

CONDITIONS FOR VESTING TENTATIVE MAP NO. 8878

PACIFIC HIGHLANDS RANCH UNITS 23-28 – PROJECT NO. 5382

ADOPTED BY RESOLUTION NO. R-302095 ON NOV 14 2006

GENERAL

1. This Tentative Map will expire on NOV 14 2009.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879.

ENGINEERING

6. Prior to recording a final map for Unit 26, the Subdivider shall acquire the remaining offsite right-of-way at the terminus of Street "K" between Street "K" and Rancho Santa Fe Farms Road in order to construct Street "K" to connect to Ranch Santa Fe Road satisfactory to the City Engineer.
7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

R-302095

MAPPING

9. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
10. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
11. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
12. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

WASTEWATER

13. Prior to issuance of any engineering permit for public improvements, the Subdivider is required to provide an accepted sewer study, satisfactory to the Metropolitan Wastewater Department Director, for all proposed public sewer facilities in accordance with the City of San Diego's current sewer design guide to determine appropriate sewer facilities needed to serve this development.
14. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.

15. The Subdivider 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 re-designed.
16. 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.
17. The Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.
18. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any public right-of-way prior to the Subdivider obtaining an Encroachment Maintenance and Removal Agreement.
19. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

WATER

20. Prior to the approval of any public improvement drawings, the Subdivider shall provide acceptable potable and reclaimed water studies satisfactory to the Water Department Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.
21. The Subdivider shall design and construct all public water facilities, both potable and reclaimed, as required in the accepted water studies for Pacific Highlands Ranch Subarea III, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies and to maintain redundancy throughout construction phasing at final engineering.
22. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the Subdivider shall install a redundant water system satisfactory to the Water Department Director.
23. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way,

satisfactory to the Water Department Director. Easements shall be located within single lots.

24. Grants of water easements shall have the following minimum widths: water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. All paving shall conform to schedule "J" or better. Water easements, as shown on the approved tentative map, will require modification based on standards at final engineering.
25. The Subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or modified at final engineering to comply with standards.
26. The Subdivider shall design and construct all irrigations systems, served by irrigation services, to utilize reclaimed water in a manner satisfactory to the Water Department Director.
27. The Subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot or dwelling unit.
28. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area including, but not limited to, the completion of the 36-inch pipeline in Del Mar Heights Road and Carmel Valley Road and a pressure regulating station. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

GEOLOGY

29. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

OPEN SPACE

30. All open space lots deeded to the City shall be free and clear of all private easements, liens and private agreements.

TRANSPORTATION

31. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of Carmel Valley Road from SR-56 to Subarea IV /Torrey Highlands boundary as a 6-lane/4-lane modified major street. The Subdivider shall dedicate 146' of right-of-way and shall provide a minimum distance of 126' curb to curb, gutter and 5' wide sidewalk within 10' curb to property line distance then transitioning to a minimum curb to curb width of 102 feet within 128 feet of right-of-way east of Del Mar Heights Road, satisfactory to the City Engineer.
32. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of the traffic signal at the intersection of Carmel Valley Road and Del Mar Heights Road, satisfactory to the City Engineer.
33. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of the traffic signal at the intersection of Old Carmel Valley Road and Del Mar Heights Road, satisfactory to the City Engineer.
34. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of the traffic signal at the intersection of Carmel Valley Road and Street "K," satisfactory to the City Engineer.
35. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of the traffic signal at the intersection of Carmel Valley Road and Rancho Santa Fe Farms Road, satisfactory to the City Engineer.
36. Prior to recording each final map, the Subdivider shall provide a minimum of 100 foot curve radius for all the proposed public and private residential streets, satisfactory to the City Engineer.
37. Prior to recording each final map, the Subdivider shall assure, through permit and bond, the construction of public alleys with a minimum of 24' of concrete, satisfactory to the City Engineer.
38. Prior to recording each final map, the Subdivider shall assure, through permit and bond, the construction of the driveway openings shall not exceed 40 percent of the frontage property for each lot.
39. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of the traffic signal at the intersection of Carmel Valley Road and Via Abetura, satisfactory to the City Engineer.
40. Prior to recording the final map for Unit 26, the Subdivider shall connect Street "K" to Rancho Santa Fe Farms Road per the Pacific Highlands Ranch Subarea Circulation Plan, satisfactory to the City Engineer.

41. Prior to recording the final map for Unit 27, the Subdivider shall assure, through permit and bond, the construction of Street "T" with a dedication of 74 feet of right-of-way and shall provide 50 feet curb to curb with a 10 foot median, curb, gutter and 5' sidewalk within 12' curb to property line distance, satisfactory to the City Engineer.
42. Prior to recording the final map for Unit 28, the Subdivider shall assure, through permit and bond, the construction of Street "U" as a 2-lane sub-collector street. The Subdivider shall dedicate 56 feet of right-of-way and shall provide 34 feet of pavement, curb, gutter and 5 feet sidewalk on the east side with a 10 feet sidewalk on the west side within 11 feet curb to property line distance, satisfactory to the City Engineer.
43. Prior to recording the final map for Unit 26, the Subdivider shall assure, through permit and bond, the construction of connect Street "K" to Rancho Santa Fe Farms Road per the Pacific Highlands Ranch Subarea Circulation Plan, satisfactory to the City Engineer.
44. Prior to recording the final map for which each of the following streets are shown on the Tentative Map, the Subdivider shall assure, through permit and bond, the construction of Street "O," Street "P," Street "Q," Street "R," Street "S," Street "V," Street "W" and Street "X" as a two lane residential street. The Subdivider shall dedicate 56 feet of right-of-way and shall provide 34 feet of pavement, curb, gutter and 5 feet sidewalk within 11 feet curb to property line distance, satisfactory to the City Engineer.
45. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of Street "K" south of Carmel Valley Road to SR-56 shall be constructed with 40 feet curb to curb within 78 feet right of way; transitioning to 40 feet curb to curb within 60 feet of right of way under SR-56 to Street "S"; then transitioning to a 40 feet curb to curb within 93 feet right of way to Street U, then transitioning to a 40 feet curb to curb within 78 feet right of way to Street P, then transitioning to a 40 feet curb to curb within 60 feet right of way to Rancho Santa Fe Farms Road, with curb, gutter and minimum 5 foot sidewalk, to the satisfaction of the City Engineer.
46. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of a standard 25-foot wide driveway for Private Driveway "B" at Carmel Valley Road, to the satisfaction of the City Engineer.
47. Prior to recording the first final map, the Subdivider shall assure, through permit and bond, the construction of Del Mar Heights Road from Old Carmel Valley Road to Carmel Valley Road as a four lane modified major street. The applicant shall dedicate 122 feet of right-of-way, and shall provide 102 feet of pavement,

curb, gutter and a 5 foot sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.

PLANNING

48. Prior to recording any final map for any unit adjacent to State Route 56, long term maintenance of "standard highway planting" and irrigation systems in the portion of the 100-foot buffer that lies within future developments shall be accomplished through a landscape maintenance district, to the satisfaction of the City Engineer.

ENVIRONMENTAL

49. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Units 23-28 Project Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered complied with, 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
Biological Resources
Transportation/Circulation
Hydrology/Water Quality
Landform Alteration/Visual Quality
Cultural Resources
Geology
Paleontological Resources
Noise
Public Services/Facilities
Water Conservation
Public Safety

MULTIPLE SPECIES CONSERVATION PROGRAM [MSCP]

50. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site Multiple Habitat Planning Area [MHPA] shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement OR covenant of easement, which is then recorded on the property. For areas within the adjusted MHPA that are governed by the Master Restoration Plan for Pacific Highlands Ranch and in accordance with Section 5.2.6 of the Development Agreement (September 8, 1998) and previous conveyances for Units 1-4, 5-11 and 12-16, and 17-22, MHPA lands within the 131-acre on-site mitigation bank shall only be transferred to the City in fee title upon successful completion of the restoration program and utilization of all the restoration acreage in the bank.

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

INFORMATION:

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

Passed by the Council of The City of San Diego on NOV 14 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 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 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 NOV 14 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 *Delicia Swanson Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number 302095

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 42-1064

**PLANNED DEVELOPMENT PERMIT NO. 8880/SITE DEVELOPMENT PERMIT
NO. 8881/COASTAL DEVELOPMENT PERMIT NO. 8879 AND MHPA
BOUNDARY LINE ADJUSTMENT NO. 373324
PACIFIC HIGHLANDS RANCH, UNITS 23-28 [MMRP]
CITY COUNCIL**

This Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879 and MHPA Boundary Line Adjustment No. 373324 is granted by the Council of the City of San Diego to Pardee Homes, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0602, 126.0501 and 126.0701. The 299.2-acre site is located generally south of Carmel Valley Road and east of Rancho Santa Fe Farms Road in the RT-1-2, RX-1-1, RS-1-14, OR-1-2 and AR-1-1 zones of the Pacific Highlands Ranch Subarea III plan area. The project site is legally described as Parcel 2 of Parcel Map No. 12027 and those portions of Section 10, 11 and 15 in Township 14 South, Range 3 West, San Bernardino Base Meridian as described in deed to Pardee Construction Company, a California Corp. Recorded January 7, 1997 as Document No. 1997-0007488, O.R., 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 subdivide a 299.2-acre site for the creation of 524 lots: 474 single-family residential lots; one lot for ninety-six affordable multi-family dwelling units with a recreation center including pool and recreation buildings; two lots for dedication as Multiple Habitat Planning Area [MHPA] open space; one lot for a water quality basin; forty-three lots for ownership by a homeowners association; one lot for a private community recreation center and two lots- one for a school and a second for a public park; landscaping; regional and local public improvements, and a segment of a regional open space trail, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated NOV 14 2006, on file in the Development Services Department.

The project or facility shall include:

- a. 474 single-family residential lots; one lot for ninety-six affordable multi-family dwelling units in eight buildings with a recreation center including pool, recreation building and other amenities. Single-family structures shall vary in total square footage depending on the specific Unit as follows:

Unit 23: structures vary from between 2,060 square feet to 2,541 square feet;

Unit 25: structures vary from between 2,060 square feet to 2,541 square feet;

Unit 26: structures vary from between 2,600 square feet to 3,148 square feet;

Unit 27: structures vary from between 2,150 square feet to 2,196 square feet;

Unit 28: structures vary from between 2,600 square feet to 3,148 square feet; and

Unit 24 which is a multi-family dwelling unit development shall have eight buildings with twelve units and garages in each building. The total square footage of each building shall be 16,533 square feet. Living unit sizes shall vary from 681 square feet in A1-U; 887 square feet in B1-L; 975 square feet in B1-U; 989 square feet in B2-U; 1,173 square feet in C1-L; and 1,276 square feet in C1-U.

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities: Units 23, 25-28 shall provide a minimum of two spaces per single family structure, Unit 24 provides 215 spaces (a minimum of 202 required spaces) described more completely as eighty garage spaces, thirty-nine tandem spaces, and ninety-six open spaces described more completely as sixty-four onsite and thirty-two on Private Driveway "T";
- d. Unit 24 shall have a recreation center which includes: tot lot and play area with equipment, concrete benches and picnic tables, trash receptacles, open lawn area, and stabilized decomposed granite area; pool area with saw cut colored concrete deck, pool and spa; recreation buildings; enhanced paving; trellis with stamped colored concrete below; semi-circular wood trellis adjacent to the spa; and a 5 foot tubular steel safety fence surrounding the pool and spa area; landscaping;
- e. The Pacific Highlands Ranch Units 23-28 project is allowed five deviations from the regulations of the Land Development Code: 1) Units 23, 25, 26, and 28 include deviations from the standard front-yard setback of the zones. Specifically, these Units may observe a 10-foot front-yard setback where 15 feet is the required setback; 2) Unit 27 may implement

a 4-foot rear yard setback rather than the 10-foot required in the RS-1-14; 3) Unit 27 may create lots whose total area is less than the 5,000 square-foot minimum of the RS-1-14 zone, as shown on the Site Plan; 4) Units 25, 26, and 27 may create lots that deviate from the underlying zone requirements regarding required street frontage. Unit 25, Lots 3, 4, 5, 33, and 75 may be created with a street frontage less than the 35 feet required by the RX-1-1 zone, as shown on the Site Plan. Lots 3 and 4 may have 27 feet of street frontage, Lot 5 may have 32 feet of frontage, Lots 33 and 75 may have 28 and 32 feet of frontage, respectively. Unit 26, Lots 36 through 38 and 42 through 44 may be created with less than 50 feet required by the RS-1-14 zone, as shown on the Site Plan. Lots in Unit 27 may be created with approximately 40 feet of street frontage where 50 feet is required in the RS-1-14 zone, as shown on the Site Plan; 5) Buildings in Units 23 and 24 may exceed the maximum structure height of the RT-1-2 zone and build single-family homes and the multi-family affordable housing dwelling units at a maximum height of 30 feet;

- f. An alternative to the proposed pedestrian connection between Private Driveway "H" and Foxtail Way is for a full vehicular connection at this location, should the property owners seek to create such a vehicular connection between these private driveways; and
- g. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved exhibits).

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

TRANSPORTATION REQUIREMENTS:

14. Prior to issuance of each building permit shall conform to the Subarea III/Pacific Highlands Ranch Transportation Phasing Plan and the approved Traffic Study/final EIR, to the satisfaction of the City Engineer.

15. Prior to issuance of each building permit, the applicant shall submit construction plans indicating the minimum driveway length behind the property line is 20 feet or 18 feet with roll-up garage doors to prevent vehicles from encroaching onto the sidewalk.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

16. 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.

17. As conditions of Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879 and/or Vesting Tentative Map No. 8878, the mitigation measures specified in the MMRP, and outlined in the Units 23-28 Project Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

18. The Owner/Permittee shall comply with the MMRP as specified in the Units 23-28 Project Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered complied with, 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
- Biological Resources
- Transportation/Circulation
- Hydrology/Water Quality
- Landform Alteration/Visual Quality
- Cultural Resources
- Geology
- Paleontological Resources
- Noise
- Public Services/Facilities
- Water Conservation
- Public Safety

19. Prior to issuance of any construction permit, the Owner/Permittee 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.

AFFORDABLE HOUSING REQUIREMENTS:

20. Prior to the issuance of the first building permit within Units 23-28, the Owner/Permittee shall comply with the requirements of the Pacific Highlands Ranch Subarea III Plan, (the Affordable Housing Requirements).

21. The Owner/Permittee shall assure the construction and occupancy of a 91-unit affordable housing project (the Affordable Housing Project) to be constructed on Lot 24, as shown on the Tentative Map. Owner/Permittee currently anticipates constructing ninety-six affordable units on Lot 24. To the extent that more than ninety-one affordable units are constructed on Lot 24, the surplus affordable units shall be used to meet Owner/Permittee's Affordable Housing Requirements for the balance of Pacific Highlands Ranch.

22. Prior to the issuance of the first building permit within Units 23-28, Owner/Permittee shall execute an agreement [the Affordable Housing Agreement], subject to the approval of the President and CEO of the San Diego Housing Commission, or designee, addressing the following issues:

1. Performance Security for the dedication of land (the Affordable Housing Site) and construction of the ninety-one affordable units [the Affordable Units] on site, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the President and CEO of the San Diego Housing Commission, or designee [the President and CEO].
2. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the President and CEO, provided that the following timetable is incorporated into the Affordable Housing Agreement:
 - a. Issuance of building permits for the Affordable Project shall occur on or before the earlier of (i) the issuance of building permits for the construction of the 237th market rate dwelling unit (number of units which represents 50 percent of the market rate units); or (ii) within 18 months of the issuance of the first building permit within for Units 23-28, whichever shall occur first. In no event shall the issuance of building permits for the construction of the 237th market rate dwelling unit occur until building permits are issued for the construction of the Affordable Project.
 - b. Further, if individual parcels are sold initially by Owner/Permittee without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building permit issued, in determining when the issuance of the building permit occurs for the 237th and 355th or greater market rate unit. Provided, however, that lots sold in bulk shall not be included in the total number of building permits issued for purposes of determining when the issuance of building permit occurs for the 237th and 355th or greater market rate unit, until building permits are issued for such individual lots.
 - c. Completion of construction of the Affordable Project shall occur upon the earlier of (i) eighteen months after the issuance of building permits for the Affordable Project; or (ii) the date that shall be three years after receiving the first building permit.
 - d. Further, the issuance of building permits for the construction of the 355th market rate unit (number of units which represents seventy-five percent of market rate units) shall not occur until the completion of the ninety-one affordable units is authorized by the City as evidenced by a certificate of occupancy.

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

OPEN SPACE REQUIREMENTS:

23. All access shall be prohibited from private lots to open space lots. A barrier or fence is required. The location of the barrier or fence, its height, type material, etc must be satisfactory to the Park and Recreation Director. Gates shall be prohibited.

ENGINEERING REQUIREMENTS:

24. The Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.

25. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision [LOMR] is obtained from Federal Emergency Management Agency [FEMA]. The LOMR is issued based upon as-built site conditions; therefore, the Owner/Permittee must allow time to complete this process. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

26. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

27. The preliminary drainage system for this development is approved per condition of approval of the "Runoff Management Plan" provided that, in the final design, the following requirement is satisfied: A hydrology report must be developed, submitted, reviewed and approved using the Rational and Modified Rational Method for each unit within Pacific Highlands Ranch, subject to the approval of the City Engineer.

28. All drainage facilities within this subdivision and outside of the public right-of-way shall be private and privately maintained.

29. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

30. Prior to the issuance of any construction permits, the Owner/Permittee 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.

31. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

33. Prior to the issuance of any building permit within Unit 26, the Owner/Permittee shall acquire the remaining right of way at the terminus of street K in order to construct street K to connect to Ranch Santa Fe Road satisfactory to the City Engineer.

34. Prior to final inspection of any unit, the Owner/Permittee shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the City Manager. The plans shall be in substantial conformance to Exhibit "A."

36. Prior to issuance of any grading permit, to include slope restoration and mitigation areas, the Owner/Permittee shall enter into a Landscape Establishment/Maintenance Agreement [LEMA] to assure long-term establishment and maintenance of the slope restoration and mitigation areas. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. The LEMA shall commence prior to release of the performance bond with Owner/Permittee posting a new bond to cover the terms of the LEMA.

37. Prior to the issuance of any engineering permits for grading or improvements the Owner/Permittee shall complete a Maintenance Assessment District [MAD] Agreement form for early confirmation.

38. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. Prior to the issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall enter into a LEMA to assure long-term establishment and maintenance of street trees and landscape improvements. The LEMA shall commence prior to release of the performance bond with Owner/Permittee posting a new bond to cover the terms of the LEMA. The LEMA shall be renewed each year until such time as another approved entity assumes responsibility such as a home owners association or a Landscape Maintenance District.

40. Prior to issuance of any building permits within Unit 24, 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.

41. Prior to final inspection of each structure, it shall be the responsibility of the Owner/Permittee to install all required landscape as it relates to that construction permit and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

42. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

43. 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 and prior to any final inspection.

BRUSH MANAGEMENT REQUIREMENTS:

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

45. Prior to issuance of any construction permits or recording of final maps, all easements or right of entry permits for the purpose of Brush Management shall be obtained.

46. Prior to issuance of any engineering permit for grading, complete Brush Management, planting and irrigation plans, details and specifications including maintenance specifications, shall be submitted to the City Manager for approval. All plans shall indicate the brush management zones depths by dimension.

47. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412. Lots 19 through 33 for Unit 25 and Lots 1 through 38 for Unit 28 shall have a minimum 35 feet Zone One with 65-foot Zone Two.

48. All new constructions within 300 feet of the boundary between Brush Management Zone One and Brush Management Zone Two shall comply with building standards and policy per 2001 California Building Code and SDMC sections 145.0501 and 142.0401.

49. Within a standard Zone One, a minimum fire rating of one hour for additions or accessory structures, including, but not limited to decks, trellises, gazebos, etc, are permitted with the approval of the Fire Marshall and the City Manager.
50. Prior to any construction or grading, it shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Mitigation, Monitoring & Conservation section of Development Services Department to discuss and outline the implementation of the Brush Management Program.
51. Prior to final inspection and/or issuance of any certificates of occupancy for any building, the approved Brush Management Program shall be implemented.
52. In all brush management zones the plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as determined by the Landscape Section of Development Services Department.
53. The Brush Management Maintenance Program as noted on Exhibit "A," shall be performed annually by the Permittee or subsequent Owner or until such time that another approved entity such as a homeowners association or a Landscape Maintenance District assumes annual responsibility.
54. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with SDMC sections 55.0101 and 142.0412 and the Land Development Manual - Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

55. A landscape buffer along the SR-56 Freeway alignment shall be provided to implement a design objective of the Pacific Highlands Ranch Subarea Plan. A portion of the buffer has been installed within the SR-56 right-of-way. The remaining portion of the required 100-foot buffer width (measured from the outside edge of freeway pavement, exclusive of the on and off-ramps) is within this TM. The buffer shall be installed and maintained as identified on the Exhibit "A," Site Plan for each TM Unit. Trees, shrubs, vines and ground covers shall be installed within the buffer to soften adjacent development when viewed from the freeway. Earthen berms shall be similarly used to reduce the visible height of perimeter walls abutting (or within) the buffer to no more than 5 feet.
56. Prior to the issuance of any building permit for lots adjacent to State Route 56 right-of-way, those portions of the 100-foot buffer outside state right-of-way shall be landscaped with the plant palette used by Caltrans within the right-of-way. Such landscaping and associated irrigation systems shall be approved by the City of San Diego, in conjunction with Caltrans District Landscape Architect prior to issuance of the building permits and shall be installed prior to final inspection by the City.

57. Prior to issuance of any grading permit, grading design shall utilize contour grading techniques for fill slopes, including variable slope ratios and rounding the tops and toes of slopes, as generally depicted on the Exhibit "A," - Grading Plan.

58. The Owner/Permittee shall make available to prospective buyers of all residential units information on energy efficient appliances and technology in its marketing materials and within its sales office. Copies of the marketing materials shall be provided to the City Manager prior to issuance of building permit.

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

60. Required fencing between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated.

61. The pedestrian connection from Unit 23 to Foxtail Way shall be maintained for pedestrian/non-vehicular and emergency access, as shown on the Exhibit "A" Vesting Tentative Map. The connection shall be landscaped with street trees, shrubs and ground cover and be surfaced with a permeable material suitable for emergency vehicles.

62. Units 23, 25-28 shall provide a minimum of two spaces per single family structure; Unit 24 shall provide spaces as described in the following condition a minimum of 168 required spaces. No fewer than this specified number of off-street parking spaces shall be maintained on the properties as indicated per Development Unit 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.

63. Unit 24 shall provide a minimum of 168 required spaces at the following ratio:

16 affordable 1 bedroom units x 1.25 spaces = 20 spaces

48 affordable 2 bedroom units x 1.75 spaces = 84 spaces

32 affordable 3 bedroom units x 2.00 spaces = 64 spaces

Total required is 168 parking spaces, with a least 20 percent in common parking areas.

64. Specific deviations have been approved with this permit as listed in paragraph "e" (pages 2 and 3 of this Permit). Other than those listed in paragraph "e," there shall be compliance with the regulations of the underlying zones. 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.

65. 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.

66. 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 Owner/Permittee.

67. 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.

68. 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.

69. All signs associated with this development shall be consistent with sign criteria established by the Pacific Highlands Ranch Master Sign Program.

70. The Owner/Permittee shall post a copy of the approved discretionary permit and Tentative Map Resolution in the sales office for consideration by each prospective buyer.

71. Prior to the issuance of any building permits for Unit 24, 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.

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.

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

73. 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.

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

75. 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.

76. 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.

77. Prior to the issuance of building permits for Unit 24 and/or the Recreation Center in Unit 28, Lot A, 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:

78. Prior to the submittal of any public improvement drawings, including grading plans, the Owner/Permittee shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will have adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

79. The Owner/Permittee shall assure, by permit and bond, the construction of all public sewer facilities as required by the accepted sewer study necessary to serve this development.

80. 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 satisfactory to the Metropolitan Wastewater Department Director.

81. 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.

82. The Owner/Permittee will be required to provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each dwelling unit/commercial unit will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities.

83. 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.

84. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

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

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:

86. The 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.).

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 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 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. 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.

87. Prior to issuance of any grading permits, the City Manager shall verify that construction of a 6-foot-high fence (combination of view fence, view fence on block wall and block wall) along areas adjacent to the MHPA, satisfactory to the City Manager and the City Engineer, is shown on the approved grading plans. The fencing shall be sited within the development lots and be outside of Open Space lots and be maintained in perpetuity by the Owner/Permittee. Any necessary future fence repairs shall be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement.

88. Prior to any final inspection, the City Manager shall verify that the project fencing has been constructed in accordance with the approved Fencing Plans, Exhibit "A."

89. Prior to recordation of the first final map and/or issuance of any grading permits, the ERM of LDR shall verify that all on-site planting shown in the Landscape plan within the MHPA is consistent with the Master Restoration Plan for Pacific Highlands Ranch, and that only native or non-invasive species are planted adjacent to the MHPA. Specifically, all revegetated areas within or adjacent to the adjusted MHPA shall contain only native, compatible species. Only species of oak (or equivalent natives) shall be permitted within the MHPA adjustment areas. Prior to release of project landscaping bonds, the City Manager shall verify that the project MHPA planting has been installed in accordance with the approved landscaped plans and Master Restoration Plan.

90. Prior to recording the first final map and/or issuance of any grading permits, the ERM of LDR shall verify that the following MHPA Boundary Line Adjustment [BLA] requirements have occurred, in accordance with wildlife agency approval (August 2006):

To achieve a total of 7.6 acres of restored habitat in exchange for 5.45 acres of encroachment (See *Pacific Highlands Ranch Units 5 Through 11 and 17 Through 28 Adjustment Exhibit, Latitude 33 August 2006*), the applicant shall ensure that:

- A. 3.48 acres of new MHPA slopes revegetated with Tier III (Southern Mixed Chaparral [SMC]) currently outside the MHPA have been conveyed to the preserve via a conservation easement. The revegetation would be under a 5-year plan as required under the PHR Master Restoration Plan.
- B. 0.89 acres of land adjacent to existing SWS habitat and located outside the MHPA that could have been graded, yet will not be disturbed and will be conveyed to the MHPA to expand the wetland buffer via fee title or a conservation easement.

- C. 3.23 acres of grading for new MHPA slopes within the MHPA (agricultural/ruderal areas) has been offset by revegetating the graded slopes with SMC habitat under a 5-year plan and protected by a conservation easement as required under the PHR Master Restoration Plan. Prior to release of project landscaping bonds, the City Manager shall verify that the project planting for the said 7.6 acres of land in the adjusted MHPA has been installed in accordance with the approved landscaped plans and Master Restoration Plan.

Prior to release of project landscaping bonds, the City Manager shall verify that the project planting for the said 7.6 acres of land in the adjusted MHPA per the approved BLA has been installed in accordance with the approved landscaped plans and Master Restoration Plan. For areas within the adjusted MHPA that are revegetated and/or governed by the Master Restoration Plan for Pacific Highlands Ranch, a conservation easement shall be recorded unless otherwise agreed to by the Park and Recreation Department, Open Space Division Deputy Director.

91. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement OR covenant of easement, which is then recorded on the property. For areas within the adjusted MHPA that are governed by the Master Restoration Plan for Pacific Highlands Ranch and in accordance with Section 5.2.6 of the Development Agreement (September 8, 1998) and previous conveyances for Units 1-4, 5-11 and 12-16, and 17-22, MHPA lands within the 131-acre on-site mitigation bank shall only be transferred to the City in fee title upon successful completion of the restoration program and utilization of all the restoration acreage in the bank.

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

92. Due to the site's location within the MHPA, maintenance of the detention basin shall not to interfere with wildlife utilization of the MHPA. Noise impacts related to basin construction and maintenance shall be avoided, if possible, during the bird breeding season (February 15 to September 15). If access, construction and/or maintenance are proposed during the bird breeding season, measures to minimize noise impacts will be required and should include temporary noise walls and/or beams. Noise levels from construction and maintenance activities during the bird breeding season should not exceed 60 dBA hourly LEQ (one-hour) at the edge of the occupied habitat or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ (one-hour).

Prior to sediment removal, future repairs or any other detention basin operation/maintenance activities that could potentially interfere with wildlife utilization

during the breeding season (February 15 to September 15), a project biologist shall survey the potential impact area for sensitive birds and wildlife. If any sensitive birds or wildlife are detected, the applicant shall consult with the wildlife agencies and applicable City Departments to determine appropriate measures to avoid impacts to wildlife, which may include limiting certain maintenance activities to the non-breeding season.

WATER REQUIREMENTS:

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

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

95. At no time shall the Owner/Permittee install public water facilities with services within travel ways with alley type cross sections (no curbs). Parallel public potable water facilities shall have a minimum separation of 20-feet.

96. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Water Department Director and the City Engineer. If reclaimed water is not yet available, then the irrigation systems shall be designed in such a manner as to accept reclaimed water when available and avoid any potential cross connections.

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

98. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service within the development, in a manner satisfactory to the Water Department Director and the City Engineer.

99. 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.

100. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully

improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," shall be modified to comply with standards at final engineering.

101. 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.

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

103. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on NOV 14, 2006
by Resolution No. 302095.

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