

RESOLUTION NUMBER R-283697

ADOPTED ON APRIL 12, 1994

WHEREAS, on February 17, 1994, the Planning Commission voted to recommend approval of Planned Residential Development ("PRD") Permit/Hillside Review ("HR") Permit/Resource Protection Ordinance ("RPO") Permit No. 90-0574 submitted by Pardee Construction Company, a California corporation, Owner/Permittee, for the South Palm Vista development, on property described as the west half of the northwest quarter of the southwest quarter of Section 30, Township 18 South, Range 1 West, SBM, in the Otay Mesa Community Plan area, in the A-1-10/HR zone (proposed R1-5000 and A-1-10/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 Planned Residential Development/Hillside Review Permit/Resource Protection Ordinance Permit No. 90-0574:

1. PLANNED RESIDENTIAL DEVELOPMENT PERMIT 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 this site for very low-density residential. The project will result in seventy single-family homes with a density of 2.5 dwelling units per acre. The project proposes a small lot overlay zone to provide for clustering units and the retainment of larger open space areas.

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.

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

A rezone has been proposed by the applicant to maintain consistency between the land use designations and the proposed uses. The development will comply with the regulations of the R1-5000 zone and the Small Lot Overlay Zone.

2. RESOURCE PROTECTION ORDINANCE FINDINGS

a. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

The proposed project was designed after California Terraces, but as an adjunct to the California Terraces Precise plan. During negotiations with the City, this property owner, as well as the surrounding property owners, compromised on a plan to allow development in less sensitive areas of the Otay Mesa in return for retaining large interconnecting open space areas.

b. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

The proposed development has been sited and designed to retain two large areas of natural open space. The project has also been designed to provide a buffer between the residential development and the open space. The Precise Plan outlines guidelines and the RPO permit will implement the treatment of buffer and interface areas to insure the integrity of the open space areas.

c. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

Contour grading techniques are being incorporated into the permit conditions to minimize landform alteration impacts associated with manufactured slopes. Care has been taken to minimize disturbance where feasible.

d. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

The proposed development will be visually compatible with other proposed developments in the surrounding area. The proposed development includes the revegetation of all manufactured slopes with native coastal sage scrub species. The project coordinates with adjacent Precise Plans to provide a comprehensive plan for residential development on Otay Mesa.

Open space areas will tie into and augment adjacent open space proposals to create a major open space system for the Community.

The plan provides guidelines for the preservation of open space areas and treatment of all buffers and slope interfaces as well as outlining design elements to be incorporated during construction. These measures will serve to restore and enhance the visual quality of the project area.

e. The proposed development will conform with the City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs.

A community plan amendment has been proposed by the applicant to maintain consistency between the Otay Mesa Community Plan and the General Plan and the propose uses.

3. RESOURCE PROTECTION ORDINANCE (ALTERNATIVE COMPLIANCE)

FINDINGS

a. There are no feasible measures that further minimize the potential adverse effects on environmentally sensitive lands while still providing the extraordinary benefit.

Strict adherence to the encroachment allowances for this project along with adjacent project proposals, may result in a fragmented open space system. The Planning Department coordinated with all of the precise plan property owners and agreed upon an open space network for Otay Mesa primarily to preserve contiguous habitat areas. South Palm Vista is proposing preservation of 12.2 acres of open space.

b. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

See RPO Finding (e) above.

c. The proposed development conforms to the adopted community plan for the area and any other applicable plans, policies and ordinances.

See RPO Finding (a) and (c) above.

4. 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 site was designed around the open space system coordinated between the adjacent developments. Provisions were made for allowing a higher level of development in areas of low resource sensitivity in exchange for preservation of the open space system.

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.

See RPO Finding (c) above.

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.

Architectural treatment includes a variety of rooftop styles materials, colors and building elevations to avoid monotony. The Small Lot Overlay Zone has been applied to this project which adds another layer of design requirements.

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. The permit also includes language requiring the developer to restore all of the disturbed areas within the open space system.

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."

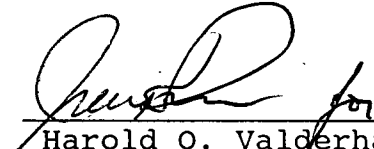
The project has been designed, where feasible, to take into consideration the majority of the recommendations included in the Hillside Design and Development Guidelines.

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 Planned Residential Development/Hillside Review Permit/Resource Protection Ordinance Permit No. 90-0574 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-94-1763
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PLANNED RESIDENTIAL DEVELOPMENT PERMIT AND
RESOURCE PROTECTION ORDINANCE PERMIT NO. 90-0574
SOUTH PALM VISTA

CITY COUNCIL

This Planned Residential Development ("PRD") Permit/Resource Protection Ordinance ("RPO") 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 101.0901, 101.0462 and 101.0454.

1. Permission is granted to Owner/Permittee to construct a Planned Residential Development described as the West half of the northwest quarter of the southwest quarter of Section 30, Township 18 South, Range 1 West, SBM located in Otay Mesa, in the A-1-10/HR zones (proposed A1-1, R1-5000, and HR zones).
2. The Planned Residential Development Permit/Resource Protection Ordinance Permit shall include the total of the following facilities:
 - a. Seventy single-family units, all within the Small Lot Overlay Zone.
 - b. Off-street parking.
 - c. 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-283696.
5. 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 the *Landscape Technical Manual*, Precise Plan, and PRD 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.

6. Concurrent with the recordation of the final map, lots A, B and C are to be dedicated in fee title to The City of San Diego satisfactory to the Director of Engineering and Development.
7. 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 reviewed for conformance to ordinances in effect at the time and shall be in substantial conformity to Exhibit "A," dated April 12, 1994, on file in the Planning Department. 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.
8. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
9. One hundred forty (140) total parking spaces shall be provided (at a ratio of 2.0 spaces per single-family dwelling unit) in garages. 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.
10. 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.
11. 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.
12. No manufactured slope shall be steeper than a ratio of 2:1 and slopes shall incorporate contour grading, horizontal and vertical undulation, and variable slope ratios where shown

on the Precise Plan and Vesting Tentative Map. Tops and toes of slopes shall be rounded to create a natural appearance. Portions of undifferentiated slopes visible above roof lines shall receive enhanced landscape treatment to soften their appearance to the satisfaction of the Planning Director

13. No tennis courts or pools will be allowed within Hillside Review ("HR") 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.
14. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
15. 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.
16. Prior to the recordation of the first 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.
17. 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 R1-5000 zone.
18. 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.
19. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
20. 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. 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.

21. 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 Planned Residential Development/Resource Protection Ordinance Permit is recorded in the Office of the County Recorder.
22. The property included within this Planned Residential 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.
23. This Planned Residential Development/Resource Protection Ordinance 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.
24. This Planned Residential Development/Resource Protection Ordinance 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.
25. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.
26. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to the California Terrace Precise Plan and be administered by the Sign Code Administration Division of the Planning Department.
27. 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.

28. This Planned Residential Development Permit allows the sale of individual lots for the purpose of construction of residential units consistent with the conditions and this exhibits of this permit.
29. This Planned Residential 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.
30. 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.
31. The timely erosion control including the hydroseeding of all slopes herein is considered to be in the public interest and the developer shall initiate such erosion control 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* and 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 assure responsibility for the landscape maintenance.
32. Manufactured slopes proposed for open space lots on Vesting Tentative Map No. 90-0574 shall be built with variable slope contours and undulation techniques and native plant materials established per the *Landscape Technical Manual*, Precise Plan, and Landscape Ordinance, on file in the Planning Department.
33. 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.
34. The project shall comply with the *Landscape Technical Manual*, Section 6, for Brush Management wherever possible. 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 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 eighty feet (80') of the front property line/street right-of-way.

35. Prior to the approval for occupancy, a field inspection shall be made by Development and Environmental Planning Division, to ensure that the brush management plan as 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*.
36. Prior to the issuance of building permits, a copy of the building plans illustrating noise walls, if required, shall be submitted to The City of San Diego Development and Environmental Planning Division for review. Prior to the approval for occupancy, 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).
37. Noise walls, decorative pavements and other public right-of-way improvements, shall be permitted by an Encroachment Removal Agreement obtained from the City Engineer.
38. The permittee/applicant shall comply with all requirements of the Uniform Building Code ("UBC") and secure all necessary building permits prior to construction.
39. A three-year landscape maintenance and monitoring program shall be implemented by the developer to ensure successful revegetation of all manufactured slopes. 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 to verify satisfactory establishment of the vegetation. If the initial plantings have not been adequately established, the maintenance plan shall remain in effect.
40. 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.

41. Public access will be guaranteed from all public streets, landscape maintenance and utility easements and cul-de-sacs that contact open space areas.
42. 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.
43. 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.
44. An aviation easement shall be granted for flight activities involving Brown Field over the entire subdivision. The conditions of this easement shall be satisfactory to the Deputy Director of the Airports Division of the General Services Department.
45. Prior to obtaining any building permits except 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.
 - b. 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.

46. Project temporary identification ground signs shall not exceed sixteen feet (16') in height.
47. The Phasing Plan included in the California Terraces Precise Plan shall be adhered to for future development of this project.
48. Prior to the issuance of building permits, the developer shall provide improved transit stops as required by the Metropolitan Transit District Board.

49. 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 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. 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 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 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. Buttrressing 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 from 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.
 8. Removing all potentially compressible topsoil, slopewash, and alluvium to firm natural ground in areas of proposed development and replace with suitable properly compacted fill prior to placement of additional fill or construction of structures or other improvements.
 9. Scarifying areas to receive fill to a depth of 12 inches and recompact to a minimum relative compaction of 90 percent.
 10. Undercutting the cut portion of cut-fill transition lots at least three feet and replace with properly compacted "very low" to "low" expansive fill soils.
 11. Providing a subdrain within the canyon drainage areas to reduce the potential for groundwater buildup.
- g. 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.

- h. 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.

- i. Regular maintenance of the vernal pool preserve areas shall be required throughout the establishment of the vegetation including a 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.

- j. 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.
- k. 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.
- l. 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.
- m. 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.
- n. 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.

- o. 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.
- p. This project shall conform to the approved Transportation Phasing Plan, as contained in Table 15 (dated January 19, 1994) of the Final Environmental Impact Report.
- q. 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 prior to the satisfaction of MTDB.
- r. 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.
- s. 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.
- t. 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.
- u. 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.

- v. 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. 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.
- w. 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.
- x. 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.
- y. 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.

50. 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.
51. 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-283697.

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**