

Item 201-5123/2016

(R-2016-606)

sub item 'B'

RESOLUTION NUMBER R- 310484

DATE OF FINAL PASSAGE MAY 23 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO GRANTING PLANNED DEVELOPMENT PERMIT  
NO. 1523467 FOR THE WOODMAN COURT PROJECT -  
PROJECT NO. 435473.

WHEREAS, INFILL DEVELOPMENT, LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit (PDP) for the subdivision and development of 20 single-family residential lots and four non-building lots (including eight deviations) on a vacant site located at 345 Woodman Street, on the east side of Woodman Street, south of Skyline Drive, and legally described as Lots 7 and 8 of Skyline Park, Map No 11304, San Diego County in the Skyline Paradise Hills Community Plan area, in the RS-1-7 Zone of the Skyline Paradise Hills Community Plan area; and

WHEREAS, on March 11, 2016, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15332 (In-Fill Development Projects); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, on April 7, 2016, the Planning Commission of the City of San Diego considered PDP No. 1523467, and voted to recommend City Council approval of the action; 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;

WHEREAS, the matter was set for public hearing on   MAY 23  , 2016, 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. 1523467:

**PLANNED DEVELOPMENT PERMIT (SDMC Section 126.0604)**

**a. The proposed development will not adversely affect the applicable land use plan.** The City of San Diego General Plan and the Skyline/Paradise Hills Community Plan designate the site for single-family residential development at a low density of 0-10 du/a). The project proposes the subdivision of a vacant 2.9-acre site to create 24 new lots (includes four non-buildable lots and the partial vacation of existing water and storm drain easements) for the construction of 20 new single-family homes. The proposed 20 dwelling units would create a density of 7 du/ac, which is consistent with the land use designation and density range for the site as recommended by the Skyline-Paradise Hills Community Plan. Single-family residential development is the primary existing land use of the immediate neighborhood. The project will be compatible with the appearance of the existing neighborhood and will incorporate façade, articulation, and architectural details similar in scale, color and appearance of the existing neighborhood.

The project would be consistent with the General Plan Noise Element Table NE-3 Land Use – Noise Compatibility Guidelines which indicates residential projects should be conditionally consistent with exterior noise levels up to 70 decibels and would require indoor noise attenuation to achieve a 45-decibel interior noise level. Based on the lack of major noise sources in proximity to the project, the project would be compatible with the noise levels at the site and would be able to provide the required indoor noise attenuation using standard construction methods to meet the noise compatibility standards.

The General Plan’s Conservation Element includes a goal for San Diego to become a city that is an international model of sustainable development and conservation. Policy CE-A.5 recommends that the construction and operation of new development employ sustainable or “green” building techniques. This project will be Energy Star rated through the California Advanced Homes Program (CAHP). This program ensures that the homes utilize energy-efficient appliances, equipment and building materials. Homes that pass the CAHP inspection process exceed Title 24

Building Code standards for energy efficiency by at least 15 percent, resulting in lower utility bills and a healthier, energy-efficient home for new homebuyers as well as reducing environmental pollution and use of natural resources. Benefits include heating ventilation and air conditioners that are engineered for proper size and air distribution for lower utility bills, a quieter living environment due to tight construction, better windows and improved insulation.

The homes will be verified by a third-party inspection and testing process to ensure that they meet the CAHP guidelines and homebuyers will receive a Certified Green Home Certificate. The certificate verifies the home was built to CAHP standards and may add value at time of resale. In addition to being Energy Star rated, the homes will be solar panel ready. Along with the in-home sustainable features, there will be sustainable features incorporated into the landscape and common areas. This includes bio-retention drainage control, permeable paving surfaces and shade trees. All landscape will be drought tolerant. In addition, the project provides a variety of sustainable features and will support the General Plan's Conservation Element by utilizing energy efficient equipment and lighting, low flow toilets and water fixtures.

The Skyline/Paradise Hills Community Plan contains a section on General Plan conformance and identifies goals for residential development. One goal emphasizes the maintenance and enhancement of existing stable residential neighborhoods, which is consistent with the General Plan objectives for older communities which stresses the preservation of established communities, the conservation of the social-environmental characteristics of the community and the rehabilitation of deteriorating neighborhoods. The proposal will implement this guideline through a design that respects the existing two-story, pitched roof character of the surrounding community, which also utilizes a cul-de-sac development configuration. The project will not be in conflict with the General Plan and will not adversely affect the Skyline Paradise Hills Community Plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project will have adequate levels of essential public services available, including police, fire, and emergency medical services. The project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of this site contains specific conditions addressing compliance with the City's codes, policies, regulations and other regional, state, and federal regulations. The project is located in a developed single-family neighborhood and the addition of 20 additional dwelling units will not be detrimental to the public. In addition, conditions of approval require the review and approval of all construction plans by professional staff prior to construction to determine the construction of the project will comply with all building code regulations. The construction will be inspected by certified building and engineering inspectors to assure construction is in accordance with the approved plans and with all regulations.

The project was reviewed by the Airport Land Use Commission (ALUC) for San Diego County, the San Diego County Regional Airport for a consistency determination. The ALUC determined that the project was consistent and meets their requirements. In addition, an Exemption was prepared by Development Services staff in accordance the State of California Environmental Quality Act. No significant effects on the environment would occur as a result of this project. In these ways the project will assure the continued health, safety and general welfare of persons

residing or working in the area. Therefore, the project will not be detrimental to the public health, safety, and welfare.

**c. 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 purpose of the RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties. Due to the unusual shape of the property and the existence of a storm drain across the project site, the standard development regulations are difficult to implement. The project incorporates eight deviations to the development regulations including minimum lot size, minimum lot width, minimum lot depth, minimum street frontage, minimum front and rear setbacks, driveway length and lots fronting on a public street. The eight requested deviations are described in detail below:

SAN DIEGO MUNICIPAL CODE REGULATIONS	LOT SIZE	LOT WIDTH	LOT DEPTH	STREET FRONTAGE	FRONT YARD SETBACK	REAR YARD SETBACK	DRIVEWAY LENGTH	PROPOSED SUBDIVISION LOT NOT FRONTING ON A PUBLIC STREET
<b>Required</b>	5,000-sq. ft. minimum	50 ft. minimum	95 ft. minimum	50 ft. minimum on public street	15 ft. minimum	13 ft. minimum	20 ft. minimum	All lots are required to front on a public street
<b>Proposed</b>	2,961- 4,973 sq. ft.	42 ft.	60 - 80 ft.	1, 3 -19 are 42 ft.	10 ft.	10 & 12 ft.	18 ft.	10 lots have no public street frontage
<b>Lots Affected</b>	2 -13, 15 -20	3 -14, 16 -19	1-11,15, 19 & 20	12, 13, 16, 17, 18, 19	20	16 & 20	17,18,19 & 20	2-11

In accordance with zoning requirements the lots should meet the minimum lot size of 5,000 square feet. The first deviation will allow for 18 of the proposed 24 lots to maintain lot sizes under the minimum lot size of 5,000 square feet, ranging in size from 2,961-4,973 square feet. In addition, the project proposes seven other deviations to the development regulations from the RS-1-7 zone. The second deviation is a request to allow 16 of the proposed 24 lots to have less than the required lot width of 50 feet. The third deviation is a request to allow 14 of the proposed 24 lots to have less than the required minimum lot depth of 95 feet. The fourth deviation is to allow 6 of the proposed 24 lots to have less than the minimum street frontage of 50 feet. The fifth deviation would allow lot 20 to maintain a front yard setback of 15 feet. The sixth deviation would allow lots 16 & 20 to maintain rear yard setbacks of less than 13 feet. The seventh deviation would allow four lots to provide driveway lengths of 18 feet where 20 feet is required, and not to provide two additional parking spaces. Finally, an eighth deviation accommodates the proposed private cul-de-sac, allowing 10 of the 20 lots to vary from the requirement that lots need to have frontage on a public street that is open to and usable by vehicular traffic, and a minimum 15-foot-wide direct vehicular access to the street.

The deviations were analyzed by staff to determine consistency with the goals and recommendations of the community plan and the purpose and intent of the Planned Development Permit ordinance. The purpose of the Planned Development Permit is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

The proposed development is consistent with the design standards of the Planned Development Permit Ordinance which requires a comparative analysis of the surrounding development, open space requirements and conformance to the community plan. The property is constrained due to a topographical change in elevation of 59 feet across the project site and because of its irregular shape.

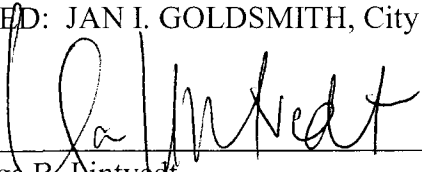
Due to the unusual shape of the property and the existence of a storm drain across the project site, the standard development regulations are difficult to implement. The proposed deviations are supported by staff based upon the overall design of the project. If approved the project would provide market rate housing along with all necessary public improvements, including relocation of the existing sewer drain to provide better accessibility. When considered as a whole, the added housing units will provide opportunities for home ownership to moderate income families in quality housing, with adequate water/sewer facilities and improved streets. The project is providing increased private open space and the added benefit to the community of new housing, replacing a vacant site that has been used for dumping in previous years. In addition, the project incorporates front porches where neighborhood interaction will be encouraged.

The Land Development Code allows the applicant to request deviations through a Planned Development Permit, and the project as proposed complies with all applicable regulations of the Land Development Code including the proposed deviations.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1523467 is granted to INFILL DEVELOPMENT, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Inga B. Dintvedt  
Deputy City Attorney

IBL: mm  
May 6, 2016  
Or.Dept: DSD  
Doc. No.: 1283215

Attachment: Planned Development Permit

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date) \_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date) \_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

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SPACE ABOVE THIS LINE FOR RECORDER'S USE  
INTERNAL ORDER NUMBER: 24006077

PLANNED DEVELOPMENT PERMIT No. 1523467  
**WOODMAN COURT - PROJECT NO. 435473**  
**CITY COUNCIL**

This Planned Development Permit is granted by the City Council of the City of San Diego to INFILL DEVELOPMENT LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0604. The 2.9-acre site is located on the east side of Woodman Street, south of Skyline Drive in the RS-1-7 Zone of the Skyline-Paradise Hills Community Plan. The project site is legally described as: described as Lots 7 and 8 of Skyline Park, Map No 11304, San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide a vacant 2.9-acre site and construct 20 single-family dwelling units, four non-buildable lots and to vacate portions of existing water and storm drain easements. The project will also create 24 new lots from two (2) existing lots; as, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAY 23 2016, on file in the Development Services Department.

The project shall include:

- a. The construction of 20 single-family dwelling units (ranging in size from 2,082 to 1,919 square-foot);
- b. Deviations as follows:
  - (1) Minimum lot size: deviation to allow 18 of the proposed 24 lots to vary from the minimum lot size of 5,000 square feet;
  - (2) Minimum lot width: deviation to allow 16 of the proposed 24 lots to vary from the minimum lot width of 50 feet;
  - (3) Minimum lot depth: deviation to allow 14 of the proposed 24 lots to vary from the lot depth of 95 feet;
  - (4) Minimum lot frontage: deviation to allow 6 of the proposed 24 lots to vary from the minimum lot frontage of 50 feet;
  - (5) Minimum front yard setback: deviation to allow Lot 20 to vary from the minimum front setback of 15 feet;
  - (6) Minimum rear yard setback: deviation to allow Lots 16 and 20 to vary from the minimum rear setback of 13 feet;
  - (7) Reduced driveway length: deviation to allow Lots 17, 18, 19 and 20 to maintain driveway lengths less than the minimum of 20 feet;
  - (8) Lots without public street frontage: deviation to SDMC Section 144.0211 to allow 10 of the 20 lots to vary from the requirement that lots need to have frontage on a public

street that is open to and usable by vehicular traffic, and a minimum 15-foot-wide direct vehicular access to the street.

- b. Public improvements consistent with TM No. 1531480 including raised medians along Woodman Street;
- c. Vacation of two existing easements (including portions of an existing storm drain and sewer utility easement, and a general utility easement) and dedication of new easements consistent with TM No. 1531480;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. Retaining walls, fences, signs, lighting, recreations facilities ;and
- g. 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 MAY 23, 2019
2. 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.
3. 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.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. 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.).
6. 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.



7. 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.

8. 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" conditions(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.

9. 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.

**AFFORDABLE HOUSING REQUIREMENTS:**

10. Prior to receiving the first residential building permit or recordation of the final map, whichever shall first occur, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by performing one of the following, at the Owner's/Permittee's sole election:

- a. Payment to the City of San Diego of the full Inclusionary Affordable Housing Fee as set forth in the Inclusionary Affordable Housing Regulations; or
- b. Enter into an agreement with the San Diego Housing Commission, secured by a performance deed of trust, to provide at least 10% of the total units at the project as affordable to households earning at or below 100% of area median income in compliance with the Inclusionary Affordable Housing Regulations. The agreement shall provide that the affordable units must be offered for sale within 1 month from the date the project received a certificate of occupancy and that the Owner/Permittee shall diligently pursue the sale of such affordable units until all affordable units have been sold. If the affordable units are not offered for sale and/or sale is not diligently

pursued by the Owner/Permittee, Owner/Permittee shall pay the Inclusionary Affordable Housing Fee for the entire project to the San Diego Housing Commission, upon notice, based upon the rate in effect at the time the first building permit was issued, plus interest at the legal rate to the date of payment. The agreement, secured by a performance deed of trust, shall be executed before the issuance of the first residential building permit or the recordation of the final map, whichever shall first occur, in a form as approved by the San Diego Housing Commission and its General Counsel, and the Agreement shall provide that time is of the essence in marketing the affordable units; or

- c. Enter into agreements satisfactory to the President & Chief Executive Officer, or designee, of the San Diego Housing Commission, that ensures that the inclusionary exemption conditions of San Diego Municipal Code Section 142.1303(b) are complied with in the sale of each exempted unit within the development. If the Owner/Permittee is unable to fulfill the requirements of this Section, the Inclusionary Regulations will be applied to the units that would have been exempted and the Owner/Permittee shall pay the then current and full Inclusionary Affordable Housing Fee as set forth in the Inclusionary Housing Regulations, or make an election to provide 10% of the total units in the development as For-Sale Affordable Housing Units as set forth in paragraph b, above.

**ENGINEERING REQUIREMENTS:**

11. The Planned Development Permit shall comply with the conditions of the Tentative Map No. 1531480.
12. If any excavated material is exported from the project site, it shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
13. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 25 ft wide driveway, adjacent to the site on Woodman Street, satisfactory to the City Engineer.
14. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drain systems, sewer and water facilities located within the City public easements or right-of-way, satisfactory to the City Engineer.
15. Prior to issuance of any construction permit, the Owner/Permittee shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
16. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
18. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-

0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

19. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

20. The drainage system for this project will be subject to approval by the City Engineer.

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

22. Prior to issuance of any construction permit, the Owner/Permittee shall assure, by permit, bond and As-built completion, the removal of portions of the existing Public Storm Drain system and construction of a current City Standard Public Storm Drain system per approved Exhibit 'A', in the City of San Diego Storm Drain Easement, satisfactory to the City Engineer.

**LANDSCAPING REQUIRMENTS:**

23. Prior to building permit issuance, landscape and irrigation plans substantially conforming to Exhibit 'A,' (Landscape Development Plan) shall be submitted to the Development Services Department for approval.

24. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. In the event that the Landscape Plan and the Public Improvement Plan conflict, the Public Improvement Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

25. Any existing landscape to remain, as indicated on the approved plans, that is damaged during construction shall be replaced in kind to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

26. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension 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.

27. 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. 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.

**PLANNING/DESIGN REQUIREMENTS:**

28. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

29. The Owner/Permittee shall maintain no fewer than 40 off-street parking spaces on the property at all times in the approximate locations shown on the Exhibit "A". Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

30. All outdoor lighting shall be shaded and adjusted to fall on the developed portion of the premises where such lights are located and in accordance with the applicable regulations of the SDMC.

31. The owner/permittee shall maintain Lots A, C and D as common open space. The open space lots shall not be reduced in size nor shall the amenities shown on Exhibit "A" be eliminated unless an amendment to this Planned Development Permit is approved. Amenities may be substituted for other like amenities if determined to be in substantial conformance by Development Services.

**TRANSPORTATION REQUIREMENTS:**

32. Prior to the issuance of the first construction permit, the owner/permittee shall assure by permit and bond construction of center raised median (2 to 14 feet wide) on Woodman Street, and re-striping Woodman Street along its entire frontage with any needed transition to the south as shown on Exhibit "A", satisfactory to the City Engineer.

33. Prior to the issuance of the first construction permit, the owner/permittee shall assure by permit and bond construction of internal 24 feet wide two-way private drive with a 35 feet bulb radius at its north end with 5.5 foot sidewalk around it, and on the south side of the drive as shown on Exhibit "A", satisfactory to the City Engineer.

34. The owner/permittee shall assure provision and maintenance of adequate sight distance visibility for entering and exiting vehicles at the project driveway on Woodman Street as shown on the sight distance analysis of Exhibit "A" with no barrier, embankment, or vegetation (except light/sign poles) higher than 3.5 feet within it.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

35. Prior to issuance of any building permits, the Owner/Permittee shall obtain an Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, medians, landscaping, enriched paving, curb, gutter and sidewalk, and electrical conduits to be installed within the public right-of-way.

36. Prior to issuance of any building permits, the Owner/Permittee shall obtain Encroachment Maintenance and Removal Agreement (EMRA) for the proposed 8-inch private sewer lateral located in Woodman Court.

37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices, on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

## ATTACHMENT 5

38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

39. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

40. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

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

### 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 MAY 23, 2016 and Resolution Number RR-310484

**ATTACHMENT 5**

Permit Type/PTS Approval No.: Planned Development Permit No. 1523467

Date of Approval: **MAY 23 2016**

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Derrick Johnson (DJ)  
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.

**Infill Development LLC**  
Owner/Permittee

By \_\_\_\_\_  
David Wieland  
Vice President

**Infill Development LLC**  
Owner/Permittee

By \_\_\_\_\_  
Lorraine Wieland  
President

Passed by the Council of The City of San Diego on MAY 23 2016, 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"/>
Lorie Zapf	<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"/>
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"/>
Chris Cate	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 23 2016.

(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 *Aty Brady*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 310484