

RESOLUTION NUMBER R- 311575

DATE OF FINAL PASSAGE MAR 05 2018

ITEM # 2018

3/5/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING NEIGHBORHOOD USE PERMIT NO. 2001744, SITE DEVELOPMENT PERMIT NO. 1669787, AND PLANNED DEVELOPMENT PERMIT NO. 1669786 FOR PACIFIC VILLAGE -- PROJECT NO. 470158.

WHEREAS, Village Penasquitos, LP, Owner and Lennar Homes of California, Inc., Permittee, filed an application with the City of San Diego for a Neighborhood Use Permit, Site Development Permit and Planned Development Permit to construct 600 dwelling units known as the Pacific Village project, located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive, and legally described as Lot 1 of Penasquitos Village in the City San Diego, County of San Diego, State of California according to Map thereof No. 6126, filed in the Office of the County Recorder of San Diego County, June 12, 1968, in the Rancho Penasquitos Community Plan area, and the RM-1-1 Zone, the MCAS Miramar Land Use Compatibility Overlay Zone, and Airport Influence Area (Review Area 2); and

WHEREAS, on December 7, 2017, the Planning Commission of the City of San Diego considered Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and Planned Development Permit No. 1669786 and pursuant to Resolution No. 4907-PC voted 5-1, with Commissioner Otsuji recusing, to recommend City Council approval of the Permit with a recommendation that the developer look at how to make a firm commitment regarding its relocation program; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on March 5, 2018, 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 Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and Planned Development Permit No. 1669786:

**I. NEIGHBORHOOD USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0205**

A. Findings for all Neighborhood Use Permit

1. The proposed development will not adversely affect the applicable land use plan. The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the Rancho Penasquitos Community Plan (RPCP) area. The project proposes to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, with deviations from the RM-1-1 zone development regulations and parking regulations. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood identification signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The project site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP. The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10 dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi-unit residential development at varying densities up to 15 dwelling units per acre and is consistent with the density range identified in the Neighborhood Planning Element. The density range shown in the Neighborhood Planning Element is the appropriate density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1 zone. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be limited to 30 feet in these areas. The project includes a Planned Development Permit to allow a deviation from the 30-foot height limit of the RM-1-1 zone. Structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide 60 affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the San Diego Housing Commission (SDHC).

The RPCP states that while the community overall should maintain a quiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to

existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Penasquitos residents by balancing development with the preservation of the community's natural resources and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Penasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements. 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 project is consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impacts upon the public health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. Furthermore,

this project has been reviewed pursuant to the California Environmental quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The project proposes to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, and access, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for setbacks, coverage, floor area ratio, open space, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow certain structures to exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall exceed the maximum permitted height within the rear yard setback. The requested height deviation is reasonable in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive to the surrounding development. The requested deviation for fence height within the 15-foot rear yard setback is necessary as the wall is proposed along the eastern edge of the property along Interstate-15 to attenuate freeway noise to an acceptable range required in the City's General Plan Noise Element and therefore, would reduce noises at the outdoor recreation areas to acceptable levels. The requested parking deviation is reasonable in light of City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project site. Additionally, the project would benefit the community by providing 268 additional dwelling units within the community, including 60 low-income housing units. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the LDC.

II. 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 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the Rancho

Penasquitos Community Plan (RPCP) area. The project proposes to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, with deviations from the RM-1-1 zone development regulations and parking regulations. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The project site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP. The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10 dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi-unit residential development at varying densities up to 15 dwelling units per acre and is consistent with the density range identified in the Neighborhood Planning Element. The density range shown in the Neighborhood Planning Element is the appropriate density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1 zone. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be

limited to 30 feet in these areas. The project includes a Planned Development Permit to allow a deviation from the 30-foot height limit of the RM-1-1 zone. As stated above, the structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide 60 affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the SDHC.

The RPCP states that while the community overall should maintain a quiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Penasquitos residents by balancing development with the preservation of the community's natural resources and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Penasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project

vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements. 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 project is consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. Furthermore, this project has been reviewed pursuant to the California Environmental quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development 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 deviation pursuant to the Land Development Code. The project proposes to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood identification signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The Project complies with the regulations of the LDC including requirements for setbacks, coverage, floor area ratio, open space, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow structures exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall exceed the maximum permitted height within the rear yard setback. The requested height deviation is reasonable in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive

to the surrounding development. The requested deviation for fence height within the 15-foot rear yard setback is necessary as the wall is proposed along the eastern edge of the property along Interstate-15 to attenuate freeway noise to an acceptable range required in the City's General Plan Noise Element and therefore, would reduce noises at the outdoor recreation areas to acceptable levels. The requested parking deviation is reasonable in light of City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project site. Additionally, the project would benefit the community by providing 268 additional dwelling units within the community, including 60 low-income housing units. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the LDC.

III. PLANNED DEVELOPMENT PERMIT –SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. See Finding I. A. 1. and II. A. 1. above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. See Finding I. A. 2 and II. A. 2 above.

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 Project complies with the regulations of the LDC including requirements for setbacks, coverage, floor area ratio, open space, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow certain structures to exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall exceed the maximum permitted height within the rear yard setback, as illustrated below:

Deviations from R-M-L-1 Zone and Parking Regulations		
SDMC Section	Required	Proposed (lots with deviation)
Maximum Structure Height (Section 131.0431(e), Table 131-04G0)	30 feet	Lot 1 - 32 feet Lot 3 - 36 feet Lot 4 - 39 feet (apartment buildings); Community Recreation Center - 36.67 feet
Solid Wall Height Within Setback (Section 142.0310(d))	Maximum 6-foot high solid wall within 15-foot rear yard setback	Lots 1 - 4; 12-foot high sound wall
Off-Street Parking (Section 142.0525, Table 142.05C and Table 142-05D)	Total Required (Basic/Additional Spaces) Lot 1: 322 spaces (222.75/99) Lot 2: 273 spaces (227.50/45.50) Lot 3: 303 spaces (252.50/50.50) Lot 4: 552 spaces (479.55/72.3) Total: 1450 spaces (1,182.3/267.30)	Total Provided (Garage/Surface parking) Lot 1 - 312 spaces (198/114) Lot 2 - 300 spaces (210/90) Lot 3 - 300 spaces (240/60) Lot 4 - 532 spaces (226/306) Total: 1,444 spaces (874 garage/570 surface)

Height Deviation: The proposed detached cluster dwelling units, townhomes, apartment buildings, and community recreation center would exceed the 30-foot height limit by a range of two to nine feet. The proposed deviation would allow for architectural enhancements through varied roof line heights, incorporation of decorative and architectural enhancements to improve project aesthetics. The project as designed minimizes the potential visual impact associated with the increased building heights due to:

- Grade differences between the proposed residential pads and the higher-grade elevation of Carmel Mountain Road;
- Design of the project sensitive to the surrounding scale and development pattern; and
- Visual buffer and screening provided by the existing mature trees.

At the northern edge of the project and the location of the tallest structures (39 feet above grade for the for-rent apartments), the structures would appear 33 feet tall from Carmel Mountain Road. The proposed townhomes at 36 feet tall would appear 17.5 feet above Carmel Mountain Road. The proposed detached homes in the southern part of the site would be at-grade with Carmel Mountain Road, and would appear 32 feet above the road.

Furthermore, the project has been designed to be sensitive to the scale of the surrounding development. The project proposes a maximum structure height of 32 feet in the southern portion of the site near the existing two-story residential development. Building heights incrementally increase in a northerly direction with the tallest buildings at the northern end of the property, near the existing commercial development. Lastly, the existing mature trees along Carmel

Mountain Road would be preserved, which would partially screen the buildings from the street, and provide more privacy for residents. Therefore, the requested height deviation is appropriate in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive to the surrounding development. Additionally, the project would benefit the community by providing additional housing, including 60 low-income housing units.

Fence Height: The project is requesting a deviation to allow a 12-foot tall solid wall within the 15-foot rear yard setback, whereas a maximum height of six feet is allowed. The wall is proposed along the eastern edge of the property along Interstate-15 to attenuate freeway noise to an acceptable range required in the City's General Plan Noise Element. Specifically, the proposed wall would reduce noises at the outdoor recreation areas to acceptable levels. As such, the proposed deviation from the fence height within the rear setback requirement would result in a better project that addresses outdoor noise restrictions per the City's General Plan Noise Element.

Parking: The requested deviation from the parking requirement of 1,450 spaces (1,182.3 required off-street spaces plus 267 guest spaces) is due to a lack of space on the project site as well as the supplemental parking requirements. In addition to the basic parking requirement based on number of units and bedroom count, the SDMC requires no less than 15 percent of off-street parking as guest parking for multi-family residential development. The SDMC also requires one extra space for each single dwelling unit not providing a 20-foot long driveway.


The project proposes a total of 1,444 spaces comprised of 874 garage spaces and 570 surface parking spaces resulting in a net shortage of 6 off-street parking spaces for the project as a whole as illustrated in the table above. Each of the for-sale residential condominiums will include a two-car garage. The project parking is deficient by ten parking spaces for the cluster units on Lot 1 and three parking spaces for the townhomes on Lot 3. The project proposes a total of 532 off-street parking spaces versus the 552 required spaces for the for-rent project component and is deficient by 20 parking spaces. While the project is deficient in required parking for the proposed cluster units, townhomes, and the apartment complex, 27 excess parking spaces are provided for the proposed triplex units on Lot 2. Furthermore, the project provides 267 guest spaces, which is 22 percent of the required 1,182 off-street spaces. The requested parking deviation is appropriate in light of the City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project site.

Based on the overall design of the project and aforementioned reasons, the requested deviations are appropriate at this location. The added housing units will provide additional opportunities for home ownership and rental within the community. The requested deviations for height, sound attenuating wall, and parking will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, by allowing the project to maximize the density on site, minimize potential freeway noise impact on the residents, and encouraging alternative modes of transportation in support of the City's Climate Action Plan.

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

BE IT FURTHER RESOLVED, that Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and Planned Development Permit No. 1669786 is granted to Village Penasquitos, LP, Owner and Lennar Homes of California, Inc., Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
02/13/2018
Or.Dept: DSD
Doc. No.: 1679492

**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: 24006477 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**NEIGHBORHOOD USE PERMIT NO. 2001744
SITE DEVELOPMENT PERMIT NO. 1669787
PLANNED DEVELOPMENT PERMIT NO. 1669786
PACIFIC VILLAGE – PROJECT NO 470158
CITY COUNCIL**

This Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and Planned Development Permit No. 1669786 is granted by the City Council of the City of San Diego to Village Penasquitos, LP, Owner and Lennar Homes of California, Inc., Permittee pursuant to San Diego Municipal Code (SDMC) sections 126.0205, 126.0504, and 126.0604. The 41.45-acre site is located at 10955 Carmel Mountain Road in the RM-1-1 Zone and the MCAS Miramar Land Use Compatibility Overlay Zone, and Airport Influence Area (Review Area 2), within the Rancho Penasquitos Community Plan area. The project site is legally described as: Lot 1 of Penasquitos Village in the City San Diego, County of San Diego, State of California according to Map thereof No. 6126, filed in the Office of the County Recorder of San Diego County, June 12, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 324 for-sale dwelling units and 276 for-rent dwelling units, with deviations from the RM-1-1 zone requirements, and construction of associated site improvements described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 05 2018 , on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 332-unit residential complex;
- b. Construction of 600 dwelling units consisting of 324 for-sale condominium dwelling units and 276 for-rent dwelling units, as follows:

1. 99, four-bedroom, for-sale single dwelling condominium units consisting of three floor plans ranging from 2,231 square feet to 2,461 square feet Gross Floor Area (GFA);
 2. 105, two- to four-bedroom, for-sale multi-unit triplex condominium units, consisting of three floor plans ranging from 2,123 square feet to 2,555 square feet GFA;
 3. 120, two- to four-bedroom, for sale condominium townhomes ranging in size from 2,145 square feet to 2,718 square feet GFA; and
 4. 276, for-rent dwelling units in four, three-story buildings, ranging in size from 750 square feet to 1,473 square feet. Sixty of the for-rent units shall be income restricted units subject to an affordable housing agreement acceptable to the San Diego Housing Commission.
- c. Construction of a one-story parking structure;
- d. Deviations as follows:
- (1) Maximum structure height: deviation to allow the structure heights of the detached residential cluster condominiums, townhomes, the apartment buildings, and the community recreation center to deviate from the maximum 30-foot height limit;
 - (2) Maximum wall height: deviation to allow the sound wall to exceed the maximum six-foot height within the rear yard setback; and
 - (3) Minimum off-street parking: deviation to allow 1,444 off-street parking spaces, where a total of 1,450 off-street parking spaces are required.
- e. Public improvements consistent with Vesting Tentative Map No. 1669785;
- f. Vacation of two existing easements (including a portion of an existing storm drain and road easement for sewer road and incidental purposes) and dedication of new easements consistent with VTM No. 1669785;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking;
- i. Retaining walls, fences, neighborhood signs, lighting, and recreational facilities;
- j. 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 MAR 05 2021.
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. The Owner/Permittee shall comply with all conditions of Vesting Tentative Map No. 1669785.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
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 MITIGATED NEGATIVE DECLARATION NO. 470158, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 470158 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:

PALEONTOLOGICAL RESOURCES
TRANSPORTATION/TRAFFIC

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

16. The Owner/Permittee is voluntarily electing to provide sixty (60) dwelling units as affordable to low income households for 55 years. Prior to the issuance of the first residential building permit, Owner/Permittee shall: (i) enter into an affordable housing agreement acceptable to the San Diego Housing Commission, which affordable housing agreement will restrict the aforementioned affordable dwelling units; and (ii) represent and warrant to the City and San Diego Housing Commission that the project complies with Section 142.1303(f) of the San Diego Municipal Code. By Owner/Permittee entering into and causing such affordable housing agreement, secured by a deed of trust, to be recorded against the property senior to all monetary encumbrances and making such representation and warranty, then, pursuant to Section 142.1303(f) of the San Diego Municipal Code, the project will be exempt from the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code (Inclusionary Affordable Housing Regulations).

ENGINEERING REQUIREMENTS:

17. The Planned Development Permit, Site Development Permit and Neighborhood Use Permit shall comply with all Conditions of the Final Map for the Tentative Map No. 1669785.

18. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain approvals from private utility agencies for work within utility easements located within the project boundaries, including the SDG&E 20-foot gas easement located in proposed lots one and two, satisfactory to the City Engineer.

20. The drainage system proposed for this development, as shown on the site plan, is private and 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 the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for the private storm drain connections to the Public Storm Drain System in the Public Storm Drain Easement.
23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of two driveways constructed to current City Standard per approved Exhibit "A," adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a meandering sidewalk constructed to current City Standard per approved Exhibit "A," adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the Owner/Permittee shall record a 10-foot wide Pedestrian Access Easement for the portions of the public sidewalk on private property, per approved Exhibit "A," adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.
26. Whenever street rights-of-way or public easements are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
27. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of two curb return access driveways constructed to City Standard per approved Exhibit "A," including current City Standard curb ramps Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Tile adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.
28. Prior to the issuance of any building permit, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Owner/Permittee shall assure, by permit and bond to install street lights conforming to current City Standard, per approved exhibit "A" adjacent to the site on Carmel Mountain Road.
29. 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.

30. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

31. Prior to the issuance of any construction permit, the applicant 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.

32. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

33. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, 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.

34. 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.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any construction 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 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

36. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards 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 Development Services Department. Construction plans shall show, label, and dimension a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

37. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term

maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

38. 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, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

39. Prior to issuance of the first building permit, the Owner/Permittee shall submit an exterior to interior noise analysis to identify the appropriate sound transmission reduction measures necessary to achieve an interior noise level that would not exceed 45 dBA as discussed in the Noise Study (January 10, 2017) prepared by Ldn Consulting, Inc. The following noise reduction measures shall include, but are not limited to:

- A proposed 12-foot wall from the northern most section of the site to Private Driveway 'C' and a 6-foot wall from Private Driveway 'C' to the southern boundary of the site located on the property line adjacent to the existing 8-foot Caltrans berm along Interstate 15;
- 5-foot barriers located on balconies constructed of stucco solid rail with plexiglass or a combination of open rail with plexiglass to block the line of sight to the roadway where second and third floor balconies are proposed with line of site to Interstate 15 on the eastern portion of the site;
- A minimum STC 36-40 rated dual pane window and mechanical ventilation shall be installed in the units adjacent to Interstate 15 from the northern most section of the site to Private Driveway 'C'; and
- A minimum STC 22-28 rated dual pane window, assemblies and mechanical ventilation shall be installed on all other units.

40. 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.

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

42. The Owner/Permittee shall post a copy of each approved discretionary Permit and Tentative Map in its sales office for consideration by each prospective buyer.

43. 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.

PARK AND RECREATION REQUIREMENTS:

44. Prior to issuance of any construction permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Park and Recreation Department for approval.

TRANSPORTATION REQUIREMENTS:

45. At project buildout, the Owner/Permittee shall permanently maintain 1,444 automobile parking spaces, including 40 standard accessible parking spaces with 5 van-sized accessible parking spaces, 60 motorcycle spaces, and 134 bicycle parking spaces within the approximate locations shown on the project's Exhibit "A". All on-site parking spaces and aisle widths shall comply at all times with the SDMC and shall not be converted and/or utilized for any other purpose, unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

46. Prior to issuance of any building permits, Owner/Permittee shall record a Shared Parking Agreement between all affected lots (Lot Nos. 1, 2, 3 and 4), satisfactory to the City Engineer.

47. Prior to issuance of any building permits for each lot, Owner/Permittee shall demonstrate through a Substantial Conformance Review that adequate parking will be provided within the approximate locations shown on the project's Exhibit "A."

48. Prior to issuance of any building permits, Owner/Permittee shall assure by permit and bond the construction of a traffic signal at the intersection of Carmel Mountain Road and Gerana Street, satisfactory to the City Engineer. This traffic signal shall be completed and accepted by the City Engineer prior to the issuance of the first Certificate of Occupancy.

49. Prior to issuance of any building permits, the Owner/Permittee shall construct a bicycle lane along Carmel Mountain Road of approximately 1,700 linear feet in order to complete a critical link, consistent with the City of San Diego Bicycle Master Plan, Rancho Penasquitos Community Plan, Street Design Manual, and City's Climate Action Plan to the satisfaction of the City Engineer.

50. Prior to issuance of any building permits, the Owner/Permittee shall construct a five-foot contiguous sidewalk along the total project frontage except in the approximate locations where non-contiguous sidewalks are shown on the Exhibit "A" to the satisfaction of the City Engineer.

GEOLOGY REQUIREMENTS:

51. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

52. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

53. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence that the wall along the northerly property line adjacent to the existing 15" VC has a minimum of 5' setback from the property line, in a manner satisfactory to the City Engineer.

54. All proposed privately maintained water and sewer facilities located within a single lot or private easement must be designed and constructed in accordance with the criteria established within the current California Plumbing Code and will be reviewed as part of the building permit plan check.

56. All proposed water and sewer facilities, both public and private, which are to be located within the public ROW or public easement must be designed and constructed in accordance with the criteria established within the City of San Diego's current water and sewer facility design guidelines, regulations, standards, and practices pertaining thereto.

57. If a three-inch or larger meter is required for this project, the Owner/Permittee shall construct the new meter above ground within the public ROW, or within an adequately sized public water easement, in a manner satisfactory to the Public Utilities Director and the City Engineer.

58. No trees or shrubs whose height will be three feet or greater at maturity shall be installed or retained within five feet of any publicly maintained water facilities or within ten feet of any publicly maintained sewer facilities.

59. No improvements, including grading, landscaping, private water and sewer facilities construction, or enhanced paving, can be undertaken in or over any public water or sewer easement prior to the applicant obtaining an approved Encroachment Maintenance and Removal Agreement (EMRA). The EMRA shall be approved prior to issuance of any building permit.

60. Prior to the issuance of any Building Permit, all proposed private underground utilities within a public sewer easement must be located and labeled on both the Site Plan and on an approved City Construction Record Drawing (D-sheet). Labels must include the right of the facility to encroach (i.e. the approved EMRA #).

61. Prior to the issuance of any building permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPD), 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.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 05 2018 and
Resolution No. R- 311575

Permit Type/PTS Approval No.: NUP No. 2001744, SDP No. 1669787, and PDP No. 1669786
Date of Approval: MAR 05 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

NAME

Firouzeh Tirandazi

**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.**

VILLAGE PENASQUITOS, LP
Owner

By _____

Stanley D. Cohen
Managing Partner

LENNAR HOMES OF CALIFORNIA, INC.
Permittee

By _____

David Stearn
Vice President – Land
Acquisition/Planning

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

Passed by the Council of The City of San Diego on MAR 05 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input checked="" 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 05 2018.

(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 *Hayley Ready*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311575