

RESOLUTION NUMBER R- 308793

DATE OF FINAL PASSAGE MAR 04 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT
NO. 1047194, PLANNED DEVELOPMENT PERMIT NO.
1047195 AND NEIGHBORHOOD USE PERMIT NO. 1238629
FOR ELMS & IVY – PROJECT NO. 296644.

WHEREAS, Taylor Morrison of California, LLC., Owner/Permittee, filed an application with the City of San Diego for a permit to develop a vacant parcel with 174 residential dwelling units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit (SDP) No. 1047194, Planned Development Permit (PDP) No. 1047195 and Neighborhood Use Permit (NUP) No. 1238629), on portions of a 30.44-acre site; and

WHEREAS, the project site is located in the Pacific Highlands Ranch Subarea Plan north and south of State Route 56 (SR-56), east of the Carmel Valley Road exit, and west of the Rancho Santa Fe Farms Road exit. The northern portion of the project is more specifically southeast of the Carmel Valley Road and Lopelia Meadows Place intersection, while the southern portion is southeast of Morning Glory Way and west of Caminito Mendiola, within the Pacific Highlands Ranch Community, within the City and County of San Diego; and

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map 12337; and

WHEREAS, on January 23, 2014, the Planning Commission of the City of San Diego considered approval of SDP No. 1047194, PDP No. 1047195 and NUP No. 1238629, pursuant to Resolution No. 4581-PC voted to recommend City Council approval of the actions; 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, 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, on March 4, 2014, the City Council of the City of San Diego considered SDP No. 1047194, PDP No. 1047195 and NUP No. 1238629; pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following written findings with respect to SDP No. 1047194, PDP No. 1047195 and NUP No. 1238629:

I. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0504

A. Findings for all Site Development Permits:

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located within the Pacific Highlands Ranch Subarea Plan, adopted in 1999, and is the applicable land use plan for the project area along with the City's General Plan, adopted in 2008. The proposed development would implement the goals and recommendations of the Pacific Highlands Ranch Subarea Plan by providing 174 residential dwelling units, inclusionary housing and urban amenities such as linear park space and trail facilities. Pedestrian and bicyclist linkages would be created within and between adjacent neighborhoods and the rest of the community. The units within the project site have been designed with neighborly interaction in mind. Such features include shallow front yard setbacks, front porches and garage orientations away from the street. Two common areas are located within the development north of SR 56 and two south of SR 56 for the affordable units. These areas would provide passive recreational opportunities and picnic areas for the residents. Additionally, the proposed development was designed to link local streets with adjacent neighborhoods and the avoidance of closed loop subdivisions. The project design would provide opportunities for future circulation connections to the east and west of the project in order to provide for possible future direct connections to surrounding neighborhoods. Therefore, when considering the project as a whole, the development would 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 as currently designed will not be

detrimental to the public health, safety, and welfare. The proposed development, together with the existing surrounding development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the Pacific Highlands Ranch Subarea Plan has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The proposed development will construct necessary sewer and water facilities to serve the residents and occupants. The proposed development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance. The proposed development will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. All structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The proposed development would comply with all applicable development regulations of the Land Development Code. Deviations from the minimum standards of the underlying zones requested for this application were determined to be consistent with the purpose and intent of the regulations. Deviations include reduction in setbacks, lot area, lot dimensions and retaining wall height. The deviations are a result of the smaller lots proposed with this subdivision and are necessary to develop the site with an acceptable density and variety of housing types. The deviations facilitate a traditional alley loaded street system which in turn allows for greater green space and pedestrian friendly façades for a majority of the units. Auto access to the garages would be through the alley. On lots with garages facing the street deviations to the setbacks are requested to allow for a staggered street façade that would provide visual interest from the right-of-way. This overall site layout, street system and development pattern would comply with the intent of the residentially zoned parcel. The deviations are permitted with an approved Planned Development Permit and therefore would comply with the applicable regulations of the Land Development Code. Likewise, the project would comply with the Environmentally Sensitive Lands Regulations with an approved Site Development Permit. Permit conditions include protections for sensitive biological resources including sufficient setbacks and adherence MHPA adjacency guidelines. Finally, an approved Neighborhood Use Permit would allow for the proposed community identification sign that would be designed to be compatible with the surrounding community and located in a manner that would not conflict with view corridors or traffic safety. Therefore, the proposed development, including the requested deviations, would comply with the applicable regulations of the Land Development Code.

B. Site Development Permit Supplemental Findings--Environmentally Sensitive Lands

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The Pacific Highlands Ranch Subarea Plan designates the project site for residential development therefore; the proposed 174 dwelling units are an appropriate use at the proposed location. The 30.44-acre parcel is bisected by SR-56 dividing the site into two sections. The northern 23.36-acre portion includes single-family residential development and the 07.08-acre southern portion includes multi-family development and open space within the Multi-Habitat Planning Area. The majority of the project site was disked and rough graded and therefore is considered previously disturbed. Additional fine grading proposed for the development would be minimal and would not alter the landform or disturb the environmental resources. The proposed development would not adversely impact any sensitive biological resource or wetland resource. All proposed grading and development is setback from the existing environmental resources with appropriate buffer areas. Conditions in the permit include implementation of the Mitigation, Monitoring and Reporting Program (MMRP) that would reduce potential impacts to a level below what would be considered significant. The MHPA adjacency guidelines would apply to the project and are conditioned within the permit. Therefore, the site is suitable for the design and siting of the proposed development and the design and site plan for the new subdivision.

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 development was previously disturbed with agricultural disking and the subsequent grading for the State Route (SR) 56 right-of-way. The project proposes minimal overall site grading and will not significantly alter the existing landform. A series of retaining walls will be used to minimize the creation of large slopes and maximize the existing topography. The project site is comparatively flat with a grade differential of approximately 30-feet over the entire 30.44-acres. The site contains no steep slopes that are greater than 25 percent. The property is mapped with Geologic Hazard Zone 53 (gently sloping to steep terrain, favorable structure, low risk). No faulting has been mapped or observed within the project site. A geotechnical analyses concluded that there is no geotechnical related conditions at the project site that would preclude development as presently proposed, provided that the recommendations within the studies are implemented. Additionally, the project would be required to utilize proper engineering design and standard construction practices to be verified at building permit phase that would ensure that potential impacts from regional geologic hazards would be less than significant. The project site is not located near a body of water, including the ocean, lake or stream therefore, the possibility of flooding is unlikely. Likewise, the property is relatively flat and not located in a particularly wooded area. Brush Management would be implemented adjacent to the open space so overall, the fire hazard is low.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed project site contains approximately 2.08-acres of Open Space and biological and wetland resources. Both sensitive resources are excluded from the development footprint and the design provides

adequate buffer area to ensure protection of the resources. Permit conditions, including best management practices, as well as the Mitigation Monitoring and Reporting Program would prevent any adverse impact to adjacent environmental lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project site contains portions of Multi-Habitat Planning Area that is a part of the Multiple Species Conservation Program (MSCP) Subarea Plan. The development avoids direct and indirect impacts to the MHPA area and ensures the resource is protected with permit conditions including the MHPA Adjacency Guidelines and the Mitigation, Monitoring and Reporting Program and would be consistent with the Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is not located on or near any public beach or shoreline and therefore would not contribute to the erosion of those resources or 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. The proposed development and any resulting impacts associated with the subdivision were considered in the Master Environmental Impact Report (MEIR). The project has been determined to be consistent with the MEIR and no new impacts would occur as a result of this development. A Mitigation, Monitoring and Reporting Program (MMRP) is included that addresses potential impacts to biological and paleontological resources. Implementation of the MMRP would reduce the impact to below a level of significance. Therefore, the mitigation that is a part of this development is reasonably related to and calculated to alleviate negative impacts created by the proposed development.

II. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

A. Findings for all Planned Development Permits:

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located within the Pacific Highlands Ranch Subarea Plan, adopted in 1999, and is the applicable land use plan for the project area along with the City's General Plan, adopted in 2008. The proposed development would implement the goals and recommendations of the Pacific Highlands Ranch Subarea Plan by providing 174 residential dwelling units, inclusionary housing and urban amenities such as linear park space and trail facilities. Pedestrian and bicyclist linkages would be created within and between adjacent neighborhoods and the rest of the community. The units within the project site have been designed with neighborly interaction in mind. Such features include shallow front yard setbacks, front porches and garage orientations away from the street. Two common areas are located within the development north of SR 56 and two south of SR 56 for the affordable units. These areas would provide passive recreational opportunities and picnic areas for the residents. Additionally, the proposed development was designed to link local streets with adjacent neighborhoods and the avoidance of closed loop subdivisions. The project design would provide

opportunities for future circulation connections to the east and west of the project in order to provide for possible future direct connections to surrounding neighborhoods. Therefore, when considering the project as a whole, the development would 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 as currently designed will not be detrimental to the public health, safety, and welfare. The proposed development, together with the existing surrounding development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the Pacific Highlands Ranch Subarea Plan has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The proposed development will construct necessary sewer and water facilities to serve the residents and occupants. The proposed development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance. The proposed development will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. All structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that 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 including any proposed deviations pursuant to Section 126.0602(b)(1) that 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; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The proposed development would comply with all applicable development regulations of the Land Development Code. Deviations from the minimum standards of the underlying zones requested for this application were determined to be consistent with the purpose and intent of the regulations. Deviations include reduction in setbacks, lot area, lot dimensions and retaining wall height. The deviations are necessary to develop the site with an acceptable density and variety of housing types. The alley loaded design allows for garage access at the rear of the units facilitating pedestrian friendly, landscaped front yards with walkable neighborhood connections. The overall site layout, street system and development pattern would comply with the intent of the residentially zoned parcel. The deviations are permitted with an approved Planned Development Permit and therefore would comply with the applicable regulations of the Land Development Code. Likewise, the project would comply with the Environmentally Sensitive Lands Regulations with an approved Site Development Permit. Permit conditions include protections for sensitive biological resources including sufficient setbacks and adherence MHPA adjacency guidelines. Finally, an approved

Neighborhood Use Permit would allow for the proposed community identification sign that would be designed to be compatible with the surrounding community and located in a manner that would not conflict with view corridors or traffic safety. Therefore, the proposed development, including the requested deviations, would comply with the applicable regulations of the Land Development Code.

III. NEIGHBORHOOD USE PERMIT - SDMC 126.0205:

A. Findings for all Neighborhood Use Permits:

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed development is located within the Pacific Highlands Ranch Subarea Plan, adopted in 1999, and is the applicable land use plan for the project area along with the City's General Plan, adopted in 2008. The Neighborhood Use Permit is required for a neighborhood monument sign located at and defining the entrance to the Elms & Ivy project. The 48-inches tall and 12-inches wide stone monument sign is on a landscaped corner at Lopelia Meadows Place. The sign is located out of the public-right-of-way on private property. The Pacific Highlands Ranch designates the project site for residential development and the monument sign is considered an accessory feature to the residential use. Therefore 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 relative to the Neighborhood Use Permit is a 48-inch tall by 12-inch wide stone monument sign defining the entrance to the Elms & Ivy project. The sign is located outside of the public right-of-way and would not interfere with visibility, access or egress from the subdivision. The monument sign is set within a landscaped area adjacent to a sidewalk and provides an aesthetic rock feature to the neighborhood. Based on the size, location and design of the sign, the project feature would not be detrimental to the public health, safety, and welfare.

3. **The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The proposed neighborhood monument sign requires a Neighborhood Use Permit pursuant to the development regulations of the Land Development Code. The sign is designed and sited to meet all setback and height requirements and no deviation for the sign is requested as a part of the project. Therefore, the proposed development would comply with the applicable regulations of the Land Development Code.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1047194, Planned Development Permit No. 1047195 and Neighborhood Use Permit No. 1238629, is hereby granted to Taylor Morrison of California, LLC, Owner/Permittee, under the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keely M. Halsey
Deputy City Attorney

KMH:als
02/14/14
03/18/14 Rev. Copy
Or. Dept: DSD
Doc. No.: 722707_2

Attachment: Site Development/Planned Development/Neighborhood Use Permits

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24003273

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1047194
PLANNED DEVELOPMENT PERMIT NO. 1047195
NEIGHBORHOOD USE PERMIT NO. 1238629
THE ELMS & IVY - PROJECT NO. 296644
(MMRP) CITY COUNCIL

This Site Development Permit No. 1047194, Planned Development Permit No. 1047195 and Neighborhood Use Permit No. 1238629 is granted by the City Council of the City of San Diego to Taylor Morrison of California, LLC, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0404; 126.0504 and 126.0604. The 30.44-acre site is located in the Pacific Highlands Ranch Subarea Plan north and south of State Route 56 (SR-56), east of the Carmel Valley Road exit, and west of the Rancho Santa Fe Farms Road exit. The northern portion of the project is more specifically southeast of the Carmel Valley Road and Lopelia Meadows Place intersection, while the southern portion is southeast of Morning Glory Way and west of Caminito Mendiola, within the Pacific Highlands Ranch Community, within the City and County of San Diego. The project site is legally described as: Parcel 2 of Parcel Map No. 12337.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to grade and develop the project site with 174 residential dwelling units and the associated street and utility improvements described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 4, 2014, on file in the Development Services Department.

The project shall include:

- a. 146 market rate single-family residential dwelling units and 28 affordable multi-family units including deviations as described within this permit and Attachment 1 to this permit;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void 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. This permit must be utilized by March 4, 2014.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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 federal

Endangered Species Act (ESA) and by the California Department of Fish and Wildlife (CDFW) pursuant to California Fish and Wildlife 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. 00-18394. 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 CDFW, 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, 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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined- necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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 Owner/Permittee 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, relating to the issuance of this permit 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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee 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, Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Master Environmental Impact Report No. 96-7918/ SCH No. 97111077, 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 Master Environmental Impact Report No. 96-7918/ SCH No. 97111077 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Biological resources
- Paleontological resources

AFFORDABLE HOUSING REQUIREMENTS:

15. The Owner/Permittee shall comply with the affordable housing requirements of the City's North City Future Urbanizing Area Framework Plan and the Pacific Highlands Ranch Subarea Plan, which requires that the project provide 20 percent of the pre-density bonus units as affordable (the "Affordable Housing Requirements").

16. Prior to recording the Final Map, the owner/permittee shall enter into a Master Affordable Housing Agreement ("Affordable Housing Agreement"), with the San Diego

Housing Commission ("Housing Commission") to detail and assure the construction and occupancy of an "Affordable Housing Project" consisting of twenty-eight (28) units ("Affordable Units") to be constructed on Lot 147 (the "Affordable Housing Site"), as shown on the Vesting Tentative Map. The Affordable Housing Agreement shall include all of the provisions of this Section and such other and further conditions as shall be required by the President and CEO of the Housing Commission, or his designee ("President and CEO"), to assure satisfaction of the affordable housing requirements as referenced in this Permit and the Affordable Housing Program (attached to this Permit).

17. Prior to the issuance of any building permits, the Owner/Permittee shall execute and record a declaration of covenants, conditions and restrictions (the "Declaration") in first priority position against the Affordable Housing Site, restricting the occupancy and affordability of the Affordable Housing Project for a period of fifty-five (55) years from the date of initial occupancy of the Affordable Housing Project. All Affordable Units shall be for occupancy by families earning no more than sixty-five percent (65%) of the Area Median Income, as adjusted for family size and utilities, and with rental rates that do not exceed thirty percent (30%) of sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities. The Declaration shall provide for the siting, mix and architecture nature of the Affordable Housing Project.

18. Prior to the issuance of any building permits, the Owner/Permittee shall execute and record a deed of trust against the Affordable Housing Site, in second lien priority (junior only to the Declaration), assuring the timely performance of the Declaration and the Affordable Housing Agreement. The deed of trust in favor of the Housing Commission may be subordinated to construction deed of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the President and CEO in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Housing Project, upon such terms and conditions as she/he may impose.

19. Prior to the issuance of any building permits, the Owner/Permittee shall post performance security for the construction of the Affordable Housing Project, including without limitation, all onsite and offsite improvements, necessary to access and serve the Affordable Housing Project with all necessary utilities, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the President and CEO in her/his sole discretion.

20. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the President and CEO, shall be included in the Affordable Housing Agreement, provided that the following timetable is incorporated into the Affordable Housing Agreement:

- a. Issuance of building permits for the Affordable Project shall occur on or before the earlier of: (A) the issuance of building permits for construction of the 73rd market rate dwelling unit; or (B) twenty-four (24) months after the issuance of the first residential building permit.

- b. In no event shall the issuance of building permits for the construction of the 73rd market rate dwelling unit occur until building permits for construction of the twenty-eight (28) affordable units are authorized by the City and are obtained by the Subdivider. Further, if individual parcels are sold initially by Owner/Permittee without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building permit issued, in determining when the issuance of the building permit occurs for the 73rd market rate unit.
- c. Completion of construction of the Affordable Project shall occur upon the earlier of:
 - (A) Eighteen (18) months after the issuance of building permit for the Affordable Project as referenced in Paragraph 20.a., hereof; or
 - (B) Three and one-half years after the issuance of the first residential building permit).

21. Occupancy of the Affordable Project shall occur not later than one hundred eighty (180) days after the completion of construction as referenced in Paragraph 20.c, above

22. For "good cause" shown to the satisfaction of the President and CEO, the thresholds and dates referenced herein may be adjusted and/or extended one or more times. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the President and CEO, in his/her sole discretion.

23. The successors, heirs and assigns of the Owner/Permittee shall enter into and execute such other and further documents as the President and CEO shall require, from time to time, as may be needed to effectuate the affordable housing requirements of this Site Development Permit and the Affordable Housing Program.

24. The Pacific Highlands Ranch Affordable Housing Program is attached to these Permit conditions and on file in the Office of the Development Services Department and is incorporated herein. The provisions of the Affordable Housing Program shall not in any way modify or change any provisions of the Affordable Housing requirements. To the extent that there is any inconsistency between the two, the terms of the permit conditions shall prevail.

ENGINEERING REQUIREMENTS:

25. Prior to the issuance of the grading permit, the applicant shall submit a letter of permission from the adjacent property owner for the grading plans westerly of Parcel Map 12337 satisfactory to the City Engineer.

26. Prior to the issuance of a grading permit, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees

from any and all claims, demands, causes or action, liability or loss because of, or arising out of the storm water from the public storm drain system onto private property for storm water treatment satisfactory to the City Engineer.

27. The Site Development Permit, Planned Development Permit and Neighborhood Use Permit must comply the Vesting Tentative Map No. 1047193.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards, the San Diego Low Impact Development Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

29. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft 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.

30. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a 40 sq-ft area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

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

32. Prior to issuance of any Certificate of Occupancy or Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

33. 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.

34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

35. 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 Development Services Department within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

36. The Brush Management Program shall consist of a modified Zone One of 70 feet to 100 feet in width with no zone Two, extending out from the structure towards the native/naturalized vegetation, consistent with the Brush Management Regulations of the Land Development Code, section 142.0412. Alternative compliance for Lots 1-4, 19-25, and 46-50: All openings in exterior building walls adjacent to Zone One, including a 10-ft perpendicular return along adjacent wall faces, shall consist of dual-glazed, dual-tempered panes or glass block units in addition to meeting standard CBC 7A requirements.

37. 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.'

38. Prior to issuance of any Building Permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

39. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible, one-hour fire-rated, and/or "heavy timber" accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.

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

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

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

PLANNING/DESIGN REQUIREMENTS:

43. Owner/Permittee shall create a Home Owners Association (HOA) Lot within the area between Street "C" in the Elms & Ivy project and Dandelion Way within the Costa del Sol subdivision.
44. Owner/Permittee shall submit a landscape plan for the HOA lot and shall include a minimum 4-foot wide paved pedestrian path for access to the Costa del Sol subdivision, as shown on the Exhibit "A" Site Plans and Vesting Tentative Map.
45. Owner/Permittee shall grant an Irrevocable Offer of Dedication (IOD) to the City for the HOA lot sufficient for a two lane residential local, urban parkway configuration roadway to accommodate vehicular traffic should vehicular access be desired in the future.
46. A lot-by-lot list of the approved deviations as described in Attachment 1 to this permit shall be graphically included on the Exhibit "A" Site Plan and the Vesting Tentative Map.
47. 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.
48. All signs associated with this development shall be consistent with sign criteria established by either the citywide sign regulations or approved Exhibit "A."
49. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.
50. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

51. Prior to the issuance of the first building permit, the Owner/Applicant shall comply with Phase Three of the Pacific Highland Ranch Transportation and Facility Phasing Plan for Carmel Valley Road between SR 56 and Del Mar Heights Road to the satisfaction of the City Engineer. Compliance may be demonstrated by assuring the improvements as defined in Phase Three of the Pacific Highlands Ranch Transportation and Facility Financing Plan.
52. Prior to the issuance of the first building permit, the Owner/Applicant shall comply with Phase Three of the Pacific Highland Ranch Transportation and Facility Phasing Plan for Carmel Valley Road between Del Mar Heights Road and Black Mountain Road to the satisfaction of the City Engineer. Compliance may be demonstrated by assuring the

improvements as defined in Phase Three of the Pacific Highlands Ranch Transportation and Facility Financing Plan.

53. Prior to the issuance of the first building permit, the owner/permittee shall dedicate and shall assure by permit and bond the construction of Lopelia Meadows Place with 52 feet curb to curb with a 12 foot raised median in 66 feet right-of-way including a 12' parkway with noncontiguous 5 foot sidewalk, curb and gutter on the east side and a 2 foot parkway on the west side, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

54. Prior to the issuance of the first construction permit, the owner/permittee shall dedicate and shall assure by permit and bond the construction of Lopelia Meadows Place/ Carmel Valley Road signalized intersection with a northbound left turn lane and a through/right turn lane and a single southbound lane, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

55. Prior to the issuance of the first construction permit, the owner/permittee shall dedicate and shall assure by permit and bond the construction of Streets A, B, C, D, E and Dandelion Way as residential streets with 30 feet curb to curb in 50 feet right-of-way including 10' parkways with noncontiguous 5 foot sidewalk, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

56. For the Affordable Housing, a minimum of 53 off-street automobile parking (including 1 van and 2 accessible), 3 motorcycle, 15 bicycle parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

57. For the 146 Housing units, a minimum of 292 off-street automobile parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all parking stalls shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

58. Prior to the issuance of any building permit, the project shall demonstrate conformance with the Pacific Highlands Ranch Transportation Phasing Plan satisfactory to the City Engineer.

59. The Subdivider shall relinquish abutter's rights onto Carmel Valley Road, with the exception of Private Drive "G," to the satisfaction of the City Engineer.

60. The Subdivider shall relinquish abutter's rights onto State Route 56 to the satisfaction of the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

61. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond the design and construction of all public water and sewer facilities as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

62. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond the abandonment of portion of the existing water main within Dandelion Way as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

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

64. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and within five feet of any water facilities.

65. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on MAR 04 2014 and
Resolution No. R308793

Permit Type/PTS Approval No.: _____
SDP No.1047194, PDP No. 1047195, NUP
No. 1238629
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Patrick Hooper
Development Project Manager

NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.

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

TAYLOR MORRISON OF CALIFORNIA, LLC.
Owner/Permittee

By _____
NAME
TITLE

NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.

ℓ. 308793

RECEIVED
CITY CLERK'S OFFICE
14 MAR 18 PM 2:09
SAN DIEGO, CALIF.

Passed by the Council of The City of San Diego on MAR 04 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input 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"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 04 2014.

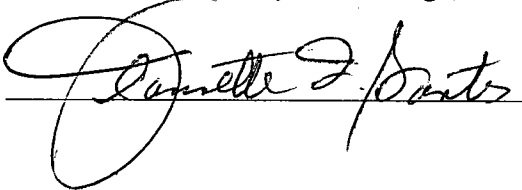
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308793