

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: 42-3532

DRAFT SITE DEVELOPMENT PERMIT 153465
SCRIPPS WISTERIA PROJECT 53037
 CITY COUNCIL

This Site Development Permit No. 153465 is granted by the Planning Commission of the City of San Diego to WESTERN PACIFIC HOUSING, INC., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 3.92 acre site is located at 9889 Erma Road in the CO-1-2 Zone of the Scripps Miramar Ranch Community Plan. The project site is legally described as Parcel 2 of Parcel Map 10259.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 114 residential condominium units (including 3 shopkeeper units and 12 affordable units), and 35,258 sq. ft. of office use (including 30 commercial condominium units), described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 22, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. A mixed-use development consisting of 114 residential condominium units (including 3 shopkeeper units and 12 affordable units) and 35,258 sq. ft. of office use (including 30 commercial condominium units) within four buildings over subterranean parking (Bldg A – Offices; Bldg B – Live-work (Shopkeeper) condominium units; Bldg C – residential condominiums; Bldg D – residential condominiums, community room, exercise room);
- b. Deviations from the regulations for height and residential uses on the ground floor within the front 50% of the lot;
- c. The project will meet the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) requirements by selling at least 10 percent of the units (12 affordable units required) to,

and at prices affordable to, households earning no more than 100 percent Area Median Income (AMI);

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities;
- f. 4,000 sq. ft. of common open space which includes a water feature, barbeques and a fire pit; and
- g. 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; and
- h. An encroachment of two private 12-inch storm drains in Erma Road.

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 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. 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 Permittee 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 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 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.
8. 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.
9. 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 is 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 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. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

AFFORDABLE HOUSING REQUIREMENTS:

11. The applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Ch. 14, Art.2, Div. 13 of the Land Development Code) by selling at least 10% of the units (12 units) at prices affordable to households earning no more than 100% Area Median Income (AMI).
12. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the affordable units are built, sold at restricted prices, and occupied by eligible households.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of a Building Permit, a grading permit is required. All grading shall conform to the City of San Diego Municipal Code in a manner satisfactory to the City Engineer. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material.
14. 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.
15. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval prior to issuance of building permits.
16. Prior to issuance of a Grading Permit, the owner shall obtain a letter of permission for the proposed storm drain connection to the private storm drain located on the adjacent property at the projects southerly property line or redirect the drainage to the public storm drain system located in Erma Road.
17. Prior to final inspection of the Building Permit, the owner shall obtain a Public Right-of-Way Permit for the private storm drain connection in Erma Road and to replace the existing driveway opening adjacent to the site along Erma Road with City standard curb, gutter and sidewalk. An Encroachment Maintenance and Removal Agreement is required for the proposed private drainage pipes located in the Erma Road public right-of-way.
18. 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. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

LANDSCAPE REQUIREMENTS:

19. An Encroachment Maintenance and Removal Agreement will be required for the landscape maintenance within the public Right-of-Way.
20. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

21. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
22. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
23. Prior to issuance of any construction permits for structures, complete Landscape Planting and Irrigation Construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The Landscape Construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
24. Prior to issuance of a Certificate of Occupancy or the performance of a Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
25. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage and prior to issuance of a Certificate of Occupancy.
27. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Establishment Maintenance Agreement or other approved entity. In this case, a Landscape Establishment Maintenance Agreement application form shall be submitted for review by a Landscape Planner.

PLANNING/DESIGN REQUIREMENTS:

28. No fewer than 369 off-street parking spaces of which 8 spaces are accessible parking spaces, 13 motorcycle spaces, and 72 bicycle spaces shall be maintained on the property at all

times in the approximate locations shown on the approved Exhibits "A," on file in the Office of the Development Services Department. Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

29. Commercial office uses shall be limited to those uses that generate no more than 22 average daily trips (ADT) per 1,000 square feet of office space, based on the City of San Diego Trip Generation Manual. Any future commercial uses which would generate more than 22 ADT per 1,000 square feet shall require an amendment to this permit.

30. The first floor of the shopkeeper units shall be used for commercial office use only. The commercial use envisioned for this space would include real estate, insurance, accounting, law, drafting, architectural, engineering and other similar business and professional office type uses.

31. 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.

32. 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.

33. 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.

34. 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.

35. All signs associated with this development shall be consistent with sign criteria established by citywide sign regulations.

36. The applicant shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.

37. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction

details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

38. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

39. 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 Municipal Code.

40. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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

42. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

43. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

44. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

45. Prior to issuance of the first occupancy permit for the residential structures, the applicant shall obtain the final shell building inspection sign-off for the office building.

46. Owner/Developer shall provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing for both office and residential tenants.

WATER REQUIREMENTS:

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Water Department Director and the City Engineer.

50. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

51. 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.

52. 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 shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

53. No grading or improvements, including sewer laterals, shall be installed in or over any public sewer easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement. The applicant will provide evidence of an existing Encroachment Maintenance and Removal Agreement, or provide a new one for all encroachments within any public sewer easements prior to issuance of any engineering or building permits.

54. Prior to reusing any sewer laterals the applicant shall obtain a plumbing permit showing that the existing facility is of adequate size to serve the project. In addition, the applicant shall

film the laterals and demonstrate that they are in good condition, or obtain a permit for replacement of existing laterals.

55. Prior to the issuance of a building permit, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.

56. 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.

57. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

STORMWATER REQUIREMENTS:

58. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

59. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

60. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

61. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRC.

62. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

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.
- The site is affected by the Ground Controlled Approach (GCA) Box Pattern and I-15 Flight Corridors for helicopter and fixed-wing operations. Facilities will experience varying degrees of noise and vibration. Consequently, MCAS Miramar is recommending full disclosure of noise and visual impacts to all initial and subsequent purchasers, lessees or other potential occupants.
- This project is subject to payment of Facilities Benefit Assessment (FBA) fees at the time of building permit issuance.

APPROVED by the Council of the City of San Diego on _____ by Resolution No. **xxxx**.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

WESTERN PACIFIC HOUSING, INC

By _____

By _____

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