

(R-96-693)

RESOLUTION NUMBER R-286610

ADOPTED ON NOVEMBER 21, 1995

WHEREAS, the RETIREMENT SECURITY COMPANY, CARE OF CHARLES R. DOWNS, DORSEY FAMILY TRUST, THOMAS AND JOAN GREGG/ED STRUIKSMA, Owners/Permittee, filed an application for a Planned Residential Development and Resource Protection Ordinance Permit, and Rezone for the development of 69 single-family dwelling units and provide 61.8 acres of open space, described as portions of Sections 34 and 35, T14S, R2, SBEM, located on the south side of Pomerado Road, between Semillon Boulevard and Fig Tree Street within the Scripps Miramar Ranch Community Plan area in the R1-40000 (proposed R1-20000) and Hillside Review Overlay Zones; and

WHEREAS, on November 21, 1995, the City Council of The City of San Diego considered Planned Residential Development and Resource Protection Permit No. 94-0514 pursuant to Sections 101.0900 and 101.0462 of the Municipal Code of The City of San Diego; and

WHEREAS, the City Council considered the recommendation of the Planning Commission, public testimony, written reports, exhibits and Environmental Impact Report and Mitigation, Monitoring, and Reporting Program No. 94-0514; 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 Planned Residential Development and Resource Protection Permit

No. 94-0514 and the associated Rezone:

**PLANNED RESIDENTIAL DEVELOPMENT 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 Spring Canyon Planned Residential Development proposes to develop approximately 86.1 acres of vacant land within the Scripps Miramar Ranch Community Planning area. The development would include 69 single-family detached residences (semi-custom), four public cul-de-sac street, eight public and private open space lots, including 40.4 acres of public open space to be dedicated to the City of San Diego, and associated infrastructure improvements including roadways, water and sewer connections.

The residential density of the proposed project would be in conformance with the Scripps Miramar Ranch Community Plan, which designates the site for very low density residential development (0-3 dwelling units per net acre). The project proposes a density of 1.3 dwellings per net acre.

The development would also provide approximately 61.8 acres of total open space, including a 40.4-acre open space lot on the northern part of the property, seven other open space lots totaling 21.4 acres that would be set aside for brush management, hillsides, and streetscapes. Pedestrian and visual access to open space is also provided within the site design.

- 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 Planned Residential Development involves the construction of 69 single-family units, open space, and associated infrastructure improvements. The project permit, PRD/RPO No. 94-0514, prepared for this project provides conditions to insure project compliance with all relevant regulations of the San Diego Municipal Code to assure the safety and general welfare of persons residing or working in the area. These conditions also include compliance with the Brush Management regulations of the Landscape Ordinance, and incorporates the Mitigation, Monitoring and Reporting Program required for this project based on the conclusions of Environmental Impact Report No. 94-0514. The Engineering and Fire Departments have indicated that there would be proper access for traffic and fire

protection. Also, conditions of the Tentative Map would require the proper installation of infrastructure improvements including drainage, water and sewer conditions, and public streets.

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

The project complies with all the relevant requirements of the Municipal Code including the Planned Residential Development Ordinance, the Resource Protection Ordinance, the Hillside Review Overlay Zone Ordinance and the "Hillside Design and Development Guidelines," and the Landscape Ordinance and Brush Management Program. In addition, the project would comply with the land use and density requirements of General Plan and the Scripps Miramar Ranch Community Plan.

**RESOURCE PROTECTION ORDINANCE FINDINGS:**

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

The Spring Canyon Planned Residential Development is consistent with the General Plan and the Scripps Miramar Ranch Community Plan, which designates the area for residential use.

**B. THE PROPOSED DEVELOPMENT WILL CONFORM TO THE COMMUNITY PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES AND ORDINANCES.**

The adopted Scripps Miramar Ranch Community Plan designates this area for 0-3 dwelling units per acre and exceeds the minimum requirements of both total and usable open space. In addition, the design guidelines and proposed landscaping would be consistent with recommendations of the Community Plan. As outlined in Findings A-C of the Planned Residential Development Findings, the project will be consistent with the development regulations of the Municipal Code, including the Planned Residential Development Ordinance, the Resource Protection Ordinance, the Hillside Review Overlay Zone Ordinance, and "Hillside Design and Development Guidelines," and the Landscape Ordinance and Brush Management Requirements.

**C. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, CONSTRUCTED AND MAINTAINED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS ON ENVIRONMENTALLY SENSITIVE LANDS.**

The development has been clustered in order to preserve a large open space areas, the natural terrain, and sensitive environmental habitats. As discussed in Environmental Impact Report No. 94-0514, the site

contains both sensitive slopes (81.1 acres) and sensitive biological resources (41.1 acres) as defined by RPO. The proposed maximum encroachment into sensitive slopes is 6.3 acres for residential development and 0.8-acre for public streets (or 4.4 acres with the haul road). This is less than the encroachment of 9.7 acres and 8.1 acres, respectively, for the site allowed under RPO. The proposed maximum encroachment into sensitive biological resources is 8.5 acres for residential development and 4.4 acres for public streets, exceeding the RPO encroachment allowance of 4.9 and 4.1 acres, respectively. The project proposes mitigation for the excess sensitive resources on-site, well in excess of the 2:1 mitigation ratio required by RPO. Extension of Edenoaks Street onto the site for access would impact a disturbed wetland of about 0.03-acre. The project proposes to mitigate this impact to a level less than significant by restoration of wetland in preserved open space at a ratio of 3:1, consistent with RPO requirements.

Also, a two-year habitat monitoring program is proposed to ensure success in implementing the revegetation program. With these mitigation measures imposed, there would be no significant impacts associated with RPO.

**D. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ENVIRONMENTALLY SENSITIVE LANDS AND RESOURCES LOCATED IN ADJACENT PARKS AND PUBLIC OPEN-SPACE AREAS AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.**

The upper portion of Carroll Canyon constitutes the majority of the area at the northern portion of the site. A large area of open space, approximately 40.4 acres to be dedicated to the City, is proposed contiguous with other open space off-site. This area is considered more biologically valuable according to Environmental Impact Report No. 94-0514. In addition, pedestrian and visual access to the open space area is proposed. The hiking trails shall also be provided within this area.

**E. 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.**

Preliminary geotechnical reports have identified potential geotechnical hazards associated with soil instabilities. As discussed within Environmental Impact Report No. 94-0514, the site is rated BC-52, (based on the City's Geologic Hazard and Land Use Capability Guide) meaning that it is characterized by low to moderate geologic risks. According to the

geologic reconnaissance completed for the site, no site-specific seismic hazards exist on-site, and the Alquist-Priolo Special Study Seismic Risk Zone associated with the Rose Canyon Fault System does not pass through or near the site. However, the site is located in a seismically active region of California, and the potential exists for geologic hazards, such as earthquakes and ground failure. Also, the potential hazards associated with the proposed project consist of settling of alluvium underlying compacted fill, expansive soils, characteristics of imported fill, and surface erodibility of graded slopes. The presence of expansive soils shall be noted on the final subdivision map. A final geotechnical will also be required as a condition of the Tentative Map.

Drainage measures incorporated into the project address short term and long term effects of grading and construction, including the provision of temporary siltation basins. Additionally, since the project lies within the Carroll Canyon drainage basin which discharges ultimately into Los Peñasquitos Lagoon, as a condition of the subdivision map, incorporates the Best Management Practices (BMP's) to address direct and cumulative water quality impacts on-site.

**F. FEASIBLE MEASURES, AS DEFINED IN THIS SECTION, TO PROTECT AND PRESERVE THE SPECIAL CHARACTER OR THE SPECIAL HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL VALUE OF THE AFFECTED SIGNIFICANT PREHISTORIC OR HISTORIC SITE OR RESOURCE HAVE BEEN PROVIDED BY OF THE APPLICANT.**

According to Environmental Impact Report No. 94-0514, the site is known to be underlain by the Pomerado Conglomerate, in which no fossils have been found; nor have any resources been recorded on the subject property. However, other potential formations that could be exposed by grading on the site include the Mission Valley Formation and the Stadium Conglomerate. The Stadium Conglomerate has yielded fossils in the Murphy Canyon and Mission Valley areas, but there are no known reports of fossils in this formation in the project area. The Mission Valley Formation has proved richly fossiliferous in the Mission Valley area, although there are no known reports of fossils from the Mission Valley Formation in the project area. Although no fossil finds have been reported in the project area, excavation of potentially fossiliferous formations could occur during project construction. This potential shall be mitigated by conditions of the TM and PRD that require monitoring of construction and, if necessary, recovery and preservation of any fossils discovered.

**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.**

The proposed Brush Management Program by using the zone reduction provisions of Section 6.6 of the *Landscape Technical Manual* will modify the existing natural vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code - Appendix IIA. 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

- 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.**

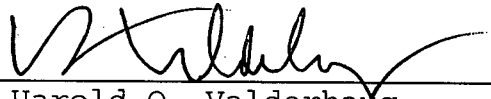
The proposed brush management program will alter the existing natural vegetation for purposes of fire protection by providing an effective fire break consisting of a Zone 1 which incorporates the architectural features and Zone Reduction criteria as outlined in Section 6.6 of the *Landscape Technical Manual*. The alterations to existing vegetation will be minimized, and all the new plantings on the slopes will conform to the revegetation standards of the *Landscape Technical Manual*. 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, based on the findings hereinbefore adopted by the City Council, Planned Residential Development and Resource Protection Ordinance Permit No. 94-0514, is hereby granted to RETIREMENT SECURITY COMPANY, CARE OF CHARLES D. DOWNS/ED STRUIKSMA, Owner/Permittee, in the form and with the

terms and conditions set forth in Planned Residential Development and Resource Protection Ordinance Permit No. 94-0514, 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  
11/30/95  
Or.Dept:Clerk  
R-96-693  
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 PERMIT AND  
RESOURCE PROTECTION ORDINANCE NO. 94-0514  
SPRING CANYON  
CITY COUNCIL

This Planned Residential Development and Resource Protection Ordinance Permit is granted by the City Council of The City of San Diego to RETIREMENT SECURITY COMPANY, care of CHARLES R. DOWNS, DORSEY FAMILY TRUST, THOMAS AND JOAN GREGG/ED STRUIKSMA, Owners/Permittee, under the conditions contained in Section 101.0900 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Residential Development described as Portions of Sections 34 and 35, T14S, R2, SBBM, located on the south side of Pomerado Road, between Semillon Boulevard and Fig Tree Street in the Scripps Miramar Ranch Community, in the R1-40000 (proposed R1-20000) and Hillside Review Overlay Zones.

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

- a. Sixty-nine (69) single-family detached single-family homes (semi-custom); and
- b. Associated public and private improvements to accommodate the corresponding residential development including the improvement of public road, public sewer, storm drain and water facilities; and
- c. Site landscaping and brush management plan; and
- d. Accessory uses and improvements as may be determined by the Development Services Department to be consistent with the underlying zone, the associated development guidelines and permit conditions; and
- e. A 40.4-acre open-space lot to be deeded to the City; and



- f. Seven open space lots (21.4 acres) to be maintained by the Homeowner's Association.
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 Director and Development Services Director.
4. A "Nonbuilding 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.
5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Director for approval. All plans shall be in substantial conformance to Exhibit "A," dated November 21, 1995, on file in the Development Services 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. A total of 138 parking spaces shall be provided (at a ratio of two spaces per dwelling unit), for guests (at a ratio of two (2) spaces per unit). 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 November 21, 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.

8. Prior to the issuance of a building permit for each parcel(s) within this development, the Owner/Permittee of each parcel(s) shall obtain Substantial Conformance Review (SCR) approval for each of the proposed structures from the Development Services Department. All plans submitted for SCR approval shall be consistent with relevant development criteria of the adopted Scripps-Miramar Ranch Community Plan, and the adopted *Spring Canyon Design Review Guidelines* prepared for this project (and included by reference in the approved Exhibits "A"), including minimum/maximum requirements for setbacks, building envelope, driveways, building materials, roof forms and types, or the request for SCR shall be denied and an amendment of this permit (via a noticed public hearing before the Planning Commission shall instead be required.

9. All 15-foot front yard setbacks shall be increased to 20 feet. This would affect 17 of the 69 lots, including the transition lots. With the five-foot easement between the back of the sidewalk and property line, future homeowners will actually be able to landscape a total of 25 feet.

10. The width of lots on Figtree Street shall be widened to an average of 100 feet, affecting almost 50% of the lots.

11. Staggering the lot lines of off-set the property lines on both sides of the street. This will enhance the aesthetic look to the Spring Canyon PRD.

12. 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.

13. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association and the Development Services Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

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

15. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.

16. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Development Services Director and shall be consistent with the criteria established by the R1-20000 Zone.

17. 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.
18. All fences and walls shall conform to the Division 6, Chapter 10 of the San Diego Municipal Code.
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 Development Services Director, as set forth in Section 111.1122 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 decisionmaker.
21. 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 and Resource Protection Ordinance Permit is recorded in the Office of the County Recorder.
22. The property included within this Planned Residential Development and 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.
23. This Planned Residential Development and 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 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.
25. All accessory structures less 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 irregardless of Building Code requirements for building permits.

26. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Development Services Department.

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

28. 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.

29. Prior to the approval of improvement plans for publicly dedicated streets within this tentative map, an area not less than forty square feet shall be indicated for the planting of street trees. The location and type of street trees shall conform with Exhibit "A", Landscape Concept Plan. Other improvements such as driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees in conformance with the *Landscape Technical Manual* sections 8.2-2, 8.2-5, 8.2-6 and 8.2-7 all to the satisfaction of Development and Environmental Planning Division of Development Services Department.

30. Prior issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Development Services Department, Development and Environmental Planning Division for approval. The plans shall be in substantial conformance to Exhibit "A", dated November 21, 1995, on file in the office of the Development Services Department. All approved and installed landscape and irrigation shall be inspected by the Landscape Inspector of the Development and Environmental Planning Division of the Development Services Department. It shall be the responsibility of the owner to request and coordinate all required inspections. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

31. 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 and equivalent per the approved plans by the Owner/Permittee.

32. The applicant shall implement a brush management program in accordance with the approved brush management plan for the site (Exhibit "A"), dated November 21, 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 conformity to Exhibit "A", dated November 21, 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 on file in the office of the City Clerk. The approved Brush Management Program shall be implemented and shall be inspected by the Development Services Department, Development and Environmental Planning Division Landscape Inspector prior to issuance of any occupancy permit on any building. 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.
- b. No accessory structures shall be permitted within Zone One, 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 revegetation/erosion control measures on manufactured slopes as shown on Exhibit "A", dated November 21, 1995.
- f. All requirements for fire-resistive construction and other architectural features shall conform to all applicable City and Regional building code standards.

33. 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 establishment of homeowners' association 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.

34. 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.

35. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated November 21, 1995, shall be permitted by an Encroachment Permit obtained from the City Engineer.

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

37. This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Environmental Impact Report (Dep No. 94-0514) shall be made conditions of Tentative Map, Planned Residential Development and Resource Protection Ordinance Permit No. 94-0514 as may be further described below.

**A. Landform Alteration/Visual Quality**

1. The applicant shall clearly indicate on the grading plans slopes that are to be contour graded. A note shall be included on the grading plans requiring the applicant to notify the Principal Planner of the City Environmental Analysis Section (EAS) two weeks before grading begins and for the follow-up inspection after grading is complete. Prior to issuance of grading

permits, EAS shall review the grading and landscape plans to ensure that sensitive grading techniques are being used and that manufactured slopes are landscaped in conformance with the conceptual landscape plan.

2. 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. At its discretion, the Development Services Department shall conduct field inspections during grading. Other than minor changes in grading, the applicant shall process construction changes through the Development Services Department. A surety, in the amount specified by the Development Services Department, should be collected by the Engineering Department from the applicant before issuance of a grading permit in an amount equal to the cost of the maintenance program. After the Development Services Director and City Engineer approve the grading, a recommendation shall be made to the City Council for the release of the subdivision bond.

**B. Biological Resources**

**1. Sensitive Species and Habitats**

- a. Prior to the issuance of grading permits, a habitat preservation plan for open space dedicated to the City shall be submitted to the Development Services Department, the Park and Recreation Department, and other departments as appropriate, consistent with RPO. Specifically, the developer shall preserve 59.8 acres of open space, as follows:

- (1) Lots 73 and 76 (comprising 11.8 acres) shall have a negative open space easement for brush management and shall be owned and maintained by the homeowners' association.
- (2) Lots 70, 71, 75 and 77 (7.6 acres) shall have a negative open space easement and shall be owned and maintained by the homeowners' association.

(3) Lot 74 (40.4 acres) shall be granted to the City in fee simple, for open space, at no cost to the City. Both trails in Lot 74 shall be constructed by the developer and shall be subject to the approval of the Park and Recreation Director.

b. Construction documents shall include notes to prevent brushing and clearing of the natural slopes shown as open space. The manufactured slopes adjacent to the natural open space area must be revegetated with native species pursuant to the requirements of the revegetation plans.

(1) *Revegetation Plan for Hillsides*

(a) Prior to the grading of the project site, topsoil and plant materials shall be salvaged, as these materials contain nutrients, organic matter, mycorrhizae, and plant propagules that are beneficial to the success of revegetation efforts. This salvaged vegetation and topsoil shall be evenly distributed onto the cut and fill slopes.

(b) Areas which have been treated with salvaged plant materials and topsoil shall then be seeded with the mixture of species provided in Table 4 of the EIR. These species are consistent with those found in coastal sage scrub and, to a lesser extent, southern, mixed chaparral habitats. The seed mixture shall contain two elements that each serve a specific purpose. The first of these is to provide species that will establish quickly as a nurse crop to reduce potential erosion and weed problems. The second element of each mixture shall include shrub and forb species that are present in adjacent, off-site coastal sage scrub and southern mixed chaparral



habitat in the project area. The seed mix shall be premixed in proportions as specified in Table 4 of the EIR.

- (c) Fine-grade plaster sand shall be added to the seed mix, and both seed and sand shall be mixed for no more than ten minutes prior to broadcasting. Following the broadcasting, all seeded areas shall be irrigated.
- (d) The seeding effort shall be timed to occur in the fall to take advantage of the natural precipitation cycle; however, a temporary, aboveground irrigation system with low-volume spray heads shall be installed on the fill slopes to provide supplemental water in the event of a prolonged winter drought condition. All seeded slopes shall be irrigated to approximately field capacity and allowed to dry for one day prior to seeding activities as well as after seeding has occurred.

(2) ***Revegetation Plan for Mesic Areas***

Impacts to the 0.03-acre of freshwater seep in the southern canyon shall be mitigated to below a significant level by expanding the mesic area in Carroll Canyon on-site at a 3:1 ratio or 0.09-acre. Revegetation shall be undertaken adjacent to the existing mesic areas along Carroll Canyon. An area of the drainage shall have exotic plantings removed and be recontoured as necessary to maintain suitable hydrologic conditions. Seeds from existing plants in the drainage area to be disturbed shall be collected and replanted; species shall include mariposa rush, pale spikerush (*Eleocharis macrostachya*), and mule fat.

(3) **Revegetation Plan Maintenance and Monitoring**

- (a) Maintenance and monitoring of the revegetation sites shall be required after installation in order to ensure habitat establishment and determine compliance with success criteria. The maintenance during establishment shall be primarily the responsibility of the landscape contractor, with input from the revegetation biologist.
- (b) Weedy, nontarget vegetation shall be removed as required to prevent adverse competition with the revegetation materials. Weeding shall occur monthly for the first 6 months, quarterly for the next 18 months, and semiannually for the next year. Weeding shall be done by hand and no herbicides used. Specific species for removal include, but are not limited to, star-thistle (*Centaurea* spp.), horehound (*Marrubium vulgare*), and mustard (*Brassica* spp.). Additional species to be removed may also be identified by the revegetation biologist.
- (c) A two-year habitat monitoring program shall be conducted by the revegetation biologist. Monitoring shall be conducted by a certified biologist with experience in the implementation of ecological monitoring programs and commence following the completion of the planting and seeding operations. The revegetation areas shall be monitored qualitatively every two weeks for the first 120 days and quarterly for the rest of the first year. Monitoring shall occur twice in the second year. This monitoring program shall document and ensure the success of the revegetation program. Success criteria shall include 60 percent

cover over the revegetated area at the end of the monitoring period. The monitoring program shall be designed to gather information on the success of plant establishment and habitat development as well as to formulate plans for remedial actions.

- (d) The monitoring and maintenance program will continue for a period of two years or until measurements of vegetation cover and density approximate those present in existing adjacent chamise chaparral habitat along with a species diversity which is not significantly different from that shown in Table 4 of the EIR.
- (e) Quantitative assessments shall take place annually in March. Permanent sampling locations shall be established within the revegetation areas. Data shall be collected from line transects or quadrats, with measurements to include cover and frequency of shrub species. These data shall be evaluated against the milestones presented in Table 5 of the EIR.
- (f) Progress reports detailing the conditions of the mitigation site shall be submitted within 30 days of the qualitative surveys. These reports shall include information on problems with irrigation, pests, vandalism, and weeds which have been identified. Proposed remedial actions shall also be discussed.
- (g) Annual technical reports describing the mitigation program shall be submitted within 60 days of the quantitative data collection. These reports shall present the results of the quantitative analysis along with the information provided in the previous letter reports. The final annual report shall summarize the results of the

entire mitigation program, thereby providing information for comprehensive evaluation of the program.

- (h) These measures shall be conditions of the TM, PRD, RPO, and landscaping plan. EAS shall review the grading and landscaping plans for consistency with the above measures prior to issuance of grading permits; a site inspection by City staff shall be required to ensure compliance with the mitigation program, prior to the issuance of building permits.

## 2. Brush Management

- a. Brush management and fire control measures shall follow the City of San Diego Guidelines and hand clearing shall be used for any fire control measures required within Zones 2 and 3 of the fire buffer area. Except for brush control measures, there shall be no other activities in the brush management areas.
- b. Measures to be incorporated into the project design and brush management plan to reduce impacts to habitat and wildlife shall include the following:
  - (1) The remaining areas of undisturbed vegetation (55.5 acres with the haul road, 59.8 acres without the haul road) not affected by grading activity or brush management shall be preserved as biological open space.
  - (2) Manufactured slopes adjacent to natural open space shall be revegetated with appropriate native plant species consistent with the brush management plan. The plants species will correspond to those species present in contiguous open space.
- c. These measures are conditions of the TM, PRD, RPO, and landscaping plan. EAS shall review the grading and landscaping plans for consistency with the above measures prior to issuance of building permits; a

site inspection by City staff shall be required to ensure compliance with the mitigation program.

**C. Geology**

1. The developer shall retain a soils engineer and a registered engineering geologist to review detailed grading plans, monitor construction of the project, and assure compliance with the provisions of the project's geotechnical investigation. A condition of approval for the tentative map shall include a detailed geotechnical report associated with the final grading and incorporate measures as summarized below:
  - a. To reduce potential for adverse settling, existing surficial soils, alluvium and colluvium shall be removed prior to fill placement.
  - b. Soils that display significant expansive potential shall be buried a minimum of five feet below finish grade, or specially designed building foundations would be needed.
  - c. Placement of structures over cut/fill transitions shall be avoided.
  - d. Non-expansive, well-graded, granular materials with minor silt and clay fractions shall be used for imported fill.
  - e. For long-term stability of slopes, groundwater seepage shall be minimized by grading ground surfaces to facilitate the flow of water away from structures without ponding.
  - f. Runoff water shall be contained within properly designed facilities to prevent water seepage into the foundation areas.
  - g. Any Pomerado Conglomerate used for fill shall be specially treated to ensure adequate compaction (for example removal or pulverization of large cobbles).

2. A Registered Engineering Geologist shall monitor on-site grading, construction, and revegetation as described above in the list of mitigation measures. A final geotechnical report shall be submitted, certifying that the grading complies with the approved mitigation measures. Prior to issuance of grading permits, EAS shall review grading, landscape, and irrigation plans for inclusion of sediment control measures. A representative of EAS shall conduct a field inspection prior to release of the subdivision bond and issuance of building permits to assure that grading operations have implemented sediment control measures and that manufactured slopes have been revegetated. An updated seismicity report shall be submitted to the City Senior Engineering Geologist, based on the latest (1995) earthquake engineering data, at the end of the grading period.
3. These measures are conditions of the TM. EAS shall review the grading and landscaping plans, prior to the issuance of building permits.

**D. Hydrology and Water Quality**

**1. Increased Erosion/Sediment Load**

- a. During construction, sandbags and/or straw bale barriers shall be placed along a level contour in the path of runoff to create a barrier that retains sediment-laden water. Inspection and maintenance during the construction period shall be required to maintain the efficiency of the sediment barriers.
- b. All manufactured slopes shall be temporarily irrigated for a period not to exceed two years from date of installation and planted within 60 days of completion of grading operations. Manufactured slopes shall be maintained by the homeowner or homeowner's association.
- c. Measures that reduce the amount of hydrophilic vegetation used in landscaping shall be employed to reduce water runoff. These measures shall include the incorporation of drought-tolerant species in the project design.

- d. The temporary irrigation system shall utilize low precipitation heads for maximum water conservation and slope stability, while reducing erosion potential.

2. *Increased Runoff Contaminant Loads*

- a. The TM shall provide source control BMP's via landscaping of all slopes and street rights-of-way to prevent erosion, and a grading/drainage concept that directs water away from easily erodible areas, such as the bluffs. The water shall be directed into a drainage system designed to safely handle the stormwater runoff. Additionally, desilting basins/water quality basins shall be provided during grading at strategic locations to the affected slopes. Any other applicable source control or BMP's which may be implemented on a city-wide basis shall be incorporated into the TM, as applicable.
- b. A grading plan that incorporates runoff and erosion control procedures to be used during all phases of the project development shall be prepared and submitted concurrently with subdivision improvement plans, where such development is proposed to be developed on land that would be graded or filled. Such a plan shall be prepared by a registered civil engineer and shall be designed to ensure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every 10 years. Runoff control shall be accomplished by establishing on-site catchment basins, detention basins and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness.
- c. The grading plan shall incorporate a maintenance program for erosion and runoff control measures which shall be approved by the City Engineer and the Development Services Director. The erosion and runoff control measures shall be designed and bonded prior to recordation of the final map; erosion control measures shall be implemented

prior to acceptance of the grading plan and public improvements by the City. The homeowner's association shall be responsible for the specified maintenance program and shall maintain records of the maintenance.

- d. The above measures shall be noted on grading plans. Prior to the issuance of grading permits, EAS shall review plans to ensure the notation has been provided. 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 notes on the grading plans addressing erosion/urban runoff controls.

**E. Paleontology**

1. The following measures shall appear as conditions of the TM:
  - a. Prior to issuance of grading permits, the applicant shall present a letter to EAS indicating that a qualified paleontologist has been retained to carry out the resource mitigation.
  - b. A qualified paleontologist shall be present at a pregrading conference to consult with the grading and excavation contractors.
  - c. A qualified paleontologist shall be retained to perform periodic inspections of excavations and, if necessary, salvage exposed fossils. A paleontological monitor shall be on-site at all times during the original cutting of formations with a known potential to contain fossils, such as the highly sensitive Mission Valley Formation and the moderately sensitive Pomerado and Stadium Conglomerates. Four major fossil groups have been collected from San Diego Eocene rocks: mammals, mollusks, calcareous nannoplankton, and foraminifera. Periodic inspections of cuts in such formations shall also be made. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and the abundance of fossils.
  - d. The paleontologist shall be allowed to



temporarily direct, divert, or halt grading to allow evaluation and recovery of fossils in a timely manner. At the time of discovery, the paleontologist shall immediately notify the EAS and the resident engineer regarding the procedures to be performed before construction activities are allowed to resume.

- e. Fossil remains collected during this salvage program shall be cleaned, sorted, and catalogued and then (with the owner's permission) deposited in a public, nonprofit institution with research interest in the materials, such as the San Diego Natural History Museum.

The Mitigation Monitoring and Reporting Program shall be submitted to EAS and the Natural History Museum three months after completion of the monitoring program, but no later than before Development Services final inspection. The report shall summarize the results of the monitoring program, even if negative.

Prior to approval, the City Development Services Department shall verify that the above mitigation measures are incorporated into the TM, RPO and PRD as noted.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program. The applicant shall bond with the Department of Development Services/Development and Environmental Planning Division for an amount to be determined by the Principal Planner of the Environmental Analysis Section for the two year revegetation and habitat monitoring program prior to approval of the final map.

38. The Planned Residential Development/Resource Protection Ordinance Permit shall comply with the conditions of the final map for Tentative Map No. 94-0514.

39. 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).

- c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
  - d. Provide temporary street signs.
40. Prior to recordation of the map, the tentative map shall be revised to reflect Lots 38, 39, and 69 with 100 foot widths and submitted to the Development Services and Engineering Departments for review and approval.
41. Open Space Requirements:
- a. Lots 1-4, 10-13, 17-62 AND 64-69 shall have a building restricted easement for Zone One Brush Management. Zone One shall have a varied depths as identified on Exhibit "A", dated \_\_\_\_\_, on file in the office of the Development Services Department and shall be owned and maintained by the property owner(s). Structures on said lots, shall be developed in conformance with the applicable sections (including section 6.6-2, 6.6-3 and Section 6.6-5) of the *Landscape Technical Manual* (LTM), (Document Number RR-274506) on file in the office of the City Clerk.
  - b. Lot 72 shall have a building restricted easement and shall be owned and maintained by the homeowner's association.
  - c. Lot 73 and 76 shall have a negative open space easement for Brush Management Zones two and three, as indicated on Exhibit "A", dated \_\_\_\_\_, and shall be owned and maintained by the Homeowners Association.
  - d. Lots 70, 71 and 75 shall have negative open space easement, as indicated on Exhibit "A", dated \_\_\_\_\_, and shall be owned and maintained by the Homeowners Association.
  - e. Lot 77 shall have a building restricted easement, indicated on Exhibit "A", dated \_\_\_\_\_, and shall be owned and maintained by the Homeowners Association.
  - f. Lot 74 shall be granted to the City in fee simple, for open space, at no cost to the City. both trails in Lot 74 shall be constructed by the developer and shall be subject to the approval of the Park and Recreation Director.
42. The subdivider shall relocate the rear lot lines for those lots adjacent to existing down slopes to the edge of the grading shown on the approved tentative map, satisfactory to the City

Engineer and the Development Services Department Director. Said lot lines are also the limits of the brush management Zone 1 building restricted area.

43. This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Scripps Miramar Ranch Community Plan area.

44. This development 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 Development Services.

45. This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

46. 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. However, in the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

47. 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 City Council of the City of San Diego on November 21, 1995, by Resolution No. R-286610.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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.

RETIREMENT SECURITY COMPANY,  
Care of Charles D. Downs  
ED STRUIKSMA  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
12/12/95