



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 25, 2013 REPORT NO. HO 13-081

ATTENTION: Hearing Officer

SUBJECT: PRINCESS PARK MAP WAIVER
PTS PROJECT NUMBER: 236291

REFERENCE: California Terraces Precise Plan

LOCATION: 5145 Otay Mesa Road

APPLICANT/
OWNER: Julia Rochford, Leppert Engineering/Pardee Homes (Attachment 9)

SUMMARY

Issue: Should the Hearing Officer approve the waiver of a Tentative and Final Map for the creation of 40 residential condominium units on a single lot in the Otay Mesa Planning Area?

Staff Recommendation – APPROVE Map Waiver No. 847201.

Community Planning Group Recommendation – On June 15, 2011, the Otay Mesa Planning Group voted 10-0 to recommend approval (Attachment 8).

Environmental Review: The City of San Diego, as Lead Agency, through the Development Services Department, prepared Environmental Impact report No. 86-1032 for the California Terraces Precise Plan project that was certified by the San Diego City Council with the approval of the project on April 12, 1994.

The current project was reviewed and it was determined that in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a):

- (1) No substantial changes are proposed to the project which would require major revisions of the previous EIR;
- (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require revisions to the previous EIR; and
- (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous EIR was certified that warrants preparation of a subsequent environmental document.

Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document. All of the impacts were adequately addressed and disclosed in previously certified EIR No. 86-1032.

BACKGROUND

The 2.90 acre site, known as Planning Area No. 16 of the California Terraces Precise Plan, is located at 5145 Otay Mesa Road in the RM-2-4 Zone and the Airport Influence Area, within the Otay Mesa Community Plan area, east of Interstate 805 and south of Interstate 905. (Attachment 1). The Precise Plan designates the site for Medium Density Residential Development, and the proposed map is consistent with this designation (Attachment 2). The property is located within a developing community, approximately two miles from Interstate 805 (Attachment 3). The site is regulated by, and subject to Hillside Review/Community Plan Implementation Overlay Zone Permit (HRP/CPIOZ) No. 86-1032 (Attachment 4).

The California Terraces Precise Plan allows forty (40) residential units on this lot, and Environmental Impact Report (EIR) No. 86-1032 was certified by City Council on April 12, 1994, by Resolution No. R-283692. No subsequent environmental document is required, because no new additional impacts and/or mitigation measures are required beyond those that were analyzed and disclosed in the original environmental document. The site is currently obtaining construction permits as a result of the prior approvals.

DISCUSSION

The project applicant is requesting a Map Waiver, to waive the requirement of a Tentative Map and Final Map for the subdivision of a one lot 2.90 acre site for the creation of forty (40) condominium units (Attachment 5). Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land; however, a subdivider may request a waiver of Tentative Map requirements pursuant to SDMC Section 125.0120. The SDMC Section 125.0120(b) defines condominium projects as the construction of a condominium project on a single parcel that was previously mapped and monumented in a manner satisfactory to the City Engineer.

Staff has determined the proposed waiver conforms to the applicable requirements of the State's Subdivision Map Act Section 66428 and the SDMC. A condition of the Map Waiver requires the applicant to file a Certificate of Completion.

The proposed subdivision is for land ownership purposes only. No development rights are granted or changed with this proposal. The applicant will be required to underground all existing on-site utilities per Condition No. 13 of the draft Map Waiver conditions (Attachment 7). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 12 of the draft Map Waiver conditions (Attachment 7).

Community Planning Group Recommendation

On June 15, 2011, the Otay Mesa Planning Group voted 10-0 to recommend approval of the Map Waiver with no conditions (Attachment 8).

CONCLUSION

Staff has reviewed the application for the Map Waiver. Staff has determined that the proposed project complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project. The proposed project was determined to be in accordance with CEQA Section 15162, as covered under EIR No. 86-1032, and the adopted MMRP. Therefore, staff recommends that the Hearing Officer approve the Map Waiver.

ALTERNATIVES

1. Approve Map Waiver No. 847201, with modifications.
2. Deny Map Waiver No. 847201, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

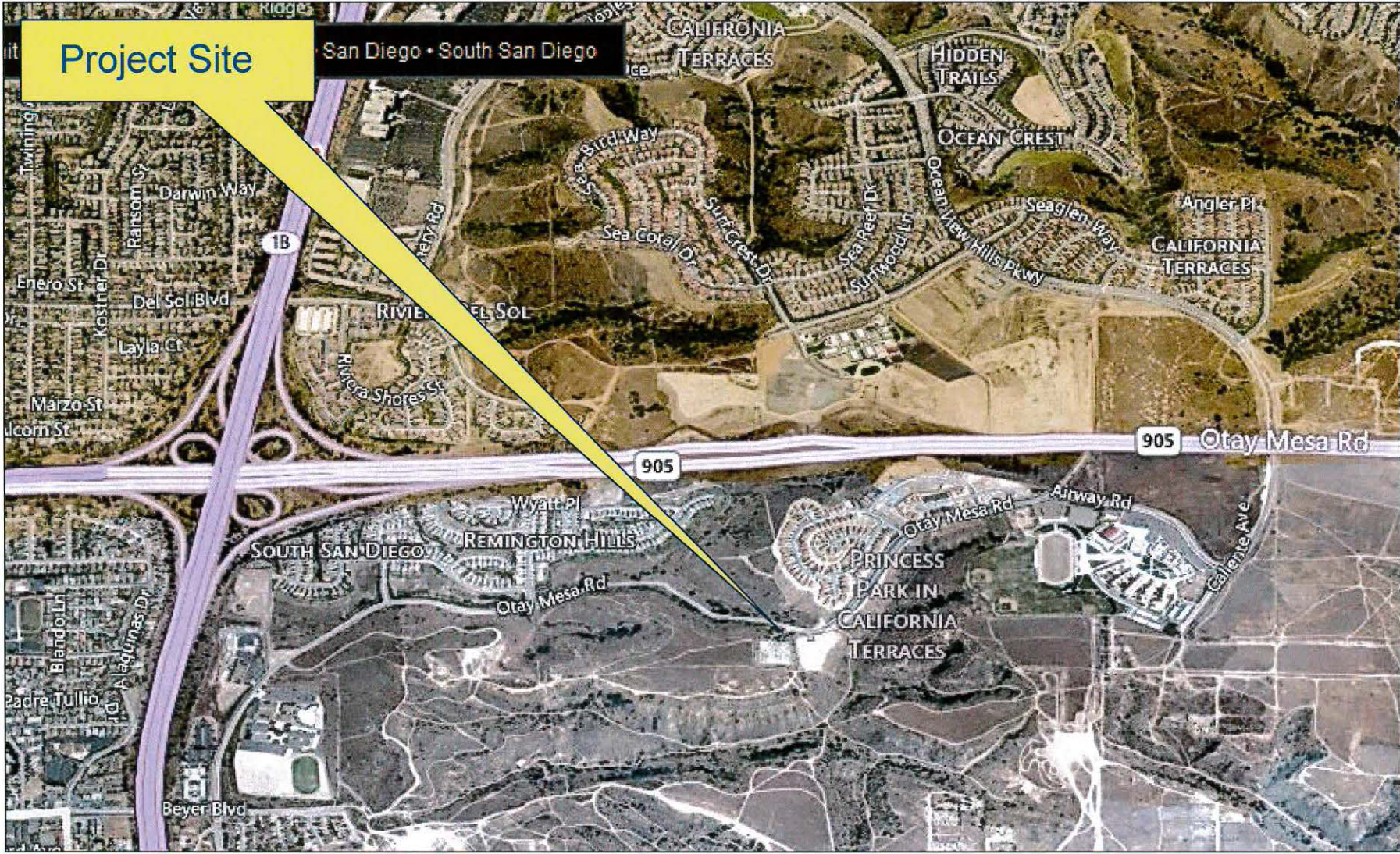


Jeannette Temple, Development Project Manager

Attachments:

1. Aerial Photo
2. Community Plan and Precise Plan Land Use Maps
3. Project Location Map
4. HRP/CPIOZ 86-1032
5. Map Waiver Exhibit
6. Draft Map Waiver Resolution with Findings
7. Map Waiver Conditions
8. Otay Mesa Community Planning Group Recommendation
9. Ownership Disclosure Form
10. Notice of Public Hearing

Internal Order Number: 24001672



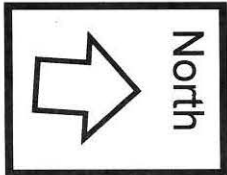
Project Site

San Diego • South San Diego



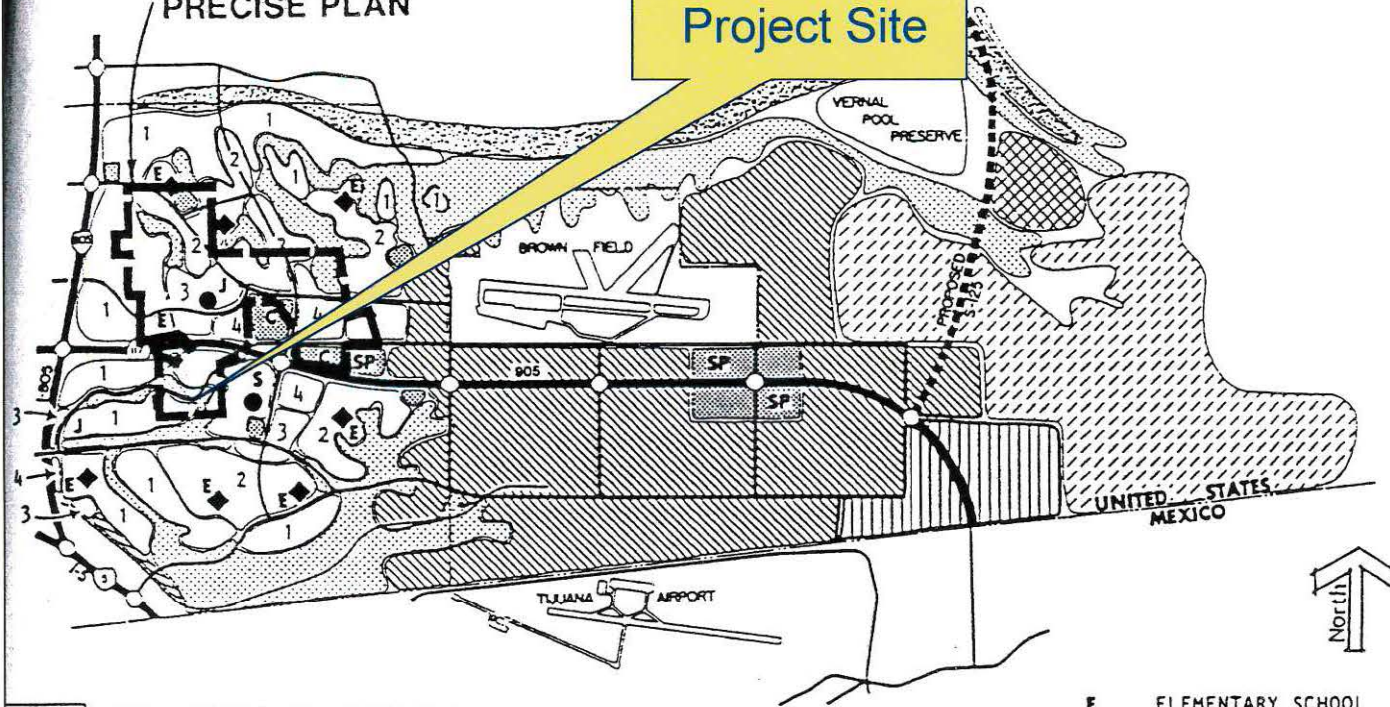
Aerial Photo

PRINCESS PARK MAP WAIVER - PROJECT NO. 236291
5145 Otay Mesa Road



**CALIFORNIA TERRACES
PRECISE PLAN**

Project Site



- 1 VERY LOW DENSITY RESIDENTIAL
- 2 LOW DENSITY RESIDENTIAL
- 3 LOW MEDIUM RESIDENTIAL
- 4 MEDIUM DENSITY RESIDENTIAL

- C COMMERCIAL CENTER
- SP SPECIALIZED COMMERCIAL
- NEIGHBORHOOD COMMERCIAL

- OTAY INTERNATIONAL CENTER
- INDUSTRIAL
- INSTITUTIONAL
- ◆ NEIGHBORHOOD PARK
- COMMUNITY PARK

- E ELEMENTARY SCHOOL
- J JUNIOR HIGH SCHOOL
- S SENIOR HIGH SCHOOL
- OPEN SPACE
- AGRICULTURE
- FUTURE GROWTH

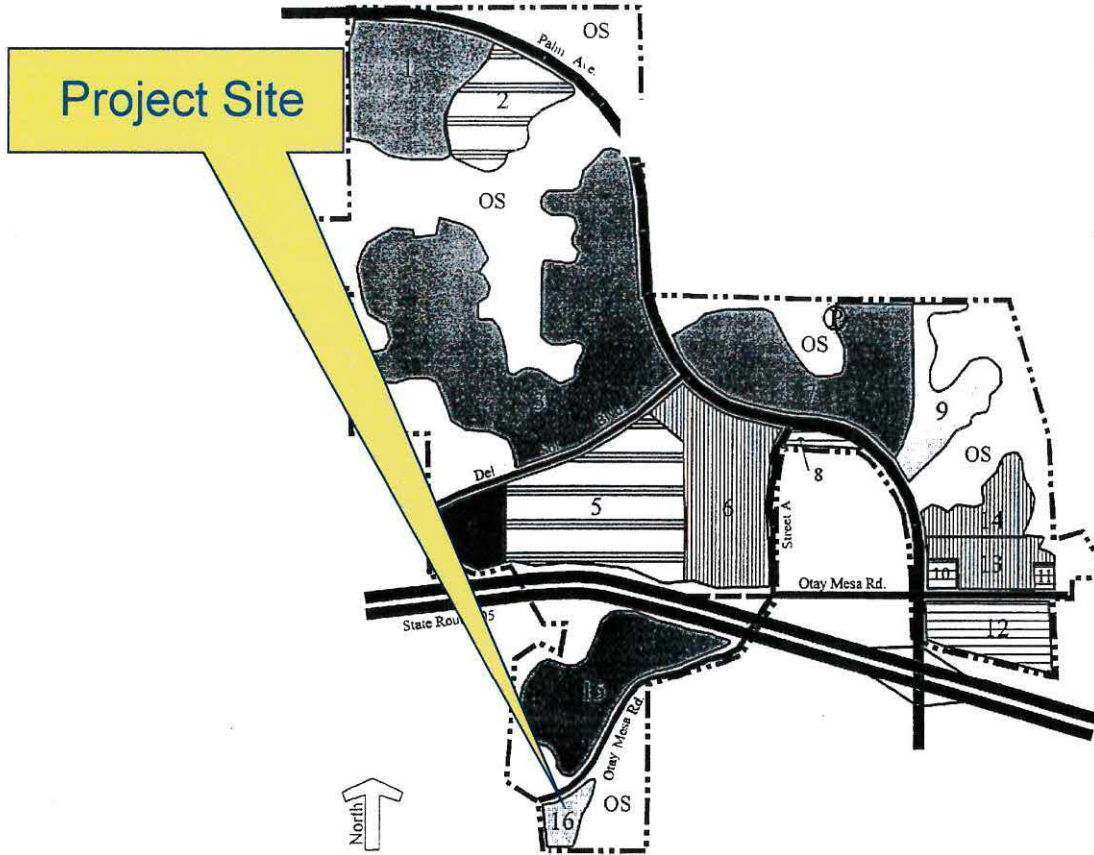
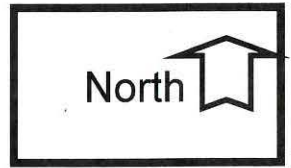


Land Use Map-Otay Mesa Community Plan

PRINCESS PARK MAP WAIVER - PROJECT NO. 236291

5145 Otay Mesa Road





- | | |
|--|-------------------|
| Low Density Residential (5-10 du/ac) | Commercial |
| Low-Medium Density Residential (10-15 du/ac) | Open Space |
| Medium Density Residential (15-30 du/ac) | Major/Minor Roads |
| High Medium Residential (30-43 du/ac) | Planning Area |
| School/Park | Park Reservation |

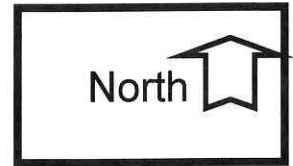
Land Use Plan 7

Land Use Map-Cal-Terraces Precise Plan



PRINCESS PARK MAP WAIVER - PROJECT NO. 236291
5145 Otay Mesa Road

Project Site



**Table 2
Land Use Tabulations**

PLANNING AREA	LAND USE DESIGNATION	GROSS ACRES*	DWELLING UNITS	DENSITY DU/ACRE*	PROPOSED ZONING
1	Low Density Residential	34.3	192	5.6	R-1-5000/SLO
2	Elementary/Neighborhood Park	17.4	-	(8.7)	R-1-5000-SLO
3	Low Density Residential	102.2	562	6.2	R-1-5000/SLO
4	Low-Medium Density Residential	14.3	192	13.4	R-2500/CPIOZ(A)
5	Middle School/Community Park/ Elementary School	46.4	-	(8.7)	R-1-5000/SLO
6	High-Medium Density Residential	35.8	1,539	43.0	R-1000 and R-1000/CPIOZ(A)**
7	Low Density Residential	49.9***	279	5.6	R-1-5000/SLO
8	Commercial	2.1	-	-	CA
9	Medium Density Residential	12.4	372	30.0	R-1250/CPIOZ(A)
10	Commercial	1.4	-	-	CA
11	Commercial	1.0	-	-	CA
12	Commercial	16.0	-	-	CA
13	High-Medium Density Residential	10.3	350	34.0	R-1000
14	High-Medium Density Residential	11.5	410	36.0	R-1250/CPIOZ
15	Low Density Residential	21.2	182	8.6	R-1-5000/SLO
16	Medium Density Residential	1.6	40	25.0	R-1750/CPIOZ(A)
	Natural Open Space	172.7			
	Manufactured Slopes	35.0			
	Major Streets/Collectors	43.6			
	Freeway Right-of-Way	25.6			
	TOTAL	664.8	4,118		

* In accordance with the community plan, all densities and acreages are gross and include developable area, as well as slopes, local and collector roads and common open space internal to each parcel. Natural open space, major streets and freeway rights-of-way are not including in the planning areas.

** Approximately 16.5 acres will be rezoned to R-1000/CPIOZ; the remaining 16.8 acres will be rezoned to R-1000 and require a Planned Residential Development permit.

*** A 2-acre park site has been reserved at an unspecified location along the northeastern portion of California Terraces. These numbers may be modified, depending on the ultimate site location. For further information, please refer to Chapter 4.

() The numbers shown within parentheses indicate dwelling units per acre, if the designated site is ultimately converted to residential use.

RESIDENTIAL LAND USE

A total of 4,118 dwelling units are proposed to accommodate an estimated maximum population of 12,766 persons. The plan produces a residential density of 13.5 dwelling units per residential acre. Based on the total California Terraces acreage, the plan results in a gross density of about 6.1 dwelling units per acre.



Land Use -Cal-Terraces Precise Plan

**PRINCESS PARK MAP WAIVER - PROJECT NO. 236291
5145 Otay Mesa Road**

PLEASE COMPLETE THIS INFORMATION.

RECORDING REQUESTED BY:
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO:
CITY CLERKS OFFICE
S 2A

DOC # 1997-0216714
09-MAY-1997 02:47 PM

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OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER
RF: 36.00 FEES: 100.00
AF: 63.00
MF: 1.00
ATTACHMENT 0 4

THIS SPACE FOR RECORDER'S USE ONLY

INDEBY AS PERMIT

~~California Terraces HRP/CPIDZ 86-103~~
(Please fill in document title(s) on the this line)

In spite of recording and signature dates,
this is the original HRP/CPIDZ permit
approved by City Council on 4/12/94. All
pages marked '1'.

R. Buckley
6/10/97

my version of SCR revisions dated 1/15/97
supersede this copy.

R. Buckley
6/10/97

COPY

RECEIVED
CITY CLERKS OFFICE
97 MAY -7 PM 3:06
SAN DIEGO, CALIF.

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)



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HILLSIDE REVIEW PERMIT AND COMMUNITY PLAN
 IMPLEMENTATION OVERLAY ZONE NO. 86-1032
 CALIFORNIA TERRACES

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 CITY CLERK'S OFFICE
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 SAN DIEGO, CALIF.

CITY COUNCIL

This Community Plan Implementation Overlay Zone ("CPIOZ") and Hillside Review ("HR") Permit is granted by the Council of The City of San Diego to PARDEE CONSTRUCTION COMPANY, a California corporation, Owner/Permittee, under the conditions contained in San Diego Municipal Code sections 101.0454 and 101.0457.

1. Permission is granted to Owner/Permittee to construct a hillside development described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, SBM, located approximately one mile east of Interstate 805 between Otay Valley Road to the north and Interstate 905 to the south, in the A-1-10/HR (existing), proposed A1-1, R1-5000, R-1000, R-1250, R-1750, R-3000, CA, and HR Zones.
2. The Community Plan Implementation Overlay Zone and Hillside Review Permit shall include the total of the following facilities:
 - a. One thousand, three hundred thirty-three (1,333) units (222 single-family and 1,111 multifamily residential units) within the HR Permit area. The 28 multifamily lots will be reviewed and processed under separate, future Community Plan Implementation Overlay Zone (CPIOZ-A) permits.
 - b. A total of 22.7 acres (Lot numbers 1023 - 2 acres; 1027 - 1.4 acres; 1029 - 1 acre; 1030 - 2.6 acres; 1031 - 15.7 acres) of commercially zoned property, each to be reviewed and processed under future Planned Commercial Development Permits.
 - c. Three elementary school sites (Lot numbers 1013, 1026, 1036) and one junior high school site (Lot number 1021).
 - d. Two neighborhood park sites (Lot numbers 1014 and 1025) and one community park site (Lot number 1020).
 - e. Fifteen open space lots totalling 90.2 acres.
 - f. Eighteen fuel management lots totalling 19.7 acres.
 - g. Off-street parking.

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- h. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Rezoning of the subject property shall be approved by the City Council. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.
 4. This project is subject to and shall comply with all conditions included in Vesting Tentative Map ("VTM") Resolution No. R-283694.
 5. Prior to the recordation of a final map, a School Mitigation Agreement, which provides for school facilities, shall be entered into and approved by the affected school districts and the subdivider. Documentation of the Agreement shall be provided to the City.
 6. A "Non-building Area" designation shall be granted and shown on said map on all areas not shown for building sites and all Brush Management areas per *Landscape Technical Manual* and HR Ordinance. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. Areas of the site designated as open space shall be in accordance with Exhibit "A," dated April 12, 1994, on file in the Planning Department.
 7. Concurrent with the recordation of the final maps, Lots "A-1", "A-2", "B", "D", "E", "G", "H", "I", "N" and "O" shall be deeded to the City in fee title for open space at no cost to the City satisfactory to the Director of the Engineering and Development Department.
 8. Prior to the recordation of the first final map, the subdivider shall provide a modified map, public improvement plans, and modified site and landscape plans illustrating the following:
 - a. Provision of non-contiguous sidewalks with parkway and street tree plantings for the complete lengths of both sides of all major and collector streets, currently shown as: Palm Avenue; Del Sol Boulevard; Otay Mesa Road South; Dennery Canyon Road; Hidden Trails Road; and Street "A," except where site conditions such as transit stops, noise walls, slopes (exceeding 6:1 gradient and or 5 feet in vertical height), dedicated open space, guard rails, provision of the American Disabilities Act ("ADA") or other areas that prohibit provision of such sidewalks as determined by the Planning Director and the City Engineer. In these

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specific areas, alternative design solutions may be proposed and shall emphasize the creation and preservation of the rhythm of intended street pattern as illustrated in Exhibit "A," dated April 12, 1994. The design and placement of any proposed modifications shall be reviewed and approved by the Planning Director and the City Engineer.

- b. Provision of pedestrian pathways to all buildings, parking areas and public sidewalks. Where parking areas separate buildings from the street, a pedestrian pathway must provide a direct connection through the parking area to the project. Pathways shall be a minimum width of 4 1/2 feet and defined by enhanced hardscape, adjacent landscaping, and/or, if applicable a raised curb.
 - c. Provision of street trees to be installed per the requirements and standards of the City-Wide Landscape Regulations (San Diego Municipal Code section 101.0700) and Section 8, "Street Rights-of-Way and Open Spaces," of the *Landscape Technical Manual*. Street trees will be located adjacent to the curbs except as limited by the specific site constraints, (listed in "a" above) to the satisfaction of the Planning Director. On Palm Avenue and all roads where landscaped medians are used; one 24-inch-box tree on-center for every 45 linear feet on both sides of the right-of-way or equivalent will be provided on parkways, one 24-inch-box tree on-center for every 45 linear feet of planting area, or equivalent, will be provided for medians, satisfactory to the Planning Director and City Engineer.
 - d. Provision of street rights-of-way curb to property line distance of ten feet in width, except as noted in the conditions of approval for the California Terraces VTM. No additional setbacks or buffers shall be required for the top or toe of slope. Private walls are generally placed adjacent to but not within City right-of-way.
9. Prior to obtaining any building permits for models, the developer shall prepare and have approved by the Planning Director a Landscape Concept Plan which includes:
- a. A concept for plant materials consistent with xeriscape goals including de-emphasizing the use of turf in favor of water conserving and drought tolerant plant material. The plan must include a landscape concept, and criteria for plant selection for each of the following areas: brush management zones (without a requirement for the applicant to plant Zone 1 within single family lots), natural and manufactured slopes, areas adjacent to undisturbed slopes, community entries, sidewalks and parkways, planted medians,

street tree locations. The Landscape Concept Plan shall consist of a series of 1" = 100' exhibits or other suitable scale and will meet the requirements of the *Landscape Technical Manual*, as modified by the Precise Plan.

Areas covered by a Planned Commercial development or Planned Residential Development will be subject to the individual landscape plan submitted in conjunction with the applicable discretionary permit rather than the landscape Concept Plan. Each multi-family planning area subject to CPIOZ will also prepare a separate landscape concept plan prior to construction drawings/obtaining building permits. Landscape plans prepared for CPIOZ permits will not require discretionary review.

- b. Provision of vines at a minimum of twenty-five (25) feet along all fences and walls of major streets and prime arterials as noted in the Precise Plan - Wall and Fence Plan.
10. Prior to the issuance of grading permits, modified interim landscape and erosion control measures including hydroseeding shall be submitted to the satisfaction of the Planning Director and the City Engineer. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated April 12, 1994, all of which will be modified according to the conditions contained in this permit and pending the approval of this permit. Landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.
11. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
12. A minimum of two thousand twenty-four (2,024) total parking spaces shall be provided (at a ratio of 2.0 spaces per dwelling unit) in garages for the single-family units. The multifamily developments will be reviewed against the parking requirements in effect on December 15, 1986. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the Covenants, Conditions and Restrictions ("CC&Rs"). Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated April 12, 1994. Parking spaces and

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aisles shall conform to Planning Department standards. No change shall be made at any time for use of these off-street parking spaces.

13. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
14. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
15. Manufactured slopes adjacent to natural slopes greater than fifteen feet (15') in height shall incorporate contour grading, horizontal and vertical undulation, and variable slope ratios where shown in the Precise Plan and Vesting Tentative Map. Tops and toes of slopes shall be rounded to create a natural appearance, excluding private yards. Portions of undifferentiated slopes visible above roof lines shall receive enhanced landscape treatment to soften their appearance to the satisfaction of the Planning Director.
16. No additional earthwork (from what is approved with this permit) shall be permitted for tennis courts or pools within Hillside Review limits unless the Exhibit "A" drawing dated April 12, 1994, illustrates a surplus pad area (requiring no additional earthwork) on the single-family lots. Spas may be considered within the HR limits through the substantial conformance review process provided that the Planning Director can find the design of these facilities to be consistent with the Hillside Review guidelines and the HR findings can be made.
17. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
18. Prior to the issuance of any grading permit and/or recordation of any final map, documentation shall be submitted to the Environmental Analysis Section's (EAS) Principal Planner certifying that the U.S. Army Corps of Engineers and the California Department of Fish and Game have granted their respective permits for implementing the project, if such permits are required.
19. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Sign Code Administrator and shall be consistent with the criteria established by the respective zones upon which the facility is located.

Pools & SPAS
IN YARDS
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20. Project temporary identification ground signs shall not exceed sixteen feet (16') in height as illustrated in the California Terrace Precise Plan - Signage Plan shown as Exhibit "A," dated April 12, 1994.
21. A walkway shall be provided from each unit to the sidewalk within the dedicated right-of-way; and, if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk. Utilities shall be placed so they do not restrict placement of required street trees within the right-of-way.
22. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
23. The effective date of this permit shall be the date of final action by the City Council or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in San Diego Municipal Code section 101.0900. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
24. No development shall commence, nor shall any permit for construction be issued, until:
 - a. The Permittee signs and returns the permit to the Planning Department;
 - b. The Hillside Review/Community Plan Implementation Overlay Zone Permit is recorded in the Office of the County Recorder.
25. The property included within this Hillside Review Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
26. This Hillside Review/Community Plan Implementation Overlay Zone Permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.
27. This Hillside Review/Community Plan Implementation Overlay Zone Permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

28. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and Hillside Review Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.
29. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to California Terrace Special Sign District Precise Plan - Signage Plan and be administered by the Sign Code Administration Division.
30. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," "Row," or "Square." Public refuse collection shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.
31. This Hillside Review/Community Plan Implementation Overlay Zone Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.
32. This Hillside Review/Community Plan Implementation Overlay Zone development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
33. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
34. The timely erosion control including hydroseeding of all slopes herein is considered to be in the public interest and the developer shall initiate such measures within 45 days from the date that the grading of the designated slopes is deemed to be complete. Such measures, if any, shall be installed in accordance with the plans approved per the *Landscape Technical Manual* as modified by the Precise Plan, by the Planning Director and City Engineer. The landscaping shall be properly maintained to ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of Homeowners' Association which will assume responsibility for the landscape maintenance.
35. Manufactured slopes on Vesting Tentative Map No. 86-1032 shall be built with variable slope contours and undulation

techniques per Hillside Review Guidelines and native plant materials established per *Landscape Technical Manual* as modified by the Precise Plan, on file in the Planning Department.

36. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
37. Prior to recordation of the final map, a brush management plan identifying brush management zones, setbacks, and alternative compliance conditions shall be submitted to the satisfaction of the Fire Marshall and the Planning Director. Zone 1 will be recorded as a non-building easement for brush management with the final map. The limits of the fuel management zones will not encroach further into open space beyond that shown on the VTM exhibit.

Wherever possible the project shall implement the standard brush management program per the *Landscape Technical Manual*. Where this is not possible, the project has been granted alternative compliance for brush management. Alternative compliance may require architectural features per *Landscape Technical Manual* Section 6.6-2 and additionally may include additional Zone 1 setbacks except as discussed below, site walls, additional architectural features, etc. to the satisfaction of the Fire Marshall and the Planning Director. Unless mutually agreed upon by the City and applicant, the granting of Alternative Compliance shall not include the expansion of Zone 1 within side yards. For the rear yards of single family lots, the non-building easement shall not impact any of the lots within one hundred ten feet (110') of the front property line/street right-of-way.

38. A preconstruction meeting shall occur with the owner, contractor, and Planning Department to discuss and outline the implementation of the Brush Management Plan.
39. Prior to the approval for occupancy, a field inspection shall be made by Development and Environmental Planning Division, to ensure that a brush management program as required in Condition No. 37 above has been satisfactorily implemented. Maintenance of the Brush Management areas shall be the responsibility of the Homeowners' Association. Field checks every three years shall be made by the Development and Environmental Planning Division to ensure compliance with on-going maintenance as outlined in the *Landscape Technical Manual*.
40. Prior to the issuance of building permits, a copy of the building plans illustrating the noise walls shall be submitted to the City of San Diego Development and Environmental Planning Division for review. Noise walls

shall be constructed and shall be in substantial conformance with Exhibit "A," dated April 12, 1994, on file in the Planning Department. Prior to the issuance of occupancy permits, a field check of the site shall be made by a Development and Environmental Planning Division representative to ensure that the noise walls have been properly installed. The sound attenuation walls shall comply with Municipal Code section 101.0620 (Fences).

41. Noise walls, if located in the public right-of-way, shall be permitted by an Encroachment Removal Agreement obtained from the City Engineer.
42. The permittee/applicant shall comply with all requirements of the Uniform Building Code ("UBC") and secure all necessary building permits prior to construction.
43. A three-year landscape maintenance and monitoring program shall be implemented by the developer to ensure successful revegetation of all manufactured slopes along major streets and adjacent to natural open space. The program shall include irrigation, plant replacement and maintenance. The Development and Environmental Planning Division shall be informed in writing of the date on which revegetation of the slopes has been completed. Once each year for three years following the date of initial plantings, the Deputy Director of the Development and Environmental Planning Division shall review these slopes areas to verify satisfactory establishment of the vegetation. If the initial plantings have not been adequately established, the maintenance plan shall remain in effect.
44. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance No. O-17327. The developer shall design and install a reclaimed water distribution system, satisfactory to the Water Utilities Director.
45. Public access will be guaranteed from all public streets, landscape maintenance and utility easements and cul-de-sacs that contact open space areas.
46. Prior to the approval for occupancy for this project, the developer will provide proof that the masonry walls within the project boundaries are treated with an acceptable anti-graffiti solution. The walls shall be kept free and clean of graffiti at all times. Maintenance responsibility for this requirement shall be transferred to the Homeowners Association at the time of its establishment.
47. The height of the buildings constructed within this subdivision shall be such that they do not penetrate the surface of the approach zone and clear zone of Brown Field, as defined in the appropriate Federal Aviation Regulations. ✓

The height of the buildings will be approved by the Planning Director in connection with the approval of the specific development permits.

48. An aviation easement shall be granted over the entire subdivision for flight activities involving Brown Field. The conditions of this easement shall be satisfactory to the Deputy Director of the Airports Division of the General Services Department.
49. Prior to the issuance of building permits, Planned Commercial Development ("PCD") permits shall be processed and final approval shall be obtained for commercially zoned lots 1023, 1027, 1029, and 1031.
50. The Phasing Plan included in the California Terraces Precise Plan shall be adhered to for future development of this project.
51. Except as provided for on these permit conditions, all future reviews for CPIOZ, discretionary or ministerial reviews shall be subject to all guidelines and codes contained in the Precise Plan, as well as, the San Diego Municipal Code in effect on December 15, 1986.
52. Prior to the issuance of building permits, the developer shall provide bus stop improvements at the various locations illustrated on Exhibit "A," dated April 12, 1994, on file in the office of the Planning Department. Improvements shall consist of a concrete sidewalk ten feet (10') behind the curb and sixty feet (60') parallel to the curb at each bus stop. Each bus stop shall comply with ADA regulations.
53. Prior to recordation of any final map or issuance of a grading or pre-grading permit for any portion of the project site, proof of an incidental take permit under Section 7 or Section 10a of the Endangered Species Act relative to the California gnatcatcher shall be provided to the Principal Planner of the Planning Department Environmental Analysis Section. If such permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign required in obtaining a Section 7 or 10a permit will require reconsideration by the appropriate City decision-making body.
54. ENVIRONMENTAL MITIGATION REQUIREMENTS
 - a. The applicant shall clearly indicate on the grading plans slopes that are to be contour graded and rounded. A note shall be included on the grading plans requiring the applicant to notify the Planning Department two weeks before grading begins and for the follow-up inspection after grading is complete.

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- b. Prior to the issuance of grading permits, EAS shall review the grading and landscape plans to ensure that grading techniques are being utilized and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. Areas shown as open space shall be flagged in the field and confirmed by EAS.
- c. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS certification that the project has complied with the required mitigation measures on the grading plans. Only after the Planning Director and City Engineer approve the grading shall a recommendation be made to the City Council for the release of the subdivision bond.
- d. The developer shall provide maintenance of all landscaping of the manufactured slopes along major streets and adjacent to natural open space. The developer is responsible for maintaining the landscaping until such time that either homeowner's associations (HOAs) or other City-approved mechanisms can assume long-term responsibility. If maintenance responsibility is accepted by a Landscape Maintenance District, the minimum maintenance period shall be two years.
- e. The applicant shall enter into a long-term maintenance agreement with the City, which shall be recorded with all final maps. The agreement shall stipulate that the developer shall be responsible for the landscape maintenance of the manufactured slopes until such time that either the HOAs or other mechanisms can assume responsibility. Any areas which are proposed to be deeded over to the City and require landscape maintenance are likewise the obligation of the developer until such time that the City has agreed to assume responsibility.
- f. Areas covered by the Community Plan Implementation Overlay Zone which contain manufactured slopes must have either HOAs or other mechanisms, which must be approved by the Planning Department and Park and Recreation Department, established prior to the issuance of building permits. The HOAs and/or other approved mechanisms are required to provide permanent landscape maintenance of the manufactured slopes.
- g. The following specific measures to reduce potentially significant impacts related to geology/soils to below a level of significance shall be implemented during site grading and shall be shown as notes on future grading plans. Prior to the issuance of grading permits, EAS and Engineering and Development Department (EDD) shall review the grading plans to ensure that these measures are on the plans. The applicant shall retain a soils engineer to monitor the grading and construction. At its discretion,

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the Planning Department shall conduct field inspections during grading. Only after the Planning Director and the City Engineer approve the grading and other appropriate improvements shall a recommendation be made to the City Council for the release of the subdivision bond.

- 1) Removing the expansive materials to a depth of approximately four feet below the proposed finished grade, or using highly reinforced foundations and/or post-tensioned slabs where the deposit is too thick for removal.
 - 2) Removing and recompacting existing fill sites.
 - 3) Removing and recompacting cohesionless zones encountered within the terrace deposits. Any slopes cut into this material shall require stability fills to reduce the potential for excessive rilling, erosion, and surficial sloughing.
 - 4) Removing and recompacting alluvium or slope wash wherever fill is to be placed in canyons. Canyon subdrains may be required if fill is placed in canyons.
 - 5) Using stability fills in cut slopes wherever bentonite clay deposits are exposed. The buttresses shall consist of a uniform 20-foot thick fill placed at the face of overcut slopes. The material used in the stability fill shall consist of granular material, which could be obtained from the nearby terrace deposits and San Diego Formation.
 - 6) Buttressing the major landslide along the southern flank of the westerly trending drainage course at the site by construction of a buttress fill independent of the pad elevations or by increasing pad elevations to 340 to 390 MSL along the toe of the landslide. All loose slide debris shall be removed from the area underlying any proposed structural developments including streets and the area extending outside the development equal to the depth of the landslide debris at the edge of the proposed structural improvements.
 - 7) Including setbacks or redesign of components in a site plan, should future testing indicate a need in the vicinity of the La Nacion fault.
- h. The following specific measures to reduce potentially significant impacts related to erosion to below a level of significance shall be implemented by the applicant during grading.

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- 1) Limiting grading to only what is permitted so that spillovers into natural areas are avoided, and native vegetation to be preserved is not trampled.
- 2) Watering and capping final earth surfaces to form a hardened cap.
- 3) Sandbagging roadbeds (where necessary) until paved, in order to minimize erosion and prevent sediment transport. This may need to occur on portions of Palm Avenue.
- 4) Controlling sediment production from graded building pads with low perimeter berms, sandbags, bladed ditches, or other appropriate methods.
- 5) Construction of on-site interim and ultimate storm drain systems to reduce the off-site impact due to construction activities and ultimate development. Drainage facilities would include channels, inlets, storm drain piping, detention basins, and outlet structures to reduce impacts to the downstream receiving waters.
- 6) Native areas not to be disturbed by grading shall be flagged to delineate the extent of the grading.

Prior to the issuance of grading permits, EAS and EDD shall review the grading plans to ensure that these measures are shown on the plans. The applicant shall retain a soils engineer to monitor the grading and construction. At its discretion, the Planning Department shall conduct field inspections during grading. Only after the Planning Director and the City Engineer approve the grading and other appropriate improvements shall a recommendation be made to the City Council for the release of the subdivision bond.

- i. Partial mitigation of the impacts to vernal pool habitat would result from the implementation of a vernal pool preservation plan. This plan is included as Appendix C to the Final EIR. Prior to issuance of a grading permit for any area that includes wetlands, specific tasks described in detail in the Dennery Canyon Vernal Pool Restoration and Preservation Plan shall be implemented. Criteria for success of the preserve include a goal for increase in gross area of habitat and a species-oriented restoration goal. These goals are to be met at the end of a five-year monitoring program. At least 24 pools supporting 20,200 square feet of habitat must be permanently established, in addition to previously existing pool areas within the preserve, at the end of this monitoring period. Success of the program will also be based on the establishment of populations of target species listed in the plan in pools within the preserve. Plant species and

abundance will be sampled in the pools to be impacted, and soil of these pools will be sampled for populations of fairy shrimp and other fauna. These data will be analyzed to determine minimum success criteria, to be defined in terms of percent cover for each of these plant taxa, species diversity of pool plant taxa and species diversity of pool plant fauna.

- j. Regular maintenance of the vernal pool preserve areas shall be required throughout the establishment of the vegetation including a minimum five-year monitoring period for both uplands and vernal pool areas as described in the plan. The restoration efforts shall be monitored by the subdivider for a five-year period and until the specific success criteria described in the plan have been met. Once the success criteria have been achieved, maintenance of the habitat itself should end as the plant communities mature; however, ongoing maintenance of the barriers and monitoring of trespassing shall be required. The following factors shall be included in the maintenance contract for the vernal pool preserves:

- 1) The removal of aggressive non-native weeds shall be necessary during the five-year monitoring periods for the vernal pool and upland habitats. All weeding shall be done by using hand tools at least twice in the spring when the pools are dry. The monitoring biologist shall monitor and notify the landscape contractor when to remove weeds and which plants require control during the monitoring periods. The need for weeding is expected to decrease substantially by the end of the monitoring period and, provided successful habitat restoration has been achieved, no long-term weeding requirements are recommended.
- 2) All barriers, fencing, and signs shall be checked and repaired as necessary once every three months. Monitoring of disturbance and maintenance of the barrier and signs shall be the responsibility of the applicant for the term of the five-year general monitoring period described below and would pass to the permanent trustee at the end of that period.
- 3) Trash in the preserve areas shall be removed once every three months.
- 4) Any persons found willfully damaging the habitat within the preserves, including but not restricted to trash dumping, off-road-vehicle activity, illegal alien activity, plant removal, and destruction of barriers, shall be prosecuted to the full extent of the law. Signs posted in English and Spanish to inform people of the status of the preserve area shall also include a

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description of applicable laws and codes including fines for causing damage to the preserve.

- k. The applicant shall retain responsibility for maintenance and management of the Dennery Canyon Vernal Pool Preserve for a minimum five-year period or until the success criteria described in the plan have been met for the vernal pool and upland habitats. Ownership of the preserve will be transferred to the City of San Diego as a permanent steward. The applicant shall be responsible for employing an approved biological consultant to implement the monitoring programs. Other than the above-mentioned initial period, management of the preserve shall be the responsibility of the City of San Diego as the ultimate owner of the preserve. The monitoring periods are to begin as stated in the restoration plan.
- l. Long-term maintenance tasks for preserve management include:
(1) monthly monitoring and repair as necessary of barriers and signs around the preserve; (2) monthly removal of trash; (3) brief annual assessment of the status of target managed species within the preserve by an agency biologist or biological consultant, with the preparation of recommended species management activities, if warranted; (4) implementation of species management activities in consultation with resource agencies, if warranted; and (5) repair of vandalism or damage to pools in the preserve. The perpetual maintenance of the vernal pool preserve shall be ensured through the provision of a funding mechanism to the satisfaction of the Director of the Park and Recreation Department prior to transferring ownership of the preserve to the City.
- m. Prior to issuance of a grading permit or recordation of a final map for areas that include wetlands, evidence shall be submitted to the Principal Planner of the Environmental Analysis Section showing that: a) the U.S. Army Corps of Engineers and the California Department of Fish and Game have approved a Dennery Canyon Vernal Pool Restoration and Preservation Program, and that b) both agencies have granted permits under their respective jurisdictions for implementation of the project, if required.
- n. Prior to the issuance of a grading permit, the Environmental Analysis Section shall review grading and landscaping plans to ensure that all manufactured slopes adjacent to natural open space will be planted with coastal sage scrub species.
- o. A qualified biologist shall be contracted to monitor the clearing of vegetation in association with brush management during all maintenance periods. This will ensure minimal removal and cutting of native vegetation in accordance with the guidelines for the *Landscape Technical Manual* and

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the brush management plan, thus minimizing impacts to wildlife habitat.

- p. The following mitigation measures would reduce potentially significant impacts relative to cultural resources to below a level of significance. These measures shall be implemented prior to issuance of a grading permit.
- 1) A data recovery program shall be completed, including radiocarbon dating and faunal analysis at SDI-6941D.
 - 2) Completion of detailed lithic analysis of the artifacts recovered from SDI-7604E and SDI-10,200.
 - 3) Any controlled destruction of archaeological sites shall be conducted by a qualified archaeologist.
 - 4) A report documenting the findings addressing the research objectives proposed during the test phase shall be reviewed and approved by EAS.
 - 5) A qualified archaeological monitor shall be present during construction grading in the vicinity of SDI-6941D, SDI-7604E, and SDI-10,200 to ensure the appropriate treatment upon discovery of any unknown buried deposits of cultural debris.

A qualified archaeologist shall be present to identify the area of constraint which will be flagged prior to construction grading. Upon completion of grading, the area to be capped will be identified. Capping will be completed before building permits are issued.

The applicant will coordinate with the City Planning and Engineering Departments to provide for protection of the archaeological site SDI-6941D adjacent to Lot 1030, to the extent feasible, through capping, avoidance of the area by a minor modification to Street JJ or other measures as mutually agreed upon by the applicant and City.

- q. All multi-story residential buildings adjacent to SR-905, Palm Avenue, Otay Mesa Road, and Del Sol Boulevard shall achieve interior noise levels of 45 CNEL or less to meet the applicable City and State standards. The noise technical report (Appendix E of the EIR) states the amount of exterior to interior attenuation required for buildings in each area of the tentative map adjacent to a major roadway. In addition, all multi-family balconies on the second-floor or higher which are part of required open space calculations shall meet the City's 65 CNEL exterior noise level standard.
- r. The noise barriers shown on Figure 36 and Table 13 of the Final EIR which are shown within the VTM area to be developed shall be shown on building plans and shall be

constructed prior to issuance of occupancy permits. Barriers which are berms shall be shown on the grading plans and verified by the Environmental Analysis Section. Walls which are greater than six feet in height shall be shown on the building plans and identified as noise walls. A building permit is required for walls greater than six feet in height. The Building Inspection Department shall ensure that the noise walls for which permits have been obtained have been built on the project site prior to issuance of occupancy permits. Walls under six feet in height shall be inspected by the Planning Department prior to issuance of occupancy permits.

- s. For single- and multifamily buildings taller than one story which are adjacent to SR-905, Palm Avenue, Otay Mesa Road, or Del Sol Boulevard, the applicant shall provide written certification to the satisfaction of the City Building Inspection Department that interior noise levels will meet the 45 CNEL noise level standards. This shall be provided prior to issuance of building permits. The applicant shall provide written certification to the satisfaction of the City Building Inspection Department that all multi-family balconies on the second-story or above which are adjacent to SR-905, Palm Avenue, Otay Mesa Road, or Del Sol Boulevard and which are part of required open space calculations will meet the City's 65 CNEL noise level standard. This shall be completed prior to issuance of building permits.
- t. The City of San Diego Engineering and Development Department shall verify that the circulation system shown on the precise plan and on all subsequent tentative maps are consistent with the system shown in Figure 39 of the Final EIR and with the City's street design standards.
- u. The project shall conform to the approved Transportation Phasing Plan as contained in Table 15 (dated January 19, 1994) of the Final Environmental Impact Report.
- v. The applicant shall provide any bus stops or shelters required by MTDB to develop needed bus routes through the project site. If requested by MTDB, the applicant shall provide an irrevocable offer to dedicate all necessary right-of-way to accommodate the trolley line and station along the SR-905/Otay Mesa Road planned route. The required measures shall be provided to the satisfaction of MTDB.
- w. Bikeways and sidewalks shall be constructed in conformance with City standards. Lockable bike racks or storage lockers shall be provided at all schools, parks, and commercial areas. The City of San Diego Planning Department shall verify that these conditions have been placed on the maps prior to their approval. These measures shall be in place prior to occupancy of the schools, parks and commercial developments.

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- x. The alternative transportation routes (pedestrian routes and bicycle lanes) as shown on Figure 40 of the Final EIR shall be constructed prior to issuance of building permits for the area to be developed. A site inspection shall be conducted by EAS prior to issuance of building permits to ensure that improvements consistent with the approved Precise Plan street system have been properly constructed.
- y. Prior to recording the final map, the developer shall demonstrate that agreements to ensure appropriate funds are available to the districts have been made with the affected school districts.
- z. Prior to issuance of any building permits within the precise plan area, the school sites for the phase to be developed shall be approved by the San Ysidro Elementary School District and the Sweetwater Union High School District.
- aa. Water and sewer studies shall be submitted to the Water Utilities Department prior to approval of any final maps to mitigate the potentially significant impacts to water supply identified by the Water Utilities Department. A separate reclaimed study shall be provided to assure that transmission and distribution facilities within the subdivision are sized adequately to the satisfaction of the Water Utilities Department. Off-site water and sewer improvements shall be designed and installed by the project applicant, as recommended in approved studies, to the satisfaction of the Water Utilities Department director. Facilities identified in the updated studies may require subsequent environmental review, if deemed necessary by the Development and Environmental Planning Division. Any additional environmental review will be necessary prior to construction of any off-site facilities. The environmental review will include consideration of prior environmental documents that evaluated impacts by other projects to the same area affected by the proposed on or off site facilities. Mitigation to reduce any significant impacts shall be identified during subsequent environmental review.
- bb. Prior to issuance of any building permits, the project applicant shall assure all on-site water and sewer facilities, as recommended in approved studies, to the satisfaction of the Water Utilities Department.
- cc. All applicable mitigation measures required by these approval conditions, and any mitigation measures required if subsequent environmental analysis of the water and sewer studies is considered necessary and significant impacts are identified, shall be noted on the grading plan. Prior to approval of any final maps, the Development and Environmental Planning Division and Water Utilities Department shall review the plan to ensure implementation of these measures. All facilities identified by the

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required studies shall be in place or assured prior to issuance of any building permits to the satisfaction of the City Engineer.

dd. Measures to reduce potentially significant impacts relative to paleontology include the following monitoring and salvaging program.

- 1) A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques, such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
- 2) The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The requirement for paleontological monitoring shall be noted on the construction plans. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses paleontological collections, and preparing a results report. These duties are defined as follows:
 - a. Monitoring. The paleontologist or paleontological monitor shall be on-site during the original cutting of previously undisturbed areas of the San Diego Formation and the Otay Formation to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
 - b. Salvaging. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact EAS. The EAS must concur with the salvaging methods before construction is allowed to resume.

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- c. Preparation. Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
- d. Monitoring Results Report. A monitoring results report, with appropriate graphics, summarizing the results, even if negative, analysis, and conclusions of the above program shall be prepared and submitted to EAS prior to issuance of any building permits.

The above measures shall be included as notes on the grading plans. Prior to issuance of grading permits, EAS and EDD shall review the grading plans to ensure that these measures are on the plans. Prior to grading activities, verification that a qualified paleontologist and/or paleontological monitor has been retained to implement the monitoring program shall be provided.

- 55. In the event that different interpretations are drawn between statements in the approved Precise Plan and more specific requirements in these permit conditions, the permit conditions shall prevail. These permit conditions are intended to implement the Precise Plan objectives and guidelines.
- 56. 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.

APPROVED by the Council of The City of San Diego on April 12, 1994, by Resolution No. R-283695.


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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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State of CALIFORNIA

County of SAN DIEGO

On April 16, 1997 before me, Edythe E. Goff, Notary Public

personally appeared Michael D. Madigan and David R. Poole

personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Edythe E. Goff
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Hillside Review Permit & Community Plan Implementation
Title or Type of Document: Overlay Zone No. 86-1032/California Terraces

Document Date: April 12, 1994 Number of Pages: 21
Plus 6

Signer(s) Other Than Named Above: (Resolution #R-283695)

Capacity(ies) Claimed by Signer(s)

Signer's Name: Michael D. Madigan

- Individual
Corporate Officer
Title(s): Senior Vice President
Partner
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:
Pardee Construction Company
110 West C Street, Ste.2200
San Diego, CA 92101

Signer's Name: David R. Poole

- Individual
Corporate Officer
Title(s): Assistant Vice President
Partner
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:
Pardee Construction Co.
110 West C St., Ste.2200
San Diego, CA 92101

AUTHENTICATED BY THE CITY MANAGER:

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Tina P. Christiansen

Tina P. Christiansen, A.I.A.
Development Services Manager
for the City Manager

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.

PARDEE CONSTRUCTION COMPANY
Owner/Permittee

By *[Signature]*

By *[Signature]*

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack

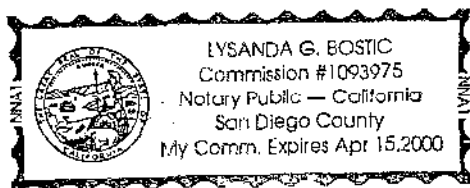
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ALL-PURPOSE ACKNOWLEDGMENT

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STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On May 7, 1997, before me, LYSANDA G. BOSTIC, the undersigned, a Notary Public in and for said State, personally appeared TINA P. CHRISTIANSEN, Development Services Manager, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Lysanda G. Bostic
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

DESCRIPTION OF ATTACHED DOCUMENT.

Title or Type of Document: Hillside Review Permit and Community Plan Implementation Overlay Zone No. 86-1032 - California Terraces R-283695

Document Date: April 12, 1994 Number of Pages: 21

Signer is Representing: The City of San Diego

(R-94-1761) 1202

RESOLUTION NUMBER R-283695

ADOPTED ON APRIL 12, 1994

WHEREAS, on February 17, 1994, the Planning Commission voted to recommend approval of Hillside Review Permit and Community Plan Implementation Overlay Zone No. 86-1032 submitted by Pardee Construction Company, a California corporation, Owner/Permittee, for the California Terraces development, on property described as the northwest quarter and a portion of the south half of Section 30, Township 18 South, Range 1 West, and a portion of the southeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, SBM, in the Otay Mesa Community Plan area, in the A-1-10/HR zone (proposed A-1-1, R1-5000, R-1000, R-1250, R-1750, R-3000, CA and HR zones); and

WHEREAS, the matter was set for public hearing on April 12, 1994, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Hillside Review Permit and Community Plan Implementation Overlay Zone No. 86-1032:

1. HILLSIDE REVIEW PERMIT FINDINGS

a. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas. ✓

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The property as it currently exists is highly disturbed and is a product of unauthorized off-road and dumping activities. The remaining sensitive resources have been preserved where feasible. A comprehensive open space system is a dominant feature of the site's design which was agreed upon by the applicant, surrounding property owners, and the City as a significant resource in exchange for development rights in areas of less significance.

The open space system within California Terraces coordinates with the open space areas set aside in the adjacent development proposals. The preservation of most of the links to Dennery Canyon as a major open space corridor benefits the entire Otay Mesa residential community.

b. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability or fire hazard which would affect health, safety and general welfare as determined by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation.

The site has been identified as "suitable for the proposed development" in the project geotechnical report. However, the disruption of natural soil profiles associated with grading operations may temporarily increase susceptibility to erosion. Conditions have been included in the permit to insure that the grading and excavation associated with the project will not affect the health, safety or welfare of the public. Conditions

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have also been included in the permit requiring the developer to revegetate the disturbed slopes within 30 days of the grading.

c. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper architectural treatments, and appropriate plant material.

The proposed development will be visually compatible with other approved and proposed developments in the surrounding area. Architectural treatment includes a variety of rooftop styles and colors, building elevations and use of materials to avoid monotony. Attached units are proposed to be utilized in order to augment adjacent open space areas and to gain vistas into these areas.

d. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the Community Plan, any other adopted applicable plan, and the zone. An open space easement or dedication is taken on portions of the development site, as appropriate, after consultation with the Park and Recreation Department.

The City and the applicant worked together to develop the proposed open space system in conjunction with the surrounding residential developments. The discretionary action includes the opportunity for the City to obtain the open space system network through conveyance.

All lots deeded to the City for open space shall be in fee title. These lots shall be deeded at no cost to the City. All

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lots shall be free and clear of any encumbrances, private encroachments, private easements and private agreements, except those approved by the Director of the Parks and Recreation Department. Areas disturbed by the developer or now disturbed shall be scarified and seeded with a native non-irrigated mix satisfactory to the Parks and Recreation Director. The landscaping plans on such lots shall be to the satisfaction of the Parks and Recreation Director. No lot shall be accepted by the Department of Parks and Recreation for maintenance into the City inventory until such vegetation is in a healthy and vigorous condition.

e. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-26219 "Hillside Design and Development Guidelines."

The project has been designed, where feasible, to take into consideration some of the recommendations included in the Hillside Design and Development Guidelines. Approximately 123 acres of the 197 acres within hillside review are proposed to be graded. Some of the guidelines have not been achieved when taking into consideration the expense of split building pads, split streets and other HR guideline techniques. However, the project has been designed to preserve the most significant environmental features of the site in conformance with the Hillside Review Guidelines. The project does incorporate some contour grading of visible manufactured slopes.

2. COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE FINDINGS

a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.

The Otay Mesa Community Plan designates the site for various residential densities from low to high-medium, commercial, open space and school/park uses. The project will result in a mix of single-family and multifamily residential units, school/park sites and result in a density of between 5-10 du/ac in the single-family areas and up to 43.0 du/ac in the multifamily areas. A community plan amendment is being requested in order to precisely determine road alignments or definitive locations for public facilities.

b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

Mitigation measures were identified for landform alteration, traffic circulation, geology, soils, paleontology, noise, biology, cultural resources, wetland habitats, public services and utilities, and erosion, and water quality. Mitigation measures have been incorporated into the project to lessen identified adverse impacts. A mitigation monitoring program including procedures and timing of their implementation will also be incorporated into the project.

Conditions have also been included to insure minimum safety standards through the implementation of a brush management plan.

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c. The proposed use will comply with the relevant regulations in the Municipal Code.

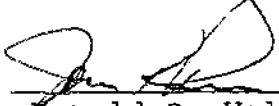
The project proposes 1006 fewer dwelling units, and more open space than the Otay Mesa Community Plan recommends. Due to the absence of the very low density land use category and the addition of the proposed high-medium density residential acreage, the development is more dense than allowed by the community plan, however, the total number of units remains below the limits set by the adopted community plan and more open space is retained. The proposed community plan amendment is compatible with the goals of the Otay Mesa Community Plan. The proposed rezoning would make the underlying zone consistent with project proposed land use designations.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Hillside Review Permit and Community Plan Implementation Overlay Zone No. 86-1032 is hereby granted to Pardee Construction Company, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

BY


Harold O. Valgerhaug
Chief Deputy City Attorney

HOV:lc
08/31/94
Or.Dept:Clerk
R-94-1765
Form=r.permit

ORIGINAL

APR 12 1994

Passed and adopted by the Council of The City of San Diego on _____ by the following vote:

YEAS: Mathis, Roberts, Kehoe, Stevens, Warden, McCarty, Vargas,
Mayor Golding.

NAYS: Stallings.

NOT PRESENT: None.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: MAYDELL L. PONTECORVO, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R- 283695, passed and adopted by the Council of The City of San Diego, California on APR 12 1994.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Maydell L. Pontecorvo, Deputy

ORIGINAL

1209

DOCUMENT HRP/CPIO-86-1032

FILED - APRIL 12, 1995

OWNER/PERMITTEE - PARDEE
CONSTRUCTION CO.

To construct a hillside development described as the NW quarter and a portion of the south half of Sec. 30, Township 18 S., Range 1 West, and a portion of the s.e. quarter of the n.e. quarter of Sec. 25, Township 18 South, Range 2 West, SBM, in the Otay Mesa Community Plan area.

CC: Permit Intake Services,
MS #501
(For distribution)

cfq

PRINCESS PARK CONDOMINIUMS TENTATIVE MAP WAIVER

LEGAL DESCRIPTION:

LOT 180 OF PRINCESS PARK IN CALIFORNIA TERRACES IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14730, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 31, 2003.

ASSESSOR'S PARCEL NUMBER:
645-060-41-00

ZONING:

COMMUNITY PLAN: OTAY MESA
EXISTING BASE ZONE: RM-2-4
OVERLAY ZONES: FIRE HAZARD SEVERITY ZONE/FRA PART 77 NOTIFICATION AREA
ENVIRONMENTALLY SENSITIVE LANDS: SENSITIVE BIOLOGIC RESOURCES/STEEP HILLSIDES (ALTHOUGH NO STEEP HILLSIDES OR SENSITIVE BIOLOGIC RESOURCES EXIST ON THE SITE)
GEOLOGIC HAZARD CATEGORY: 53

OWNER/APPLICANT:

PARDEE HOMES, A CALIFORNIA CORPORATION
6025 EDGEWOOD BEND COURT
SAN DIEGO, CA 92130
(619) 794-2500

EXISTING UTILITIES:

12" PVC WATER PER 32293-11-D.
24" CML & TCMC WATER PER 32293-11-D.
18" RCP STORM DRAIN PER 32293-36-D.
18" CMP STORM DRAIN PER 32293-36-D.
42" TRUNK SEWER PER 33012-8-D.

EASEMENTS:

(A) INDICATES CENTERLINE OF PUBLIC UTILITY EASEMENT, REC. 12-13-1950 AS INSTRUMENT NO. 145062 IN BOOK 3696, PAGE 237, O.R., GRANTED TO SD&E.

(B) INDICATES AN EASEMENT TO ERECT, CONSTRUCT, RECONSTRUCT, REPLACE, REPAIR, MAINTAIN AND USE, ONE LINE OF POLES WITH WIRES AND CABLES AND INCIDENTAL PURPOSES, REC. 9-5-2003 AS INSTRUMENT NO. 2003-1086301, O.R., GRANTED TO SD&E.

AN AVIGATION EASEMENT OVER ENTIRE LOT, GRANTED ON MAP 14730, REC. 12-31-2003 AS FILE NO. 2003-1524219, O.R., GRANTED TO THE CITY OF SAN DIEGO.

TOPOGRAPHY SOURCE:

BY: SAN-LO AERIAL SURVEYS
DATED: MAY 07, 1999

BENCHMARK:

FOUND STANDARD CENTERLINE CONTROL MONUMENT AT THE INTERSECTION OF OTAY MESA ROAD AND HERITAGE ROAD PER THE CITY OF SAN DIEGO VERTICAL CONTROL BOOK DATED 1990, INDEX NO. 1469 17707 AND HAVING AN ELEVATION OF 504.568 FEET, DATUM NGVD-29.

SITE AREA:

GROSS AREA: 2,903 ACRES
NET AREA: 2,903 ACRES

PROPOSED RESIDENTIAL CONDOMINIUM STATISTICS:

BUILDING SUMMARY			
BUILDING	NO. OF STORES	NO. OF UNITS	SF (LIVING AREA)
BLDG #1	2	2 4-BDRM	1,700
		4 3-BDRM	1,530
BLDG #2	2	2 4-BDRM	1,700
		1 3-BDRM	1,530
BLDG #3	2	2 4-BDRM	1,700
		4 3-BDRM	1,530
BLDG #4	2	2 4-BDRM	1,700
		3 3-BDRM	1,530
BLDG #5	2	2 4-BDRM	1,700
		1 3-BDRM	1,530
BLDG #6	2	2 4-BDRM	1,700
		3 3-BDRM	1,530
BLDG #7	2	2 4-BDRM	1,700
		2 3-BDRM	1,530
BLDG #8	2	2 4-BDRM	1,700
		2 3-BDRM	1,530
BLDG #9	2	2 4-BDRM	1,700
		2 3-BDRM	1,530
TOTAL:	40 UNITS		64,260

PARKING REQUIRED PER CURRENT CODE:

PURSUANT TO SECTION 142.0525 OF THE MUNICIPAL CODE, THE PROJECT IS REQUIRED TO PROVIDE A MINIMUM OF 90 AUTOMOBILE SPACES AND 4 MOTORCYCLE SPACES.

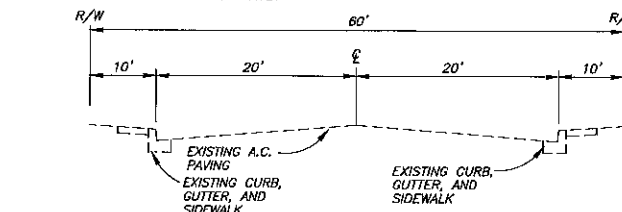
AUTOMOBILE SPACES SDMC SECTION 142.0525			
TYPE	NO. OF UNITS	RATE	SUBTOTAL
3-4 BEDROOMS	40	2.25	90

MOTORCYCLE SPACES SDMC SECTION 142.0525			
TYPE	NO. OF UNITS	RATE	SUBTOTAL
3-4 BEDROOMS	40	0.1	4

PARKING PROVIDED:

GARAGE PARKING SPACES: 80 SPACES (2 PER DU)
OPEN SPACES: 15 SPACES
TOTAL PARKING PROVIDED: 95 SPACES

MOTORCYCLE SPACES: 4 SPACES



OLD OTAY MESA ROAD
NOT TO SCALE
STA. 7+11.24 TO STA. 8+80.92

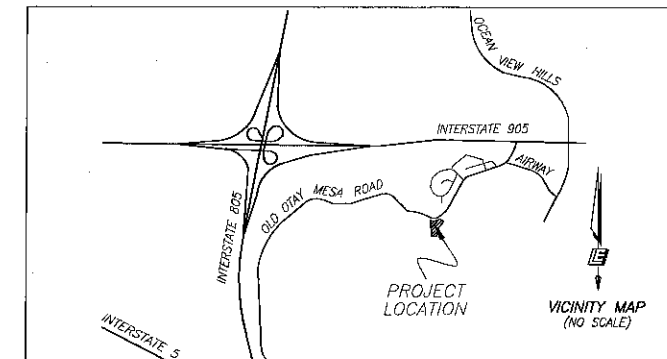
NAD 83: 1786-6315 NAD 27: 146-1755 P.T.S. 236291 I.O. 24001672

DEVELOPMENT SUMMARY:

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL UNITS IS 40.
- THIS APPLICATION REQUESTS A MAP WAIVER OF A TENTATIVE MAP AND FINAL MAP FOR A NEW 40 UNIT CONDOMINIUM PROJECT AS PROVIDED BY THE SUBDIVISION MAP ACT, SECTIONS 66428 AND 66428.1 PURSUANT TO SECTION 125.0120(d)(1) OF THE MUNICIPAL CODE.
- THE PROJECT IS FULLY ENTITLED AND IS LOCATED WITHIN THE CALIFORNIA TERRACES PRECISE PLAN AREA, A 665-ACRE MASTER PLANNED COMMUNITY APPROVED BY THE CITY COUNCIL ON APRIL 12, 1994. THE PROJECT IS IDENTIFIED AS PLANNING AREA NO. 18 IN THE PRECISE PLAN. AS SHOWN ON TABLE 2 "LAND USE TABULATIONS" OF THE PRECISE PLAN, IT WAS ANTICIPATED THAT 40 UNITS WOULD BE BUILT ON THIS SITE. THE PROPOSED PROJECT IS BEING DEVELOPED CONSISTENT WITH THIS EXPECTATION.
- THE PROJECT WAS PART OF A VESTING TENTATIVE MAP, NO. 85-1032, WHICH WAS APPROVED ON APRIL 12, 1994.
- THE EXISTING LOT WAS CREATED BY SUBDIVISION MAP NO. 14730 RECORDED ON DEC 31, 2003.
- THE IOD FOR PUBLIC STREET PURPOSES WAS VACATED BY CITY COUNCIL RESOLUTION R-306414, PASSED ON NOVEMBER 30, 2010.
- ALL REQUIRED PUBLIC IMPROVEMENTS ASSOCIATED WITH THE VTM PROJECT APPROVALS FOR THIS SITE HAVE BEEN SATISFIED AND CONSTRUCTED PER CITY DRAWING 32293-D.
- THE EXISTING SITE IS 100% DISTURBED, CONSISTING OF A VACANT GRADED PAD AND MANUFACTURED SLOPES CREATED AS DESIGNED PER THE APPROVED GRADING PLAN 32293-36-D.
- THE REQUESTED ACTION IS TO ALLOW THE APPROVED 40 UNIT MULTI-FAMILY RESIDENTIAL TOWNHOUSE DEVELOPMENT TO BE SOLD AS CONDOMINIUMS.
- EXISTING NUMBER OF LOTS: 1 PROPOSED NUMBER OF LOTS: 1
- THE DEVELOPMENT OF THE PROPERTY WAS ADDRESSED IN EIR DEP-86-1032. NO CHANGES IN THE DEVELOPMENT EXPECTATIONS THAT WERE ANALYZED IN THE EIR ARE BEING PROPOSED WITH THIS APPLICATION.

LEGEND:

DESCRIPTION	SYMBOL
PROPERTY LINE	---
SETBACK LINE	---
EXISTING EASEMENT	---
EXISTING CONTOUR	---
EXISTING OVERHEAD ELECTRICAL	---
EXISTING WATER	---
EXISTING SEWER	---
EXISTING STORM DRAIN	---
EXISTING STREET LIGHT	---
EXISTING FIRE HYDRANT	---
INDICATES RECORD DATA PER MAP 14730	()
INDICATES RECORD DATA PER ROS 10518	(())
2" X 24" IRON PIPE W/ DISC MARKED "LS 5276" PER MAP 14730	⊙
PROPOSED CONTOUR	---
RETAINING WALL (PROPOSED)	---



PREPARED BY:

NAME: **LEPPERT ENGINEERING CORPORATION**

ADDRESS: **5190 GOVERNOR DRIVE, SUITE 205**

SAN DIEGO, CALIFORNIA 92122-2848

PHONE #: **(619) 597-2001**

PROJECT ADDRESS:

OLD OTAY MESA ROAD

SAN DIEGO, CA 92154

PROJECT NAME:

PRINCESS PARK CONDOMINIUMS

SHEET TITLE:

TENTATIVE MAP WAIVER

REVISION 14:	
REVISION 13:	
REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	
REVISION 2:	
REVISION 1:	5-16-2013

ORIGINAL DATE: **4-7-2011**

SHEET **1** OF **1**

PTS# **236291**

NO.	DATE	BY	DESCRIPTION	NO.	DATE	BY	DESCRIPTION
5	5-16-13	JMR	REVISIONS PRIOR TO SUBMITTAL	10			
4	8-13-11	JMR	AGENCY CORRECTIONS	9			
3	6-27-11	JMR	AGENCY CORRECTIONS	8			
2	4-7-11	JMR	REVISIONS PRIOR TO SUBMITTAL	7			
1	2-11-11	JMR	ORIGINAL	6	7-15-13	JMR	CLIENT REVISIONS

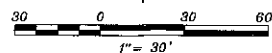
APPROVED BY ENGINEER OF RECORD: **LEPPERT ENGINEERING CORPORATION** REGISTRATION NO. **26283**
FILE CODE: **CM 28.01-20.09** DATE: _____

PREPARATION AND REVISION LOG

Leppert Engineering CORPORATION
3190 Governor Drive, Suite 205 San Diego, CA 92122-2848
Phone: (619) 597-2001 Fax: (619) 597-2000

POR NW 1/4 SEC.31
T18S R1W SBM
APN: 645-060-17

POR SW 1/4 SEC.31
T18S R1W SBM
APN: 645-061-02



RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 847201 FOR PRINCESS PARK MAP
WAIVER – PROJECT NO. 236291

WHEREAS, Pardee Homes, Subdivider, and Leppert Engineering Corp, Engineer submitted an application with the City of San Diego for Map Waiver No.847201, to waive the requirement for a Tentative Map and Final Map to create 40 residential

~~condominium units on a 2.90-acre site, known as Planning Area No. 16, California~~

Terraces Precise Plan, approved April 12, 1994. The project site is located at 5145 Otay Mesa Road Assessor Parcel No. 645-060-41 in the RM-2-4 Zone and the Airport Influence Area, FAA Part 77, within the Otay Mesa Community Plan area, east of Interstate 805 and south of Interstate 905. The property is legally described as Lot 180 of Princess Park in California Terraces, Map No. 14730; and

WHEREAS, the Map proposes the subdivision of 2.9-acre site into forty (40) residential condominium units; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is forty (40); and

WHEREAS, on September 25, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 847201, and pursuant to section 125.0122 (map waiver) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

~~BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts~~

the following findings with respect to Map Waiver No.847201:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The proposed subdivision of a 2.9-acre site for the future construction of 40 residential condominium units is located in the RM-2-4 zone of the California Terraces Precise Plan within the Otay Mesa Community Plan area. This site is specifically Planning Area No. 16, which is designated for 40 residential units. There is no increase in density or intensity proposed with this action, as no construction is approved or requested. Any future construction must conform to the California Terraces Precise plan and Vesting Tentative Map No. 86-1032, and the San Diego Municipal Code. The proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan by providing residential development consistent with the community plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

The proposed subdivision would comply with the development regulations of the Land Development Code and the underlying RM-2-4 zone, requesting no deviations or variances. The proposed subdivision is regulated by California Terraces Precise Plan and approved Vesting Tentative Map No. 86-1032, in addition to the applicable development regulations of the San Diego Municipal Code.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed subdivision is consistent with the Residential Land Use Table of the California Terraces Precise Plan, a Plan within the Otay Mesa Community Plan, and would comply with the applicable development regulations of the underlying RM-2-4 zone and the approved Vesting Tentative Map for Project No. 86-1032. There is no increase in density or intensity, as no construction is approved or requested with this application. The site is part of a larger development that includes up to 4,118 residential units, commercial uses, schools and a planned freeway, and is suitable for this type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

~~The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed, and inspected in accordance with the California Building Code. Environmental Impact Report (EIR) No. 86-1032 was prepared and certified for the California Terraces Precise Plan, the regulating document for this development site, and no changes as defined under the California Environmental Quality Act (CEQA) Guidelines Section No. 15162(a) have occurred. The subdivision of these lots does not prevent adherence to the MMRP, nor does it increase impacts to these resources.~~

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed, and inspected in accordance with the California Building Code. In addition, Environmental Impact Report (EIR) No. 86-1032 was prepared and certified for the California Terraces Precise Plan, the regulating document for this development site, and no changes as defined under the California Environmental Quality Act (CEQA) Guidelines Section No. 15162(a) have occurred. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements. Therefore, the design of the subdivision

and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed subdivision of a 2.9-acre site for the future construction of 40 residential condominium units is located in the RM-2-4 zone of the California Terraces Precise Plan within the Otay Mesa Community Plan area. The design of the subdivision has taken into account the best use of the land to minimize grading and maximizing preserving environmentally sensitive lands. The California Terraces Precise plan has been adopted for the future construction of the multi-family dwellings. The proposed design does not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement, and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed subdivision of a 2.9-acre site for the future construction of 40 residential condominium units is located in the RM-2-4 zone of the California Terraces Precise Plan within the Otay Mesa Community Plan area. The subdivision of this single parcel for the creation of forty (40) residential units is consistent with what was approved in the California Terraces Precise Plan, Project No. 86-1032. The approved project was for the construction of forty (40) residential units at this location. Environmentally Sensitive Lands are concentrated in a natural open space system and do not affect this site. The California Terraces Precise Plan has taken into account the best use of the land to minimize grading and preserve sensitive lands. The decision maker has reviewed the administrative record, including the project plans, and found that the subdivision of an existing 2.9-acre site into forty condominium units is consistent with the housing needs anticipated for the Otay Mesa Community Plan area. The approval of this subdivision does not alter any prior approvals for the construction of the residential units.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The proposed subdivision of a 2.9-acre site for the future construction of 40 residential condominium units is located in the RM-2-4 zone of the California Terraces Precise Plan within the Otay Mesa Community Plan area. The subdivision of this single parcel for the creation of forty (40) residential units is consistent with what was approved in the California Terraces Precise Plan, Project No. 86-1032. The Precise Plan addresses roads, storm water controls, water availability, environmental protection and other requirements of the Subdivision Map Act and Municipal Code.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, ~~Map Waiver No. 847201 is hereby granted to Pardee Homes~~

subject to the attached conditions which are made a part of this resolution by this reference.

By

Jeannette Temple
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24001672

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 847201
PRINCESS PARK MAP WAIVER - **PROJECT NO.236291**
ADOPTED BY RESOLUTION NO. HO-xxxx ON SEPTEMBER 25, 2013

GENERAL

1. This Map Waiver will expire September 25, 2016.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. ~~Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.~~
5. The Certificate of Compliance shall conform to the provisions of the California Terraces Precise plan, Project No. 86-1032.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. The drainage system proposed for this subdivision, as shown on the approved Tentative Map, is private, shall be privately maintained and subject to approval by the City Engineer.

8. 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.
9. Prior to the issuance of any construction permit, the subdivider shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
10. Prior to the issuance of a certificate of compliance, the Subdivider shall enter into a Deferred Improvement Agreement (DIA) with the City of San Diego to construct half-width street improvements along the Project's frontage for Old Otay Mesa Road pursuant to CIP Project S-00870 and the Improvement Plans prepared by the City's consultant, Nasland Engineering, PTS #287806. ~~The DIA will acknowledge that the Subdivider is authorized to utilize the plans and permits prepared by the City for said CIP project and that Subdivider may use its own subcontractors to complete the required improvements.~~ The Subdivider shall be required to complete the improvements concurrent with the City's construction schedule for the balance of the CIP project, under the supervision of the City's Construction Manager. The DIA shall expire within five years or following completion of the construction of the fronting improvements, whichever occurs first.
11. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

15. Prior to the issuance of a Certificate of Compliance the applicant will provide an updated Title Report.
16. Prior to recordation of a Certificate of Compliance, monumentation in compliance with Map 14730 shall be evident.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24001672

OTAY MESA PLANNING GROUP

Established by the
City of San Diego
February 21, 1990
Resolution #90-018

June 5, 2013

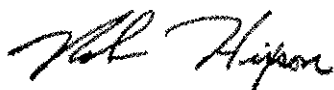
Julia Rochford
Leppert Engineering
5190 Governor Drive, Ste 205
San Diego, CA 92122

RE: Princess Park Tentative Map Waiver

Dear Julia,

At the Otay Mesa Planning Group meeting, on June 15th, 2011, we approved allowing the townhouse development to be sold as condominiums. The vote was 10-0, with Jim Ayala leaving the room and abstaining. Please let me know if you have additional questions.

Sincerely,
OTAY MESA PLANNING GROUP



Rob Hixson
Chair

Planning Group
meetings are held on
the 3rd Wednesday
of every month at
OTAY MESA-NESTOR
BRANCH LIBRARY
3003 Coronado Ave.
San Diego, CA 92154
(619) 424.0474

UNANIMOUS ACTION OF THE BOARD OF DIRECTORS
OF
PARDEE HOMES,
a California corporation,
TAKEN WITHOUT A MEETING

The undersigned three (3) Directors, constituting all of the members of the Board of Directors of Pardee Homes, a California corporation, (the "Corporation"), acting as of March 15, 2012, without a meeting in accordance with California Corporations Code Section 307(b) and Article III, Section 12 of the Corporation's By-Laws, hereby resolve as follows:

RESOLVED, that all offices of the Corporation are declared vacant and each of the following persons is elected to the office shown opposite such person's name, to serve in such office until removed by the Board or the President, by resignation, or until such time as a successor is elected:

Michael V. McGee	President and Chief Executive Officer
Jon E. Lash	Executive Vice President
Anthony P. Dolim	S. V. P., Finance and Controller
John Anglin	Senior Vice President, Construction and Purchasing
John Arvin	Senior Vice President, Land Development
Robert E. Clauser, Jr.	Senior Vice President, Marketing
Amy L. Glad	Senior Vice President, Governmental Affairs
Christopher J. Hallman	Senior Vice President, General Counsel and Secretary
Gary Probert	Senior Vice President, Sales
Gino Cesario	Vice President, Corporate & Strategic Services
Robert Dawson	Vice President, Closing Services
Patrick Emanuel	Vice President, Construction Operations
Beth Fischer	Vice President, Community Development
Joyce Mason	Vice President, Marketing
Ralph Pistone	Vice President, Construction Operations
Donna Sanders	Vice President, Options
Thomas R. Stocks	Vice President and Chief Investment Officer
Michael C. Taylor	Vice President, Community Development
Kevin Wilson	Vice President, Purchasing and National Accounts
Jeffrey W. Nitta	Treasurer
Barbara Bail	Assistant Secretary
Rosemary Bonnevie	Assistant Secretary, Finance
Charles E. Curtis	Assistant Secretary
Belle DeBraal	Assistant Secretary, Accounting
Claire S. Grace	Assistant Secretary
Vicki A. Merrick	Assistant Secretary
Allison J. Renz	Assistant Secretary
Carole Royce	Assistant Secretary

Thomas M. Smith
Nancy Trojan

Assistant Secretary
Assistant Secretary

The undersigned hereby consent to the foregoing Resolution and direct that the Secretary of this Corporation file this Unanimous Action of the Board of Directors, including this consent, with the Minutes of the proceedings of this Board of Directors and that said Resolution shall have the same force and effect as if adopted at a meeting of the Board of Directors at which all of the undersigned were personally present.

Michael V. McGee, Director

Jon E. Lash, Director



Peter M. Orser, Director



THE CITY OF SAN DIEGO

DATE OF NOTICE: September 11, 2013

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	September 25, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	Map Waiver, Certified EIR No. 86-1032, Process 3
PROJECT NO:	<u>236291</u>
PROJECT NAME:	<u>PRINCESS PARK MAP WAIVER</u>
APPLICANT:	Julia Rochford, Leppert Engineering
COMMUNITY PLAN AREA:	Otay Mesa
COUNCIL DISTRICT:	District 8
CITY PROJECT MANAGER:	Jeannette Temple, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 557-7908/jtemple@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Map Waiver application to waive the requirements of a Tentative Map to create 40 residential condominium units on a 2.90 acre site, known as Planning Area No. 16, California Terraces Precise Plan, Project No. 86-1032, approved April 12, 1994. The property is located at 5145 Otay Mesa Road Assessor Parcel No. 645-060-41 in the RM-2-4 Zone within the Otay Mesa Community Plan, Airport Influence Area, FAA Part 77. The application was filed on April 14, 2011.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project is within the scope of Environmental Impact Report No. 86-1032, Certified on April 12, 1994. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR was certified. Therefore, no subsequent MND or other environmental document is needed for this Map Waiver, as all of the impacts were adequately addressed and disclosed in EIR No. 86-1032.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at

(619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.
Internal Order Number: 24001672
