

RESOLUTION NUMBER R-283761

ADOPTED ON APRIL 26, 1994

WHEREAS, on January 27, 1994, the Planning Commission recommended approval of Planned Residential Development (PRD) Permit and Coastal Development Permit (CDP) No. 87-1038 submitted by Newland Group, Inc., a California general partnership, Owner/Permittee, for the development of 90 single-family homes located on a portion of a vacant site south of Sorrento Valley Boulevard and West of Camino Santa Fe, in the Mira Mesa Community Plan area, in the A1-10 (portions in the Hillside Review (HR) Overlay zone) zone (proposed R1-5000/RH zone); and

WHEREAS, the matter was set for public hearing on April 26, 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 Permit and Coastal Development Permit No. 87-1038:

A. PLANNED RESIDENTIAL DEVELOPMENT FINDINGS

1. "THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN."

The proposed Monarch Pointe Planned Residential Development is consistent with the land use designations and development standards contained in the Mira Mesa Community Plan and the City's Progress Guide to the General Plan. The project will provide a total of 90 single-family residential units providing housing opportunities in an area where circulation and public improvements are either in place or planned for construction in the immediate future. The project would be complementary to adjacent approved residential development. More than 16 acres of the 36.3-acre site adjacent to Los Peñasquitos Canyon Preserve would be placed in an open space easement, providing a natural buffer and transition between the open space qualities of the preserve and the residential development proposed for the site.

2. "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."

The project would not adversely affect other properties in the vicinity. The draft permit prepared for the project includes conditions of approval which are relevant to the project's compliance with applicable regulations of the Municipal Code to assure the health, safety and general welfare of persons residing or working in the area. The project functions as an extension of approved adjacent residential development. It is consistent with the Mira Mesa Community Plan and development regulation of the Community Plan and proposed R1-5000 zone.

3. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

The project includes an application to rezone the project site from A-1-10 to R1-5000, which is consistent with zoning recommendations of the Community Plan and which would allow development of the site as proposed by the project. The proposed development and use of the site is consistent with relevant regulations of the Municipal Code, including requirements for building setbacks, building height, parking, open space, brush management and site design guidelines as specified and recommended by the R1-5000 zone, in conjunction with the Planned Residential Development Ordinance, the Mira Mesa Community Plan, guidelines of the California Environmental Quality Act, and the City of San Diego Progress Guide and General Plan.

B. HILLSIDE REVIEW (HR) FINDINGS (THROUGH THE PRD ORDINANCE):

1. "THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED STRUCTURE(S) AND WILL RESULT IN THE MINIMUM DISTURBANCE OF SENSITIVE AREAS."

The project site is identified for residential development for up to 7 dwelling units per acre in the adopted Mira Mesa Community Plan. A geological reconnaissance and soils report has been prepared for the project to determine the site's suitability for residential development.

The design of structures and selected building materials would be consistent with the architecture anticipated in surrounding areas as well as the natural qualities of adjacent public open space areas. Landscape materials have been selected

for their ability to provide structural support to manufactured slopes and reduce fire hazards, as well as to complement the surrounding native vegetation.

Approximately 17 acres of the project site are in natural slopes with a gradient of 25 percent or steeper, which would be regarded as a sensitive area. The proposed project locates a total of 90 single-family residential units on approximately 20 acres, or 55 percent, of the 36.3-acre site. The remaining 16 acres, or 45 percent of the site, would be placed in a non-building area open space easement. Approximately 8.5 acres of the area in sensitive slopes would not be disturbed. Impacts to sensitive vegetation, including 11.5 acres of Diegan coastal sage scrub, is minimized by placing 43 percent of this on-site habitat in open space easements.

Measures are provided to retain the integrity of the natural areas proposed for open space and to ensure minimal disturbance of these areas during construction phases of the project.

2. "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 WHICH WOULD AFFECT HEALTH, SAFETY AND GENERAL WELFARE AS APPROVED BY THE CITY ENGINEER. DISTURBED SLOPES ARE PLANTED WITH NATIVE AND SELF SUFFICIENT VEGETATION."

The Mitigation Monitoring and Reporting Program prepared for the project includes various measures to reduce potential adverse impacts associated with site grading and erosion, including the installation of erosion control features and controlled grades to

prevent the possibility of uncontrolled run-off, excessive water velocities and resultant soil erosion on the project site and adjoining properties as well. The Mitigation Monitoring and Reporting Program includes implementation measures to ensure that the project is constructed in a manner which securely supports the proposed structures without any risk to the health, safety and general welfare of those living on or adjacent to the project site.

The proposed grading for the project incorporates various techniques to avoid the unnecessary scarring of the existing natural landform, including the contouring of manufactured slopes and undulating gradients. Manufactured slopes would be integrated into natural slopes in a manner which reflects the natural elements of the site's topography. Manufactured slopes would have slope gradients at a maximum ratio of 2:1. The proposed landscape plan and brush management plan require revegetation of disturbed areas with native vegetation indigenous to the area. Prompt revegetation of manufactured slopes, as required for the project, reduces the project's potential for erosion and contribution to sedimentation. The project would also implement specific erosion control measures identified in the City's Best Management Practices, and a Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented concurrently with the commencement of grading activities.

3. "THE PROPOSED DEVELOPMENT RETAINS THE VISUAL QUALITY OF THE SITE, THE AESTHETIC QUALITIES OF THE AREA AND THE NEIGHBORHOOD CHARACTERISTICS BY UTILIZING PROPER STRUCTURAL

SCALES AND CHARACTER, VARIED ARCHITECTURAL TREATMENTS, AND APPROPRIATE PLANT MATERIAL."

The proposed project would retain the aesthetic characteristics of the site by locating development on approximately 20 acres adjacent to Sorrento Valley Boulevard and placing more than 16 acres in a non-building area easement. The project's open space area would buffer and transition the natural qualities of the adjacent Los Peñasquitos Canyon Preserve and the proposed residential development. The project would be visually and structurally compatible with planned adjacent residential development and the Preserve in terms of bulk, scale, intensity and land use.

The design of the proposed residential units incorporates architecture, special design treatments, materials and styles which contribute to the surrounding character of approved development and aesthetic qualities present in the area. The landscape plan for the project includes plant materials which reflect the native vegetation of Los Peñasquitos Canyon Preserve.

4. "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, AND ANY OTHER ADOPTED APPLICABLE PLAN, AND THE ZONE. THE APPLICANT HAS DISCUSSED THE FEASIBILITY OF OPEN SPACE DEDICATIONS OR EASEMENTS WITH APPROPRIATE CITY STAFF."

The proposed project is consistent with the relevant open space standards, development criteria and guidelines of the adopted community plan, the proposed R1-5000 zone, and the open

space element of the City's Progress Guide and General Plan. The applicant has discussed the feasibility of open space dedications and easements with appropriate city staff. Staff has determined that the proposed open space areas for the for the project are acceptable in terms of acreage, function, practicality and conformance with the community plan. No additional open space dedications on the property would be necessary to comply with the relevant open space requirements of the proposed R1-5000 zone and the adopted Community Plan.

5. "THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE QUALITATIVE DEVELOPMENT GUIDELINES AND CRITERIA AS SET FORTH IN DOCUMENT NO. RR-262129 *HILLSIDE DESIGN AND DEVELOPMENT GUIDELINES*."

The proposed project is in conformance with relevant hillside design and development guidelines as referenced in the Municipal Code. Contour grading techniques and minimal disturbance of steep slopes, as proposed by the project, achieve compatible hillside development as anticipated in urbanized communities of the City. The proposed architecture and preservation of steeply sloping areas in open space easements blend the development with the natural terrain.

C. COASTAL DEVELOPMENT PERMIT (CDP) FINDINGS:

1. "THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON AN EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS."

The project site is not identified in the adopted Local Coastal Program (LCP) Land Use Plan as a public accessway and does not exist as such. The project site is privately owned and, therefore, would not encroach upon any existing physical accessway legally utilized by the general public. The proposed residential units have been designed to set at the rim of Los Peñasquitos Canyon adjacent to Sorrento Valley Boulevard. The project has been designed to afford views into Los Peñasquitos Canyon from Sorrento Valley Boulevard by incorporating a break in development along Sorrento Valley Boulevard. The project would not obstruct public views of the ocean or of other scenic coastal areas visible from public vantage points.

2. "THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES."

The environmental impact report (EIR) prepared for the project identified the potential for impacts to biological and paleontological resources and cumulative impacts associated with urban run-off eventually entering Los Peñasquitos Lagoon, a sensitive marine resource. As part of the adopted Mitigation Monitoring and Reporting Program, measures have been incorporated into the project to mitigate these impacts to below a level of significance. The project would not affect important archaeological resources.

3. "THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN

THE RESOURCE PROTECTION ORDINANCE, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM."

According to Section 101.0462(E)(2) of the San Diego Municipal Code, the project is categorically exempt from requirements of the Resource Protection Ordinance because it is part of the Calle Cristobal Assessment District.

4. "THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES."

No coastal scenic resources or recreational or visitor-serving facilities presently exist or are identified in the area adjacent to and immediately surrounding the project site. Therefore, no adverse effects to these resources would occur as a result of project implementation.

5. "THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES."

The project is adjacent to Los Peñasquitos Canyon Preserve and has been designed to minimize adverse impacts to this public open space area. The area proposed for residential development is separated from the Preserve by a 16-acre non-building area easement providing a buffer and transition area 450 to 800 feet wide.

6. "THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS."

The proposed project minimizes the alteration of natural landforms. Approximately 20 acres of the 36.3-acre project site would be graded. The proposed project locates a total of 90 single-family residential units in this area. The site includes approximately 17 acres with slopes greater than an average slope gradient of 25 percent. Development within these steeply sloping areas would be limited to 8.5 acres, or 49 percent of the slopes with a gradient of 25 percent or greater.

The proposed grading for the project incorporates various techniques to avoid the unnecessary scarring of the existing natural landform, including the contouring of manufactured slopes and undulating gradients. Manufactured slopes would be integrated into natural slopes in a manner which reflects the natural elements of the site's topography. Manufactured slopes would have slope gradients at a maximum ratio of 2:1. The proposed landscape plan and brush management plan require revegetation of disturbed areas with native vegetation indigenous to the area. Prompt revegetation of manufactured slopes, as required for the project, reduces the project's potential for erosion and contribution to sedimentation.

A geological reconnaissance and soils report has been prepared for the project to determine the site's suitability for residential development. Based upon the results of the geological report, the proposed development would be sited,

designed and constructed in a manner suitable to the topographic conditions of the finished site grade. The proposed grading quantities, slope ratios and soils compaction techniques would support the proposed structures without any undue risk to the health, safety and general welfare of the site or surrounding properties in the area. Landscape materials have been selected for their ability to provide structural support to manufactured slopes and reduce fire hazards, as well as to complement the surrounding native vegetation.

A Mitigation Monitoring and Reporting Program has been developed for the project to reduce potential adverse impacts associated with site grading and erosion, including the installation of erosion control features and controlled grades to prevent the possibility of uncontrolled run-off, excessive water velocities and resultant soil erosion on the project site and adjoining properties as well. The Mitigation Monitoring and Reporting Program includes implementation of measures to ensure that the project is constructed in a manner which securely supports the proposed structures without any risk to the health, safety and general welfare of those living on or adjacent to the project site. The Mitigation Monitoring and Reporting Program also includes measures to reduce impacts associated with the site's underlying soils and geologic structure as well as minimize erosional aspects of site development. Measures are also provided to retain the integrity of the natural areas proposed for open space and to ensure minimal disturbance of these areas during construction phases of the project.

7. "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 project would retain the aesthetic characteristics of the site by locating development on approximately 20 acres adjacent to Sorrento Valley Boulevard and placing more than 17 acres in a non-building area easement. The project's open space area would buffer and transition the natural qualities of the adjacent Los Peñasquitos Canyon Preserve and the proposed residential development. The project would be visually and structurally compatible with planned adjacent residential development and the Preserve in terms of bulk, scale, intensity and land use.

The design of the proposed residential units incorporates architecture, special design treatments, materials and styles which contribute to the surrounding character of approved development and aesthetic qualities present in the area. The landscape plan for the project includes plant materials which reflect the native vegetation of Los Peñasquitos Canyon Preserve.

8. "THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS."

The proposed Monarch Pointe Planned Residential Development is consistent with the land use designations and development standards contained in the Mira Mesa Community Plan and Local Coastal Program. The project includes an application to rezone the project site from A-1-10 to R1-5000, which is consistent with

zoning recommendations of the community plan and which would allow development of the site as proposed by the project. The proposed development and use of the site is consistent with relevant regulations of the Municipal Code, including requirements for building setbacks, parking, open space, brush management and site design guidelines as specified and/or recommended by the R1-5000 Zone, the Mira Mesa Community Plan and Local Coastal Program, guidelines of the California Environmental Quality Act, and the City of San Diego Progress Guide and General Plan.

D. BRUSH MANAGEMENT FINDINGS:

1. "THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL NOT ADVERSELY AFFECT FLOODPLAINS, BIOLOGICALLY SENSITIVE LANDS, HILLSIDES, SIGNIFICANT PREHISTORIC SITES AND RESOURCES, AND WETLANDS AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE, SAN DIEGO MUNICIPAL CODE SECTION 101.0462.

An Environmental Impact Report (No. 87-1038) was prepared on December 20, 1993 for this project. No impacts relative to the proposed brush management program were identified. Therefore, the proposed brush management program to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462; and

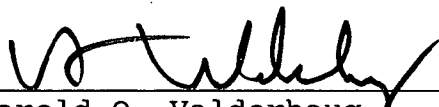
2. "THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTEND FEASIBLE, WILL MINIMIZE THE ALTERATIONS OF VEGETATION AND WILL NOT RESULT IN UNDUE RISKS FROM EROSIONAL FORCES."

The proposed brush management program requires pruning and thinning only, without additional removal of vegetation. Therefore, the proposed brush management program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

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 Permit and Coastal Development Permit No. 87-1038 is hereby granted to Newland Group, Inc., 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
07/13/94
Or.Dept:Clerk
R-94-1764
Form=r.permit

PLANNED RESIDENTIAL DEVELOPMENT AND
COASTAL DEVELOPMENT PERMIT NO. 87-1038
MONARCH POINTE

CITY COUNCIL

These permits are granted by the Council of The City of San Diego to the NEWLAND GROUP, INC., a California general partnership, Owner/Permittee, under the conditions contained in San Diego Municipal Code section 101.0901.

1. Permission is granted to Owner/Permittee to implement a residential subdivision legally described as a portion of the northeast quarter of the northwest quarter of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, State of California, located south of Sorrento Valley Boulevard between Camino Santa Fe and Lusk Boulevard, in the A1-10 (portions in the Hillside Review (HR) Overlay) (proposed R1-5000 and HR zone).
2. These permits shall include the total of the following facilities and site improvements as identified by size, dimension and location on the approved Exhibits "A," dated April 26, 1994, on file in the Planning Department:
 - a. Ninety single-family residential units;
 - 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 and become effective with the recordation of the subdivision map. 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. A "Non-building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space, unless otherwise specified by the Planning Director.
5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. 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 26, 1994, on file in the Planning Department. All 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. 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.

6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. Two hundred seventy (270) total parking spaces shall be provided at all times (at a ratio of 3.0 spaces per dwelling unit). Of those spaces, 90 shall be provided for guests (at a ratio of 1.0 spaces per unit). Ninety (90) curb spaces are included in the calculation for guest parking. 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 CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated April 26, 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.
8. 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.
9. No building additions, including patio covers, shall be permitted unless approved by the Planning Director. Improvements may be permitted only if they are consistent with the architecture of the dwelling unit and standards and condition of the underlying R1-5000 zone.
10. No manufactured slope shall be steeper than a ratio of 2:1.
11. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-5000 Zone.

13. Sidewalks 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.
14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be the date of final action by the Planning Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. 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 Section 101.0901 of the Municipal Code. 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.
16. 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. These permits are recorded in the Office of the County Recorder.
17. The property included within this 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.
18. These permits 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.
19. This development 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.
20. All signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Section of the Neighborhood Services Division of the Neighborhood Code Compliance Department.

21. The timely landscaping of the site identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated sites is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances shall be installed in accordance with the plans approved by the Planning Director and City Engineer; and, 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 that will assure responsibility for the landscape maintenance.
22. 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 size and kind per the approved plans.
23. Noise walls, retaining walls, decorative pavements or any other improvements shown in the public rights-of way on Exhibit "A," dated April 26, 1994, shall be permitted by an Encroachment Permit obtained from the City Engineer subject to approval by the Planning Director.
24. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
25. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings, shall be submitted to the Planning Director and the Fire Marshal for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 26, 1994, on file in the office of the Planning Department and shall comply with the applicable provision of the "City of San Diego Landscape Technical Manual," Document No. RR-274506, on file in the office of the City Clerk. The approved Brush Management Program shall be implemented before issuance of any occupancy permit on any building. Such brush management shall not be modified or altered unless this permit has been amended.
26. No accessory structures are permitted within the designated Zone 1 area, including but not limited to wood decks, trellises, gazebos, etc. Non-combustible structures may be approved by the Fire Marshal except in those areas designated as "Negative Open Space Easement" as noted on Exhibit "A," dated April 26, 1994. Any structures approved by the Fire Marshal are subject to approval by the Planning Director.
27. All structures on lots adjacent to brush management areas shall provide the architectural features of Section 6.6-2 of

the "City of San Diego Landscape Technical Manual," Document No. RR-274506, on file in the office of the City Clerk.

28. At no time shall the brush management required by the approved permit encroach into any adjoining public property. Approval by the Planning Department is required if any subsequent off-site encroachments are necessary. Any additional encroachments in the native vegetation are subject to Planning Department Review.
29. Prior to issuance of building permits, the Developer shall submit for approval, modified architectural materials color boards that reflect natural earth tones for all units and, additional elevations of those buildings adjacent to Sorrento Valley Boulevard and Camino Santa Fe, all to the satisfaction of the Planning Director.
30. 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.
31. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Action of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).
32. The following measures shall be made conditions of the PRD and shall be required to be provided on the building plans.
 - a. The residences on Lots 17-18, 21-28 and 29-90 would be exposed to an exterior CNEL noise level exceeding 60 dB(A). To achieve the interior standard would require that the windows be in the closed position. Therefore, air conditioning and/or mechanical ventilation shall be required for the residences. In addition, sound-rated windows may be necessary for residences adjacent to Sorrento Valley Boulevard and Camino Santa Fe. The sound rating procedures for windows could involve dual panel glazing. Prior to issuance of building permits, an interior acoustical analysis would be required for homes on the lots identified above to ensure that the interior noise levels would not exceed a CNEL of 45 dB(A).
 - b. Prior to issuance of building permits for the residential units, the Noise Abatement and Control Office shall review and approve building plans to ensure interior noise levels shall not exceed a CNEL of 45 dB(A) based on future roadway volumes and NAS Miramar aircraft operations. Implementation of these

measures would reduce noise quality impacts to below a level of significance.

- c. Prior to obtaining building permits for the residential units, the applicant shall submit a certification to the Principal Planner of EAS that the noise walls have been properly constructed and positioned as shown on the VTM and PRD site plan. Verification of construction and placement of the masonry wall shall be provided by the building inspector.
33. The Planned Residential Development (PRD) Permit shall comply with the conditions of the final map for Tentative Map No. 87-1038.
 34. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.301).
 - d. Provide temporary street signs.
 - e. Comply with the City of *San Diego Landscaping Technical Manual* regarding brush and landscaping.
 35. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
 36. This subdivision may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
 37. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.

APPROVED by the Council of The City of San Diego on April 26, 1994, by Resolution No. R-283761.

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.

NEWLAND GROUP, INC.
Owner/Permittee

By _____

By _____

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