

#334C
11-15-2022

(R-2023-237)

RESOLUTION NUMBER R- 314471

DATE OF FINAL PASSAGE NOV 15 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING MASTER PLANNED
DEVELOPMENT PERMIT NO. 2568951, SITE
DEVELOPMENT PERMIT NO. 2568962, NEIGHBORHOOD
DEVELOPMENT PERMIT NO. 2568963, CALIFORNIA
TERRACES PA61 (LOT 1) - PROJECT NO. 690358 (MMRP),
AMENDMENT TO MASTER PLANNED DEVELOPMENT
PERMIT NO. 2265103, SITE DEVELOPMENT PERMIT NO.
2152399 AND NEIGHBORHOOD DEVELOPMENT PERMIT
NO. 2192974.

WHEREAS, Tri Pointe Homes, Inc., Owner/Permittee, filed an application with the City of San Diego for a Master Planned Development Permit No. 2568951, Site Development Permit No. 2568962, and Neighborhood Development Permit No. 2568963, amendment to Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974, to construct 79 residential condominiums known as the California Terraces PA61 (Lot 1) project, located south of Otay Mesa Road, east of Caliente Avenue, and north of SR-905, and legally described as Lot 1 of California Terraces PA61 Final Map No. 16413 recorded on August 27, 2020, as File No. 2020-7000258, in the Otay Mesa Community Plan area, in the CC-1-3 zone and AR-1-1 which is proposed to be rezoned to the RM-2-5 zone; and

WHEREAS, on September 29, 2022, the Planning Commission of the City of San Diego considered Master Planned Development Permit No. 2568951, Site Development Permit No. 2568962, and Neighborhood Development Permit No. 2568963, amendment to Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974, and pursuant to Resolution No. 5211 -PC voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on NOV 15, 2022, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, [including information provided by affected third parties and verified by City staff], with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the San Diego 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Master Planned Development Permit No. 2568951, Site Development Permit No. 2568962, and Neighborhood Development Permit No. 2568963:

A. MASTER PLANNED DEVELOPMENT PERMIT [SDMC SECTION 126.0505]

1. Findings for all Master Planned Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

The project includes a request for a Community Plan Amendment (CPA) to redesignate a 4.46-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 project proposes the construction of 79 residential condominiums including ten percent of the units as affordable.

The 4.46-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. 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 commercial use by 4.46-acres and increase overall housing capacity by 79 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. 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 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 the community. The project housing includes 2-4- bedroom units with three to three and a half baths each with two-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 to 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 adjacent to the site on Caliente Avenue and a Class III 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."

Based upon a review of the City's strategic housing and community planning goals, as well as 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 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 public transit. As a residential development, the project would increase the housing supply within the community as a whole 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. 690358 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 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." 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 any potential 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 regards 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. Therefore, the proposed development will not adversely affect the applicable land use plan and is the best use of the site.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project, including a 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 streetlights, new center medians, landscaping, and grading.

Stormwater 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. 690358 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. 2568951, Site Development Permit (SDP) No. 2568952, and Neighborhood Development Permit (NDP) No. 2568953, and other regulations and guidelines pertaining to the subject property per the SDMC for the project site. Prior to the 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 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 construction of 79 residential condominiums with ten percent of the units dedicated to affordable housing. Four 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 a minimum street side yard setback of 10 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for residential dwelling units located along Calle Albatross and Caliente Avenue. At just over 400 feet in width, the required minimum street side yard setback would equate to 40 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing pedestrian-level activity and providing strong transitions between residential and commercial areas. Requiring 40 feet side setback would eliminate much of the development footprint and the project will not be able to maximize 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 a minimum side yard setback of 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 400 feet, requiring a minimum side setback of 40 feet. The project allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing, affordable housing, and pedestrian-level activity. The proposed deviation would allow for more housing and pedestrian amenities including benches, covered seating areas, plazas, and turfed areas that provide increased walkability within the development. The proposed deviation is consistent with the adjacent project of which this property was a part and will provide continuity between the already constructed homes and those planned for Lot 1.

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 of 15 feet and 20 feet is required. The project is proposing a front yard setback of 10 feet along Otay Mesa Road. There is one existing cul-de-sac street off Otay Mesa Road (Calle Albatross) that will provide driveway access to the proposed development. With the deviation, the project will be able to have more developable area to provide 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 site plan is consistent with the adjacent project of which this property was a part and will provide continuity between the already constructed homes and those planned for Lot 1. Therefore, creating a more cohesive, contiguous, and aesthetically pleasing neighborhood in totality. Additionally, the setbacks would allow for an additional 25 critically needed homes and the associated affordable units.

Rear yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, rear yard setback, to allow a 10-foot setback, where a minimum 15 feet is required. The project is proposing a rear yard setback of 10 feet. Due to existing site constraints, there is only one existing cul-de-sac street off of Otay Mesa Road (Calle Albatross) that will provide driveway access to the proposed development. The property is bounded by SR 905 to the south, Caliente Avenue to the west, and Otay Mesa Road to the north.

The deviation is minimal and still allows for adequate landscaping, pedestrian access and building articulation at this location. The deviation is consistent with the portion of the project already constructed, providing continuity across the neighborhood.

The above four 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, AR-1-1, and RM-2-5 zones. Should the Project be designed without the requested deviations, it will result in the loss of 21 units (16 units along Calle Albatross and 5 along Caliente Avenue). The deviations allow for more developable area to maximize housing opportunities within a Transit Priority Area, including landscaping, non-contiguous sidewalks, and increased pedestrian connectivity within the development. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. As previously noted, the deviations will allow Lot 1 to be developed consistent with the portion of the neighborhood already approved and constructed, creating a cohesive development as well as an additional 25 units and associated affordable housing to be realized. Apart from the above deviations, the proposed project provides a residential development in accordance with development standards of the RM-2-5 zone, the CC-1-3 zone, AR-1-1 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.

B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0504]

1. Findings for all Site Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

As outlined in Master Planned Development Permit Finding No. A1(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 Master Planned Development Permit Finding No. A1(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 regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As outlined in Master Planned Development Permit Finding No. A1(c) listed above, 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:

- a. The site is physically suited for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The 4.46-acre project site was part of the 2019 action to subdivide California Terraces PA61 into two lots which was approved by the City Council of San Diego as Project No. 605191, Final Map No. 16413 (recorded on August 27, 2020; hereinafter referred to as 2019 PA61 project). The project site identified as Lot 1 in the 2019 PA61 project was proposed for commercial uses. The proposed project includes a Community Plan Amendment to re-designate the project site from the approved Community Commercial-Residential Prohibited to Residential Medium density and a rezone from CC-1-3 and AR1-1 to RM-2-5.

The project site is located outside of and not adjacent to land designated as Multi-Habitat Plan Area (MHPA) by the City's Multiple Species Conservation Program (MSCP) Subarea Plan. However, the project site was determined to support burrowing owl habitat which is considered environmentally sensitive land (ESL) consistent with San Diego Municipal Code (SDMC) Section 143.0101, et seq. Consistent with the Otay Mesa Community Plan Program Environmental Impact report (PEIR), from which the 2019 PA61 project's environmental analysis tiered, a Western Burrowing Owl Non-Breeding Survey (Burrowing Owl Survey) was completed for the 2019 PA61 project. The survey concluded that while the project site did contain habitat that would be suitable for burrowing owl burrows, no burrow complexes were observed within the project site and no western burrowing owls were detected within the entire PA61 project site during the non-breeding season surveys. Thereafter, the entire PA61 project site was graded consistent with the approved 2019 PA61 project Final Grading Plan dated March 2020.

Like the 2019 PA61 project, the proposed project includes mitigation measure BIO-1 requiring Burrowing Owl pre-construction surveys prior to project grading, as part of the project's Mitigation, Monitoring, and Reporting Plan. This measure ensures that project grading would not inadvertently impact burrowing owls and, therefore, would not conflict with ESL regulations as it pertains to sensitive biological resources (ie: burrowing owls). Therefore, the inclusion of mitigation measure BIO-1 requiring a preconstruction Burrowing Owl survey prior to any additional grading, would ensure that the project would avoid impacts to ESL.

- b. 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.**

The proposed project has been designed to meet the stormwater permit. 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 79 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 as the property is surrounded by development and is more than 100 feet away from native or naturalized vegetation. 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 construction of 79 residential condominiums with ten percent of the units dedicated as affordable. The project site is designated ESL due to the site's potential to support burrowing owls. Although the project site has been graded, consistent with the approved 2019 PA61 project Final Grading Plan dated March 2020, the project includes mitigation measure BIO-1, requiring pre-construction burrowing owl surveys prior to any additional grading (see Finding 2(a)).

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 occurs to the north and a developed area with multi-family residences occurs beyond Otay Mesa Road. An empty lot comprised of bare ground and disturbed land occurs to the northwest of the project site. Caliente Avenue occurs to the west and SR-905 occurs to the south of the project site.

Therefore, the proposed development is sited and designed to prevent adverse impacts to on-site ESL including through implementation of mitigation measure BIO-1 that will ensure impacts to Burrowing Owl are avoided.

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 the MHPA and conservation areas associated with the Vernal Pool Habitat Conservation Plan (VPHCP). However, the project site was determined to support burrowing owl habitat which is considered an ESL consistent with SDMC Section 143.0101.

The Otay Mesa Community Plan Update PEIR determined that the Community Plan Update (CPU) would be consistent with the vision for the MSCP and the MHPA as the open space network would remain intact including preservation of large blocks of MHPA that would contribute to a functioning preserve. The OMCP CPU incorporated policies to ensure development would comply with MSCP Management Directives, and no significant impacts relating to MSCP consistency would occur. The project includes a Community Plan Amendment to re-designate the project site from the approved Community Commercial-Residential Prohibited to Residential Medium density and a rezone from CC-1-3 and AR1-1 to RM-2-5. This change in land use designation and rezone will not change the conclusions as delineated in the PEIR as the project site was not identified for conservation in the OMCP CPU. The project includes mitigation measure BIO-1 requiring pre-construction Burrowing Owl surveys prior to any additional grading, which would ensure nesting burrowing owls, if present, would be detected and avoided. The project has incorporated adequate measures to ensure avoidance of burrowing owls, consistent with goals and policies of the MSCP. The project does not contain any vernal pools and would not conflict with the City's VPHCP. Therefore, the project would not conflict with the MSCP Subarea Plan or 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. 690358 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 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.

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 Master Planned Development Permit Finding No. A1(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 Master Planned Development Permit Finding No. A1(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 regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As outlined in Master Planned Development Permit Finding No. A1(c) listed above, 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 – Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation:

- a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities.**

The project includes a request for a Community Plan Amendment to redesignate a 4.46-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

project proposes the construction of 79 residential condominiums having ten percent dedicated to affordable units. The residential units will be set aside for households earning 100 percent of the Area Medium Income (AMI) for a period of 55 years.

The 4.46-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. 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 commercial use by 4.46-acres and increase overall housing capacity by 79 dwelling units.

The proposed project will provide an opportunity for home ownership which is consistent with the General Plan, Housing Element Goal No. 3 Objective I: "to promote a diversity of housing available to all income groups across all communities." The new development is a use that will be compatible with the newly proposed land use designation with the Otay Mesa Community Plan. Therefore, the proposed development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable building opportunities.

b. Any proposed deviations are appropriate for the proposed location.

The project proposes the construction of 79 residential condominiums with ten percent of the units dedicated to affordable housing. Four 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 a minimum street side yard setback of 10 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for residential dwelling units located along Calle Albatross and Caliente Ave. At just over 400 feet in width, the required minimum street side yard setback would equate to 40 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing pedestrian-level activity and providing strong transitions between residential and commercial areas. Requiring 40 feet side setback will eliminate much of the development footprint and the project will not be able to maximize 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 a minimum side yard setback of 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 400 feet, requiring a

minimum side setback of 40 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.

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 is one existing cul-de-sac street off Otay Mesa Road (Calle Albatross) 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.

Rear yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, rear yard setback, to allow a 10-foot setback, where a minimum 15 feet is required. The project is proposing a rear yard setback of 10 feet. Due to existing site constraints, there is only one existing cul-de-sac street off of Otay Mesa Road (Calle Albatross) that will provide driveway access to the proposed development. The property is bounded by SR 905 to the south, Caliente Avenue to the west, and Otay Mesa Road to the north. The deviation is minimal and allows for adequate landscaping, pedestrian access and building articulation that are appropriate for this location.

The above four 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, AR-1-1 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 residential development in accordance with development standards of the RM-2-5 zone, the CC-1-3 zone, AR-1-1 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.

Multi-family residential development is the primary existing land use of the immediate neighborhood and the proposed multi-family development maintains that development pattern. Staff has reviewed the request for the deviations and due to the site constraints, agree that the deviations are necessary to allow the applicants reasonable use of the site and to allow for the construction of new multi-family residences. Therefore, the deviations are appropriate for the proposed location.

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. 2568951, Site Development Permit No. 2568962, and Neighborhood Development Permit No. 2568963, amendments to Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974 is granted to Tri Pointe Homes, Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, and contingent upon final passage of San Diego O- 21589, rezoning the site the CC-1-3 zone and AR-1-1 to the RM-2-5 zone, and San Diego R- 314470, approving amendments to the General Plan and Otay Mesa Community Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
October 25, 2022
Or.Dept: Development Services
Doc. No. 3124888

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: 24008945

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MASTER PLANNED DEVELOPMENT PERMIT NO. 2568951
SITE DEVELOPMENT PERMIT NO. 2568952
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2568953
CALIFORNIA TERRACES PA61 (LOT 1) - PROJECT NO. 690358 [MMRP]
AMENDMENT TO MASTER PLANNED DEVELOPMENT PERMIT NO. 2265103
SITE DEVELOPMENT PERMIT NO. 2152399
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2192974
CITY COUNCIL

This Master Planned Development Permit No. 2568951, Site Development Permit No. 2568952, and Neighborhood Development Permit No. 2568953 is granted by the City Council of the City of San Diego to Tri Pointe Homes, Inc., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 143.0920, 143.0480, 126.0402, 126.0502, and 143.0110. The 4.46-acre site is located south of Otay Mesa Road, east of Caliente Avenue, and north of SR-905 in the CC-1-3 zone and AR-1-1 zone within the Otay Mesa Community Plan area. The project site is legally described as: Lot 1 of California Terraces PA61 Final Map No. 16413 recorded on August 27, 2020, as File No. 2020-7000258.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of 79 residential condominium units and subject to the City's land use regulations as described and identified by size, dimension, quantity, type, and location on the approved exhibits and the California Terraces PA-61 (Lot 1) Master Planned Development Permit [Exhibit "A"] dated November 15, 2022 on file in the Development Services Department.

The project shall include:

- a. The construction of 79 residential condominium units consisting of two, three, and four bedrooms and two-car garages with ten percent dedicated to affordable units. The for-sale and/or for-rent residential units will be set aside for households earning 100 percent of the Area Median Income (AMI) for a period of 55 years;
- b. 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 yard setback to 10 feet where the greater of 10 feet or 10 percent of the premise's width of 40 feet 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 5 feet or 10 percent of the premise's width of 40 feet is required;
 - IV. A deviation from SDMC Section 131.0443, Table 131-04G allowing a reduction in the minimum rear yard setback to 10 feet where 15 feet is required.
- c. Landscaping (planting, irrigation and landscape related improvements);
 - d. Off-street parking; and
 - e. 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 November 15, 2025.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. 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 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.

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 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.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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. 690358 to Program Environmental Impact Report No. 30330/304032; SCH No. 2004651076, 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 Addendum No. 690358 to Program Environmental Impact Report 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

ENVIRONMENTAL SERVICES REQUIREMENTS:

15. The Owner/Permittee shall comply with the Waste Management Plan dated February 9, 2022, which shall be enforced to the satisfaction of the Environmental Services Department.

CLIMATE ACTION PLAN REQUIREMENTS:

16. 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:

17. 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 eight affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

18. Prior to issuance of any building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a written Agreement Amendment with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement Amendment will specify that in exchange for the City's approval of the Project, the Owner/Permittee shall provide 8 affordable units.

AIRPORT REQUIREMENTS:

19. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

20. The Owner/Permittee shall comply with all Conditions for the Final Map per Vesting Tentative Map No. 2568950.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the improvement of Caliente Road, Otay Mesa Road and Calle Albatross adjacent to the Site, as approved per Dwg No. 41595-D and 41669-D, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new City Standard 25-foot driveway, adjacent to site on Calle Albatross, satisfactory to the City Engineer.

23. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private connections to public storm drain systems.

24. 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.

25. Prior to the issuance of any construction permits, 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.

26. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

27. Prior to issuance of any construction permit for grading, 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, Storm Water 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.

28. Prior to issuance of any construction permit for public 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.

29. Prior to issuance of any construction permit for building (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 §142.0403(b)6.

30. 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.'

31. 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.

32. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, 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:

33. 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.

34. 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.

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

36. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

37. 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.

38. 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.

39. 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.

40. 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 Calle Albatross, in a manner satisfactory to the City Engineer.

41. 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.

42. 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.

43. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Calle Albatross (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.

44. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of one driveway on the Calle Albatross (Street "A") cul-de-sac bulb. The driveway that will access Lot 1 shall be 25 feet wide, in a manner satisfactory to the City Engineer.

45. 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 Calle Albatross (Street "A,") with right in/right-out only access, in a manner satisfactory to the City Engineer.

46. Prior to occupancy of the 227th dwelling unit for Lots 1 & 2, the Owner/Permittee shall widen and restripe the south approach of the intersection of SR-905 westbound on-ramp/Caliente Avenue to include a separate right turn lane, satisfactory to the City Engineer and Caltrans. These improvements shall be completed and operational prior to occupancy of the 227th dwelling unit, starting from Lot 2.

47. The Owner/Permittee will provide the following Vehicle Miles Traveled (VMT) reduction measures:

- a. Install pedestrian resting area/recreation node on-site, adjacent to public pedestrian walkway. An area of 250 square feet will be designated near the intersection of Otay Mesa Rd/Calle Albatross in the location shown in Exhibit A.
- b. Provide one on-site bicycle repair station in the location shown in Exhibit A.
- c. Provide short-term bicycle parking spaces that are available to the public, at least 10% beyond minimum requirements. The project is required to have 49 bicycle spaces

based on Municipal Code Table 142-05C (0.5 spaces for 2 bedroom units [20 du x 0.5 = 10 bike spaces], 0.6 for 3-4 bedroom units [49 du x 0.6 = 29 bike spaces], and 1 space for 5 bedroom units [10 du x 1 = 10 bike spaces]). Bicycle parking spaces are not required since each dwelling unit will have an enclosed garage. Additional short-term bicycle parking spaces are being provided in excess of the minimum requirement. Therefore, 10% beyond the minimum would be five spaces. Six short-term spaces are being proposed and their locations are shown in Exhibit A.

These improvements 48a, b, and c shall be completed and operational prior to first occupancy.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

48. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the connections to the public water and sewer utilities on Caliente Road, Otay Mesa Road, as approved per Drawing No. 41595-D and 41669-D, satisfactory to the City Engineer.

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

50. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the 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.

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

52. 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.

53. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, for all private sewer laterals within public 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 November 15, 2022 and R-2023-237.

Master Planned Development Permit No. 2568951
Site Development Permit No. 2568952
Neighborhood Development Permit No. 2568953
Date of Approval: November 15, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Benjamin Hafertepe
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.

TRI POINTE HOMES, INC.
Owner/Permittee

By _____
NAME:
TITLE:

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

Passed by the Council of The City of San Diego on NOV 15 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 15 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314471