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RESOLUTION NUMBER R- 303496  
DATE OF FINAL PASSAGE MAR 11 2008

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit [PDP] No. 8294/Site Development Permit [SDP] No. 8292/Coastal Development Permit [CDP] No. 419844/Neighborhood Use Permit [NUP] No. 411907 to subdivide and develop ten single-family lots with ten single-family homes each with an option to include a guest quarters, one lot dedicated in fee to the City of San Diego for open space and one lot for a private drive to be owned by the homeowners association to be known as the Rancho Valley Farms project, located between El Camino Real and Old El Camino Real, south of San Dieguito Road and legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records, in the North City Future Urbanizing Area Subarea II area, in the AR-1-1 zone (previously referred to as the A-1-5 and A-1-10 zones); and

WHEREAS, on January 24, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 8294/Site Development Permit No. 8292/Coastal Development Permit No. 419844/ Neighborhood Use Permit No. 411907, and pursuant to Resolution No. 4363-PC voted to recommend City Council approval of the permit; and

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SAN DIEGO, CALIF.

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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;

WHEREAS, the matter was set for public hearing on MAR 11 2008, 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 PDP No. 8294/ SDP No. 8292/ CDP No. 419844/ NUP No. 411907:

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

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site is designated for Agriculture uses by the Progress Guide and General Plan and allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit, density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the City's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II which is identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the site south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the Multiple Habitat Planning Area [MHPA]. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Framework Plan, the regulations of the AR-1-1 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development includes the improvement of public right-of-way and contribution of its fair share cost towards construction of improvements in the Subarea II area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will construct a detention basin necessary to handle project storm runoff; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance; will 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; and will provide a geotechnical report in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports for the review and approval by the City Engineer. The development will also provide for the health, safety, and welfare of the residents by locating all brush management outside of the MHPA while increasing the setback of houses from the fuel sources. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, as allowed through the approval of a Planned Development Permit.

Deviations are approved with this project as follows: the minimum side yard setback shall be allowed to be 15 feet where 20 feet is required with the adjacent property to provide a fifteen foot side yard setback. The deviation from a twenty foot side yard setback to a fifteen side yard setback for interior lots has been approved elsewhere within agricultural zones in the North City Future Urbanizing Area. The variable side yard setback would maintain a twenty-five foot separation between structures with a ten foot minimum on one side and a corresponding fifteen feet on the other adjacent property. These deviations have been determined to result in a superior project which results in protection of the sensitive resources and contributes to the new housing stock of the City. The project does not propose any deviations to the Environmentally Sensitive Lands regulations.

In order to design a project which reflects the intended development pattern of Subarea II, deviations from the regulations of the Land Development Code are required at this unique site. The Progress Guide and General Plan goal of limiting disturbance of the natural open space and preserving the habitat value of the environment for the benefit of wildlife species encourages the use of creative solutions to those regulations of the Land Development Code. The proposed project includes architectural plans that have extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned development regulations; however, in order to implement the site plan and architecture at this site; to preserve the habitat and passive recreational values of the open space; and to maximize the density at the site to contribute to the housing stock of the City of San Diego, the proposed deviations are granted to

permit a minimum side yard setback of ten feet on one lot where the adjacent lot would have a minimum setback not less than fifteen feet.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The owner of the proposed development will dedicate in fee simple title 33.45 acres, or 79.96 percent of the site, of designated MHPA open space into the regional open space system to be owned by and for the City of San Diego. The project will apply a native seed mix in a hydroseed application to the 33.45 acres in the MHPA which were formerly used for active agriculture to accelerate the natural restoration process. The application of the hydroseed will speed the natural process of species establishment and ultimately result in an open space in a naturally vegetated condition. The restoration of this habitat will contribute to the preservation of the functions and values of natural open space upon and in the vicinity of the site. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and implement all necessary BMP's to meet the requirements of 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. The development will contribute to the region's housing supply by constructing ten residential units and will pay all applicable public facilities financing and schools fees. The development will comply with the requirements of the Inclusionary Housing Ordinance by paying into the affordable housing in-lieu fee as provided by and consistent with the regulations applicable in the North City Future Urbanizing Area. Furthermore, the architecture of the buildings has been designed so that the proposed development will compliment its location and surroundings. For these specific reasons, the proposed development, when considered as a whole, will be beneficial to the community.

Deviations are approved with this project as follows: the minimum side yard setback shall be allowed to be fifteen feet where twenty feet is required with the adjacent property to provide a fifteen foot side yard setback. The deviation from a twenty foot side yard setback to a fifteen side yard setback for interior lots has been approved elsewhere within agricultural zones in the North City Future Urbanizing Area. The variable side yard setback would maintain a twenty-five foot separation between structures with a ten foot minimum on one side and a corresponding fifteen feet on the other adjacent property. The project does not propose any deviations to the Environmentally Sensitive Lands regulations. These deviations have been determined to result in a superior project which results in protection of the sensitive resources, contributes to the new housing stock of the City and results in a superior design and greater utilization of land.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed deviations are consistent with the purpose and intent of SDMC section 126.0602(b)(1). In granting these specific deviations, as indicated above in Finding 3, the City will realize the benefit of ten additional ownership housing opportunities in this location and the dedication of 33.45 acres into the City-owned open space inventory. Utilizing the rural clustering approach to the site design results in the greater preservation of open space, protection and restoration of habitat areas from former agricultural activities, greater efficiency in the utilization of land and

limited resources, a more cohesive neighborhood identity, and the realization of the community plan goal for harmony with the natural environment consistent with the recommendations of the General Plan by reducing the effect of scale and using forms and materials in harmony with the texture, color and character of the site. The proposed deviations are consistent with the purpose and intent of Section 126.0602(b)(1), are appropriate for the location, and will result in greater benefits accruing to the City.

**B. SUPPLEMENTAL FINDINGS--FUTURE URBANIZING AREA**

**1. The proposed development will assist in accomplishing the goal of permanently preserving lands designated in the Progress Guide and General Plan as part of the environmental tier through the provision of public and private open space easements or dedications.** The owner of the proposed development will preserve 33.45 acres or 79.96 percent of the site as open space within the MHPA through the dedication of this land in fee simple title to the City of San Diego. The Pacific Highlands Ranch Subarea III Plan and the San Dieguito River Park Coast to Crest Trail identify an open space trail through this property in the area designated as open space. The proposed project will design and construct the segment of this trail system which passes through the property. The proposed project will also restore the open space by applying a seed mix in a hydroseed application composed of native plant species to speed the natural revegetation of the land where former agricultural activities had removed all natural vegetation. The restoration of the land to a naturally vegetated condition, the dedication of 33.45 acres as open space within the MHPA and the design and construction of the trail segment through the site will all assist in accomplishing the goal of permanently preserving and enhancing these lands.

**2. The proposed development will not foreclose future decisions regarding the size of major primary arterials, expressways, or freeways that may traverse the property.** The site is located between two circulation routes within the planning area. El Camino Real is designated to be constructed as a four-lane major circulation element road and Old El Camino Real is designated as a two-lane collector circulation element road. The site is not within any long range planning efforts identified by the State of California Department of Transportation for future highways or freeways or those planning efforts by the City of San Diego Engineering and Capital Projects Transportation Engineering Design for an expressway or major arterial other than El Camino Real. The proposed development will not foreclose the future plans to widen El Camino Real. There are no plans by either the State of California Department of Transportation or City of San Diego Engineering and Capital Projects Transportation Engineering Design to traverse the site.

**3. The proposed development will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog development.** Presently water and sewer mains are located in the public right-of-way of Old El Camino Real and other necessary utilities are adjacent to the site. In this way approval of the project will not result in the haphazard, erratic or illogical development pattern described by the term "leapfrog development."

**4. The proposed development will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets.** The proposed development will pay all fees required by the City of San Diego as determined by the City Council adopted fee schedule for new development. Further, the costs to provide continued community services to new single-family development will be reimbursed through the payment of property taxes collected by the County Tax Assessor and Tax Collector. In these ways, through the payment of property taxes and development fees, the proposed development will be at least fiscally neutral thereby not imposing a burden upon the City's capital and operating budgets.

**5. The proposed development will provide housing on the property affordable to lower income families, as certified by the San Diego Housing Commission.** The project is eligible to pay a fee in-lieu of providing affordable housing because the project only contains ten dwelling units. The North City Future Urbanizing Area plan allows projects with ten or fewer dwelling units or projects with densities of less than one dwelling unit per acre [du/ac] to pay the in-lieu fee. The fee for Subarea II is presently equal to \$4,840 per market rate unit.

**6. The proposed development comprehensively addresses framework planning issues including land use, character, and scale of development; environmental resources; and public facilities and the increase in density will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II, which is identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the canyon south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the MHPA. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. The development of ten single-family structures clustered on 8.38 acres has been determined through the review process to be consistent with the land use, character and scale of the area. Other properties have developed with single-family 1- and 2-story structures, open space, habitat restoration and preservation. Through the preservation of 33.45 acres of open space the environmental resources of the site will be enhanced and preserved. With the dedication of 33.45 acres of the site being preserved as open space in the MHPA, the public facilities and the increase in density will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan and is consistent with the goals and objectives of the Multiple Species Conservation Program Subarea Plan.

The owner of the proposed development will dedicate in fee simple title 33.45 acres, or 79.96 percent of the site, of designated MHPA open space into the regional open space system to be owned by and for the City of San Diego. The project will apply a native seed mix in a hydroseed application to allow the restoration process to begin more rapidly than through natural means in the 33.45 acres within the MHPA which were formerly used for active agriculture. The application of the hydroseed mixture will speed the natural process of species establishment and ultimately result in an open space in a naturally vegetated condition. The restoration of this habitat will contribute to the preservation of the functions and values of natural open space upon and in the vicinity of the site. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and implement all necessary BMP's to meet the requirements of 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. These project features will contribute to the goals and objectives of the Multiple Species Conservation Program Subarea Plan. The development will contribute to the region's housing supply by constructing ten residential units and will pay all applicable public facilities financing and schools fees. The development will comply with the requirements of the Inclusionary Housing Ordinance by paying into the affordable housing in-lieu fee as provided consistent with the regulations. Furthermore, the architecture of the buildings has been designed so that the proposed development will compliment its location and surroundings.

**7. Within the North City future urbanizing area, as designated in the Progress Guide and General Plan, the proposed development will be consistent with the approved subarea plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II. Subarea II is identified for a variety of low-density residential, agricultural and open space uses. The canyon south of El Camino Real within the site is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the MHPA. The proposed project is consistent with the land uses allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Framework Plan, the regulations of the AR-1-1 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**8. The applicant and property owner have agreed in a recorded document that in return for the present increase in density granted by the City Council, no future development rights shall remain on the property.** No increase in density is requested nor any granted inconsistent with the general development regulations in the AR-1-1 zone. The open space area of the site will be dedicated in fee simple title for preservation as open space. This area represents fully three-fourths of the project site and is measured as being 33.45 acres. No development rights will exist on these 33.45 acres after the dedication of this land to the City in fee simple title as open space.

**C. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. See Planned Development Permit Finding No. 1 above for additional information.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development will construct all necessary improvements in a manner to assure the project will not be a detriment to the public health, safety, and welfare. See Planned Development Permit Finding No. 2 above for additional information.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, except as allowed through the approval of a Planned Development Permit. See Planned Development Permit Finding No. 3 above for additional information.

**D. SUPPLEMENTAL FINDINGS--ENVIRONMENTALLY SENSITIVE LANDS**

**1. The site is physically suitable for the design and sitting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The North City Future Urbanizing Area Subarea II has been specifically planned through the Progress Guide and General Plan process for low-density residential, agricultural and open space uses. The site is zoned for residential uses consistent with the AR-1-1 zone regulations which allows for clustered development at a density of four dwelling units per acre in return for an area equal to three times the development area being preserved as open space. The site was planned and approved consistent with the City's adopted Multiple Species Conservation Program [MSCP] and will preserve 33.45 acres for the MHPA. The development footprint has been located on the area identified as being the least sensitive area of the site. The development site was used for agriculture for many decades and is disturbed agricultural land. Additionally, all brush management for this project has been located outside of the MHPA and within either Home Owners Association [HOA] or single owner properties, thus further preventing any impact to sensitive resources. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous



agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

**2. 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 proposed project was designed to minimize alterations to natural landforms and has resulted in achieving that goal. The site was previously disturbed through agricultural activities for several decades. The grading of the site will not create additional disturbance beyond those areas used earlier for agriculture and has minimized the alteration of the land form. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan. The project meets the City-wide applicable requirements related to storm water runoff and best management practices as related to storm water runoff. Specifically, the development area is located out of the floodway and on the higher portions of the property. All brush management will be located out of the MHPA resulting in increased building setbacks and reduced fire hazards. The project site is located within geologic hazard zones 31, 32, 52, and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 31 is characterized by a high potential for liquefaction-shallow groundwater, major drainages, and hydraulic fills. Zone 32 is characterized by low potential for liquefaction, fluctuating groundwater, and minor drainages. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk. The geotechnical report prepare for the project has been reviewed by professional geotechnical staff. Based on the results of that review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project has been sited on the higher ground and disturbed portion of the site, all of which was previously used for agricultural purposes. An increased brush management Zone One will be provided within the development area without any necessity for Zone Two which further eliminates impacts to adjacent environmentally sensitive lands. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development has been sited on the portions of the project site with minimal topographic relief, all of which has been disturbed through previous agricultural practices. As a result of the design of the project, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the City's land use plan for this area. The Framework Plan identifies various planning subareas. The project property is within Subarea II identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the canyon south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation through the dedication of 33.45 acres to the City of San Diego as open space within the MHPA. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. The development of ten single-family structures clustered on 8.38 acres has been determined through the review process to be consistent with the land use, character and scale of the area. Through the preservation of 33.45 acres of open space the environmental resources of the area will be preserved and be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project will include all necessary water quality measures and BMP's to assure downstream properties, wetlands, lagoons and public beaches will be protected. These measures will assure the public beaches and the shoreline sand supply will not be eroded or be negatively impacted as a result of the project. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and will implement all necessary BMP's to meet the requirements of 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 these ways the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. 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.** An initial study has been conducted for the proposed development on this site and concluded that a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program is appropriate. Through the Mitigation Monitoring and Reporting Program all environmental impacts associated with this project will be mitigated to a level below significance. In addition, all mitigation measures identified in the Mitigated Negative Declaration associated with this proposed development have been adopted and will be incorporated into the requirements of the development permits. Thus, all mitigation reasonably related to and calculated to alleviate any potentially negative impacts created by the proposed development have been incorporated into the conditions of the development permits.

**D. COASTAL DEVELOPMENT PERMIT - SDMC SECTION 126.0708**

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 41.83-acre site is located approximately three miles east of the Pacific Ocean. No physical accessway legally used by the public or proposed public accessway will be compromised or encroached upon with the approval of the project. No existing or proposed physical accessway exists or is designated on or across the site that is designated for public use in an identified Local Coastal Program land use plan. The coastal zone crosses a portion of the property along the northwestern area of the site. The project does not block or impede any legal or proposed accessway to the coast or other scenic coastal areas. The project protects and enhances views into the San Dieguito River Valley and the San Dieguito Lagoon. From the site along Old El Camino Real no public views to or along the ocean or other scenic coastal areas presently exist and none will be impacted from the approval of the project. In addition, views to the ocean or other scenic coastal areas do not exist and thus are not affected.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The project has been sited on the topographically elevated disturbed portion of the site, all of which was previously used for agricultural purposes. An increased brush management Zone One will be provided within the development area which further eliminates any future impacts to adjacent environmentally sensitive lands present on the property. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development has been sited on the portions of the project site with minimal topographic relief, all of which has been disturbed through previous agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The land use plan which applies to this site is the Progress Guide and General Plan. The North City Future Urbanizing Area Subarea II is the specific area of the project site. The development regulations applied to this site are those of the AR-1-1 zone. The proposed project complies with all relevant regulations of the AR-1-1 zone, as allowed through a Planned Development Permit, and the policies of the Progress Guide and General Plan and North City Future Urbanizing Area Subarea II.

4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The site along Old El Camino Real is not between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The site is located in the North City Future Urbanizing Area Subarea II area of Interstate 5. The development of a 10-lot single-family subdivision and ten single-family structures will have no affect upon the public's access to coastal resources or recreation policies of Chapter 3 of the Coastal Act. The site does not contain any existing or planned access routes to the sea or shoreline of any body of water within the Coastal Overlay Zone and will have no affect upon the recreation policies of Chapter 3 of the Coastal Act in that all necessary parking is provided on the site for residents and visitors. Being determined that the proposed project will have no affect upon the access or recreational policies of the Coastal Act, the proposed project is therefore in conformance with the policies of such act.

**E. NEIGHBORHOOD USE PERMIT - SDMC SECTION 126.0205**

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. See Planned Development Permit Finding No. 1 above for additional information.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development will construct all necessary improvements in a manner to assure the project will not be a detriment to the public health, safety, and welfare. See Planned Development Permit Finding No. 2 above for additional information.

3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, except as allowed through the approval of a Planned Development Permit. See Planned Development Permit Finding No. 3 above for additional information.

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

(R-2008-653)

BE IT FURTHER RESOLVED, that Planned Development Permit No. 8294/Site  
Development Permit No. 8292/Coastal Development Permit No. 419844/Neighborhood Use  
Permit No. 411907 is granted to Pardee Homes, Owner/Permittee, under the terms and  
conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:js  
02/05/2008  
Or.Dept:DSD  
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R-303496

**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: 420946

**PLANNED DEVELOPMENT PERMIT NO. 8294/ SITE DEVELOPMENT PERMIT  
NO. 8292/ COASTAL DEVELOPMENT PERMIT NO. 419844/  
NEIGHBORHOOD USE PERMIT NO. 411907  
RANCHO VALLEY FARMS [MMRP]  
City Council**

This Planned Development Permit No. 8294/ Site Development Permit No. 8292/ Coastal Development Permit No. 419844/ Neighborhood Use Permit No. 411907 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 126.0601, 126.0501, 126.0205 and 126.0708. The 41.83-acre site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 zone in the North City Future Urbanizing Area Subarea II. The project site is legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide and develop ten single-family lots with ten single-family homes, one lot dedicated in fee to the City of San Diego for open space, one lot for a private drive to be owned by the homeowners association and three lots for slopes to be owned by the homeowners association, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 11 2008 on file in the Development Services Department.

The project shall include:

- a. The subdivision and development of ten single-family lots with ten single-family homes each with an option to include a guest quarters, one lot dedicated in fee to the City of San Diego for open space, one lot for a private drive to be owned by the homeowners association and three lots for slopes to be owned by the homeowners association;
- b. Deviations: Front yard setbacks are a minimum of 25 feet, except where garages are turned to the side and not facing the private driveway then a minimum of 15 feet is allowed. Interior side yard setbacks may vary as follows: A minimum of 30 feet shall be maintained between two adjacent 2-story structures on adjacent lots and 25 feet shall be maintained between two adjacent 1-story structures on adjacent lots. On lots where a 1-story structure is adjacent to lot with a 2-story structure the setback shall be no less than 15 feet on each lot. A minimum of 25 feet shall be maintained between structures in which one is a one story structure.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Accessory improvements determined by the Development Services Department 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 within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.



3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the 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 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 Owner/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 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 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 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 Exhibit "A."

**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 MMRP, and outlined in Mitigated Negative Declaration No. 5029 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 Mitigated Negative Declaration No. 5029 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:

Paleontological  
Historical Resources (Archaeology)  
Biological 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.

**ENGINEERING REQUIREMENTS:**

16. The Planned Development Permit/Site Development Permit/Coastal Development Permit/Neighborhood Use Permit shall comply with the conditions of Vesting Tentative Map No. 8295 for Rancho Valley Farms.

**LANDSCAPE REQUIREMENTS:**

17. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with Exhibit "A."

18. Installation of slope planting and erosion control including seeding of all disturbed land for all development area only, exclusive of Lot "A," consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control slope planting and the associated irrigation systems, both temporary and/or permanent, and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual, Landscape Standards.

19. Prior to issuance of any building permits, a single application of a hydroseed mixture composed of native plant species, mulch, binder, and any other material which is standard practice for hydroseed mixtures, shall be applied to all of Lot "A." Evidence of this single application of hydroseed mix shall be provided to the City Manager.

20. Prior to issuance of any building permits, complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A."

21. Prior to final inspection of any building permit, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

22. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. 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 a Final Landscape Inspection.

24. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

25. Prior to the release of the Landscape Establishment & Maintenance Bond an establishment period for slopes and revegetation for all development area only, exclusive of Lot "A," shall be a minimum of five years or as approved otherwise by the Mitigation Monitoring & Coordination Section of Development Services.

**BRUSH MANAGEMENT REQUIREMENTS:**

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

27. 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."

28. 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, M.C. 55.0101, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance No. O-9413).

29. The Brush Management Program shall consist of Zone One and Zone Two consistent with the Brush Management Regulations of the Land Development Code section 142.0412 and Exhibit "A."

30. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

31. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the 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.”

32. In Zone One, 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 Planning Department MSCP Section.

33. Prior to final inspection of any structure, the approved Brush Management Program shall be implemented.

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

**PLANNING/DESIGN REQUIREMENTS:**

35. No fewer than two off-street parking spaces per lot shall be maintained on each property at all times in the approximate locations shown on the approved Exhibit “A.” On any lot which develops with a guest quarters, an additional parking space shall be provided on the lot in an appropriate location. 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.

36. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

37. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

38. 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.

39. 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.

40. All exterior lighting shall be limited to low-level lights and utilize shields to minimize the amount of light entering any identified sensitive biological resource. All lighting shall adhere to SDMC/LDC Section 142.0740.

41. The guest quarters shall not contain a kitchen or facilities for the storage and preparation of food.

42. Architectural encroachments in required setbacks are not allowed, which include items such as eaves, awnings, patio covers, trellises, barbeques, self standing

fireplaces/chimneys, bay windows, guest units, and items identified in SDMC/LDC section 131.0461, architectural projections in residential zones.

43. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.

44. The Owner/Permittee shall make available to all prospective buyers information on energy efficient technologies available with new residential construction as well as offer a program to incorporate any additional energy efficient features and appliances into the structures as a construction option.

45. Required fencing between designated private use areas and common brush management and/or Multiple Habitat Planning Area [MHPA] /open space lots shall not be altered, removed or relocated.

**WASTEWATER REQUIREMENTS:**

46. The Owner/Permittee shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

48. 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.

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

50. All on site sewer facilities shall be private.

**WATER REQUIREMENTS:**

51. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of an eight-inch water main in the private driveway within an adequate General Utility Easement from Old El Camino Real to the end of the private driveway, in a manner satisfactory to the Water Department Director and the City Engineer.

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

53. 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.

54. 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 shall be modified at final engineering to comply with standards.

55. Prior to any final inspection, 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.

**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 Council of the City of San Diego on MAR 11 2008, by Resolution No. R- 303496

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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, a California Corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

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