

(R-96-1032)

RESOLUTION NUMBER R-286863

ADOPTED ON JANUARY 30, 1996

WHEREAS, Daley Corporation, Owner and California Pacific Homes, Permittee, filed applications for a Planned Residential Development Permit and a Resource Protection Ordinance Permit to develop 1,235 dwelling units on a 186 acre site, located southwesterly of the intersection of Aero Drive and Interstate 15, described as a portion of Lot 41, Rancho Mission of San Diego, Partition Map No. 330 (SCC 348), a portion of Lot 1, Block 27, Rosedale, Map No. 826 and a portion of Eighth Street to be vacated, in the Stonecrest Specific Plan area, in the R1-5000 and R1-40000 zones (R-1500 and R1-40000 zones proposed); and

WHEREAS, the matter was set for public hearing on January 30, 1996, 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/Resource Protection Ordinance Permit No. 95-0204:

1. That the City Council adopts the following written Findings, to support the Planned Residential Development Permit application:

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 will provide infill residential development, in an area of the City that already contains public facilities, consistent with goals of the General Plan for such development.

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.

Development is proposed to be located on lands already disturbed by sand and gravel mining activities. A natural canyon area along the west side of the subject property will be left undeveloped and preserved as open space through the application of protective easements. The developer will provide brush management treatment at both the top and bottom of the preserved canyon area for fire hazard protection purposes.

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

The proposed use will be consistent with density and open space requirements of the R-1500 Zone. Provisions of the Planned Residential Development Ordinance will be observed.

2. That the City Council adopts the following written Findings to support the Resource Protection Ordinance Permit application:

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

An amendment to the Stonecrest Specific Plan and to the Progress Guide and General Plan are proposed with this development action to redesignate the site from office/ industrial/commercial to residential. If the land use amendment is approved, development will be consistent with those plans. The proposed development would also serve to preserve prominent open space features that exist on site as recommended by the Urban Design Element in the General Plan.

b. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

With the proposed amendment to the Stonecrest Specific Plan, this development will be consistent with the applicable land use plan. The development will be developed as a Planned Residential Development (PRD) and is consistent with the regulations of that ordinance.

c. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude adverse impacts on environmentally sensitive lands.

Development is proposed to be located on the portions of the site that have previously been disturbed by mining

activities. The canyon area on site is proposed to be retained as open space.

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 project site does abut a public park or public open space system. The project will preserve a native canyon area on site through the application of protective easements. A disturbed riparian area on site will be revegetated.

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.

Development is proposed on previously disturbed portions of the property. A brush management program is proposed at both the top and bottom of the canyon slope on site to reduce the hazard of fire. Conditions of the tentative map and planned residential development permit respond to erosion, geology and flood issues.

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 site or resource have been provided by the applicant.

The environmental analysis of the property concluded that these elements would not be impacted through the development of this project.

3. That the City Council adopts the following written Findings to support the Brush Management program:

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 utilizing provisions in the Uniform Fire Code (SDMC 2.301(a) Practical Difficulties, to reduce the Fire Hazard Severity Class from a Moderate to a Low/Moderate when adjacent to Riparian Vegetation (due to the lower fuel load/succulent composition of that plant community), and by incorporating the zone reduction provisions of Section 6.6 of the Landscape Technical Manual, which include fire resistive architectural features. The design will also limit runoff and exclude invasive species adjacent to environmentally sensitive habitat, 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. Additionally, the proposed brush management for the existing adjacent off-site development, will not adversely affect the coastal sage scrub because most of the vegetation is already

disturbed and, the quality of habitat is considered low by the EIR. 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.

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.

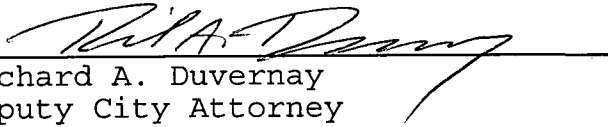
The proposed brush management program is designed and the associated permits include conditions that provide for the revegetation standards of the Landscape Technical Manual for on-site slopes. Brush management zone easements have been required as part of this project's map conditions for both the proposed on-site development and the existing, adjacent off-site residential structures above and to the west of this project, as shown on Exhibit "A" and include provisions for revegetation, monitoring and continual maintenance of the slopes, riparian areas and brush management easements. 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 Planned Residential Development/Resource Protection Ordinance Permit No. 95-0204 is hereby granted to Daley Corporation, Owner and California Pacific Homes, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:pev
03/01/96
Or.Dept:Clerk
R-96-1032
Form=r.permit

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. 95-0204

STONECREST VILLAGE

CITY COUNCIL

This Planned Residential Development/Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to DALEY CORPORATION, a Limited California Corporation, Owner, and CALIFORNIA PACIFIC HOMES, 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 Portion Lot 41, Rancho Mission of San Diego, Partition Map No. 330 (Sec 348), Portion Lot 1, Block 27, Rosedale Map No. 826 and a portion of Eighth Street to be vacated, located south of Aero Drive and west of Interstate 15, in the R1-5000 and R1-40000 zones (proposed R-1500 and R1-40000 zones).
2. The Planned Residential Development Permit shall include the total of the following facilities:
 - a. 1,235 attached and detached residences;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Development Services 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 Director and Development Services Director.
4. Prior to the issuance of grading permits for each phase of development, a landscaping and irrigation plan for each

phase 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 January 30, 1996, on file in the Development Services Department. All landscaping shall be installed for each phase prior to issuance of an occupancy permit. In each phase, 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.

5. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
6. Parking requirements shall be calculated based upon City-wide single and multiple family standards listed in the Municipal Code and will be assigned at that time that required amendments to this permit are approved. 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. 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.
7. 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.
8. 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.
9. No manufactured slope shall be steeper than a ratio of 2:1.
10. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
11. 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 R-1500 Zone.

12. 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.
13. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
14. 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. If an appeal is filed, the effective date shall be the date of final action by 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 Development Services Director, 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 Development Services Director.
15. 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. This Planned Residential Development/Resource Protection Ordinance Permit is recorded in the Office of the County Recorder.
16. 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.
17. 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.
18. This Planned Residential Development/Resource Protection Ordinance Permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
19. 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.

20. 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.
21. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," "Row," or "Square." Public refuse collection shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering Director. No parking shall be permitted on any private streets except in approved locations.
22. This Planned Residential Development/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. This Planned Residential Development/Resource Protection Ordinance Permit shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Development Services Director.
24. 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.
25. The Brush Management Program for this project is based upon Fire Severity Classes (FSC) of either High, Moderate, or Low/Moderate, as identified on Exhibit "A." Typically the lowest FSC rating on properties east of 805 is a Moderate (Table 4 *Landscape Technical Manual*). However as provided for in the Uniform Fire Code (SDMC § 2.301.(a) Practical Difficulties), the FSC has been reduced from a Moderate to a Low/Moderate for areas adjacent to Riparian Habitat (this is due to the lower fuel load/succulent composition of that plant community).

The applicant shall implement a brush management program in accordance with the approved brush management plan for the site (Exhibit "A"), dated January 30, 1996, 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 documents, shall be submitted to the Development Services Department, Land Development Review Division and the

Fire Marshall for approval. The plans shall be in substantial conformance to Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department and shall generally comply with the applicable provision of the City of San Diego "Landscape Technical Manual" (LTM), document number RR-274506. The approved Brush Management Program shall be implemented and shall be inspected by the Development Services Department, Land Development Review Division Landscape Inspector prior to issuance of any Certificate of Occupancy 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, on file in the office of the City Clerk.

- b. Brush Management Zone Depths: The required minimum and average zone depths, are listed by adjacent plant community (type/location), then FSC rating, and then by the following LTM categories of zone depth:

Standard: Typical zone depth per table 4 (LTM) without zone reduction provisions.

6.6-2&3: Allows a reduction of 10' of zone one depth, requires architectural features of Section 6.6-2, and an increase of 10' feet to zone three per Section 6.6-3.

6.6-5 In addition to 6.6-2&3, allows an increase of zone one depth and a decrease of zone two and then zone three depth, at 2:1 ratio.

- 1) TRANSITION AREA: The brush management zone depth for the new development adjacent to the south facing slope area are as follows:

High Fire Hazard Severity Class:

<u>Zone</u>	<u>Standard</u>	<u>6.6-2&3</u>
Zone 1 (minimum)	45'	35'
Zone 2 (average)	40'	40'
<u>Zone 3 (average)</u>	<u>30'</u>	<u>40'</u>
TOTAL	110'	110'

- 2) NON-RIPARIAN/NON-TRANSITION AREA: The following brush management zone depths will apply to the new development adjacent to the west facing slope, adjacent to non-riparian vegetation:

Moderate Fire Hazard Severity Class:

<u>Zone</u>	<u>Standard</u>	<u>6.6-2&3</u>	<u>6.6-2&3 & 5</u>
Zone 1 (minimum)	35'	25'	40' (<4:1 or 50')
Zone 2 (average)	30'	30'	0'
<u>Zone 3 (average)</u>	<u>20'</u>	<u>30'</u>	<u>20'</u>
TOTAL	85'	85'	70'

- 3) RIPARIAN MITIGATION AREA: The brush management zone depths for the new development adjacent to the west facing slope contiguous to the riparian revegetation (mitigation) area are as follows:

Low/Moderate Fire Hazard Severity Class:

<u>Zone</u>	<u>Standard</u>	<u>6.6-2&3</u>	<u>6.6-2&3 & 5</u>
Zone 1 (minimum)	33'	23'	36' (<4:1 or 50')
Zone 2 (average)	25'	25'	0'
<u>Zone 3 (average)</u>	<u>10'</u>	<u>20'</u>	<u>20'</u>
TOTAL	68'	68'	56'

- 4) OFF-SITE: The brush management zone depths for the existing development (west of the project) adjacent to the east facing slope contiguous to the coastal sage scrub per Exhibit "A."

High Fire Hazard Severity Class:

<u>Zone</u>	<u>Standard</u>
Zone 1 (minimum)	40' (existing adjacent off-site)
Zone 2 (average)	40'
<u>Zone 3 (average)</u>	<u>30'</u>
TOTAL	110'

- c. No accessory structures shall be permitted within Zone 1, including but not limited to wood decks, trellises, gazebos, etc. Non-combustible accessory structures may be approved by the Fire Marshall and the Development Services Department, Land Development Review Division.
- d. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined at eminent health and safety risk still exists.
- e. Design of the new structures using the "Architectural Features" option for brush management shall incorporate the 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.
26. Prior to the issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads) shall be submitted to the satisfaction of the Development Services Director (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated January 30, 1996, and all other applicable conditions of related permits.
27. The timely erosion control including hydroseeding of all slopes and pads consistent with the approved plans above is considered to be in the public interest and the developer shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the supporting irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the *Landscape Technical Manual*.
28. Prior to the approval of improvement plans for publicly dedicated streets within this tentative map, an area not less than 40 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. Street trees shall also be provided in the public right of way on the west side of Daley Center Drive in conformance with the Specific Plan. Street trees shall be provided for all planning areas, streets, (private or public). Trees shall be in conformance with the StoneCrest Specific Plan and to the satisfaction of the Land Development Review Division of the Development Services Department. Trees shall be shown as part of the public improvement drawings and shall be installed prior to certificate of occupancy being issued. 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 the Land Development Review Division of the Development Services Department.

All medians shall be landscaped (planted and irrigated) for the full width and length curb to curb, except for the minimum required maintenance strip or where transitioning to turn pockets. In these situations decorative paving shall be used, the design and material shall be to the satisfaction of the Land Development Review Division of the Development Services Department and the Park and Recreation Department. Trees shall be provided in medians on West Canyon Avenue south of the north property line to the intersection of StoneCrest Boulevard. Trees shall be

provided in the medians on Daley Center Drive south of the north property line to the end of the cul-de-sac. The quantity size and species of trees shall be in conformance with the Specific Plan.

29. All approved and installed landscape (planting, irrigation, and other landscape features) shall be inspected by the Landscape Inspector of the Land Development Review Division of the Development Services Department prior to the issuance of any certificate of occupancy for any building. It shall be the responsibility of the owner to request and coordinate all required inspections. Such Landscaping 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 time.
30. Bicycle lanes shall be installed per the StoneCrest Specific Plan prior to obtaining an occupancy permit for any unit(s) within this permit's jurisdiction.
31. Pedestrian paths shall be provided throughout planning areas per the StoneCrest Specific Plan. Pedestrian paths shall be installed prior to obtaining an occupancy permit for any unit(s) within this permit's jurisdiction.
32. 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.
33. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated January 30, 1996, shall be permitted by an Encroachment Permit obtained from the City Engineer.
34. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
35. Prior to the issuance of any building permits, amendment(s) to this master planned residential development shall be approved by a Development Services Department Hearing Officer providing detail on building, landscaping, parking, walkway and fence treatment for each phase of development.
36. 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.

37. Following are required environmental mitigation measures for this project. The full text of the Mitigation, Monitoring, and Reporting Program is part of the Environmental Impact Report, DEP No. 95-0204, all measures of which apply to this project.

a. **Land Use** - As a condition of the PRD, the following shall be added. EAS and the Development Services Department shall review the PRD to ensure notes have been provided.

- 1) Site specific recycling storage areas, for multiple-family residential units, shall be shown on subsequent amendments to the PRD and shall be in conformance with Municipal Code section 101.2001.
- 2) Recreation vehicles will be prohibited from parking on-site.
- 3) Provision of screening vegetation for parking and storage areas.
- 4) Provide bikeways within the project to Murphy Canyon Road and Aero Drive.

b. **Biology** - As a condition of the PRD, the following measures shall be provided. EAS shall review the PRD to ensure the notes have been added.

- 1) Exterior lighting within the development project adjacent to conserved habitat shall be selectively placed, shielded, and directed away from that habitat. In addition, lighting from homes abutting conserved habitat shall be screened with vegetation, and large spotlight-type lighting that may affect conserved habitat shall be prohibited. These lighting restrictions shall be incorporated into project CC&Rs.
- 2) Fuel management shall be restricted to thinning of 20 feet of the riparian buffer area, and no project-related fuel thinning shall occur west of the restored riparian zone.

c. **Public Facilities and Services**

- 1) Schools - As a condition of the PRD, the applicant shall obtain a Certificate of Compliance from the District, and the District shall collect applicable fees (pursuant to SB 1287) prior to the issuance of building permits.

- 2) Park and Recreation - As a condition of the PRD and prior to the issuance of building permits, the project applicant and the City of San Diego shall enter into an Agreement regarding park and recreation facilities. This Agreement shall identify payment of fees and/or provision of park and recreation facilities. The Agreement shall be to the satisfaction of the City Attorney, City Manager and the Park and Recreation Director.
- 3) Library and Fire Protection - As a condition of the PRD and prior to issuance of building permits, the Project Applicant shall pay the per dwelling unit development impact fee identified in the Kearny Mesa Facilities Financing Plan.
- 4) Solid Waste - Prior to the issuance of the Building Permit, a waste management plan should be developed by the prime contractor and subcontractors for the construction and post-construction phases of the project consisting of the following elements, where appropriate:
 - a) Type of materials expected to enter the waste stream;
 - b) Quantity of material;
 - c) Source of separation techniques to be used;
 - d) On-site storage of separated materials;
 - e) Method of transportation to be used;
 - f) Destination of materials;
 - g) Buy-recycled program to be implemented;
 - h) Source reduction, source separation and recycling measures shall focus on paper goods, yard waste, plastic, wood waste and glass;
 - i) The developer shall provide such incentives as providing for curbside collection of recyclable materials, drop-off bins and/or financial incentives such as reduction in homeowners association fees or refuse collection fees.

d. **Noise** - As a condition of the PRD and prior to issuance of the building permit, the following shall occur.

- 1) A detailed noise analysis shall be conducted for proposed residential units within the projected

Montgomery Field 60 CNEL contour and along the eastern site perimeter with direct freeway noise exposure, once final structure design and elevation data are available. Depending on the results of this analysis, the described units shall be provided with all structural and/or ventilation upgrades required to meet applicable interior noise standards. Such upgrades may include techniques such as the use of dual-paned sliding windows, or insulated doors and walls to minimize interior noise levels.

- e. **Paleontology** - As a condition of the PRD, a report for the paleontological monitoring program shall be prepared and include the following. Report will be reviewed by EAS.

1) Monitoring Results Report:

A report (with a map showing site locations) summarizing the results, analysis and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological program.

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.).

38. At the time that dwelling units are sold, the seller shall advise home buyers that Montgomery Air Field and Miramar Naval Air Station are located nearby and that aircraft may fly overhead or close by. Such notification shall also be included in title records of the dwelling units.
39. CalTrans Auxiliary lane. Subdivider shall deposit \$50,000 with the City not later than July 1, 1996; an additional \$110,000 six months after the initial deposit; plus an additional \$110,000 one year after the initial deposit for a total of \$270,000 to be used for project design. An additional \$140,000 shall be deposited upon the 500th housing unit being occupied. A final payment of \$140,000 shall be made upon the occupancy of the 800th unit. All monies shall be used to support the design and construction of an auxiliary lane on I-15 between Murphy Canyon southbound on-ramp and southbound Friars Road off-ramp. This money is paid as the sole obligation of the subdivider or its successors in funding the I-15 auxiliary lane. All unused monies contributed by the subdivider towards the construction of the auxiliary lane will be used for public projects in the community.

40. Within 30 days after receipt from the City of rough grading plans for the Serra Mesa library, California Pacific Homes agrees to provide, at no expense to the City, rough grading for the building pad and parking lot for the proposed Serra Mesa library.

APPROVED by the City Council of the City of San Diego on January 30, 1996, by Resolution No. R-286863.

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.

Daley Corporation
Owner

By _____

California Pacific Homes
Permittee

By _____

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

R-286863