

RESOLUTION NUMBER R- 301578

DATE OF FINAL PASSAGE JUN 20 2006

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to construct, on 35.3 acres, 140 multi-family residential units for condominiums, four guest units and two recreation centers known as the Dennery Ranch Planning Areas 2 and 3 project, located 0.25 mile east of Interstate 805 and 0.25 mile south of Otay Valley Road in the Otay Mesa Community Plan area and bounded by the 664-acre California Terraces Precise Plan area to the south and the 225-acre Hidden Trail Precise Plan area to the east, and legally described as Parcel 1 and Parcel 2 of Parcel Map Number 15134 (APN 645-010-11), in the Otay Mesa Community Plan area, in the RM-2-4 zone; and

WHEREAS, on March 16, 2006, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 9436/Site Development Permit [SDP] No. 298506, and pursuant to Resolution No. 3974-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 JUN 20 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. 9436/Site Development Permit No. 298506:

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 Otay Mesa Community Plan designates the project site Medium Residential with a density range of 15-30 dwelling units per acre. The proposed project, at 15.2 dwelling units to the acre, is at the lower end of the density range. The Planning Department was initially concerned about the project's low density yield and its potential impact to the City's ability to meet regional housing needs. However, these issues were resolved through negotiations with the developer and the assurance that additional units would be constructed in the near future through the Las Casitas and Nakano proposed projects. The Las Casitas and Nakano proposed projects include the development of approximately 189 single-family dwelling units and the annexation of property into the City for use as parkland. The plan amendment for the Las Casitas and Nakano proposal to consider the change in designation from park to residential and to annex the Nakano site for residential, institutional, park and open space use was initiated by the Planning Commission on September 18, 2003. Therefore, the proposed project is consistent with the applicable land use plans and will not have any adverse affects.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development will contain conditions addressing compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. 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 affects to those persons or other properties in the vicinity. As such the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The proposed development is in full compliance with the applicable zone (RM-2-4) and the balance of the Land Development Code with the exception of the parking requirement. The response to the fifth finding provides further information concerning the proposed Planned Development Permit deviation.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project will provide much needed housing in the City of San Diego, specifically in the Otay Mesa community. One of the primary goals of the Otay Mesa Community Plan is to provide a variety of housing types in proximity to employment areas. Multi-family housing has been planned for the site since adoption of the community plan in November 1993. In addition, there will be land offered for dedication as Open Space, scenic

overlook areas to the Otay River Valley and on-site recreational opportunities. Therefore, the proposed development, when considered as a whole, will be beneficial 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. The proposed development is in full compliance with the applicable zone (RM-2-4) and the balance of the Land Development Code with the following exceptions. The project requires 824 vehicular parking spaces. The applicant proposes a deviation to allow ninety-one of the driveways that are at least 18 feet long, in front of the garages, to count as tandem spaces to meet the parking requirement. Staff supports this deviation because reconfiguring the site to eliminate all tandem parking spaces would make it difficult to meet the density requirements for the site and would reduce the contributions this project makes to address the City's shortage of housing stock at a time when the City Council has determined that the City is in a Housing State of Emergency.

Deviations to the side yard setback are requested for both Lots 1 and 2. Lot 1 is requesting a deviation from the required 71-foot side yard setback (or 10 percent of the lot width) to a 20-foot minimum side yard setback along the western side of the lot. As Lots 1 and 2 share a common boundary along the center of the site, no setback is required along the east side of Lot 1/ the west side of Lot 2. A deviation to the 15-foot rear yard setback to a 10-foot minimum rear yard setback along the northern side of the lot is also requested.

A deviation to Lot 2 is requested from the required 82-foot side yard setback (or 10 percent of the Lot width) to a minimum 10-foot side yard setback along the eastern side of the lot. As Lots 1 and 2 share a common boundary along the center of the site, no setback is required along the west side of Lot 2. A deviation is also requested from the required 15-foot rear yard setback to a minimum 10-foot rear yard setback along the northern edge of the lot.

The deviations to the side yard setback are supported because the proposed forty-one buildings will provide a variety of building articulation and placement throughout the site. The deviations are further supported because they will be consistent with the existing development pattern on the opposite side of Dennery Road. The rear yard setback deviations are supported because these areas are adjacent to open space. The open space will serve as an additional buffer between the buildings and the edge of the property. Furthermore, no construction will be allowed on the open space lots.

B. SITE DEVELOPMENT PERMIT – 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 Otay Mesa Community Plan designates the project site Medium Residential with a density range of 15-30 dwelling units per acre. The proposed project, at 15.2 dwelling units to the acre, is at the lower end of the density range. The Planning Department was initially concerned about the project's low density yield and its potential impact to the City's ability to meet regional housing needs. However, these issues were resolved through negotiations with the

developer and the assurance that additional units would be constructed in the near future through the Las Casitas and Nakano proposed projects. The Las Casitas and Nakano proposed projects include the development of approximately 189 single-family dwelling units and the annexation of property into the City for use as parkland. The plan amendment for the Las Casitas and Nakano proposal to consider the change in designation from park to residential and to annex the Nakano site for residential, institutional, park and open space use was initiated by the Planning Commission on September 18, 2003. Therefore, the proposed project is consistent with the applicable land use plans and will not have any adverse affects.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development will contain conditions addressing compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. 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 affects to those persons or other properties in the vicinity. As such the proposed development will 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 proposed development is in full compliance with the applicable zone (RM-2-4) and the balance of the Land Development Code with the following exceptions. The project requires 824 vehicular parking spaces. The applicant proposes a deviation to allow ninety-one of the driveways that are at least 18 feet long, in front of the garages, to count as tandem spaces to meet the parking requirement. Staff supports this deviation because reconfiguring the site to eliminate all tandem parking spaces would make it difficult to meet the density requirements for the site and would reduce the contributions this project makes to address the City's shortage of housing stock at a time when the City Council has determined that the City is in a Housing State of Emergency.

Deviations to the side yard setback are requested for both Lots 1 and 2. Lot 1 is requesting a deviation from the required 71-foot side yard setback (or 10 percent of the lot width) to a 20-foot minimum side yard setback along the western side of the lot. As Lots 1 and 2 share a common boundary along the center of the site, no setback is required along the east side of Lot 1/ the west side of Lot 2. A deviation to the 15-foot rear yard setback to a 10-foot minimum rear yard setback along the northern side of the lot is also requested.

A deviation to Lot 2 is requested from the required 82-foot side yard setback (or 10 percent of the Lot width) to a minimum 10-foot side yard setback along the eastern side of the lot. As Lots 1 and 2 share a common boundary along the center of the site, no setback is required along the west side of Lot 2. A deviation is also requested from the required 15-foot rear yard setback to a minimum 10-foot rear yard setback along the northern edge of the lot.

The deviations to the side yard setback are supported because the proposed forty-one buildings will provide a variety of building articulation and placement throughout the site. The deviations are further supported because they will be consistent with the existing development pattern on the opposite side of Dennery Road. The rear yard setback deviations are

supported because these areas are adjacent to open space. The open space will serve as an additional buffer between the buildings and the edge of the property. Furthermore, no construction will be allowed on the open space lots.

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.** Dennery Ranch PA 2/3 project has been designed to work with the natural environment to create pleasing neighborhoods and exceptional recreational facilities. It is at a location and in a scale consistent with the Dennery Ranch Precise Plan. The Dennery Ranch PA 2/3 project contributes to an open space system that promotes regional resource protection and provides a critical connection to adjacent active community, neighborhood parks, and the Otay Valley Regional Park. The project is designed to maintain natural resources such as open space corridors for the regional Multiple Species Conservation Program [MSCP] open space system and to link open space areas with inter-connected trails to provided opportunities for recreation and visual relief. Even though the project encroaches into some environmentally sensitive lands, it preserves several open space lots as part of the region's overall open space system that otherwise would have been developed under the Otay Mesa General Plan. Therefore, the proposed project is consistent with Council Policy 600-40, Preparation of Long Range Plans, which states that "it may be desirable to locate development within some environmentally sensitive areas if clustering development would preserve a contiguous open space system or otherwise result in a more environmentally sensitive alternative at the long range planning scale."

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.** Contour grading techniques and a landscaping plan have been incorporated into the project to minimize landform alteration impacts associated with manufactured slopes. The use of sensitive grading techniques such as contouring, variable slope aspect, blending at transitions to natural slopes and slope rounding has been incorporated into the proposed project. Slopes follow the underlying form of the terrain in plain view, and straight-sided linear or flat planar surfaces have been avoided where practical. Where manufactured slopes meet natural slopes the contours have been blended to form a more naturally appearing undulating slope surface. Enhanced landscaping will restore native plantings to the graded slope areas and will be extended and undulated below the graded areas to better tie in with undisturbed areas. 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.

The Dennery Ranch PA 2/3 project will be subject to the requirements for erosion control in the City's Grading Ordinance and will comply with the federal Clean Water Act through compliance with the requirements of the State Water Resources Control Board's National Pollutant Discharge Elimination System [NPDES] General Permit No. CA200002.

Finally, a brush management plan has been incorporated into the project to minimize the risk of fire hazards to persons or property.

For the reasons discussed above, 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.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project has been designed to comply with the land use adjacency guidelines and the MSCP general management directives for the Chula Vista MSCP Subarea Plan. The nearest City of San Diego Multiple Habitat Planning Area [MHPA] is to the southwest in Dennery Canyon. The proposed project is consistent with the guidelines and includes provisions for lighting restrictions, drainage, toxins, and brush management.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. On October 31, 1997, the City of San Diego issued the applicant a MSCP Permit for the Incidental Take of Covered Species for all the projects within the Dennery Ranch Precise Plan, including Dennery Ranch PA 2/3. The letter states that "the above-referenced project complies with the mitigation requirements of the City of San Diego Multiple Species Conservation Program ("MSCP")." Pursuant to this permit, the applicant revised its revegetation plan, doubled the number of arch culverts under Dennery Canyon Road to allow better wildlife movement, dedicated 45 acres of on-site open space, and purchased and dedicated another 74.9 acres of off-site open space as mitigation for all the Dennery Ranch Precise Plan projects.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Dennery Ranch PA 2/3 project is located several miles from the public beaches and the local shorelines; therefore, the on-site development will not contribute to the erosion of the public beaches or adversely impact local shoreline sand supply. Moreover, the project is designed to include a series of erosion and sediment control devices pursuant to the State Water Resources Control Board's NPDES General Permit No. CA200002. These devices will reduce water runoff velocities to the extent water runoff might contribute to erosion of public beaches or adversely impact 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. Project-specific mitigation will be required for impacts to Land Use, Transportation/Circulation, Biology, Historical Resources, Landform Alteration/Visual Quality, Geotechnical Conditions, Water Quality, Noise, Paleontology and Air Quality resulting from project implementation and in accordance with the Dennery Ranch Precise Plan Environmental Impact Report [EIR] (SCH 88113034) and the Mitigation Monitoring and Reporting Program [MMRP] developed as part of that EIR as amended. The details of the MMRP are incorporated herein by reference. Therefore, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been or will be incorporated into the conditions of the development permits.

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. 9436/Site Development Permit No. 298506 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 Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:pev
06/01/06
Or.Dept:DSD
R-2006-1039
MMS #3331

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 42-1113

PLANNED DEVELOPMENT PERMIT NO 9436
SITE DEVELOPMENT PERMIT NO. 298506
DENNERY RANCH PLANNING AREAS 2 AND 3 [MMRP]
CITY COUNCIL

This Planned Development Permit[PDP]/Site Development Permit [SDP] is granted by the City 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 approximately 35.3-acre site is located 0.25 mile east of Interstate 805 and 0.25 mile south of Otay Valley road and is bounded by the 664-acre California Terraces Precise Plan area to the south and the 225-acre Hidden Trail Precise Plan area to the east in the RM-2-4 zone(s) of the Otay Mesa Community Plan area. The project site is legally described as Parcel 1 and Parcel 2 of Parcel Map Number 15134 (APN 645-010-11).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 410 multi-family, residential units for condominiums, plus four guest units and two recreation centers, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUN 20 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of 410 multi-family residential units for condominiums, plus four guest units and two recreation centers;
- b. A deviation to allow ninety-one of the driveways that are at least 18-feet long in front of garages to be counted as tandem residential parking spaces.
- c. Lot 1. A deviation from the required 71-foot side yard setback (or 10 percent of the lot width) to allow a 20-foot minimum side yard setback along the western side of the Lot.

- d. Lot 1. A rear yard setback deviation to allow a 10-foot minimum rear yard setback where 15-feet are required.
- e. Lot 2. A deviation from the 82-foot side yard setback (or 10 percent of the lot width) to allow a minimum 8-foot side yard setback.
- f. Lot 2. A rear yard setback deviation to allow 10-foot minimum where 15-feet is required.
- g. There will be three open space lots (Lots A, B, and C) totaling 9.1 acres. Lot B (0.6 acres) will be provided with a soil vegetative cap as approved by the Solid Waste Local Enforcement Agency [LEA].
- h. Landscaping (planting, irrigation and landscape related improvements); and
- i. 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 Owner/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 is 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).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

14. As conditions of Planned Development Permit No. 9436/Site Development No. 298506, and Vesting Tentative Map No. 306147, the mitigation measures specified in the MMRP, and outlined in the Addendum to Environmental Impact Report No. 88-0785, Project No. 5091 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 the Addendum to Environmental Impact Report No. 88-0785, Project No. 5091, 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:

- Land Use
- Land Form Alteration/Visual Quality
- Geology/Soils
- Water Quality
- Noise
- Biological Resources
- Historical Resources (Archeology) and Paleontological Resources
- Public Facilities and Utilities
- Transportation/Circulation

Hydrology
Air Quality

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.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

18. 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 Manager's approval.

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

20. 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.

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

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

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

24. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manger and the Fire Marshall. the construction documents shall be in substantial conformance with Exhibit "A," and shall comply with the Uniform Fire Code, MC 0889.0201, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance - 18451).

25. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

- a. Zone One Criteria - Along the northern slope of the project, adjacent to buildings 15, 16, 17, 19, 21, 23, 25 and 26, a Zone One of 10 feet to 35 feet shall be provided with an additional 25-foot Zone One over the existing sewer access easement. This will allow for a composite Zone One of 35 feet or greater. A 6-foot high, 1-hour rated wall shall be provided along the top of slope for all structures less than 35 feet from the top of slope.
- b. Zone Two Criteria - The 2:1 slope between the Zone One pad area and sewer access easement, along the north side of the project, shall be landscaped and maintained as a Zone Two of 65 feet or greater.

ENGINEERING REQUIREMENTS:

26. The PDP/SDP shall comply with the conditions of the Denney Ranch, Vesting Tentative Map No. 306147

LANDSCAPE REQUIREMENTS:

27. 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.

28. All landscape and irrigation required by this permit shall conform to the City of San Diego's Landscape Regulations - Article, Division 4, the Land Development Manual - Landscape Standards, and all other landscape related City and Regional Standards.

29. 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."

30. Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner shall enter into a Landscape Establishment and Maintenance Agreement [LEMA] for a minimum 3-year period to assure the successful revegetation of all manufactured slopes. The LEMA shall be approved by the Landscape Section of the Development Services Department and the City Manager. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.

31. 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."

32. 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.

33. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections consistent with Exhibit "A."

34. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in the City Council Ordinance No. 0-17327. The Owner/Permittee shall design and install a reclaimed water distribution system, satisfactory to the Water Utilities Director.

35. No irrigation run-off shall drain off site into the public right-of-way, streets, drives or alleys. No connection shall be made to any storm water sewer system without proper Best Management Practices [BMP's].

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

37. 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 Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

38. 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.

39. 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.

40. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install fencing (minimum 6 feet high) along the north and northwest property line in order prevent access to the off-site Shinohara II burn ash site.

41. 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.
42. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install vinyl coated chain link fencing in earth tone colors (minimum 6 feet high) along the north and northwest property line in order prevent access to the off-site Shinohara II burn ash site.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.

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

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

50. 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.

51. 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:

52. Prior to the issuance of any building permits, the Owner/Permittee shall abandon certain on-site public sewer mains identified on the project easement abandonment map or prepare and process documentation for their conversion to private sewer mains, satisfactory to the Metropolitan Wastewater Department Director.

53. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes - 20 feet. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.

54. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

55. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the Owner/Permittee obtaining an Encroachment Maintenance and Removal Agreement.

56. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer facilities.

57. The Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.

58. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be redesigned.
59. The Owner/Permittee 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.
60. 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:

61. Prior to the submittal of any public improvement plans, the Owner/Permittee shall provide an acceptable water study in a manner satisfactory to the Water Department Director and the City Engineer. The study shall plan the pressure zone(s) and water facilities necessary to serve this development, including redundancy, consistent with previously accepted studies in this area. Proposed public water facilities, shown in accepted studies, which cannot be designed to comply with standards shall be private.
62. Prior to the issuance of any grading or building permits, the Owner/Permittee shall design and construct a 42-inch water transmission pipeline into the Dennery Road right-of-way in a manner satisfactory to the Water Department Director and the City Engineer.
63. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of the public water facilities, identified in accepted water studies, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, maintaining redundancy throughout phasing of construction. Any water facilities which cannot be designed to comply with public standards, including easements, shall be private.
64. The Owner/Permittee shall install parallel public potable transmission water facilities with a minimum separation of 20 feet. All public water mains shall be located a minimum of 5 feet from any curb face.
65. The Owner/Permittee shall install all water meters behind full height curb and outside of sidewalks or any vehicular travel way including driveways.
66. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permits for the installation of private back flow prevention devices on each water service within the development, in a manner satisfactory to the Water Department Director and the City Engineer.
67. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water

Department Director, and the City Engineer. Any proposed fire hydrant installation not conforming to Water Department standards for public fire hydrants, shall be private.

68. Prior to the issuance of building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities, including meters and fire hydrants, that are not located within fully improved public rights of way, satisfactory to the Water Department Director and the City Engineer. Minimum easement widths shall be 26 feet-wide and fully paved. Easements, as shown on approved Exhibit "A," shall be modified to comply with standards at final engineering.

69. Prior to the issuance of any building permits, the Owner/Permittee shall grant a minimum 40 feet-wide water easement over any public water transmission pipeline, specifically traversing Lot "C," in a manner satisfactory to 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.

70. Prior to the issuance of any building permits, the Owner/Permittee shall grant a building restricted easement over the entirety of Lot "C," in a manner satisfactory to the Water Department Director and the City Engineer.

71. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall record, at the San Diego County Recorder's Office, all grants of easements containing public water facilities in a manner satisfactory to the Water Department Director and the City Engineer.

72. 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.

73. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions 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," or accepted water study shall be modified to comply with standards at final engineering.

74. 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.

TRANSPORTATION REQUIREMENTS:

75. A total of 824 vehicular parking spaces, including 164 surface (parking stall) common parking spaces, 492 garaged and seventy-seven surface (parking stall) residential parking spaces, as well as ninety-one tandem residential parking spaces in

driveways that are a minimum 18 feet deep, for a total of 656 residential parking spaces, 164 common spaces, and forty-two motorcycle spaces.

76. Prior to the issuance of any building permits project must insure by permit and bond for the extension of the left turn pocket for the eastbound traffic at the intersection of Dennery Road/Red Coral Lane to accommodate 250 feet of vehicular storage with 120 feet of transition, satisfactory to the City Engineer.

77. As shown on the submitted plans there shall be a storage area at all times in any garage with a minimum depth of 30 feet so that the effective vehicular parking area is less than 30 feet deep.

78. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

PARK AND OPEN SPACE REQUIREMENTS:

79. A public access easement is required over the existing 25-foot wide sewer easement on Lot "A."

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.

This development may be subject to payment of a park fee prior to the filing of the final map in accordance with the San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with the San Diego Municipal Code.

This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17650, in accordance with procedures established by the Director.

APPROVED by the City Council of the City of San Diego on JUN 20 2006, by Resolution No. R- 301578.

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

Passed by the Council of The City of San Diego on JUN 20 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 20 2006

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 R- 301578