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RESOLUTION NUMBER R- 304666

DATE OF FINAL PASSAGE FEB 17 2009

PLANNED DEVELOPMENT PERMIT NO. 8075 – PLAYA DEL SOL, PROJECT NO. 4925.

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a planned development permit to construct a 1,578-unit condominium project consisting of six 3-story buildings, and ten 4-story buildings with each building having two levels of underground parking, and three 9,600-square foot recreational buildings known as the Playa del Sol project, located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street, and legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, in the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area, in the RM-3-7 and RS-1-14 zones; and

WHEREAS, on November 13, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] Permit No. 8075, and pursuant to Resolution No. 4479-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 FEB 17 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 8075:

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

**1. The proposed development will not adversely affect the applicable land use plan.** The project site consists of approximately 45.97 acres of vacant land within the Otay Mesa community planning area and the California Terraces Precise Plan. In 1994, the City Council adopted the California Terraces Precise Plan designating the site for medium-high density residential (30-43 dwelling units per acre [du/ac]).

The proposed project requests approval of a 1,578-unit condominium project that consists of six 3-story buildings with two levels of underground parking, ten 4-story buildings with two levels of underground parking, three 9,600 square-foot recreational buildings, and associated open space.

The proposal complies with the density standards for the California Terraces Precise Plan and the underlying zone (RM-3-7). The High Medium Residential land use designation has a density range of 30-43 du/acre, and would allow for the development of 1,379-1,977 dwelling units on the approximately 45.97 acre site. The project is within the RM-3-7 zone (1 dwelling unit [du]/1,000 square feet [sf] of lot area) and Lot A (HOA lot to remain undeveloped) is within the RS-1-14 zone (1 du/5000 sf of lot area). The gross area is 45.97 acres and could be developed with up to 1,873 units (1,840 units for the RM-3-7 portion, and thirty-three units for the RS-1-14 portion). The net area is 41.69 acres, and would allow for between 1,251 to 1,793 units. As proposed, 1,578 units is below the maximum allowed under the RM-3-7 zone and is within the California Terraces Precise Plan land use designation of High Medium Residential (30-43 du/ac) at either 34 du/ac at the gross acreage, or 38 du/ac at the net acreage. The private drives have been excluded from the net acreage per San Diego Municipal Code Section 143.0410(b)(5) of the Planned Development Permit regulations.

The proposed project meets the Design Element of the California Terraces Precise Plan by creating a visual landscape buffer between the street and the residential land use, and by providing an interface between parkways and major use areas via a curvilinear streetscape. The proposed project encourages pedestrian and bicycle movement throughout the site with safe and convenient parkway paths throughout the development that connect to public sidewalks. Further guidelines that the project would implement include direct garage access from inside the project rather than curb cuts to the public street, and screened off-street parking from public streets through the placement of the proposed buildings. The proposed project also eliminates the need

for visually obtrusive sound walls at the southwestern corner of the site by elevating the pad, locates buildings to create courtyards and open spaces that are well defined. utilizes drought-tolerant plant species, and provides three common recreational areas for the project that offer numerous amenities for the future residents.

The project is consistent with the Public Facilities Elements of the California Terraces Precise Plan through the payment of its fair share of development impact fees to contribute to the parks, library facilities and future demand on Police/Fire services.

All other development standards that apply to this zone will be satisfied with this development proposal (except building height and setbacks, as discussed below in the fifth finding). Therefore, the proposed development would not adversely affect the California Terraces Precise Plan, Otay Mesa Community Plan, or the City of San Diego General Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The approvals prepared for this project include various conditions of approval relevant to achieving compliance with the regulations of the Municipal Code in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and welfare of the persons residing or working in the area. These conditions include standards that pertain to best management practices, traffic circulation, engineering, utilities, noise, and landscaping. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project complies with all applicable development guidelines of the RM-3-7 zone with the exception of several deviations addressed in the fifth finding.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The Playa del Sol project will promote the City's social equity goals by contributing to the creation and maintenance of a stable, economically and socially diverse community in Otay Mesa. The project will fairly distribute the costs and benefits of development and will improve the overall appearance of the vacant site through the construction of a project that is proposing to provide the majority of the required parking within underground garages. Three, 9600 square-foot recreation buildings are proposed that are located throughout the project site that will offer numerous recreational and common open space amenities for the future residents. Pools, tot lots, various types of sport courts, and other related uses will be provided. The provision of these amenities will lessen the impact of the future residents on existing and planned parks within Otay Mesa.

Additionally, the project's design allows for a unit count that is near the maximum amount of units that could be built on the site at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. Therefore, when considered as a whole, the proposed development will be beneficial the community.

**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 applicant is requesting a deviation from the required RM-3-7 height limit of 40 feet to a maximum of 58 feet. The highest roofline of any of the buildings would be 52 feet- the additional 6 feet is for the elevator towers. The rooflines range in height from 40 to 52 feet, and with the elevator towers, the overall heights are 46 to 58 feet high. The tallest structures are located towards the southern end of the project and are generally located away from the existing single-family residences to the north.

The increase in height is necessary to accommodate the density envisioned by the California Terraces Precise Plan. The height deviation will allow more units to be built on the site than if the 40-foot height limit were strictly applied. Further, to meet the height and density regulations of the RM-3-7 zone the units would have to be smaller. In association with the Otay Mesa Community Plan Update, a survey was conducted by SourcePoint in both single-family units and multi-family units in the Otay Mesa and Otay Ranch area to determine household sizes. The survey results established that the multi-family units in the Otay region had an average of 3.45 persons per household. Given the population per household in Otay Mesa is currently 3.45, the provision of smaller units in order to try and reduce the overall building height would not address the housing needs of the area and would be a less desirable project. The project proposes a mix of 1-, 2-, 3-, and 4- bedroom units based on the demonstrated demand for larger units in this portion of San Diego. By providing a variety of unit types, the applicant would help to make Otay Mesa a more balanced community which is consistent with the Housing Element, and provide affordable (in nature) dwelling units at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

<b>Building Number</b>	<b>Maximum Overall Building Height (without Elevator Tower)</b>	<b>Maximum Building Height with Elevator Tower (adds 6 feet to overall height)</b>
1	52 feet	58 feet
2	52 feet	58 feet
3	52 feet	58 feet
4	52 feet	58 feet
5	52 feet	58 feet
6	52 feet	58 feet
7	52 feet	58 feet
8	42 feet	48 feet
9	42 feet	48 feet
10	52 feet	58 feet
11	41 feet	47 feet
12	51 feet	57 feet
13	51 feet	57 feet
14	42 feet	48 feet
15	42 feet	48 feet
16	40 feet	46 feet

The applicant is requesting the following setback deviations.

LOT 1:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Otay Mesa Road, 30-feet is proposed.

The RM-3-7 zone requires a side yard setback of 76 feet (or 10 percent of the lot width) along the northern side of the lot, 15-feet is proposed.

LOT 2:

The RM-3-7 zone requires a street side yard setback of 76 feet (10 percent of the lot width) along A Street, 20-feet is proposed.

The RM-3-7 zone requires a side yard setback of 76 feet (10 percent of the lot width) along the western side of the lot, 12-feet is proposed.

LOT 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (10 percent of the lot width) along Del Sol Boulevard, 40-feet is proposed.

The RM-3-7 zone requires a side yard setback of 75 feet (10 percent of the lot width) along the southeastern side of the lot, 15-feet is proposed.

These setback deviations are necessary to achieve the density identified in the California Terraces Precise Plan. They will allow for more units to be built on the site than if the standard 10 percent of the lot width side and street side yard regulations were strictly applied. The deviations are supported because they will allow more residential units to be constructed at a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. In addition, there are no other projects in the area that provide 67-foot or similar side yard setbacks. The project as proposed will be consistent with the development pattern of Ocean View Hills.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 8075 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Keith Bauerle  
Deputy City Attorney

KB:pev  
12/19/08  
01/09/09 Cor.Copy  
01/20/09 Cor.Copy2  
02/02/09 Cor.Copy 3  
Or.Dept:DSD  
R-2009-642  
MMS #7045

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-1005

**PLANNED DEVELOPMENT PERMIT NO. 8075**  
**PLAYA DEL SOL [MMRP] PROJECT NO. 4925**

**CITY COUNCIL**

This Planned Development Permit No. 8075 is granted by the City Council of the City of San Diego to Pardee Homes, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600. The 45.97-acre site is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 zone within the California Terraces Precise Plan (Planning Area 6) and the Otay Mesa Community Plan area. The project site is legally described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 1,578-unit condominium project that consists of six 3-story, buildings and ten 4-story buildings with each building having two levels of underground parking, and three approximately 9,608-square foot recreational buildings, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated FEB 17 2009, on file in the Development Services Department.

The project or facility shall include:

- a. A 1,578-unit condominium project consisting of six 3-story buildings and ten 4-story buildings with each building having two levels of underground parking;
- b. Three approximately 9,608 square-foot recreational buildings;
- c. Buildings 8 and 9 shall be 3-stories and Buildings 12 and 13 shall be 4-stories

Deviations:

Height: The RM-3-7 height limit is 40-feet, 58 feet is approved.

Setbacks:

Lot 1:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Otay Mesa Road, 30 feet is approved.

The RM-3-7 zone requires a side yard setback of 76 feet (or 10 percent of the lot width) along the northern side of the lot, 15 feet is approved.

Lot 2:

The RM-3-7 zone requires a street side yard setback of 76 feet (or 10 percent of the lot width) along Street "A," 20 feet approved.

The RM-3-7 zone requires a side yard setback of 76 feet (or 10 percent of the lot width) along the western side of the lot, 12 feet is approved.

Lot 3:

The RM-3-7 zone requires a street side yard setback of 75 feet (or 10 percent of the lot width) along Del Sol Boulevard, 40 feet is approved.

The RM-3-7 zone requires a side yard setback of 75 feet (or 10 percent of the lot width) along the southeastern side of the lot, 15 feet is approved.

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. 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 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 the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the 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. 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, 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.

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

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

14. The mitigation measures specified in the MMRP, and outlined in Addendum to Environmental Impact Report No. 86-1032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 86-1032 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 the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Transportation/Traffic Circulation; and Paleontological Resources.

16. 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:**

17. The Planned Development Permit shall comply with the conditions of the Final Map for Playa del Sol and Vesting Tentative Map No. 551809.

**LANDSCAPE REQUIREMENTS:**

18. No change, modification, or alteration shall be made to this project unless appropriate application or amendment of this Permit shall have been granted by the City.

19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee/Owner or any subsequent Owner(s) to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable,

shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

21. Prior to issuance of any construction permit for parking structures, the Permittee/Owner or subsequent Owner(s) shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

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 unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) 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.

24. Prior to any grading (building permit) the Permittee/Owner or subsequent Owner(s) shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

25. The Permittee/Owner or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wetland 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.

**PLANNING/DESIGN REQUIREMENTS:**

26. 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 or subsequent Owner(s).

27. All signs associated with this development shall be consistent with sign criteria established by either of the approved Exhibit "A;" or Citywide sign regulations.
28. The Owner/Permittee or subsequent Owner(s) shall post a copy of the approved discretionary permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.
29. 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 under the SDMC.

### **TRANSPORTATION REQUIREMENTS**

30. On Lot 1 the SDMC/LDC requires no fewer than 1,067 automobile, twenty-six accessible parking spaces (of which four must be van accessible parking spaces), 272 bicycle parking spaces, and fifty-one motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the SDMC/LDC requirement with 1,119 off-street automobile parking spaces, including thirty-six accessible parking spaces (of which six are van accessible parking spaces), 300 bicycle parking spaces with racks, and fifty-four motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.
31. On Lot 2 the Municipal/Land Development Code requires no fewer than 1,169 automobile, twenty-seven accessible parking spaces (of which four must be van accessible parking spaces), 298 bicycle parking spaces, and fifty-six motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the San Diego Municipal Code/Land Development Code requirement with 1,230 off-street automobile parking spaces, including thirty-eight accessible parking spaces (of which six are van accessible parking spaces), 310 bicycle parking spaces with racks, and fifty-eight motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.
32. On Lot 3, the San Diego Municipal Code/Land Development Code requires no fewer than 1,047 automobile, twenty-six accessible parking spaces (of which four must be van accessible parking spaces), 266 bicycle parking spaces, and fifty motorcycle parking spaces. Pursuant to the Project's Exhibit "A," Subdivider currently proposes to exceed the San Diego Municipal Code/Land Development Code requirement with 1,158 off-street automobile parking spaces, including forty accessible parking spaces (of which seven are van accessible parking spaces), 370 bicycle parking spaces with racks, and fifty-three motorcycle parking spaces. Subdivider has the right to reduce the number of spaces below the amount shown on Exhibit "A," subject to the satisfaction of the

Development Services Department as to space configuration, but at all times Project shall comply with the minimum requirements of the San Diego Municipal Code/Land Development Code.

33. Prior to the issuance of the first building permit in each of Lots 1, 2, and 3, a Mutual Access Agreement shall be recorded among all parcels, satisfactory to the City Engineer.

34. Prior to the issuance of the building permit, the applicant shall provide a fair-share contribution of 8.7 percent of the cost to construct an additional southbound lane at the future SR-905/Caliente Avenue WB on-ramp (Year 2008 estimated cost of \$24,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer. The City may only increase the Year 2008 estimated fair share contribution by the amount of the Annual Construction Cost Index.

35. Prior to the issuance of the building permit for the 983rd residential unit, the applicant shall provide a fair-share contribution of 3.0 percent of the cost to construct one High Occupancy Lane [HOV] in each direction, on future SR-905 between Heritage Road and Interstate 805 (Year 2008 estimated cost of \$270,000) to be provided if the required improvement is not fully funded. This fair-share contribution shall be placed in a separate interest bearing account and shall be transferred to Caltrans at the time of need, satisfactory to the City Engineer. The City may only increase the Year 2008 estimated fair share contribution by the amount of the Annual Construction Cost Index.

36. Prior to the issuance of the building permit for the 983rd residential unit, the construction of the traffic signal and appropriate interconnect at Otay Mesa Road and Street "A" shall be assured by permit and bond, satisfactory to the City Engineer. This signal shall be constructed after Otay Mesa Road is transferred back to the City of San Diego. In the interim, Street "A" should be restricted to right in/right out at Otay Mesa Road.

37. Prior to the issuance of the building permit, the applicant shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at Del Sol Boulevard at Private Driveway "D" including a 150 foot westbound to southbound left-turn pocket. This traffic signal shall not be constructed until Del Sol Boulevard is completed westerly from Surf Crest Drive to Riviera Pointe Street.

**WASTEWATER REQUIREMENTS:**

38. All proposed onsite sewer facilities will be private.

39. Prior to the issuance of any building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of all sewer facilities necessary to serve this development.

40. Prior to the issuance of any building or engineering permits, the Permittee/Owner or subsequent Owner(s) shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&Rs for the operation and maintenance of private sewer facilities that serve more than one ownership.

41. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement [EMRA], no private sewer facilities shall be in or over any public right-of-way.

42. 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.

43. The Owner/Permittee or subsequent Owner(s) shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

#### **WATER REQUIREMENTS:**

44. Prior to the issuance of the first building permit, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of public water facilities as identified in the accepted water studies for California Terraces/Ocean View Hills necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer.

45. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall assure, by permit and bond, the design and construction of new irrigation water service(s) in a manner satisfactory to the Water Department Director and the City Engineer. All private on-site irrigation systems shall be designed to utilize reclaimed water. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.

46. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) 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.

47. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide EMRA for all public water facilities located within the proposed easement.

48. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any building permits, the Owner/Permittee or subsequent Owner(s) shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall provide keyed access to Water Operations Division, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

51. Prior to the issuance of any certificates of occupancy, the Owner/Permittee or subsequent Owner(s) shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

52. 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.

53. The Owner/Permittee or subsequent Owner(s) 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.

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

**WASTE MANAGEMENT:**

55. Prior to issuance of any building permit, the Subdivider shall prepare a Waste Management Plan satisfactory to the Assistant Deputy Director of Entitlements Division or his or her environmental designee [ADD] in compliance with all applicable City ordinances, resolutions, regulations, goals and policies. The ADD shall verify that all the requirements of the Refuse and Recyclable Materials Storage Regulations and all of the requirements of the Waste Management Plan are shown and noted on the appropriate construction documents.

**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 §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 FEB 17 2009 by  
Resolution No. R- 304666

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

PARDEE HOMES  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER - Permit Shell 11-01-04

Passed by the Council of The City of San Diego on FEB 17 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 17 2009

AUTHENTICATED BY:

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Mary Zumbaya, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 304666