

RESOLUTION NUMBER R- 302968

DATE OF FINAL PASSAGE SEP - 4 2007

WHEREAS, Pardee Homes, LLC, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a site development permit to construct a 169-unit condominium complex, one single-family lot and a commercial center consisting of thirty-two 2-story buildings with attached garages; one approximately 4,500-square foot recreational building; one single-family residence, 28,040-square feet of commercial space within five buildings and associated Open Space for the project known as the Carmel Highlands Village project, located at 5384 Carmel Mountain Road, and legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8 and 10, Map No. 13571, in the Carmel Valley Planned District, within the Carmel Valley Community Plan area, in the CFPD-OS/SF2/MF1 zones; and

WHEREAS, on June 7, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 423678, and pursuant to Resolution No. 4268-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 SEP - 4 2007,  
testimony having been heard, evidence having been submitted, and the City Council having fully  
considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following  
findings with respect to Site Development Permit No. 423678:

**A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC]  
SECTION 126.0501**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The Carmel Valley Neighborhood 10 Precise Plan [CV-N-10] allocates residential density between 98 and 189 dwelling units for this site. The Plan allocates 98 units to the residentially designated portion of the site. The proposed 169-unit multi-family residential development is within the density range allowed by the Precise Plan and is consistent with the dwelling units allocated to the site under the density transfer provision. The precise plans allows for an increase in the number of dwelling units from 98 to 169 (or an increase of 74 units). The increase is allowed via the 1998 Development Agreement between the City of San Diego and Pardee Construction Company regarding the Pacific Highlands Ranch, Subarea III area. One aspect of the Development Agreement was that in exchange for approximately nine acres of developable land added to the Multiple Habitat Planning Area [MHPA] within Subarea III, the City would allow the applicant to transfer the development rights on those nine acres to CV-N-10 or some other Pardee-owned property. The Development Agreement also approved a revision to the CV-N-10 Precise Plan allowing for construction of 200 multi-family dwelling units where 98 multi-family dwelling units were previously authorized. With this proposed project, the increase in 74 units would reflect an increase to 169 multi-family dwelling units rather than the 200 multi-family dwelling units authorized by the Development Agreement. The proposed use of this site for residential uses would be consistent with the Carmel Valley Neighborhood 10 Precise Plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The permit controlling the development proposed for this site contains conditions addressing project 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.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Municipal Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a Site Development Permit.

2. **Supplemental Findings – Environmentally Sensitive Lands – SDMC section 126.0504(b)**

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The entire site was previously graded and only minimal impacts to environmentally sensitive lands will occur. Although the site was previously graded, finish grading would be necessary to complete the edge of the existing graded pad to accommodate project features. Direct impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat would occur in Lot A. Mitigation for the 0.38-acre impact would include native re-vegetation of the graded slope area on Lot A. The entire Lot A would also remain in the MHPA in a Home Owner Association [HOA]-owned conservation easement. In addition, all remaining MHPA open space on-site outside of Brush Management Zone Two would be dedicated as open space. The remaining MHPA area on-site, Lot B, lies west of Lot A and consists of 2.87 acres of native coastal sage scrub which is well in excess of the required 0.38 acres needed for mitigation. Therefore the project site is physically suitable for the project and would result in a minimum disturbance to environmentally sensitive lands.

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.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The 21-acre site was previously graded. An updated Geotechnical Report was provided for the proposed project (Geocon, July 20, 1995) and concluded that there are no geology or soil conditions that would preclude the development of the project. The proposed project complies with all applicable requirements related to storm water runoff and Best Management Practices. The slopes will be planted with species capable of reducing, and eventually preventing, soil erosion from wind and rain. Therefore, the proposed development 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 proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The project is adjacent to the City's MHPA and will be conditioned to adhere to the Land Use Adjacency Guidelines. The Guidelines address potential impacts and mitigation to noise, biology, drainage, hydrology/water quality, lighting, barriers, invasives and brush management. The project would be conditioned through

the Mitigation Monitoring Reporting Program [MMRP] and other City Permit conditions to ensure that urban run-off would be cleaned and dissipated before being routed to storm drains or canyon areas; all lighting would be shielded/directed away from adjacent environmentally sensitive lands; appropriate barriers would be erected adjacent to the MHPA to reduce human intrusion; and all landscape species within/adjacent to open space areas or brush management zones would be native or non-invasive species. Accordingly, adverse impacts to adjacent environmentally sensitive lands would be prevented.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The western portion of the proposed project is adjacent to the MHPA. The project is subject to the MSCP adjacency guidelines, which regulate lighting, drainage, and landscaping. Prior to the issuance of a Notice to Proceed with construction, all conditions of the MMRP, including the adjacency guidelines, will be implemented. Incorporation of these measures will ensure consistency with the City of San Diego's MSCP Subarea Plan.

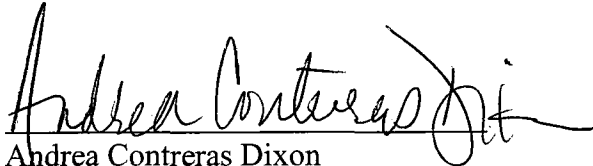
**e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The proposed project is several miles inland from public beaches and local shoreline and therefore, will not contribute to the erosion of any public beaches or adversely affect shoreline or sand supply. Storm drain facilities will be constructed to collect surface water runoff, filter pollutants, and reduce water runoff velocities.

**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.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The Addendum to EIR No. 96-0707 prepared for this project included a specific impact analysis for the proposed development and its alternatives. Findings to support the Addendum's conclusions have been made and are part of this project's record. All mitigation measures identified in the EIR are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project would result in impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat. Any impacts would be mitigated to below a level of significance through implementation of the MMRP.

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 Site Development Permit No. 423678 is granted to Pardee Homes, LLC, a California Corporation, 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   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
07/26/07  
10/10/07 COR.COPY  
Or.Dept:DSD  
R-2008-105  
MMS #5128  
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Passed by the Council of The City of San Diego on September 4, 2007 by the following vote:

**YEAS:**                   **PETERS, FAULCONER, ATKINS, YOUNG, MADAFFER.**  
**NAYS:**                   **FRYE.**  
**NOT PRESENT:**       **MAIENSCHIN, HUESO.**  
**VACANT:**               **NONE.**  
**RECUSED:**             **NONE.**

AUTHENTICATED BY:

**JERRY SANDERS**

Mayor of The City of San Diego, California

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(Seal)

By: Mary Zumaya, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. **R-302968** approved by the Council of the City of San Diego, California on  
September 4, 2007.

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(SEAL)

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

**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 424539

**SITE DEVELOPMENT PERMIT NO. 423678**  
**CARMEL HIGHLANDS VILLAGE [MMRP]**  
**CITY COUNCIL**

This Site Development Permit No. 423678 is granted by the Council of the City of San Diego to Pardee Homes, LLC, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The 21-acre site is located at 5384 Carmel Mountain Road in the CVPD-OS/SF2/MF1/NC zones of the Carmel Planned District, within the Carmel Valley Neighborhood 10 Precise Plan. The project site is legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8, and 10, Map No. 13571.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the subdivision of a vacant 21-acre site into seven lots, the construction of a 169-unit condominium complex, with one single-family lot, and a commercial center, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated SEP 4 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Thirty-two, 2-story buildings with attached garages, one approximately 6,600-square foot recreational building, one single-family lot and associated Open Space;
- b. 28,040-square feet of commercial space within five buildings;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. 186 off-street commercial parking spaces (Lot 1), and 408 off-street residential parking spaces (Lot 2); and

- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized in accordance with Development Agreement [DA] (00-18571) between Pardee Construction Company and the City of San Diego, and approved by Ordinance of the City Council on November 3, 1998. Pursuant to the terms of the Development Agreement, the expiration date of Pardee's vesting tentative maps and this permit are extended upon being approved, and shall remain valid until the termination date of the Development Agreement (November 3, 2018).
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 Owner/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 Owner/



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 Owner/Permittee by the City: (1) to grant Owner/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 Owner/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 Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/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 grading/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. Construction plans 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. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees related to the development approval, including, but not limited to, any action

to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. 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.

13. The mitigation measures specified in the Addendum to Environmental Impact Report [EIR] No. 96-0737, Project No. 72522 MMRP, and outlined in Addendum to the Neighborhood 10 Plan Amendment Subsequent EIR (Land Development Review [LDR]/VTM Nos. 96-0736 and 97-0737) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Addendum to the Neighborhood 10 Plan Amendment Subsequent EIR (LDR/VTM Nos. 96-0736 and 97-0737) satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Land Use (Multiple Habitat Planning Area-Adjacency)
- Landform Alteration/Visual Quality
- Palentological Resources

15. 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.

16. Prior to issuance of the grading permit or commencement of any construction related activity on-site, the Assistant Deputy Director [ADD] (aka Environmental Review Manager [ERM]) of the City's LDR Division shall review and approve contract

documents, plans, and specifications to insure that MMRPs are included verbatim on the above documents under the heading, "Environmental Requirements." If a coversheet and index are provided, the index shall include "Environmental Requirements" and the sheet/page they are found on verbatim. Project No. 72522 is subject to a MMRP.

17. The following requirement shall also appear with the "Environmental Requirements." Project grading (and construction where applicable) is conditioned to include the monitoring of a qualified biologist and qualified paleontologist. The project shall conform to the mitigation conditions as contained in the environmental document (LDR No. 96-0736(7) and as included in this Section VI. The measures may not be reduced or changed but may be annotated (i.e. to explain when and how compliance was met and location of verifying proof, etc). Additional clarifying information may also be added to other relevant plan sheets as appropriate (i.e. specific locations/times of monitoring, etc.).

18. The Owner/Permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist and Paleontologist, and a City's Mitigation Monitoring Coordination [MMC] Section Representative.

#### **AFFORDABLE HOUSING REQUIREMENTS:**

19. In accordance with Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance, the project will not be required to provide any affordable housing. The ordinance states that all projects with an approved Vesting Tentative Map or an approved Development Agreement prior to July 3, 2003 are exempt for the City's Inclusionary Housing Ordinance. The Vesting Tentative Map and the DA were negotiated and executed in 1998 before the ordinance was created, which exempts this project from the Inclusionary Housing Ordinance.

#### **BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

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

21. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

22. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial Conformance with Exhibit "A" and shall comply with the Uniform Fire Code, SDMC 55.0101, the Landscape Standards, and the Land Development Code section 142.0412.

23. 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:

West portion of the property shall consist of a standard Zone One of 35-feet and a standard Zone Two of 65-feet".

24. All new construction 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, San Diego Municipal Code Chapter 14, Art. 5, Div. 5 and Chapter 14, Art. 2, Div. 4.

25. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manger's approval.

26. 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."

27. 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.

28. Prior to Final Inspection and Framing Inspection for any building, the approved Brush Management Program shall be implemented.

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

**ENGINEERING REQUIREMENTS:**

30. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

31. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

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

33. The drainage system proposed for this subdivision, as shown on the approved Amended Vesting Tentative Map No. 96-0737, is private and subject to approval by the City Engineer.

34. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

35. The Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

36. Compliance with all conditions of Site Development Permit No. 423678 shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, for Vesting Tentative Map No. 221310 unless otherwise noted.

37. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

38. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

39. The Owner/Permittee shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Owner/Permittee shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

40. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "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 permit-issuing authority.

**LANDSCAPE REQUIREMENTS:**

41. 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." 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 and mitigation areas. The LEMA shall be approved by the

Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Owner/Permittee posting a new bond to cover the terms of the agreement.

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

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

44. 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 Development Plan. Construction plans shall take into account a 40-square feet area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

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

46. 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.

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

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

**PLANNING/DESIGN REQUIREMENTS:**

49. 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.

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

51. 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.

**TRANSPORTATION REQUIREMENTS:**

52. Prior to the issuance of the first Certificate of Occupancy for the proposed project, the Owner/Permittee shall install a traffic signal at the Carmel Country Road/Stone Haven Way intersection, to the satisfaction of the City Engineer.

53. Parking Lot 1: No fewer than 186 automobile parking spaces, including six accessible disabled parking spaces; four bicycle parking spaces; and 18 motorcycle parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use.

54. Parking Lot 2: No fewer than 415 automobile parking spaces, including eleven accessible disabled parking spaces; ninety-eight bicycle parking spaces; and eighteen motorcycle parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use.

**WASTEWATER REQUIREMENTS:**

55. All proposed sewer facilities serving this development will be private.

56. Prior to the issuance of any building permits, the Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development.

57. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each 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 ownership.

58. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

59. 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:**

60. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public on-site water facilities in private driveway and street, in a manner satisfactory to the Water Department Director and the City Engineer.

61. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.

62. 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 serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

63. Prior to the issuance of any Certificates of Occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

64. 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" will require modification based on standards at final engineering.

65. Prior to the issuance of any building permits, the Owner/Permittee shall provide Encroachment Maintenance and Removal Agreement to the City Engineer and the Water Department Director.

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

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



**GEOLOGY REQUIREMENTS**

68. 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."

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

70. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by the Division of Building and Safety prior to issuance of building permits.

**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 impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on SEP - 4 2007 by Resolution No. R- 302968.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

PARDEE HOMES, LLC, \*  
a California Corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04