

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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-0158

PLANNED DEVELOPMENT NO. 7688  
SITE DEVELOPMENT PERMIT NO. 7689  
AMENDMENT TO  
PLANNED INDUSTRIAL DEVELOPMENT, HILLSIDE REVIEW AND  
RESOURCE PROTECTION OVERLAY ZONE PERMIT NO. 88-0794  
**RIVER VIEW VILLAGE RESIDENTIAL – PROJECT NO. 3938**  
**CITY COUNCIL**  
**DRAFT**

This Planned Development Permit No. 7688 and Site Development Permit Number 7689 is granted by the City Council of the City of San Diego to RICHARD D. AND CAROLYN A. VAN DERHEYDEN, TRUSTEES OF THE 3-V TRUST AS TO AN UNDIVIDED 50% INTEREST AND BARRY C. AND CONNIE COLLINS, TRUSTEES OF THE COLLINS FAMILY TRUST AS TO AN UNDIVIDED 50% INTEREST, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Sections 126.0501 and 126.0601. The 6.36-acre site is located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Fontaine Street, in the RX-1-1 (Single-Family Residential – Small Lot) Zone of the Navajo Community Plan. The project site is legally described as Lots 3, 4 and 5 of the Subdivision of Lots 61, 62 and the easterly Portion of Lot 63 of the Rancho Mission of San Diego, according to Map No. 1550.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to construct a total of 16, single-family residences, one on each of 16 individual lots, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated August 9, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Sixteen, detached, two-story, single-family dwelling units (on Lots 1 through 16);
- b. One, open space lot (Lot 17) to be designated an open space easement, to remain undeveloped and to be maintained by the homeowner's association;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities;
- e. Retaining walls; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.
- g. This Amendment shall apply only to the 6.362-acre remainder portion of the property developed pursuant to PID/HRP/RPOZ Permit No. 88-0794, and designated "NOT A PART" on the Mission Trails Industrial Park Subdivision Map No. 13703. PID/HRP/RPOZ Permit No. 88-0794 shall remain in full force and effect for the Mission Trails Industrial Park identified as Lots One (1) through Five (5), Mission Trails Industrial Park, Map No. 13703.

**STANDARD REQUIREMENTS:**

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension-of-Time has been granted. Any such Extension-of-Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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 Permittee(s) sign(s) 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittees and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and 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 Permittees for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittees the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittees by the City: (1) to grant Permittees the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittees that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittees maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittees of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owners/Permittees shall secure all necessary building permits. The Applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in

order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

12. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Tentative Map No. 7685, Planned Development Permit No. 7688 and Site Development Permit No. 7689, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION, LDR NO. 3938 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owners/Permittees shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the MITIGATED NEGATIVE DECLARATION, LDR NO. 3938 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Paleontological Resources
- Visual Quality
- Human Health and Public Safety.

16. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**AFFORDABLE HOUSING REQUIREMENTS:**

17. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). This requirement may be satisfied by providing in-lieu fees.

**LANDSCAPE AND BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

18. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

19. Prior to the issuance of any engineering permits for grading or improvement, the Permittee shall complete a Maintenance Assessment District Agreement form for early conformation.

20. In the event that the Landscape Plan and the Site Plan conflict, the Landscape Plan shall prevail.

21. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square feet 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.

22. Prior to any utility sub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of Development Review.

23. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydroseeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit A (including Environmental conditions) on file in the Office of Development Service.

24. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

25. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No-Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees

26. Prior to any grading (building permit) the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

27. Prior to the release of any performance bond a Landscape Maintenance Bond shall be submitted to Development Services. Prior to the release of the Landscape Maintenance Bond, an establishment period for slopes and revegetation shall be a minimum of five years.

28. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

29. Prior to any grading permit the Landscape Architect of Record shall demonstrate to the satisfaction of the Landscape Architectural Section that the soil cut or back fill shall sustain long-term plant growth. The Soil of the cut and fill slope shall be amended and specifications shall be submitted based on the soil type and plant material selected.

30. Prior to a grading permit the Landscape Architect of Record shall demonstrate to the satisfaction of the Landscape Architectural Section that a phasing and soil stock-piling plan is in place. The first six- to eight-inches of native top soil shall be retained and stock piled in an area designated on the plans. The stock piled top soil shall be re applied to the slope surface in a method satisfactory to the City Geologist.

### **BRUSH MANAGEMENT PROGRAM**

31. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan, dated August 9, 2005, on file in the Office of the Development Services Department:

a) Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A".

b) Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0888.0201, the Landscape Standards and the Land Development Code section 142.0412 (Ordinance - 18451).

c) The Brush Management Program shall consist of two zones modified from the Brush Management regulations of the Land Development Code section 142.0412 as follows:

Lot #[East of I-805]	Zone One	Zone Two
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10	Yes	5' - 25'	40'
11		"	
12		"	
13		"	
14		"	
15		"	
16		"	

Zone One will be reduced from the required 35' depth with the addition of a minimum 6' high retaining wall/firewall between Zone One and Zone Two.

d) The construction documents for the houses built on lots 10 through 16 shall conform to the Architectural features as described in Section 142.0412(d) of the City of San Diego Municipal Code and as shown on the "Fire & Safety Site Plan" in "Exhibit A" and any others required to the satisfaction of the City of San Diego Fire Marshall.

If the windows/doors are operable within the one-hour rated wall, they are required to have fusible link, roll down shutters. The glass behind the shutters does not have to be rated. Rated glass is only required for fixed windows/doors.

e) Within Zone One combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

f) Provide the following note on the Brush Management Construction Documents "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program".

g) In Zone Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

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

**PLANNING/DESIGN REQUIREMENTS:**

33. No fewer than 32-off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

b. A deviation is being granted to accommodate one lot (Lot 8) containing substandard lot area.

35. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

36. 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 Permittee.

37. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

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

39. The applicant shall post a copy of the approved discretionary permit and/or tentative map in the sales office for consideration by each prospective buyer.

40. 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.

41. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

#### **WASTEWATER REQUIREMENTS:**

42. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

43. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned.

44. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

- 45. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 8-inch water facilities within the Wembley Street right-of-way extension, from the existing public water facilities to the easterly cul-de-sac, in a manner satisfactory to the Water Department Director and the City Engineer.
- 46. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services to serve each lot individually in a manner satisfactory to the Water Department Director and the City Engineer.
- 47. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations and in a manner satisfactory to the Fire Department, the Water Department Director and the City Engineer.
- 48. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
- 49. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A", shall be modified at final engineering to comply with standards.

**GEOLOGY REQUIREMENTS:**

- 50. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15-days of completion of grading operations.
- 51. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building and Safety prior to issuance of building permits.

**TRANSPORTATION REQUIREMENTS:**

- 52. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.
- 53. The Applicant shall extend the existing Wembley Street (a residential cul-de-sac street) from station 100+00 to 287+00 with a 30-foot pavement within 47-feet of right-of-way. A five-foot sidewalk shall also be constructed within the 10-foot parkway on the southerly side and the seven-foot parkway on the northerly side of Wembley Street, satisfactory to the City Engineer.

54. The Applicant shall extend Wembley Street from station 287+00 to 534+00 with a 30-foot pavement width within 50-feet of right-of-way and construct a standard cul-de-sac with a 50-foot radius within a 60-foot right-of-way radius at its terminus. A five-foot wide sidewalk shall also be constructed within the 10-foot curb-to-property line on both sides of Wembley Street satisfactory to the City Engineer.

55. All construction truck trips will be restricted to Monday through Friday between the hours of 8:30 A.M. to 3:30 P.M.

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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.

APPROVED by the City Council of the City of San Diego on August 9, 2005, By a Vote of \_\_\_\_\_, Resolution No. \_\_\_\_\_.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

**[NAME OF COMPANY]**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**