. The proposed development will not be detrimental to the public health, safety and welfare.** The permits controlling the development and continuing use of the Penasquitos West development will be conditioned to address the project's compliance with the City's regulations as well as other regional, state and federal regulations, to prevent any potentially detrimental effect or impacts to health, safety and general welfare of persons residing and/or working in the area in or around the project. Conditions of approval require compliance with several operational constraints and development controls intended to assure that continued health, safety and general welfare issues are adequately addressed. In addition, the project provides a circulation system that accommodates appropriate fire and safety vehicle access.

**3. The proposed development will comply with the regulations of the Land Development Code.** The Penasquitos West project will allow for the construction of up to 108 single-family units, twenty-one affordable housing units and eight open space lots. The project will provide a well-integrated land use plan providing both market rate and affordable housing opportunities, as well as providing public open space in the form of natural open space. The project will be beneficial to the community and is consistent with the land use regulations and design guidelines of the Torrey Highlands Subarea Plan, which govern development of the subject site as well as the Purpose and Intent of the Planned Residential Development Ordinance, the State Subdivision Map Act as well as all other subdivision and zoning requirements of the SDMC.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The subject 30.1 acre site, located in the Torrey Highlands Subarea Plan area of the former North City Future Urbanizing Area, is designated by the Torrey Highlands Subarea Plan as Low Density Residential (LD). The approval of the development permits together with the Vesting Tentative Map and rezone will permit the construction of up to 108 single family units and twenty-one affordable housing units, consistent with the Torrey Highlands Subarea Plan. The project will provide a well-integrated land use pattern consisting of market-rate housing and affordable housing opportunities as well as open space and continuation of a trail system in the Torrey Highlands Subarea. The project design and circulation system is integrated with the design of approved and proposed projects to the south and north. The construction of the project will fulfill a community need by implementing the land use plan as defined by the Torrey Highlands Subarea Plan that acts as the City's Community/General Plan for the area within which the subject property is located.

**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.** As designed, the project complies with the development regulations in effect for the site except for the single-family homes. A deviation from the requirements of the R1-5000 zone front yard setback of 15-feet to 10-feet is proposed to implement the design standards of the Subarea Plan. Specifically, the residences have been designed to deemphasize the impact of the automobile by siting living spaces to the front of the properties and pushing the garages to the rear of the properties, creating a more pedestrian friendly neighborhood. A deviation from street side setback of 10-feet to 5-feet for Lots 2, 3 and 26 is also requested. All three lots are adjacent to sloped parcels, which are Home Owner Association [HOA] owned and maintained, and structures will therefore be set back 10-feet from the sidewalk. A deviation from the maximum building height of 30-feet to 35-feet is proposed for architectural features, such as chimneys.

**B. RESOURCE PROTECTION ORDINANCE (ALTERNATIVE COMPLIANCE) –  
SDMC SECTION 101.0462**

**1. The proposed development will not adversely affect the City of San Diego’s Progress Guide and General Plan.** The subject 30.1 acre site, located within the Torrey Highlands Subarea IV Plan area of the former North City Future Urbanizing Area, is designated by the Plan as Low Density Residential (LD). The approval for this Planned Residential Development Permit, together with the Vesting Tentative Map and rezone, will permit the construction of up to 108 single-family units and twenty-one affordable housing units, consistent with the Subarea Plan. The project will provide a well-integrated land use pattern consisting of market-rate housing and affordable housing opportunities in the Torrey Highlands Subarea. The project design and circulation system is integrated with the design of approved and proposed projects to the south and north. The project implements the land use element of the Torrey Highlands Subarea IV Plan which serves as the City’s Community/General Plan for the area within which the subject property is located, and therefore, will not adversely affect the City’s Progress Guide and General Plan.

**2. The proposed development conforms to the adopted community plan of the area.** The Torrey Highlands Subarea IV Plan serves as the Community Plan for the area of the City in which the project is located. The land use element of the Plan designates the project site as Low Density Residential (LD). No portion of the project area is located within the Multiple Habitat Planning Area [MHPA] and therefore any impacts associated with project development would not occur within the MHPA. All significant impacts associated with the proposed development would be offset in accordance with the City of San Diego Multiple Species Conservation Program [MSCP] and the City of San Diego Land Development Manual – Biology Guidelines. The approval of this permit will permit the construction of up to 108 single-family units and twenty-one affordable housing units, consistent with the Subarea Plan land use plan. The proposed development will conform to the provisions of the City’s Planned Residential Development Ordinances, the State Subdivision Map Act and all other applicable local subdivision and zoning ordinances, plans and policies. Therefore, the proposed development conforms with the adopted community plan for the area.

**3. There are no other feasible measures that can be taken to further minimize the potential adverse effect on environmentally sensitive lands and still avoid conflict with the substantially applicable provisions of City Council policy.** The project development has

been designed in compliance with the land use element and the design guidelines of the Torrey Highlands Subarea IV Plan in an effort to avoid and/or minimize any potentially adverse impacts upon environmentally sensitive lands. A biological survey and report for the Penasquitos West project area was conducted by Natural Resource Consultants (NRC 2003). Surveys were conducted in June 1997, May 1998, February 1999 and January and February 2000. Additional evaluations of the project site were conducted by NRC in September and December 2003. These surveys were supplemented by a detailed wetland delineation survey conducted in January 2003 by Glenn Lukos Associates. The proposed project conforms to the planned development for the site established within the Torrey Highlands Subarea Plan.

An Environmental Initial Study was completed for the proposed Penasquitos West project and it was determined that the project could have potentially significant environmental impacts. The impacts identified in the project's Initial Study were however anticipated by the Subarea Plan and documented in the Torrey Highlands Specific Plan Final EIR. The Torrey Highlands Subarea Plan was developed using a site constraints and opportunities analysis for the entire subarea. The City's resource protection ordinance requires that impacts to wetlands be avoided or minimized if feasible. The wetlands impacted by project development are located in a small drainage swale in the southern portion of the property. The wetlands are presently disturbed and there is evidence of off-road vehicular disturbance and illegal dumping. There is relatively low species diversity and several weedy species are present within on-site wetland areas. The wetland is isolated by surrounding development and does not provide any opportunity for wildlife movement from one natural area to another and is not located in the MHPA.

A residential project located along the southern boundary has already been issued the necessary permits to impact certain sections of the wetland within Pardee's ownership. The construction of the western half of Camino Ruiz and a new high school immediately west of the site has removed downstream sections of this drainage. Therefore, the existing quality, functions and value of the wetland vegetation on the Penasquitos West property is very low.

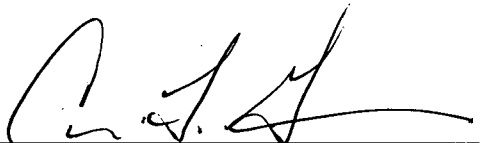
A site-specific jurisdictional wetland delineation (GLA 2003) was prepared for the Penasquitos West project directed specifically at impacts to isolated wetlands associated with project implementation. According to the results of the wetland delineation, 0.13 acre under U.S. Army Corps of Engineers jurisdiction, and 1.13 acres under the jurisdiction of California Department of Fish and Game [CDFG], and 0.03 acre of wetlands as defined by the City of San Diego would be impacted by project development. Mitigation for impacts to wetlands under CDFG jurisdiction are at a 3:1 ratio, as required for a 1603 streambed alteration permit, for a total of 3.39 acres. The mitigation site for wetland impacts is located in the Subarea III (Pacific Highlands Ranch) MHPA at the confluence of McGonigle and Deer Creeks. A Wetland Mitigation Plan has been previously approved for this location.

Mitigation areas were consolidated into a planned MSCP Preserve to provide a greater benefit to sensitive resource protection than would have occurred if Penasquitos West were developed on a parcel by parcel basis. Implementation of the Mitigation, Monitoring and Reporting Program, as required for the proposed project, would reduce potential impacts to below a level of significance. Therefore, there are no other feasible measures that can be taken to further minimize the potential adverse effect on environmentally sensitive lands and still avoid conflict with the substantially applicable provisions of City Council policy.

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

BE IT FURTHER RESOLVED, that Resource Protection Ordinance Permit No. 8166/  
Planned Residential Development Permit No. 89234 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: MICHAEL J. AGUIRRE, City Attorney

By   
Carrie L. Gleeson  
Chief Deputy City Attorney

CLG:pev  
09/20/05  
Or.Dept:Clerks  
R-2006-171  
MSN #2010  
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 NO. 99-1278

**RESOURCE PROTECTION ORDINANCE PERMIT NO. 8166**  
**PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 89234**  
**PENASQUITOS WEST [MMRP]**  
**CITY COUNCIL**

This Permit is granted by the Council of the City of San Diego to Pardee Homes, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0901 and 101.0462. The 30.1-acre vacant site is located east of Camino del Sur, west of Calderon Road, and is bounded on the north and south by residential developments in the RS-1-14 and RM-1-3 zone(s) of the Torrey Highlands Subarea Plan. The project site is legally described as (APN 306-021-15) the west half of the south quarter of Section 12, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 108 single-family dwelling units and twenty-one affordable, on-site multi-family units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 2, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of 108 single-family dwelling units and twenty-one affordable on-site multi-family units and eight open space lots;
- b. Deviation from the required maximum building height of 30-feet to 35-feet for the single-family units;
- c. Deviation from the required front yard setback of 15-feet to 10-feet and street side setback of 10-feet to 5-feet for Lots 2, 3 and 26.
- d. Landscaping (planting, irrigation and landscape related improvements);

- e. Total of 258 off street parking spaces. Two hundred and sixteen off-street parking spaces for the 108 single family units and forty-two off street parking spaces for the twenty-one multi-family units; and
- f. 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.
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).

**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 Resource Protection Ordinance Permit No. 8166/Planned Residential Development Permit No. 89234, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration, LDR No. 99-1278 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, LDR No. 99-1278 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
- Historical Resources
- Paleontological resources
- Noise
- Traffic/circulation
- Water
- Sewer
- Solid Waste
- Fire
- School

16. 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.
17. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

**TORREY HIGHLANDS SUBAREA PLAN AFFORDABLE HOUSING REQUIREMENTS:**

18. Prior to the filing of the first Final Map, Subdivider shall comply with the requirements of the Torrey Highlands Subarea Plan, which requires that the Penasquitos West Project provide that 20 percent of the project's pre density bonus units be affordable to persons at 65 percent of the area median income [Affordable Housing Requirements] by satisfaction of the requirements of subparagraph A., below:

A. Subdivider shall assure the construction and occupancy of an "Affordable Housing Project" consisting of twenty-one units to be constructed on Lot 109, as shown on the Vesting Tentative Map. Subdivider shall execute an agreement [Affordable Housing Agreement], subject to the approval of the Executive Director of the Housing Authority of the City of San Diego, or designee, and the City Manager of the City of San Diego, or designee, addressing the following issues:

1. Performance Security for the construction of (the 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:
    - (i) The issuance of building permits for construction of the 54th market rate dwelling unit (number of units which represents 50 percent of market rate units); or, ( date which is twenty-four months after issuance of the first residential building permit.
    - (ii) In no event shall the issuance of building permits for the construction of the 54th market rate dwelling unit occur until building permits for construction of the twenty-one affordable units are authorized by the City and are obtained by the Subdivider. Further, if individual parcels are sold initially by Subdivider without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be

included with the total number of the building permit issued, in determining when the issuance of the building permit occurs for the 54th and 81st or greater, market rate unit.

- b. Completion of construction of the Affordable Project shall occur upon the earlier of:
    - (i) Eighteen months after the issuance of building permit for the Affordable Project as referenced in Paragraph 2a. hereof; or
    - (ii) (Date shall be three and one half years after issuance of the first residential building permit.
  - c. Occupancy of the Affordable Project shall occur not later than 180 days after the completion of construction as referenced in Paragraph 2.b. above.
  - d. For "good cause" shown to the satisfaction of the Executive Director, the thresholds and dates referenced herein may be adjusted and/or extended one or more times. 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 his/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 on Lot 109, 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 units, in which provisions of the State Density Bonus Statute [Government Code Section 65915] applies, 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 Subdivider of the Affordable Housing Requirements shall be provided by a deed of trust in favor of the Executive Director, recorded against the Affordable Housing Site, in second lien priority, (junior only to the Declaration) assuring the timely performance of the Agreement referenced in Paragraph A, hereof. The deed(s) of trust in favor of

the Housing Authority may be subordinated to construction deed(s) of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the Executive Director, in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Project, upon such terms and conditions as she/he may impose.

5. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.
6. Subdivider, and their successors, heirs and assigns shall execute such other and further documents and shall perform such acts, as shall be requested by the Executive Director and the City Manager and as may, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.

The Penasquitos West Project Affordable Housing Program is attached to these Permit conditions and 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 permit conditions shall prevail.

**TRANSPORTATION REQUIREMENTS:**

19. The applicant shall provide a minimum of 16-foot wide pavement emergency/pedestrian access connecting Street B to the existing Calderon Road, to the satisfaction of the City Engineer.
20. Prior to issuance of any building permits, the project shall conform to the Torrey Highlands Subarea IV Transportation Phasing Plan in the Public Facilities Financing Plan and the final EIR/Traffic Study dated June 1996, or any approved amendment.

**ENGINEERING REQUIREMENTS:**

21. This permit shall comply with the conditions of the Final Map for Penasquitos West Map No. VTM No. 8163.

**LANDSCAPE REQUIREMENTS:**

22. 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. All plan specifications and notes mentioned in the conditions below shall be consistent

with Division 7, City-wide Landscape Regulations, the Landscape Technical Manual, and Exhibit "A," Landscape Concept Plan.

23. 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 Technical Manual and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this Permit (including Environmental conditions) and Exhibit "A."

24. 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 sq-ft 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.

25. 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.'

26. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Technical Manual shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan.

27. 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.

28. 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.

29. The Permittee or subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Technical Manual 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.

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

**PLANNING/DESIGN REQUIREMENTS:**

31. No fewer than 258 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

32. The builder shall make available for residential units information on energy efficient appliances and technology in its marketing materials and within its sales office. Copies of the marketing materials shall be provided to the City Manager prior to issuance of building permit.

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

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

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

- a. Approved project sign plan (Exhibit "A,") or

b. Citywide sign regulations.

40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

41. 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.

42. 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 establishing conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

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

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

45. 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.

46. 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."

**WASTEWATER REQUIREMENTS:**

47. 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.

48. 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.

49. 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:**

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

51. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a system of 6-inch reclaimed water facilities, within the public rights-of-way, to front all areas irrigated by irrigation services and meters, in a manner satisfactory to the Director of the Water Department and the City Engineer.

52. 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.

53. 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 within the development adjacent to reclaimed water facilities, in a manner satisfactory to the Director of the Water Department and the City Engineer.

54. The Owner/Permittee shall install encroachment water services, to serve each lot with less than 40 feet of frontage on public water facilities or less than 10 feet curb to property line distance, in a manner satisfactory to the Director of the Water Department and the City Engineer. All water meters shall be installed behind full height curb and outside of sidewalks or any vehicular travel way including driveways.



55. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct all private irrigation systems, served by irrigation meters, to utilize reclaimed water in a manner satisfactory to the Director of the Water Department and in accordance with all rules and regulation pertaining thereto.

56. 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.

57. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install a water service to serve each lot or provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot or dwelling unit.

58. 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.

59. 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 Water Department Director and the City Engineer.

60. 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.

61. 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.

**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 August 2, 2005 by Resolution No. R-300749.

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