

RESOLUTION NUMBER R- 312502

DATE OF FINAL PASSAGE JUN 04 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING MASTER PLANNED DEVELOPMENT PERMIT NO. 2265103, SITE DEVELOPMENT PERMIT NO. 2152399, AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2192974 FOR CAL TERRACES PA61 - PROJECT NO. 605191.

WHEREAS, PARDEE HOMES, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974 (collectively "Permit") to subdivide a 14.6-acre site into two (2) lots for the creation of 171-267 multi-family residential condominium units, one private recreational park, and 45,000 square feet of future commercial development known as the Cal Terraces PA61 project (Project), located south of Otay Mesa Road, east of Caliente Avenue, and north of SR-905, and legally described as: Parcel 1: All that portion of the northwest quarter of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Base and Meridian in the City of San Diego, County of San Diego, California according to the official plat thereof, described as follows: Beginning at the northwest corner of said Section 32, thence along the westerly line of said Section 32, south 00°18'24" west 348.92 feet; thence south 61°46'14" east 309.64 feet; thence south 72°16'59" east 1107.21 feet to an intersection with the easterly line of said northwest quarter of the northwest quarter of said Section 32; thence along said easterly line north 00°26'17" east 804.78 feet to an intersection with the northerly line of said section 32; thence along said northerly line north 88°48'52" west 1332.08 feet to the point of beginning; Parcel 2: That portion of the west one-half of the northwest quarter of Section 32, Township 18 south, Range 1 west, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of

California, according to the official plat thereof, more particularly described as “Parcel 2” quitclaim deed to Rancho Villa Apartments No. 2 LLC, recorded on June 24, 2002 as DOC #2002-0530243 in the Office of the County Recorder of said County, in the Otay Mesa Community Plan area, in the CC-1-3 zone. One of the two lots of the site is proposed to be rezoned to the RM-2-5 zone; and

WHEREAS, on April 11, 2019, the Planning Commission of the City of San Diego considered and, pursuant to Resolution No. 5000-PC, voted to recommend the City Council approve the Permit, with a modification to Condition No. 46; 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 June 4, 2019, 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 City Council of the City of San Diego, that it adopts the following findings with respect to the Permit:

A. **SITE DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0504(a)**

1. **Findings for all Site Development Permits:**

a. **The proposed development will not adversely affect the applicable land use plan.** The 14.6-acre site is located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road just north of State Route 905 within the Northwest District of the Otay Mesa community planning area and is currently designated Community Commercial-Residential Prohibited within the Otay Mesa Community Plan. Additionally, the project lies within the Airport Influence Area (Brown Field / Review Area 2), the Community

Plan Implementation Overlay Zone Type A (CPIOZ-A), the FAA Part 77 Notification Area (Brown Field / 576' AMSL), and the Transit Priority Area.

The project includes a request for a Community Plan Amendment (CPA) to redesignate a 9.20-acre portion of the project site from Community Commercial–Residential Prohibited to Residential Medium density which would permit multi-family residential development at a density range of 15 to 29 dwelling units per acre. The CPA would also include a reclassification of the segment of Caliente Avenue between Otay Mesa Road and State Route 905 westbound On-Ramp from a six-Lane Primary Arterial to a five-Lane Primary Arterial (three lanes southbound and two lanes northbound) as depicted within the Community Plan’s Roadway Classification Map. Additionally, the project proposes the subdivision of an existing parcel into two lots and the construction of 171 to 267 residential condominiums with ten percent of the units to be affordable (Lot 2) and 45,000 square feet of retail space (Lot 1).

The project would be consistent with specific Otay Mesa Community Plan policies pertaining to housing and commercial development. The Community Plan’s Land Use Element provides a distribution of land uses of sufficient capacity for a variety of uses, facilities, and services needed to serve the community. The proposed CPA would reduce the amount of land planned for retail use by 9.20-acres and increase overall housing capacity between 171 and 267 dwelling units. A retail analysis evaluating the land use change concluded that the proposed reduction of commercial land would have no adverse impact on the local retail environment.

The addition of housing to the site would implement the housing goals and policies of the Community Plan and the General Plan including policies to integrate a variety of housing types within village and residentially designated areas (including the provision of larger units) with multi-modal transportation access to the employment centers within the eastern portion of community. The project housing includes units with 3-4 bedrooms and 3-3.5 baths each with 2-car garages. The project site is within a Transit Priority Area and located directly adjacent to the Metropolitan Transit System Bus Routes 905 A and B, and within a half mile of a future bus rapid transit stop and a quarter mile of the existing Caliente Avenue Park and Ride Facility. Transit service connects the site to the community’s main employment areas, including the nearby Ocean View Hills Corporate Center and Otay Corporate Center South, as well as those within the eastern portion of the community. Additionally, the site provides links to the Otay Mesa Bicycle network with a Class II bike land adjacent to the site on Caliente Avenue and a Class III bike route adjacent to the site along Otay Mesa Road.

The project would implement various Community Plan and General Plan Policies related to providing affordable housing within this community and the City as a whole, including Community Plan Policy 2.2-6, to “promote affordable housing development through the provision of a variety of housing types, townhomes smaller-lot single-family homes, and other types of housing that are affordable in nature.” Increasing land available for multi-family housing and constructing housing in a townhome configuration with an onsite set-aside for affordable dwelling units will increase housing variety and affordability in this community.

Additionally, the project would be consistent with Community Plan Policy 2.3-1 to “maintain lands for commercial development within Otay Mesa to serve the demands of the

residential and employment communities.” The project would retain a portion of the site as commercial use for future development of a 45,000 square foot shopping center.

Based upon a review of the City’s strategic housing and community planning goals, as well and the General Plan Land Use Element (specifically Policy LU-D.13), the site would best serve the Northwest District and support the land use plan as residential and commercial use rather than commercial only. The City of Villages strategy encourages development that increases housing supply and diversity within compact, mixed-use activity centers that are integrated into the larger community. The project would add residential use within a portion of a site previously planned exclusively for commercial use focusing growth within a mixed-use activity center that would be pedestrian-friendly and in proximity to the public transit. As a residential and commercial development, the project would increase the housing supply within the community as a whole and also within proximity to a future planned commercial center and would thus promote the General Plan’s City of Villages strategy.

The General Plan provides noise compatibility standards for interior and exterior noise that apply to the residential and commercial development components. The residential component would be affected by offsite vehicle traffic noise within the General Plan’s thresholds for both interior and exterior noise. The project would be designed to incorporate sound transmission reduction measures demonstrating that building structures will attenuate both interior and exterior noise to be within the General Plan noise compatibility standards in accordance with Addendum No. 605191 and the Mitigation, Monitoring, and Reporting Program to Program Environmental Impact Report No. 30330/304032 /SCH No. 2004651076.

Community Plan Policy 4.1-8 states that to “minimize exposure of residential uses from noise, traffic and air quality impacts associated with SR-905 and truck routes through: the orientation of buildings and site planning, the design of buildings, landscape treatments, and distance separation.” Although the project would place residential units within close proximity to a freeway, thereby potentially subjecting the occupants to air quality emissions impacts above the applicable City thresholds, the project includes design measures such as HVAC units with air filters capable of filtering particles ranging from 1.0 to 10.0 ppm in size by more than 90 percent as identified in the project’s Air Quality Analysis (Recon Environmental, Inc, September 17, 2018) ensuring impacts associated with potential exposure to air quality emissions would not result in significant impacts to the residents of the project site.

The project would comply with Community Plan Update (CPU) Policy 8.1-3, which calls for the planning of development to minimize grading as it relates to natural features of the CPU area. The project would minimize grading to the extent needed to build the proposed structures and grading would not affect any surrounding natural features.

In regard to General Plan policies, the project would comply with policies UD-A.6 and UD-8.1 by creating a street frontage along Otay Mesa Road that includes a sidewalk and landscaped area to provide visual appeal and an enhanced pedestrian experience, while constructing a multi-use townhome complex adjacent to future commercial area. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of new streets and driveways, has been designed to conform with the City of San Diego's codes, policies, and regulations with the primary focus of protecting the public's health, safety and welfare. The conditions of approval of the project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would work within the site and within the community. Conditions of approval address driveway, public improvements, new street lights, new center medians, landscaping and grading. Storm water impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features, such as source control and treatment control Best Management Practices.

Addendum No. 605191 to Program Environmental Impact Report (PEIR) No. 30330/304032/SCH No. 2004651076 prepared for the Otay Mesa Community Plan update, has been prepared in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance.

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 as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Master Planned Development Permit (MPDP) No. 2265103, Site Development Permit (SDP) No. 2152399, and Neighborhood Development Permit (NDP) No. 2192974, and other regulations and guidelines pertaining to the subject property per the SDMC for the project site. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain construction permits. Therefore, the proposed development 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 allowable deviations pursuant to the Land Development Code. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated to affordable housing (Lot 2) and 45,000 square feet of retail space (Lot 1). Three deviations are being requested as part of the project design and the following outlines the deviations and justifications.

Street side yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, street side yard setback, to allow a 10-foot street side yard setback where minimum street side yard setback is 10 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for residential dwelling units located along Street "A" and Street "B" which proposes street lengths of approximately 240 feet from Otay Mesa Road. The project site has a width of over 800 feet, which would require a minimum street side setback of 80 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing affordable housing, pedestrian-level activity and transitions between residential and commercial areas. An 80-foot side yard setback would eliminate much of the development footprint preventing the development from maximizing the number of the residential units.

Side yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, side yard setback, to allow a 10-foot street side yard setback where minimum side yard setback is five feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for the residential dwellings located along the western and eastern property lines. The project site has a width of over 800 feet, requiring a minimum side setback of 80 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing, affordable housing, pedestrian-level activity and providing transitions between residential and commercial areas. An 80-foot side yard setback would eliminate much of development footprint preventing the development from maximizing the number of the residential units.

Front yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, front yard setback, to allow a 10-foot setback along Otay Mesa Road, where a minimum 15 feet and 20 feet is required. The project is proposing a front yard setback of 10 feet along Otay Mesa Road. There are two proposed cul-de-sac streets off Otay Mesa Road that will provide driveway access to the proposed development. With the deviation, the project will be able to maximize its developable area and allow for an adequate parkway inclusive of noncontiguous sidewalks, rear yard landscaping for dwelling units adjacent to Otay Mesa Road, and pedestrian access and building articulation.

The above three deviations have been analyzed by staff and determined to be consistent with the goals and recommendations of the General Plan, the Otay Mesa Community Plan, and the purpose and intent of the CC-1-3 and RM-2-5 zones. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed project provides a mixed residential/commercial development in accordance with development standards of the RM-2-5 zone, the CC-1-3 zone, and the Otay Mesa Community Plan. The proposed development will assist in providing affordable housing units and market-rate housing opportunities in a transit-friendly area near commercial centers. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

2. **Supplemental Findings - Environmentally Sensitive Lands - SDMC Section 126.0505:**

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent dedicated to affordable units at a sliding scale based on the number of units (Lot 2). The residential units will be set aside for households earning 100 percent of the Area Medium Income (AMI). The project also includes a private community park, and 45,000 square feet of retail space (Lot 1). The 14.6-acre site is located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road, just north of State Route 905 within the CC-1-3 zone of the Northwest District of the Otay Mesa community planning area and is currently designated Community Commercial-Residential Prohibited within the Otay Mesa Community Plan. The proposed project includes a Community Plan Amendment to re-designate the site from Community Commercial-Residential Prohibited to Residential Medium density and a rezone from CC-1-3 to RM-2-5 for Lot 2 only, totaling approximately 9.2-acres. Lot 1, totaling approximately 4.6 acres, will remain Community Commercial- Residential Prohibited (CC-1-3).

The project is part of the California Terraces Precise Plan approved by the City Council on April 12, 1994. The Precise Plan included development of approximately 664.8-acres in the western portion of Otay Mesa with 5,375 residential dwelling units, 22.4-acres of commercial uses, 153.4-acres of open space, four school sites comprised of 53.6-acres, 26.2-acres for parks, and other associated public utilities. The subject 14.6-acre project site consists of a previously graded area and detention basin and has been disturbed. The entire project has been designed to be consistent with the City's adopted Multiple Species Conservation Plan (MSCP). As outlined in the Addendum No. 605191, all required biological mitigation measures will be implemented as identified in the Precise Plan's PEIR No. 30330/304032/SCH No. 2004651076. The project will not increase the development footprint of the Otay Mesa Community Plan.

The California Terraces Precise Plan has been designed to minimize the impacts to sensitive resources and lands. The project site is entirely fenced with earthen berms around the eastern and southern perimeters. The majority of the site is comprised of a dense layer of Russian thistle, which ranges from one foot to three feet in height. The proposed development has minimal topographical relief, most of which has been disturbed through previous agricultural practices. As a result, both grading and disturbance of sensitive habitat will be minimized. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimal disturbance to environmentally sensitive lands.

b. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The proposed project has been designed to meet the storm water requirements of the California Regional Water Quality Control Board. The Project will utilize biofiltration basins on-site to meet both the treatment and hydromodification requirements. The project site is located within geologic hazards zone 53 as shown on the City's Seismic Safety

Study. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk and determined to be suitable for the proposed development.

The project has been designed to minimize alterations to natural landforms. Development footprints have been located to minimize erosion, flood, and fire hazards. Although the project's footprint is not expanding, road circulation has been changed within this area to accommodate an additional 171 to 267 multi-family dwelling units. The project would be required to utilize proper engineering design and utilization of standard construction practices, to be verified at the grading permit stage. There is no brush management required for this project because the property falls outside of the Multiple Habitat Planning Area (MHPA). Additionally, each housing unit will contain fire sprinklers. The project is located out of the floodway and, therefore, will not be subject to flooding. As such, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). The proposed development is located outside of and not adjacent to environmentally sensitive lands including MHPA lands as defined by the Otay Mesa Community Plan Update and not adjacent to a vernal pool habitat conservation area. The 500-foot buffer surrounding the project site is comprised of disturbed land and urban/developed land. Disturbed land is dominated by Russian thistle, red brome, and Australian saltbush occurs adjacent to the project site to the east. Otay Mesa Road lies to the north and a developed area with multi-family residences lies beyond Otay Mesa Road. An empty lot comprised of bare ground and disturbed land is to the northwest of the project site. Caliente Avenue is to the west and SR-905 is to the south of the project site. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP). The project is located outside of and not adjacent to environmentally sensitive lands including the Multiple-Habitat Planning Area (MHPA) and the Vernal Pool Habitat Conservation Area identified within the Otay Mesa Community Plan.

Although the project site is located outside of and not adjacent to MHPA, the project does contain burrowing owl habitat. A Western Burrowing Owl Non-Breeding Survey (Burrowing Owl Survey) was completed for the project by RECON Environmental, Inc. (RECON 2018). As detailed therein, the project site does contain habitat that is suitable for burrowing owl burrows, and a burrow complex comprised of seven burrows was observed within a portion of the site. However, no burrowing owls were detected within the project site during the nonbreeding season survey. Although no burrowing owls were detected during the non-breeding season survey, there is a moderate potential for this species to occur within the western portion of the project site, as the habitat is less dense and suitable burrows are present. Consistent with the 2013 Program EIR, the project would include mitigation measures as anticipated under the mitigation framework.

The project would include mitigation measure BIO-1, which requires site-specific biological surveys to determine the potential for sensitive species, along with the provision for the proposal for site-specific mitigation, if necessary, to reduce impacts to sensitive species or habitats. Compliance with the 2013 PEIR mitigation framework related to burrowing owls would ensure that the project would not conflict with environmentally sensitive lands per SDMC Section 143.0101 as it pertains to biological resources. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and the VPHCP.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located approximately six miles inland from public beaches and local shoreline; therefore, will not contribute to erosion of public beaches or adversely impact shoreline and sand supply. Detention basins are provided on-site to reduce surface water runoff and reduce water runoff velocities to the extent water runoff might increase downstream siltation and contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Addendum No. 605191 to PEIR No. 30330/304032/SCH No. 2004651076 prepared for the Otay Mesa Community Plan update, has been prepared in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance. Thus, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been or will be incorporated into the conditions of the development permit. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

B. MASTER PLANNED DEVELOPMENT PERMIT - SDMC SECTION 126.0605

1. Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. As outlined in Site Development Permit Finding No. (1)(a), the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. As outlined in Site Development Permit Finding No. (1)(b), the proposed development 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 project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated to affordable housing (Lot 2) and 45,000 square feet of retail space (Lot 1). Three deviations are being requested as part of the project design and the following outlines the deviations and justifications:

Street side yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, street side yard setback, to allow a 10-foot street side yard setback where minimum street side yard setback is 10 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for residential dwelling units located along Street "A" and Street "B" which proposes street lengths of approximately 240 feet from Otay Mesa Road. The project site has a width of over 800 feet, which would require a minimum street side setback of 80 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing affordable housing, pedestrian-level activity and transitions between residential and commercial areas. An 80-foot side yard setback would eliminate much of the development footprint preventing the development from maximizing the number of the residential units.

Side yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, side yard setback, to allow a 10-foot street side yard setback where minimum side yard setback is 5 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for the residential dwellings located along the western and eastern property lines. The project site has a width of over 800 feet, requiring a minimum side setback of 80 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing, affordable housing, pedestrian-level activity and providing transitions between residential and commercial areas. An 80-foot side yard setback would eliminate much of development footprint preventing the development from maximizing the number of the residential units.

Front yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, front yard setback, to allow a 10-foot setback along Otay Mesa Road, where a minimum 15 feet and 20 feet is required. The project is proposing a front yard setback of 10 feet along Otay Mesa Road. There are two proposed cul-de-sac streets off Otay Mesa Road that will provide driveway access to the proposed development. With the deviation, the project will be able to maximize its developable area and allow for an adequate parkway inclusive of noncontiguous sidewalks, rear yard landscaping for dwelling units adjacent to Otay Mesa Road, and pedestrian access and building articulation.

The proposed setback deviations 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 by allowing the development to maximize the number of market and affordable residential units. Additionally, the deviations will allow the construction of a private neighborhood park offering sitting areas, a tot lot, and an open grassy play area; provide a strong

transition between residential and commercial areas; and allow for a more beneficial design layout, both architecturally and in the overall community. The project includes Master Planned Development Permit Design Guidelines to be implemented at ministerial plan check to assure distinct residential and commercial designs standards are being met associated with architecture, landscape, walls and fences, and signage.

The proposed project has been determined to be consistent with the goals and recommendations of the General Plan, the Otay Mesa Community Plan, and the purpose and intent of the CC-1-3 and RM-2-5 zones. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed project provides a mixed residential/commercial development in accordance with development standards of the RM-2-5 zone, the CC-1-3 zone, and the Otay Mesa Community Plan. The proposed development will assist in providing affordable housing units and market-rate housing opportunities in a transit-friendly area near commercial centers. Therefore, 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.

C. NEIGHBORHOOD DEVELOPMENT PERMIT - SDMC SECTION 126.0404

1. Findings for all Neighborhood Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. As outlined in Site Development Permit Finding No. (1)(a) listed above, The proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. As outlined in Site Development Permit Finding No. (1)(b) listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. As outlined in Site Development Permit Finding No. (1)(c) listed above, the proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

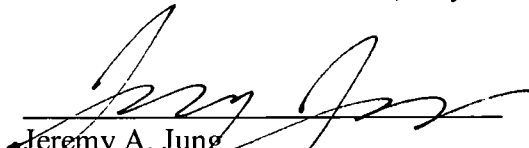
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974 is

approved and granted to PARDEE HOMES, a California Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, contingent upon final passage of Resolution No. R- 312500 amending the General Plan and Otay Mesa Community Plan and Ordinance No. O- 21081 rezoning a portion of the project site.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jeremy A. Jung
Deputy City Attorney

JAJ:als
05/16/2019
06/04/2019 Cor. Copy
Or.Dept:DSD
Doc. No.: 2006966_2

Attachment: Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974

**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: 24007824

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**MASTER PLANNED DEVELOPMENT PERMIT NO. 2265103
SITE DEVELOPMENT PERMIT NO. 2152399
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2192974
CAL TERRACES PA61 - PROJECT NO. 605191 [MMRP]
CITY COUNCIL**

This Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974 (collectively "Permit") is granted by the City Council of the City of San Diego to PARDEE HOMES, a California Corporation, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 143.0920, 143,0480, 126.0402, 126.0502, 126.0605, and 143.0110. The 14.60-acre site is located south of Otay Mesa Road, east of Caliente Avenue, and north of SR-905 in the CC-1-3 zone of the Otay Mesa Community Plan. The project site is legally described as: Parcel 1: All that portion of the northwest quarter of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Base and Meridian in the City of San Diego, County of San Diego, California according to the official plat thereof, described as follows: Beginning at the northwest corner of said Section 32, thence along the westerly line of said Section 32, south 00°18'24" west 348.92 feet; thence south 61°46'14" east 309.64 feet; thence south 72°16'59" east 1107.21 feet to an intersection with the easterly line of said northwest quarter of the northwest quarter of said Section 32; thence along said easterly line north 00°26'17" east 804.78 feet to an intersection with the northerly line of said section 32; thence along said northerly line north 88°48'52" west 1332.08 feet to the point of beginning; Parcel 2: That portion of the west one-half of the northwest quarter of Section 32, Township 18 south, Range 1 west, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the official plat thereof, more particularly described as "Parcel 2" quitclaim deed to Rancho Villa Apartments No. 2 LLC, recorded on June 24, 2002 as DOC #2002-0530243 in the Office of the County Recorder of said County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of a minimum of 171 to a maximum of 267 residential condominium units and a maximum of 45,000 square feet of retail space described and identified by size, dimension, quantity, type, and location on the approved exhibits and the California

Terraces - PA61 Master Planned Development Permit [Exhibit "A"], dated _____
on file in the Development Services Department.

The project shall include:

- a. The construction of a minimum of 171 to a maximum of 267 residential condominium units consisting of 3-4 bedrooms, 3.5 baths, and 2-car garages with ten percent dedicated to affordable housing units at a sliding scale based on the number of units constructed (Lot 2). The affordable housing units will be set aside for households earning 100 percent of the Area Medium Income (AMI);
- b. The construction of up to 45,000 square feet of commercial retail (Lot 1);
- c. An 8,276 square-foot private park;
- d. Deviations:
 - i. A deviation from SDMC Section 131.0443, Table 131-04G allowing a reduction in the minimum front yard setback/standard front yard setback to 10 feet where 15 feet and 20 feet are required;
 - ii. A deviation from SDMC Section 131.0443, Table 131-04G allowing a reduction in the minimum street side yard setback to 10 feet where the greater of five feet or 10 percent of the premise's width is required;
 - iii. A deviation from SDMC Section 131.0443, Table 131-04G allowing a reduction in the minimum side yard setback to 10 feet where the greater of 10 feet or 10 percent of the premise's width is required;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking;
- 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 _____.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. 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.
8. 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.
9. All 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 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.

10. 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 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.

CLIMATE ACTION PLAN REQUIREMENTS:

11. 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.

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 Addendum No. 605191 to Program Environmental Impact Report No. No. 30330/304032/SCH No. 2004651076, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Permittee shall comply with the MMRP as specified in Addendum No. 605191 to Program Environmental Impact Report (PEIR) No. No. 30330/304032/SCH No. 2004651076, 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:

- Historical Resources
- Transportation/Circulation
- Biological Resources
- Paleontological Resources

NOISE REQUIREMENTS:

15. Prior to issuance of any residential building permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures demonstrating that building structures will attenuate exterior noise to a 45 dBA CNEL in habitable residential space per the preliminary recommendations of the project-specific Acoustical Analysis Report by Recon on October 25, 2018.

16. Prior to issuance of any residential building permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures that will attenuate exterior noise to a (noise level stated in report) in private outdoor use areas per the preliminary recommendations of the project-specific Acoustical Analysis Report by Recon on October 25, 2018.

17. Prior to issuance of Final Inspection, the Owner/Permittee shall submit two copies of the final Acoustical Analysis Report with the construction documents to the Building Inspector.

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

19. The Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974 shall comply with all Conditions for the Final Map pursuant to Vesting Tentative Map No. 2152396.

20. 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.

21. Prior to the issuance of any construction 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 construction permits, the Owner/Permittee shall obtain a letter of permission from the neighboring lot to improve Street B, pursuant to Exhibit "A," in a manner satisfactory to the City Engineer.
23. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, dedicate and improve Caliente Road and Otay Mesa Road adjacent to the project site, as shown on approved Exhibit "A," per current City Standards, in a manner satisfactory to the City Engineer.
24. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, dedicate and improve Street "A," and Street "B" within the project site, as shown on approved Exhibit "A," pursuant to current City Standards, in a manner satisfactory to the City Engineer.
25. Whenever street rights-of-way 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 Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
26. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard driveways, per the approved Exhibit "A," in a manner satisfactory to the City Engineer.
27. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard curb ramps, sidewalks, curb and gutter, per the approved Exhibit "A," in a manner satisfactory to the City Engineer.
28. The drainage system for this project, per approved Exhibit "A," will be subject to approval by the City Engineer.
29. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for all private connections to public storm drain systems, in a manner satisfactory to the City Engineer.
30. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, for the private sewer within the Street "A" Right-of-Way per the approved Exhibit "A," in a manner satisfactory to the City Engineer.

31. Prior to the issuance of any construction permits, the applicant 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.
32. Prior to the issuance of any construction permits, 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.
33. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance, in a manner satisfactory to the City Engineer.
34. 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.
35. 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.
36. Prior to the issuance of any construction permits, the Owner/Permittee shall vacate a portion of Otay Mesa Road Right-of-Way located north of the site as shown per the approved Exhibit "A," in a manner satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

37. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
38. Prior to issuance of any public improvement permit, 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.

39. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are 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 provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per SDMC §142.0403(b)(5).

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

41. 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.

42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

43. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

44. 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.

45. The Owner/Permittee shall ensure that the Parks and Recreation Department reviews the public improvement plans for approval prior to the issuance of a building permit for the first residential development.

46. There shall be compliance with the regulations of the California Terraces PA61 Master Planned Development Permit Design Guidelines and underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition or approval of this permit.

PARK AND RECREATION REQUIREMENTS:

47. All landscape to be maintained by a Maintenance Assessment District shall have a two-year maintenance and monitoring period prior to project approval and acceptance by the City Park and Recreation Dept.

48. All work done within a City of San Diego Maintenance Assessment District shall be in accordance with the City of San Diego Consultant's Guide to Park Design and Construction.

TRANSPORTATION REQUIREMENTS

49. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

50. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate 12 feet for public right of way purposes along the project's Caliente Avenue frontage and assure by permit and bond the construction of a 22-foot parkway with non-contiguous 6-foot wide sidewalks, in a manner satisfactory to the City Engineer.

51. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a full width raised median on Caliente Avenue along the full project frontage from Otay Mesa Road to SR-905 west bound off-ramp, in a manner satisfactory to the City Engineer.

52. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate between two to 12 feet of project frontage for public right-of-way purposes in accordance with Exhibit "A" along Otay Mesa Road and assure by permit and bond the construction of between 12 to 22 feet of parkway with non-contiguous sidewalks of five to six feet wide, with curb and gutter in accordance with Exhibit "A," in a manner satisfactory to the City Engineer.

53. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of curb ramps at the southwest and southeast corners of Otay Mesa Road and Street "A," in a manner satisfactory to the City Engineer.

54. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal at Otay Mesa Road and Emerald Crest Court (Street "B"), satisfactory to the City Engineer. These improvements shall include removal of the existing K-Rail and fence along Otay Mesa Road between Caliente Avenue and Emerald Crest

Court (Street "B") and replacement with a raised median, satisfactory to the City Engineer, to allow for full turning movements at the new traffic signal. These improvements shall be completed and accepted by the City Engineer prior to the first certificate of occupancy.

55. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of a cul-de-sac at Emerald Crest Court (Street "B") with 60 feet curb to curb in an 80-foot right-of-way including a 10-foot parkway with a non-contiguous five-foot wide sidewalk, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first certificate of occupancy.

56. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a right turn lane deceleration lane on Otay Mesa Road at Emerald Crest Court (Street "B"), satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first certificate of occupancy.

57. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two driveways on the Emerald Crest Court (Street "B") cul-de-sac bulb. The driveway that will access Lot 2 shall be 25 feet wide, and the driveway that will access APN 645-08-18 shall be a maximum of 30 feet wide, in a manner satisfactory to the City Engineer.

58. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Street "A" in accordance with Exhibit "A," with 30 feet curb to curb in a 50-foot right-of-way including a 10-foot parkway with non-contiguous five-foot wide sidewalks, curb and gutter, in a manner satisfactory to the City Engineer.

59. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two driveways on the Street "A" cul-de-sac bulb. The driveway that will access Lot 1 shall be 26 feet wide, and the driveway that will access Lot 2 shall be a maximum of 25 feet wide, in a manner satisfactory to the City Engineer.

60. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a right turn lane deceleration lane on Otay Mesa Road at Street "A," with right in/right-out only access, in a manner satisfactory to the City Engineer.

61. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal at Caliente Avenue at Airway Road, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first certificate of occupancy.

62. Prior to the issuance of any building permit, the Owner/Permittee shall restripe the intersection of SR-905 westbound off-ramp and Caliente Avenue to provide a southbound approach on Caliente Avenue with one through lane, one through-right lane, and one right-turn

lane, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first certificate of occupancy.

63. Owner/Permittee shall provide a minimum of 194 parking spaces for the future 45,000 square foot of commercial development to be located at Lot 1.

64. Prior to any work starting in the City of San Diego street right-of-way, the Owner/Permittee shall obtain a public right-of-way permit for traffic control, in a manner satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

65. The proposed development is currently subject to the following reimbursement fees: The Otay Mesa Sewer Surcharge fee of \$1821.75 per living unit plus 6.0% simple interest from March 12, 2008 (21351-D-O). The South San Diego/Otay Mesa Water Reimbursement fee of \$1,066.00 per EDU for Zone 680 plus 6.0% interest from December 5, 2000 (30867-D-B).

66. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], 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.

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

68. 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 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.

COR. COPY

- 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 JUN 04 2019 by
Resolution No. R- 312502.

COR. COPY

Master Planned Development Permit No. 2265103,
Site Development Permit No. 2152399,
Neighborhood Development Permit No. 2192974
Date of Approval: JUN 04 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

William Zounes
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.**

Pardee Homes, a California corporation,
Owner/Permittee

By _____
Jimmy Ayala
Division President

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

JUN 04 2019

Passed by the Council of The City of San Diego on _____, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JUN 04 2019

Date of final passage _____

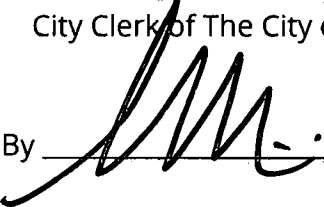
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By  _____, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Resolution Number R- <u>312502</u></p>
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