

RESOLUTION NUMBER R-286253

ADOPTED ON AUGUST 15, 1995

WHEREAS, LAWRENCE BAME, Individual, Owner/Permittee, filed an application to develop a Planned Residential Development/Resource Protection Ordinance Permit, described as Parcel 3, Map No. 5254, located at 13843 Old El Camino Real in the A1-10 and HR Overlay Zone; and

WHEREAS, on August 15, 1995, the City Council of The City of San Diego considered Planned Residential Development/Resource Protection Ordinance Permit No. 94-0623 pursuant to Sections 101.0900 and 101.0454 of the Municipal Code of The City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Permit No. 94-0623:

PRD 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 proposed project is located within the Future Urbanizing Area (FUA) and, as proposed, the project is consistent with General Plan and the FUA Framework Plan which designates the western one third for development and the eastern two thirds for open space. Council Policy 600-29, allows a density of one dwelling unit per four acres, which equates to a total of four dwelling units for this site. The project fulfills these policy goals.

- 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.

The proposed residential project has been designed to be located on the disturbed portions of the site with a Brush Management Plan to prevent fire hazards. The design of the brush management plan maintains Zones 1 and 2 on the project site. The alignment of the proposed open space is consistent with designated open space of adjacent properties.

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

The proposed four unit PRD project complies with all of the requirements for Planned Residential Developments located in the Future Urbanizing Area. The proposed project requests alternative compliance with the Resource Protection Ordinance due to the proposed twelve percent encroachment into the sensitive lands.

PRD FINDINGS FOR FUA AREA:

A. THE PROPOSED USE WILL ASSIST IN ACCOMPLISHING THE GOAL OF PERMANENTLY PRESERVING LANDS DESIGNATED IN THE GENERAL PLAN AS PART OF THE ENVIRONMENTAL TIER THROUGH THE PROVISION OF PUBLIC AND PRIVATE OPEN SPACE EASEMENTS AND/OR DEDICATIONS, WHERE APPROPRIATE.

A 8.4-acre portion of the site is to be dedicated to the City for permanent open space. This dedication of open space will achieve a key Multiple Species Conservation Plan objective.

B. THE PROPOSED USE IS CONSISTENT WITH THE PROGRESS GUIDE AND GENERAL PLAN TRANSPORTATION ELEMENT AND WILL NOT FORECLOSE FUTURE DECISIONS REGARDING THE SIZE OF MAJOR OR PRIMARY ARTERIAL STREETS, EXPRESSWAYS, OR FREEWAYS WHICH MAY TRAVERSE THE PROPERTY.

This project is consistent with the Progress Guide and General Plan Transportation Element by taking access from Old El Camino Real and by improving the project access to that street. The adopted policy documents do not indicate any future major streets or freeways traversing this site.

C. THE PROPOSED USE WILL BE ADJACENT TO AREAS PRESENTLY SERVED BY WATER AND SEWER LINES, THEREBY AVOIDING LEAPFROG DEVELOPMENT.

This project is immediately north and east of improved areas of Carmel Valley. The site currently is developed with residential uses which will be replaced by the proposed four homes.

- D. THE PROPOSED USE WILL BE AT LEAST FISCALLY NEUTRAL, THEREBY NOT IMPOSING A BURDEN UPON THE CITY'S CAPITAL AND OPERATING BUDGETS.

This project is in very close proximity (less than one mile) to adjacent development with Carmel Valley and is required to install their fair share of road improvements to Old El Camino Real and contribute proportionally to the Facilities Benefit Assessment Plan for the Future Urbanizing Area.

- E. THE PROPOSED USE WILL PROVIDE HOUSING ON-SITE, AFFORDABLE TO LOWER INCOME FAMILIES AS CERTIFIED BY THE SAN DIEGO HOUSING COMMISSION.

This project is conditioned to comply or provide for this requirement prior to map recordation. An in-lieu fee is an acceptable alternative under the FUA's Framework Plan.

- F. THE PROPOSED USE COMPREHENSIVELY ADDRESSES FRAMEWORK PLANNING ISSUES INCLUDING, BUT NOT LIMITED TO, LAND USE, CHARACTER AND SCALE OF DEVELOPMENT, ENVIRONMENTAL RESOURCES, AND PUBLIC FACILITIES.

The proposed four unit project is of a small scale and will not preclude future development of the framework plan and is conceptually consistent with the land use designations of the plan.

- G. WITHIN THE NORTH CITY FUTURE URBANIZING AREA AS DEFINED BY THE PROGRESS GUIDE AND GENERAL PLAN, A SUBAREA PLAN SHALL BE PREPARED PURSUANT TO THE GENERAL PLAN. THE SUBAREA PLAN SHALL BE DEVELOPED CONSISTENT WITH THE NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN, AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION ON MAY 14, 1993. ALTERNATIVELY, THE APPLICANT MUST DEMONSTRATE THAT, AT A MINIMUM, ALL PUBLIC FACILITIES WITHIN THE SUBAREA (AS DESIGNATED BY THE PROGRESS GUIDE AND GENERAL PLAN) HAVE BEEN SITED; A PURCHASE AGREEMENT FOR THE PUBLIC FACILITY SITES HAS BEEN COMPLETED; MIXED USE CENTERS WITHIN THE SUBAREA HAVE BEEN SITED; THE STREET SYSTEM TO ACCESS THE MIXED USE CENTERS AND PUBLIC FACILITIES HAS BEEN ALIGNED; A FINANCING PLAN FOR THE PROJECT AREA, SUBAREA, OR LARGER PLANNING AREA HAS BEEN COMPLETED; AND OPEN SPACE BOUNDARIES HAVE BEEN REFINED IF THE PROJECT DEVIATES FROM THE ENVIRONMENTAL TIER BOUNDARIES SHOWN IN THE GENERAL PLAN.

The proposed four unit and open space project is consistent with Council Policy 600-29, a consistent alternative to the plan, and is conceptually consistent with the residential and open space designations of the

FUA's Framework Plan. This project will not preclude future development of mixed use center and public facilities. It conforms to the street system, and will contribute proportionally to the Facilities Benefit Assessment Plan and by dedicating the 8.4 acres of open space will conform to the environmental tier boundaries.

- H. **THE APPLICANT AND PROPERTY OWNER HAVE AGREED THAT IN RETURN FOR THE PRESENT INCREASE IN DENSITY GRANTED BY THE CITY COUNCIL, NO FUTURE DEVELOPMENT RIGHTS SHALL REMAIN ON THE PROPERTY.**

This project's design is for a maximum of four single-family homes and the remaining 8.4 acres of open space is to be dedicated to the City for permanent open space.

RPO 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 four single-family homes will be constructed on the portion of the site that was previously developed. The site design minimizes impacts on the sensitive portions of the site. Approximately half of the site will be preserved as open space by the dedication of an 8.4-acre portion of the site. The 8.4 acres of proposed open space is the most sensitive area of the site and is a highly desired component of the MSCP Program in this area.

- 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 four proposed homes are not located adjacent to a park or recreation area, however, the proposed 8.4-acre open space lot is expected to become part of a larger park or open space system. This 8.4-acre of open space is consistent with the identified MSCP wildlife corridors. A condition of the permit aims to protect the open space area from domestic animals.

- 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.

The proposed building pad areas are located in areas of past disturbance and are designed to be contoured and transition to the natural landform and adjacent open space. A brush management plan is proposed as part of the project design to reduce hazards from fire.

- 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 four proposed single-family homes are sited to fit the overall topography to the same or greater degree as adjacent development. The proposed design will group the four homes on the western side of the project (as required by Council Policy 600-29) and will leave the majority of the site as open space which helps to retain the rural character of the 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.**

The proposed four home project conforms to the PRD design standards and Council Policy 600-29, for projects located within the Future Urbanizing Area. The Council Policy allows a maximum of four dwelling units on this site and requires clustering of development. The eastern portion of the site, which is designated for open space by the Framework Plan, is being placed in an open space lot to be granted to the City.

RPO 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.**

Efforts have been made to reduce the encroachment into the sensitive areas of the site through modified brush management requirements and a reduced grading design. The 8.4 acres of dedicated open space is an extraordinary benefit that furthers MSCP objectives, and will provide long term benefits Citywide.

- B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.**

The proposed four single-family home development with 8.4 acres of dedicated open space is consistent with the City's Framework Plan for the Future Urbanizing Area of the General Plan. The Framework Plan designates the western one third of the property for development and designates the eastern one third for open space. The proposed project is consistent with these designations.

C. THE PROPOSED DEVELOPMENT CONFORMS TO THE ADOPTED COMMUNITY PLAN FOR THE AREA.

There is no adopted Community Plan for this site, however, the proposed four unit PRD with 8.4 acres of open space is consistent with all applicable policies and regulations including the General Plan, FUA Framework Plan, Council Policy 600-29 and PRD regulations.

BRUSH MANAGEMENT FINDINGS:

- A. 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.**

Mitigated Negative Declaration DEP NO. 94-0623 concluded the proposed project will have a significant environmental effect. However, impacts to biologically sensitive lands resulting from implementation of the brush management program can be mitigated. The impacts which have been considered in the MND represent the minimum necessary while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code Appendix IIA. Implementation of the proposed brush management program will be inspected to assure compliance with the approved drawings and to ensure that additional impacts to sensitive areas do not occur.

- B. 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 proposed brush management program will alter vegetation for purposes of fire protection, yet will not result in undue risks from erosional forces. The proposed brush management program will utilize an effective fire break by creating the minimum 25-foot Zone 1, the use of architectural features outlined in

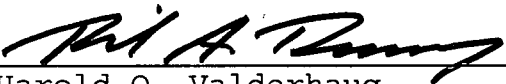
Section 6.6-2 of the *Landscape Technical Manual*, and selective thinning of existing vegetation within Zones 2 and 3. Alteration to existing vegetation will be minimized. No disruption to the soil surface will result from the implementation of the brush management program, since existing vegetation will not be trimmed lower than six inches above the existing grade.

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

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the City Council, Planned Residential Development/Resource Protection Ordinance Permit No. 94-0623 is hereby granted to Lawrence Bame, Owner/Permittee in the form and with the terms and conditions set forth in Planned Residential Development/Resource Protection Ordinance Permit No. 94-0623, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
09/14/95
Or.Dept:Clerk
R-96-263
Form=r-t

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT/RESOURCE PROTECTION ORDINANCE
PERMIT NO. 94-0623
BAME
CITY COUNCIL

This Planned Residential Development/Resource Protection Ordinance Permit is granted by the City Council of the City of San Diego to LAWRENCE BAME, Individual, Owner/Permittee, under the conditions contained in Sections 101.0900 and 101.0454 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a four residential dwelling unit Planned Residential Development/Resource Protection Ordinance project described as Parcel 3, Map No. 5254, located at 13843 Old El Camino Real, in the A1-10 and HR Overlay Zones.

2. The Planned Residential Development Permit/Resource Protection Ordinance shall include the total of the following facilities:

- a. Four, two-story single-family homes each approximately 4,500 to 6,700 square feet in gross floor area;
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Development Services Director; and
- d. One, 8.4-acre open space lot.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.

4. A "Nonbuilding Area" designation shall be granted and shown on said map on all areas not shown for building sites and brush management and maintained as open space. In addition, the 8.4-acre open space lot shall be granted in fee simple, to the City of San Diego upon final map recordation.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Director for approval on a lot by lot basis. Prior to the

issuance of building permits, complete building plans, including landscaping and irrigation, shall be submitted to the Development Services Director for approval on a lot by lot basis. All plans shall be in substantial conformance to Exhibit "A," dated August 15, 1995, on file in the Development Services Department. Substantial conformance must maintain the architectural quality with respect to the high degree of building articulation, variations in building materials, enhanced window treatment, and varied roof lines. 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 Owner/Permittee shall implement a brush management program on a lot by lot basis, in accordance with the approved brush management plan for the site (Exhibit "A"), dated August 15, 1995, on file in the Development Services Department, including the following measures:

- a. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings, shall be submitted to the Development Services Department, Development and Environmental Planning Division and the Fire Marshall for approval. The plans shall be in substantial conformance to Exhibit "A," dated August 15, 1995, on file in the office of the Development Services Department and shall comply with the applicable provision of the City of San Diego *Landscape Technical Manual*, document number RR-274506. The approved Brush Management Program shall be implemented before issuance of any occupancy permit on any building and shall be inspected by the Development Services Department, Development and Environmental Planning Division Landscape Inspector prior to issuance of any occupancy permit. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained, at all times, in accordance with the guidelines of the City of San Diego's *Landscape Technical Manual*, document number RR-274506, on file in the office of the City Clerk.
- b. No combustible accessory structures shall be permitted within Zone 1, including but not limited to: wood decks; trellises; gazebos; etcetera. Non-combustible accessory structures may be approved by the Fire Marshall and the Development Services Department, Development and Environmental Planning Division.

- c. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
 - d. No new planting shall occur within the Zones 2 and 3, except to allow for slope erosion control measures on manufactured slopes as shown on the approved Exhibit "A."
 - e. Design of the structures included in this permit and identified on the tentative map as parcel 1, 2, 3 and 4 shall incorporate the architectural features outlined in section 6.6-2 of the *Landscape Technical Manual*, document number RR-274506, on file in the office of the City Clerk.
 - f. All requirements for fire-resistive construction and other architectural features shall conform to all applicable City and Regional building code standards.
7. The proposed gated entry on the private drive accessing the individual homesites from Old El Camino Real, shall be designed to the specifications acceptable to the Development Services Director, City Engineer and Fire Marshal for stacking distance, turnaround area emergency access and overall design to include pedestrian access.
8. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
9. Twelve (12) total parking spaces shall be provided (at a ratio of three (3) spaces per dwelling unit). Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated August 15, 1995. Parking spaces and aisles shall conform to Development Services Department standards. No change shall be made at any time for use of these off-street parking spaces.
10. Development of the single-family homes shall conform with the Development Standards (i.e. FAR, Setbacks, Building Heights) of the R1-40000 Zone (M.C. Section 101.0407).
11. Prior to grading permit issuance, the manufactured slope on Parcels 2 and 3 shall daylight further south in order to reduce the encroachment into sensitive slopes consistent with Exhibit "B," dated August 15, 1995, to the satisfaction of the Development Services Director.

12. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project or one small (dish of less than five feet in diameter) ground mounted satellite dish per lot with a maximum total height of five feet. 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.

13. No building additions, including patio covers, shall be permitted unless approved by the Development Services Director.

14. No manufactured slope shall be steeper than a ratio of 2 to 1.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

16. The effective date of this permit shall be the date of final action by the City Council. 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 City Council, as set forth in Section 101.0900 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 City Council.

17. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to the Development Services Department;
- b. The Planned Residential Development/Resource Protection Ordinance Permit is recorded in the Office of the County Recorder.

18. The property included within this Planned Residential Development/Resource Protection Ordinance Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by the City of San Diego.

19. 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.

20. This Planned Residential Development and 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.

21. All accessory structures greater than 100 square feet require the approval of the Development Services Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Development Services Department requirements for building permits.

22. This Planned Residential Development and Resource Protection Ordinance Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.

23. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

24. The timely landscaping of the slopes 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 slopes 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 Development Services 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 the individual property owners that will assure responsibility for the landscape maintenance. 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.

The slopes designated for timely landscaping, as described above, shall include those manufactured slopes adjacent to natural open space area. All other slopes are to be landscaped as shown on Exhibit "A," dated August 15, 1995.

25. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

26. All mitigation measures listed in the Mitigated Negative Declaration 94-0623 of June 19, 1995, are incorporated herein as conditions within this permit as follows:

- a. A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as an individual with a PhD or MS 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.

- b. Prior to the issuance of a grading permit or building permit, the requirement for paleontological monitoring shall be noted on the construction drawings. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections and preparation of a results report. These duties are defined as follows:

(1) Monitoring

The paleontologist or paleontological monitor shall be on site during the initial cutting of previously undisturbed areas 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.

(2) 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.

(3) 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).

(4) Monitoring Results Report

Prior to the issuance of a building permit, a monitoring results reports, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to EAS for approval.

- c. Southern Maritime Chaparral impacts, totaling 1.01 acres (including 0.06-acre off-site for brush management) will be mitigated by on-site preservation at a 2:1 ratio, or 2.02 acres, and would be located within Lot 5, designated for 8.4 acres of open space.
- d. Lot 5 includes 8.4 acres of native vegetation which will be dedicated as open space to the City of San Diego. No removal or addition of vegetation within this open space area will be allowed for any reason.
- e. This open space lot shall be clearly indicated on the grading plans and designated for protection during grading activities.
- f. Prior to issuance of grading or building permits, whichever occurs first, the natural open space limits shall be marked by the construction supervisor and biologist. No construction equipment, foot traffic, or other forms of disturbance shall be allowed within the open space easement.
- g. A notice shall be included on the grading plans requiring the applicant to notify the Principal Planner of EAS two weeks before grading begins and for the follow-up inspection after grading is complete. The applicant shall retain a biologist to monitor the grading, construction, and restoration of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required mitigation measure on the grading plan. At its discretion, the Development Services Department (DSD) shall conduct field inspections during grading. Other than minor changes in grading, the applicant shall process the construction changes through DSD.
- h. Prior to the issuance of grading of building permits, whichever occurs first, the applicant shall retain a biologist to survey the site for the previously located Del Mar sand aster. If relocated, the following mitigation measures will be required:
- (1) A detailed plan with specifications must be prepared by a qualified restoration biologist and approved by a qualified restoration biologist and approved by the City, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Game if necessary. When revegetation is attempted, topographical conditions must first be established and met.

The soils, slopes, drainage, and exposure must duplicate the areas in which the plant naturally occurs. All of these factors contributed to the

sensitivity of this plant species and its specific habitat requirements. The preferred area is located just east of the impacted area but must be verified and accepted by the USFWS.

- (2) Revegetation shall include collecting seed from on-site stands (prior to grading). Collect seeds from known population if needed. The collection may require a special collecting permit and must not decrease the plants' local viability. Viability concerns do not apply to seed collection from plant to be lost from development.
- (3) The collected seed should then be turned over to a native plants nursery. The nursery should be experienced in the propagation of sensitive plant species for germination testing and plant seedling establishment. During the time interval between seed collection and seedling planting, the site chosen for the revegetation should be prepared by manual removal of any existing exotic plants or weedy annual plant species, prescribed burning, soil solarization, and/or the use of specific herbicides. The manual removal of weedy annuals will need to be continued throughout all phases of the project and should be supervised by a qualified biologist.
- (4) Planting should be completed under the direct supervision of a biologist or horticulturist experienced in sensitive plant revegetation techniques. In addition, the condition of the seedlings should be documented upon delivery to determine their viability upon delivery to the site.
- (5) Herbivore control measures should be initiated and continued during all phases of the project if herbivore becomes a problem. This will require the construction of fences capable of preventing entrance into the project site from both above and below the ground surface, and may require specific pest extermination control measures in some cases.
- (6) A five-year monitoring program for the site should be carried out by a qualified biologist who is familiar with this plant's biology and habitat requirements. A regular monitoring schedule should be established that will follow the site and the plant's progress through at least five complete growth cycles. During the monitoring program, semi-annual reports and recommendations should be provided to the agencies involved in the approval of this revegetation project.

- (7) Contingency/remediation measures need to be specified and assured in case of failure. A bond or deposit of specified dollar amount will also be required to be posted to perform remediation in case the agencies need to implement mitigation.

27. Each individual home owner is required to keep any and all pets from entering the adjacent open space lot (City) to the satisfaction of the Development Services Department and Parks and Recreation Department.

28. Prior to final map recordation, the Owner/Permittee shall provide "Affordable Housing" as required and defined by Municipal Code Section 101.0901 E.6.e., to the satisfaction of the Development Services Director and the San Diego Housing Commission. This requirement maybe satisfied by an in-lieu fee.

29. The Planned Residential Development/Resource Protection Ordinance (PRD/RPO) Permit shall comply with the conditions of Vesting Tentative Map No. 94-0623.

30. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

31. Prior to or concurrent with final map recordation each proposed legal residential lot shall contain no more than one single-family home.

32. 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.

33. 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.).

APPROVED by the Council of The City of San Diego on August 15, 1995, by Resolution No. R-286253.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

LAWRENCE BAME
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack
09/14/95