

RESOLUTION NUMBER R- 301271  
DATE OF FINAL PASSAGE MAR 08 2006

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a planned development permit to construct a total of forty-two condominium units in seven 6-unit condominium buildings known as the Sabre Springs – Savannah Terrace project, located at east of Interstate 15 at the northwest corner of Poway Road and Creekview Drive, and legally described as being Lot 3 of Savannah Terrace, Areas 15, 16, 17 and 18, Map Number 14740, recorded in the office of the County Recorder of San Diego on February 9, 2004, in the City of San Diego, County of San Diego, State of California, Township 14 South, Range 2 West, San Bernardino Base Meridian, in the Sabre Springs Community Plan area, in the CC-1-3 zone (previously referred to as the CA zone) which is proposed to be rezoned to the RM-2-5 zone (previously referred to as the R-3000 zone); and to establish Design Guidelines fro the future development of a 2.5-acre site located at the southeast corner of Poway Road and Springhurst Drive, legally described as Parcel 1 of Parcel Map No. 17982, recorded January 30, 1998 in the Office of the County Recorder of San Diego, in the City of San Diego, Country of San Diego, State of California, Township 14 South, Range 2 West, San Bernardino Base Meridian, in the Sabre Springs Community Plan area, in the City of San Diego, California, from the RM-1-1 zone (previously referred to as the R-3000 zone) into the CC-1-2 zone (previously referred to as the CN zone); and

WHEREAS, on October 20, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] Permit No. 95020, and pursuant to Resolution No. 3859-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on MAR 06 2006, 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 Planned Development Permit No. 95020:

**A. PLANNED DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE  
[SDMC] SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The project proposes to develop seven 6-unit condominium buildings (forty-two units total) on a 2.22-acre site. Each 2-story building would consist of four 2-bedroom condos and two 3-bedroom condos. The proposed development will not adversely affect the applicable land use plan because (a) the proposed residential project is surrounded on three sides by residential uses that are comparable in density, type, scale, finishes, and design; (b) traffic generated by the proposed project is less than what would be generated if the site were developed in the formerly-designated commercial use; (c) the total number of residential units proposed as part of this project will not increase the total number of units defined for the community; and (d) the concurrent processing of a Community Plan Amendment will adjust the uses on each Parcel Nos. 16 and 31 to allow for the development of each appropriate use and will therefore not adversely affect the community plan.

**2. The proposed development will not be detrimental to the public health, safety and welfare.** The project proposes to develop seven 6-unit condominium buildings (forty-two units total) on a 2.22-acre site. The proposed development will not be detrimental to the public

health, safety, and welfare of the community because (a) the proposed development is the same as and wholly compatible with surrounding land uses; (b) no additional major roads are created for accessing the project since the circulation system for the surrounding development also provides access to this site; and (c) an internal network of walkways through the project provides pedestrian connections to the bike path north of the project, as well as to the neighborhood park, transit stops, and an elementary school. Adequate conditions addressing location, design and development of the condominium buildings have been applied to this permit to ensure that no detrimental impacts will occur to the public health, safety and welfare as a result of its construction.

**3. The proposed development will comply with the regulations of the Land Development Code.** The project proposes to develop seven 6-unit condominium buildings (forty-two units total) on a 2.22-acre site. The proposed development complies with the regulations of the Land Development Code as a consequence of the multiple reviews of the project that have taken place over more than two-and-a-half years since the Community Plan Amendment for this project was initiated by the Planning Commission. The subject property is currently zoned CC-1-3 (previously referred to as the CA zone) and is proposed to be rezoned to the RM-2-5 zone and has been previously graded. The new structures meet all development standards of the zone with the exception of the side and rear yard deviations from the base zone regulations. The finding for these deviations, pursuant to San Diego Municipal Code/Land Development Code [SDMC/LDC] section 126.0602(b)(1), is herein presented as Finding 5.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The project proposes to develop seven 6-unit condominium buildings (forty-two units total) on a 2.22-acre site. The proposed development, when considered as a whole, will be beneficial to the community because (a) it will effectively complete the development of community inasmuch as it represents one of the last two parcels in all of Sabre Springs to be developed; (b) it changes the visual image of Sabre Springs as seen from Poway Road because it transforms a vacant, graded pad into a housing development that is of a type and scale compatible with the community; and (c) its development is consistent with the overall goals and policies of the Sabre Springs Community Plan.

**5. Any proposed deviations pursuant to SDMC/LDC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project proposes to develop seven 6-unit condominium buildings (forty-two units total) on the 2.22 acre Parcel No. 16 site. Side and rear yard deviations from the base zone regulations have allowed development of residential units on a small 2.22 acre site that: achieve visual compatibility with adjacent residential land uses; provides landscaping for both screening and aesthetic value; and creates pedestrian pathways that have limited interaction with vehicular routes. For Parcel No. 16, the side yard deviation reduces a required side yard to 5-feet, where 59-feet is required per SDMC section 131.0443(e)2a, while the rear yard is reduced to 10-feet where 15-feet is required. Since each of the aforementioned yards sit along private driveways interior to the project, and not along public streets, the reduced setbacks can be supported. Allowing the deviation would make the project a more desirable project in that it provides for the appropriate density, allows for a mix of unit types, integrates well with the surrounding and existing condominium project, and allows for improved site planning by

providing access paths and required parking for the density proposed. The site also sits adjacent to an existing bus stop located directly in front of this development and on Poway Road providing the density enhanced transportation opportunities for the overall project.

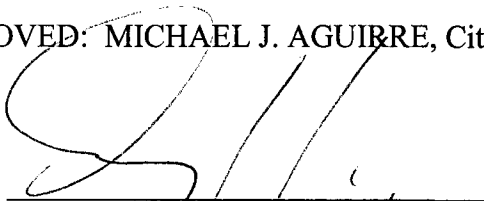
Parcel No. 31 will be processed at a later date via a Substantial Conformance Review [SCR] Process Two decision, and will need to adhere to the development regulations and Design Guidelines, or will be required to process an amendment to this discretionary action, as appropriate for required deviations.

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 Planned Development Permit No. 95020 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



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Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
02/13/06  
03/30/06 **COR.COPY**  
Or.Dept:DSD  
R-2006-693  
MMS #3015

**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 42-1248

**PLANNED DEVELOPEMENT PERMIT NO. 95020**  
**SABRE SPRINGS – SAVANNAH TERRACE [MMRP]**  
**CITY COUNCIL**

This Planned Development Permit [PDP] No. 95020 is granted by the City Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to San Diego Municipal Code/Land Development Code [SDMC/LDC] section 143.0401. The 2.22-acre site is located on Catarina Lane in the RM-2-5 zone of the Sabre Springs Community Planning area. The project site is legally described as being Lot 3 of Savannah Terrace, Areas 15, 16, 17 and 18, Map Number 14740, recorded in the office of the County Recorder of San Diego on February 9, 2004, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop forty-two new residential condominium units on one 2.22-acre parcel located on Poway Road between Savannah Creek Drive and Creekview Drive, and design guidelines for future development on a second 2.5-acre parcel located at the southeastern corner of Poway Road and Springhurst Drive within the Sabre Springs Community Planning area, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 21, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Seven 2-story, 6-unit residential condominium structures, each containing four 2-bedroom units and two 3-bedroom units. Each structure shall be constructed with stucco exteriors;
- b. Landscaping to include street trees, accent street trees, common area trees, slope trees, small accent trees, foundation and background shrubs, slope shrubs and ground cover, vines planted on the retaining walls, six open lawn play areas, irrigation and landscape related improvements;

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- c. Off-street parking facilities include four 2-car garages and two 1-car garages within the first level of each 29-foot tall structure, ten surface parking spaces provided adjacent to the buildings and nineteen spaces along Caterina Lane, a private street running along the north side of Parcel No. 16, for a total of ninety-nine off-street automobile parking spaces, including the two required handicapped-accessible spaces, one of which is garaged. Additionally the required four motorcycle spaces are provided;
- d. Accessory improvements or other notable project features include retaining walls which run along the portions of the north, west and south boundaries of the project site and also the site interior separating building pads 6 and 7, sidewalks linking the proposed dwelling units to the larger surrounding sidewalk system, two slump block wall trash and recycling enclosures each with double and single-gate access points, two fire hydrants, sound attenuation walls for Buildings 1 through 7, 5 foot tall tubular steel fencing running along portions of the west and east and the entire south side of the project site; and;
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC 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. 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.

8. 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.

9. 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.

10. 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.

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**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. 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.

12. As conditions of Planned Development Permit No. 95020, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration LDR No. 17749 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration LDR No. 17749 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:

- Noise
- Biological Resources
- Biological Resources/Land Use Adjacency

14. 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.

15. Prior to issuance of any construction permits, the Owner/Permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the monitoring biologist, and staff from the City's Mitigation Monitoring Coordination [MMC] Section.

16. Prior to the issuance of any construction/grading permits, the City Manager shall verify the appropriate mitigation requirements and notes (i.e. preconstruction meeting, biological monitor, sound attenuation measures, avian breeding seasons, etc.) are listed on the construction/grading plans and the appropriate construction sheets referenced. These notes shall be included in the specifications under the heading ENVIRONMENTAL/DEVELOPMENT REQUIREMENTS.

**AFFORDABLE HOUSING REQUIREMENTS:**

17. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**ENGINEERING REQUIREMENTS:**

18. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the



requirements of the San Diego Municipal Code in a manner satisfactory to the City Engineer.

19. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

20. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

**LANDSCAPE REQUIREMENTS:**

21. No change, modification, or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted. All plans, specifications, and notes mentioned in the conditions below shall be consistent with SDMC/LDC section 142.0401, the Landscape Standards, and Exhibit "A," Landscape Development Plan.

22. 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 the Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as "landscaping area."

23. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

24. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans provided on duplicates of the improvement plans shall be submitted to the City Manager for approval. Plans (including details and specifications) shall indicate each street tree by station point. Improvement plans shall take into account a 40 square foot root zone 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. Prior to installation of any wet or dry utility stub-outs and placement of any pavement, the locations of all trees shall be identified with lodge pole tree stakes and inspected by the field engineer. Tree stakes shall remain in place until trees are planted.

26. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land (including irrigation) shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to the Development Permit and the Exhibit "A," Landscape Development 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, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

28. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

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

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. Signage for Parcel Nos. 16 and 31 shall conform to the established Sabre Springs Special Sign District. Where the Sign District is silent, the Land Development Code shall regulate signage.

32. 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.

33. The heights of the buildings or structures 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

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

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

41. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment

and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers, and latticework.

42. 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."

43. Prior to occupancy of any units on Parcel No. 16, an information sheet identifying transit opportunities in Sabre Springs shall be submitted to and approved by the City Manager, and subsequently made available in the sales/leasing office to future residents of Parcel No. 16 and Savannah Terrace as a whole. Information shall include: location of Park 'n' Rides, bus stops and routes, and the future Bus Rapid Transit Facility and Interstate 15 improvements.

44. No fewer than ninety-nine off-street parking spaces shall be maintained on Parcel No. 16 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.

45. Parcel No. 16 shall be developed per the underlying zone and as approved per the stamped and approved Exhibit "A."

46. No building additions, including patio covers, shall be permitted on Parcel No. 16 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.

47. The applicant shall post a copy of the approved discretionary permit in Parcel No. 16's sales office for consideration by each prospective buyer

48. Prior to the application for grading, construction, and/or building permit for Parcel No. 31 of this permit, Permittee shall submit to the City Manager, plans, documents and an application for Substantial Conformance Review, a Process 2 staff decision, with appeal rights to the Planning Commission. A copy of all documents shall also be submitted to the Sabre Springs Community Planning Group for their review and recommendation to the City.

49. Parcel No. 31 shall adhere to the permit conditions, as well as the conditions outlined in the stamped and approved Exhibit "A," labeled "Design Guidelines, Sabre Springs Parcel No. 31 Specialty Commercial Site."

50. Uses that are not allowed on Parcel No. 31 per the Design Guide shall not be allowed at any time, or unless an amendment to this permit is first obtained. Such uses include, large or long-term loading and unloading areas, uses more appropriate to heavy traffic-oriented locations, gas stations, vehicle repair services, engine rebuilding, body

shops, general auto-maintenance and repair facilities, residential uses, eating and drinking establishments that include a drive-thru.

51. All uses listed as “Separately Regulated Uses” under San Diego Municipal Code/Land Development Code Chapter 14, Article 1, Divisions 1 through 11 are not approved or inferred as approved with the approval of this permit for Parcel No. 31. As determined by the SDMC/LDC sections regulating “Separately Regulated Uses,” Owner/ Permittee shall submit for a separate permit should such a permit be required at the time of building permit and/or tenant improvement application.

52. All uses, except storage and loading on Parcel No. 31, 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.

**WASTEWATER REQUIREMENTS:**

53. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

54. The developer shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.

55. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.

**WATER REQUIREMENTS:**

56. Prior to the issuance any certificate of occupancy, the Subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than a single lot.

57. Prior to the issuance any certificate of occupancy, all public water easements shall be accepted and complete in accordance with establish criteria in the most current edition of the City of San Diego Water Department Facility Design Guidelines and Subdivision Map Act, in a manner satisfactory to the Water Department Director and the City Engineer.

58. If, at any time, any request for new water facilities (including services, fire hydrants, etc.) is made, then the applicant will be required to design and construct such facilities in accordance with established criteria in the most current edition of the City of San Diego Water Department Facility Design Guidelines, City regulations, standards and practices pertaining thereto, and in a manner which will receive operational acceptance from the Water Department Director. Off-site improvements may be required to provide adequate and acceptable levels of service.

59. Prior to the issuance any certificate of occupancy, all public water facilities necessary to provide service to this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

**STORMWATER REQUIREMENTS:**

60. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

61. Prior to the issuance of any construction permits, the applicant shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent [NOI] filed with the State Water Resources Control Board.

62. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, consistent with the approved Water Quality Technical Report.

63. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP's maintenance, satisfactory to the City Engineer.

**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.

**MAR 06 2006**

APPROVED by the Council of the City of San Diego on \_\_\_\_\_ by  
Resolution No. RR- 301271 .

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

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\_COR.COPY

R 301271

COUNCIL

MAR 06 2006

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

| Council Members   | Yeas                                | Nays                     | Not Present                         | Ineligible               |
|-------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Scott Peters      | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Toni Atkins       | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Brian Maienschein | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Donna Frye        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Jim Madaffer      | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ben Hueso         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

MAR 06 2006

Date of final passage \_\_\_\_\_:

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By \_\_\_\_\_, Deputy

Office of the City Clerk, San Diego, California

Resolution Number   8  -301271