

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.

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

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

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.

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. Valderhaug
Chief Deputy City Attorney

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

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

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.

- 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

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

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.

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.

- 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,

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 recompact existing fill sites.
 - 3) Removing and recompact 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 recompact 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 cut 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.

- 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

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

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.

- 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

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.

- 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.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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 _____

By _____

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