

(R-97-126)

RESOLUTION NUMBER R-287706

ADOPTED ON JULY 30, 1996

WHEREAS, DEL MAR DEVELOPMENT, INC., Permittee, filed an application with the Development Services Department to develop 19 single-family detached residences and implement associated public and private improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 92-0430); and

WHEREAS, the vacant 8.1 net acre project site is located on the north side of Via de la Valle, west of Via del Cañon, within the R-1-15000 (portions in the Hillside Review Overlay) zone of the Via de la Valle Specific Plan Area; and

WHEREAS, the project site is legally described as a portion of Lot 8, Section 6, T14S, R3W, SBM; and

WHEREAS, on July 30, 1996, the San Diego City Council considered Hillside Review and Planned Residential Development Permit No. 92-0430 pursuant to Sections 101.0454 and 101.0901 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 Hillside Review and Planned Residential Development Permit No. 92-0430:

PLANNED RESIDENTIAL DEVELOPMENT PERMIT FINDINGS:

- A. THE PROPOSED USE WILL FULFILL A COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.**

The development of this site is consistent with the recommended land use designations, design guidelines and development standards in effect for this property per the Via de la Valle Specific Plan (as amended by this project), the City's Progress Guide and General Plan, rural cluster alternative provisions of the Planned Residential Development (PRD) Ordinance, and will be compatible with existing and planned residential land uses surrounding the property.

- 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 HRP/PRD permit prepared for this project includes a number of conditions of approval relevant to project compliance with the regulations of the municipal code in effect for this site to assure that the project will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

These conditions include mitigation designed to minimize the potential for adverse impacts occurring to environmentally sensitive resources on site (i.e., biologically sensitive habitat, natural landforms and sensitive off-site resources) to a level below significant. Additionally, the site plan and Tentative Map designed for this subdivision incorporate various controls to identify permitted areas of development on site in an attempt to reduce the risk of geological and erosional hazards.

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

The proposed development is consistent with the applicable regulations and development standards of the Municipal Code in effect for this site, including requirements for landscaping, brush management, parking, vehicular access, density and land use as specified and/or recommended by the Via de la Valle Specific Plan (as amended by this project), the City's *Landscape Technical Manual*, rural cluster alternative provisions of the Planned Residential Development (PRD)

Ordinance, applicable CEQA guidelines, and the City's Progress Guide and General Plan.

HILLSIDE REVIEW PERMIT FINDINGS:

- A. THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED STRUCTURES AND WILL RESULT IN THE MINIMUM DISTURBANCE OF SENSITIVE AREAS.**

The geologic reconnaissance report prepared for the development indicated that the structures on this site will be sited, designed and constructed to be physically suitable to the topographic conditions of the finished site grade of the project. Additionally, a soils analysis prepared for the project indicated that grading quantities, slope ratios and soil compaction techniques (to be implemented during the grading phase of the project) will be adequate to support structures on this site without any risk to surrounding properties in the area.

Grading activities and quantities associated with the project design will be consistent with relevant sensitive resource and slope encroachment limitations of the Hillside Review Ordinance and will result in the minimum disturbance of sensitive areas identified on the property.

The design of the project will not require a significant alteration of the existing landform on site as the portion of the property designated for development (i.e., building pads and interior streets) has been previously disturbed. Existing steep slopes and environmentally sensitive resources (including biologically sensitive habitat) located on the property beyond the proposed development area will be retained as negative open space easements with recordation of the final map for the subdivision.

In addition, the project's Mitigation Monitoring and Reporting Program includes measures to retain the integrity of remaining natural slopes and other sensitive resources identified on the site and will ensure their minimal disturbance during the construction phase of the project.

- B. THE GRADING AND EXCAVATION PROPOSED IN CONNECTION WITH THE DEVELOPMENT, AS APPROVED BY THE CITY ENGINEER, WILL NOT RESULT IN SOIL EROSION, SILTING OF LOWER SLOPES, SLIDE DAMAGE, FLOODING, SEVERE SCARRING OR ANY OTHER GEOLOGIC INSTABILITY WHICH WOULD AFFECT THE HEALTH, SAFETY AND GENERAL WELFARE.**

The project design includes various measures intended to reduce adverse impacts associated with erosion to a level below significant, including the installation of erosion control features (i.e., soil compaction techniques, temporary sandbagging during the rainy season, construction of storm drains and a detention basin). An additional erosion control feature (to be implemented during the grading phase of the project) includes controlled surface grades to minimize run-off on the project site and adjoining properties.

The geologic reconnaissance report prepared for the project (and included by technical reference in the EIR) indicated that compacted soils incorporated into the grading plan will securely support the proposed residential structures without any risk to the health, safety and general welfare of those living adjacent to the site. The project grading plan will incorporate various techniques designed to avoid the unnecessary severe scarring of existing natural landform features, including the undulation and contouring of slopes to create a more visually appealing natural element on the property.

Sediment transport to the San Dieguito Lagoon (located south of the project site) will be controlled by requiring the developer to implement various measures contained in the City of San Diego Grading Ordinance. Additionally, temporary construction grading will be restricted to the dry season (April 15th to October 15th).

Immediate revegetation of manufactured slopes following completion of the grading phases of the project, and hydroseeding to enhance the stability of native slope vegetation, shall be implemented as part of the project's landscape concept plan and as conditions of the Tentative Map and the corresponding HRP/PRD permit. A drainage and silt control system, designed to the specifications of the City Engineer, will also be required prior to commencement of grading and construction activities on the site.

The permit for the project includes a number of mitigation measures to be implemented during the grading phase of the project to minimize the potential for adverse impacts occurring to environmentally sensitive resources on the property (i.e., biologically sensitive habitat, steep slopes and sensitive off-site resources). Additionally, the Tentative Map for this subdivision incorporates controls intended to identify permitted areas of development to reduce the risk of geological and erosional hazards on site.

In addition to the above, a detailed geotechnical report will be required prior to the issuance of any building permits to further assure that no erosional disturbances will occur during grading and excavation activities on the project site. This report will also indicate any other geologic instabilities which may occur as a result of project implementation and will recommend alternatives to mitigate the potential for the silting of lower slopes.

Therefore, with adoption of the Mitigation, Monitoring and Reporting Program, no adverse impacts to geologic resources on this site are anticipated to occur nor will any erosional or flooding hazards be evident as a result of project implementation.

C. THE PROPOSED DEVELOPMENT RETAINS THE VISUAL QUALITY OF THE SITE, THE AESTHETIC QUALITIES OF THE AREA AND THE NEIGHBORHOOD CHARACTERISTICS BY UTILIZING PROPER STRUCTURAL SCALE AND CHARACTER, VARIED ARCHITECTURAL TREATMENTS AND APPROPRIATE PLANT MATERIALS.

The project design will retain the aesthetic qualities and character of the subject property (and the surrounding area) and will be compatible in terms of density and land use with existing residential development in the vicinity of the project site.

Although not visually degraded, portions of the site intended to accommodate the project's residential element have previously been disturbed. The site will be visually enhanced through implementation of the project's concept landscape and brush management plan as well as the placement of negative open space easements over the predominance of sensitive slopes on the property.

Proper implementation of the architectural and landscape features designed for the project, as well as implementation of maintenance efforts for manufactured slopes and landscaping on site, will ensure visual compatibility of the project with the character of the surrounding area, with particular emphasis on the San Dieguito River Valley Regional Open Space Park located to the south of this site.

Furthermore, staggered building pads, varied structural orientations on each building lot, contoured grading techniques and implementation of the project's concept landscape and brush management plan will contribute to softening the appearance of the project as viewed from the park viewshed to the south, across Via de la Valle.

- D. THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE OPEN SPACE ELEMENT OF THE GENERAL PLAN, THE OPEN SPACE AND SENSITIVE ELEMENT OF THE COMMUNITY PLAN, AND OTHER ADOPTED APPLICABLE PLANS, AND THE ZONE. THE APPLICANT HAS DISCUSSED THE FEASIBILITY OF OPEN SPACE DEDICATIONS OR EASEMENTS WITH THE APPROPRIATE CITY STAFF.**

The applicant has discussed the feasibility of open space dedications with appropriate city staff. Staff has determined the proposed open space element for the project to be consistent with the relevant open space goals and requirements of the Via de la Valle Specific Plan (as amended by this project).

Approximately three acres of the site would be dedicated in open space easements as part of the associated Tentative Map, including a 2.4-acre negative open space easement along the eastern end of the property which contains steep slopes and biologically sensitive habitat. The purpose of implementing the open space easements is to preserve these environmentally sensitive resources in their undisturbed natural state.

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

The development is consistent with the relevant hillside design and development guidelines in effect for this site as referenced in the Municipal Code (Document No. RR-262129). The guidelines recommend utilization of a variety of grading and site development techniques intended to achieve sensitive hillside development in planned urbanized areas of the City, including placement of structures within flatter or previously disturbed portions of the property, avoidance of encroachment into steep natural slopes and biologically sensitive habitat, slope revegetation, utilization of effective erosion control devices, soil compaction techniques, and the retention of sensitive landform features.

The project will not require a significant alteration of the existing landform as the portion of the property designated for development (i.e., building pads and interior streets) has been previously disturbed. Existing steep slopes and environmentally sensitive resources (including biologically sensitive habitat) located beyond the proposed development area of the subdivision will be retained as negative open space easements with recordation of the final map.

The finished grading plan for the project complies with sensitive slope (25 percent or greater gradient) encroachment allowances of the Hillside Review Ordinance (Municipal Code Section 101.0454), which allows a maximum encroachment of ten percent for properties with sensitive slopes comprising 75 percent or less of the total site acreage.

Project grading will disturb a .41-acre portion (or ten percent) of the total project acreage containing natural steep slopes within the Hillside Review Overlay Zone to accommodate portions of a rear yard retaining wall for development parcels 8-10. Therefore, the project will be consistent with the relevant sensitive slope encroachment guidelines in effect for this site per the HR ordinance.

BRUSH MANAGEMENT (ALTERNATIVE COMPLIANCE) FINDINGS:

- A. THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS APPLYING TO THE LAND THAT ARE PECULIAR TO SUCH LAND AND NOT OF THE APPLICANT'S MAKING WHEREBY THE STRICT APPLICATION OF THE PROVISIONS OF THIS SECTION WOULD DEPRIVE THE PROPERTY OWNER OF REASONABLE USE OF THE LAND.**

The brush management program designed for the project will meet the general purpose and intent of Appendix II A of the Uniform Fire Code (UFC) by maintaining an effective firebreak between the proposed structures and the identified fire hazard (native scrub) adjacent to the development area on site. The design of the brush management program consists of the construction of solid walls and a fire break area to reduce the fuel load between the structures and the adjacent hazard. The brush management design for this project has been reviewed and approved by the Fire Chief.

- B. THERE ARE NO FEASIBLE MEASURES THAT CAN FURTHER MINIMIZE THE POTENTIAL ADVERSE EFFECTS ON ENVIRONMENTALLY SENSITIVE LANDS IDENTIFIED ON THE SITE.**

The brush management conditions (Exhibit "A") designed for this project will not be detrimental to the health and safety of persons residing or working in the area. Said persons' general welfare will not be significantly affected because the existing Torrey Pine trees are conditioned to be maintained (except for the proposed Coprosma and White Ice Plant). Additional tree and shrub plantings on the site will visually blend with the existing and native plant material colors.

- C. ALTERNATIVE COMPLIANCE FOR THE DEVELOPMENT WILL NOT ADVERSELY AFFECT THE PROGRESS GUIDE AND GENERAL PLAN FOR THE CITY OF SAN DIEGO.**

The provisions of the "Landscape Technical Manual", Section 6.6-2, providing fire resistive features on site as required by the Fire Chief, have been satisfied as conditions of the associated HRP/PRD permit for this project.


D. THE PROPOSED DEVELOPMENT WILL CONFORM TO THE ADOPTED VIA DE LA VALLE SPECIFIC PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES AND ORDINANCES IN EFFECT FOR THE SITE.

Literal compliance with the City's Brush Management Ordinance will adversely affect the ability of the developer to reasonably develop the project site without removing existing Torrey Pines trees. Alternative compliance of the Brush Management Ordinance, using walls, various fire resistive features and averaging the depth of brush management zones, meets the general purpose and intent of the Uniform Fire Code Appendix IIA.

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the City Council, Hillside Review and Planned Residential Development Permit No. 92-0430 is hereby granted to the Owner/Permittee in the form and with the terms and conditions as set forth in Permit No. 92-0430, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Head Deputy City Attorney

HOV:ps
08/20/96
Or.Dept:Clerk
Case 92-0430
R-97-126
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

HILLSIDE REVIEW AND PLANNED RESIDENTIAL DEVELOPMENT
PERMIT NO. 92-0430
VERDE DEL MAR
CITY COUNCIL

This permit is hereby granted by the City Council of The City of San Diego to DEL MAR DEVELOPMENT, INC., Permittee, pursuant to Sections 101.0454 and 101.0901 of the San Diego Municipal Code of the City of San Diego.

Permission is hereby granted by the City Council to the referenced Owner/Permittee to develop a single-family residential subdivision and implement associated site improvements (as described herein) on a portion of a vacant 8.1 net acre site located on the north side of Via de la Valle, west of Via Del Cañon, within the R-1-15000 (portions in the Hillside Review Overlay) zone of the Via de la Valle Specific Plan Area. The project site is legally described as a portion of Lot 8, Section 6, T14S, R3W, SBM.

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A," dated July 30, 1996, on file in the Office of the Development Services Department:

- a. Nineteen detached single-family residences; and
- b. Landscaping, permanent irrigation systems, and brush management; and
- c. Accessory improvements determined by the Development Services Department to be consistent with the applicable development standards and regulations in effect for this site per the adopted Via de la Valle Specific Plan, the existing R1-15000 zone, the Planned Residential Development Ordinance, CEQA guidelines, the Hillside Review Ordinance and conditions herein this permit.

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2. Prior to the issuance of any building permits, a final Subdivision Map (TM 92-0430) shall be recorded on the subject property.

3. No fewer than two off-street parking spaces shall be maintained for each residential lot at all times.

4. No activity or site improvements authorized by this permit shall be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Development Services Department; and
- b. The Permit is recorded in the office of the County Recorder.

5. The Brush Management Program approved for the project is based on a Fire Department Severity Classification of "Low". The permittee shall implement a modified brush management program in accordance with the alternative compliance provision and the approved brush management plan for the site (Exhibits "A"), on file in the Development Services Department, including the following measures:

- a. Brush management zone depths shall consist of the following:

	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
Lots 5*, 7*-16	35'	0'	0'
Lots 6* and part of 5 & 7*	20'	0'	0'

*A 6-foot-high wall shall be constructed along the northwest side of Lot 5, all of Lot 6 and the west perimeter of Lot 7.

The project incorporates zone reduction provisions of Section 6.6 of the *Landscape Technical Manual*, particularly 6.6-2, 6.6-3 and 6.6-5.

- b. The portion of zone one that is designated to be revegetated shall be planted, irrigated and maintained in accordance with Section Six of the *Landscape Technical Manual* and as shown on Exhibits "A". Plant material must be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be allowed.

- c. Combustible accessory structures are not permitted within the designated zone one brush management area, including but not limited to: wood decks, trellises, gazebos etc. Non-combustible accessory structures may be approved within the designated zone one area subject to approval by the Fire Marshal and Development Services Manager.
 - 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 an eminent health and safety risk still exists.
 - e. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and regional building code standards.
 - f. It shall be the responsibility of the owner/permittee to schedule a preconstruction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.
 - g. The brush management program shall be maintained at all times in accordance with the guidelines of the City of San Diego's *Landscape Technical Manual*.
 - h. Prior to issuance of any grading or building permits, complete brush management construction documents shall be submitted by the Permittee to the Development Services Department and the Fire Marshal for approval. All plans shall be in substantial conformance to the approved Exhibits "A" for the project, as determined by the Development Services Department and shall comply with the Uniform Fire Code, Municipal Code Section 55.0889.0201, and Section Six of the City of San Diego *Landscape Technical Manual*, (document number RR-274506), on file in the office of the City Clerk. Approved landscape plantings shall be installed before issuance of any occupancy permit for any building on site. Such planting shall be maintained in a disease, weed and litter free condition at all times.
6. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to the approved Exhibits "A" Landscape Concept Plan for the project.

7. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the owner/permittee to install all approved landscaping and obtain all required landscape inspections from the Development Services Department.
8. All approved landscape shall be maintained in a disease, weed and liter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" is not allowed unless specifically noted in this permit.
9. If any existing or proposed landscape (including pavement, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or occupancy certificate, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Owner/Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number), to the satisfaction of the Development Services Department.
10. Prior to the recordation of any final map for this subdivision, a 'Building Restrictive Easement for Zone One Brush Management' shall be shown on Lots numbered 5 through 16 and shall be of varied depths as identified on Exhibits "A," on file in the office of the Development Services Department and shall be owned and maintained by the property owner(s).
11. Structures shall be developed in conformance with the applicable sections of the *Landscape Technical Manual (LTM)*, particularly Section 6.6.2 and 3 and 6.6.5.
12. All building restricted easements shall be shown on the final map to the satisfaction of the Development Services Department.
13. Prior to the approval of improvement plans for publicly dedicated street and private streets within this project, an area not less than 40 square feet shall be indicated on the improvement plans for the planting of street trees. The location of street trees shall conform with Exhibits "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 Services Department.

14. Prior to issuance of any grading or building permits, complete grading and working drawings shall be submitted by the permittee to the Development Services Department for approval. All plans shall be in substantial conformance to the approved Exhibits "A" for the project, as determined by the Development Services Department.
15. No change, modifications or alterations of this permit or the approved plans (Exhibits "A") for this project shall be made unless appropriate applications for either Substantial Conformance Review (SCR) or an amendment of this permit and/or the Via de la Valle Specific Plan shall have been granted by the appropriate decision-maker.
16. The property included within this development shall be used only for the purposes and under the terms and conditions set forth in this permit, unless otherwise authorized by the Development Services Department.
17. This Permit may be canceled or revoked if there is a material breach or default in any of the conditions herein. Cancellation or revocation may be instituted by the City of San Diego or Permittee.
18. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition referenced herein and all referenced documents (i.e. Exhibits "A").
19. Final approval of this development is subject to issuance of a coastal development permit from the California Coastal Commission.
20. This Permit must be utilized by the Permittee within 36 months after the effective date of final approval by the State Coastal Commission. Failure of the permittee to utilize the permit within 36 months from the effective date of approval will automatically void the permit unless an extension of time has been granted by the appropriate decisionmaker.
21. Prior to the issuance of a building permit for each parcel(s) within this subdivision, the permittee/owner of each parcel(s) shall obtain Substantial Conformance Review (SCR) from the Development Services Department for each of the proposed structures. All plans submitted for SCR approval shall be evaluated for compliance with conditions and Exhibits of approval as referenced herein this permit. Because this project utilizes rural cluster alternative provisions of the Planned Residential Development Ordinance, R-1-15000 zone development standards for minimum lot size, street frontage, lot width, and depth, structural setbacks, building coverage and floor area ratio (FAR) shall not be applicable to residential lots within this subdivision relevant to the SCR process. Instead, applications

for SCR shall be evaluated for compliance with the minimum lot size, frontage, width, depth and pad development standards as identified for each residential parcel on the approved Tentative Map (TM 92-0430) and the corresponding Exhibits "A" for PRD 92-0430. Applications for SCR which are denied by the Development Services Department will require the permittee to obtain an amendment of this permit via a noticed public hearing before the appropriate decisionmaker.

22. The project shall comply at all times with the conditions of the corresponding final map for Tentative Map No. 92-0430.

23. Prior to the issuance of any building permits, the permittee shall:

- a. Ensure that building address numbers are visible and legible from the street fronting the property (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).

24. The issuance of this permit by the City of San Diego does not authorize the permittee for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et. seq.).

The following conditions (25-28) incorporate mitigation measures for the project, to be implemented and/or maintained by the permittee, in accordance with the Mitigation, Monitoring and Reporting Program - included in the Environmental Impact Report (EIR 92-0430) certified for this development by the City Council:

25. Prior to the issuance of any grading permits, the permittee shall assure (by indication or notation on all plans) compliance with the following standards and/or requirements to the satisfaction of the Development Services Department:

- a. Temporary preconstruction fencing of natural vegetation boundaries shall be installed to minimize disturbance within permanent open space easement areas on site during construction.

- b. A licensed biologist shall make a field visit within 30 calendar days prior to initial site grading to determine if the existing raptor nest located north of the northern property boundary is still being used. If the nest is still being used, a 500-foot buffer shall be established on the project site to avoid disturbance to the nest. The buffer shall be surrounded by temporary fencing prior to beginning work on the site.
- c. A detention and desilting basin, as shown on the approved Tentative Map, shall be constructed to catch all water flowing through storm drains on the developed portion of the site prior to entering San Dieguito Lagoon. The basin shall be sized to reduce peak flow to pre-project levels and shall be constructed and be operational prior to issuance of any building permits.
- d. The desilting basin would be maintained by the Homeowners' Association or a Maintenance District until the construction of future improvements to Via de la Valle have been determined, which may affect the location and design of the desilting basin. At that time, the location and design of the desilting basin would be re-examined by the Development Services Department in conjunction with the design of the Via de la Valle roadway.
- e. At the time the Final Map for this project is submitted, calculations of the capacity of project storm drains and the detention basin shall be reviewed by the City Engineer to ensure that the basin is sized appropriately. An easement or other legal agreement for the detention basin shall be recorded on the property by the permittee prior to issuance of the grading permit. If the detention and desilting basin cannot be constructed at the off-site location as shown on the approved tentative map, then it shall be installed on the site in the southwestern corner of Lot 20. The specific location of the basin shall be determined by the City Engineer prior to the issuance of a grading permit.
- f. On-site native habitats shall not be disturbed as a result of the construction of the detention and desilting basin, and the applicable drainage criteria, as determined by the City Engineer, shall be met. All other conditions with respect to timing of recordation of the easement, long term maintenance, and funding, would remain the same.

- g. The permittee shall mitigate for the impact to the Maritime succulent scrub and Diegan coastal sage scrub by contributing to the City's Habitat Mitigation Fund at the rate of \$27,500 per acre. A 2:1 ratio would be applied since California gnatcatchers are present on the site. A ten percent administrative fee would also be charged. Thus, the total contribution would be calculated at the rate of 0.02-acre (affected habitat) x 2 (2:1 ratio) x \$27,500 (per acre) + ten percent administrative fee = \$1210. Payment of this fee shall mitigate the impact to a less than significant level.
- h. The project shall include concrete brow ditches, as shown on the approved tentative map, at the top of all manufactured slopes in the northern portion of the site to catch runoff from off-site areas and direct it to on-site storm drains.
- i. An approved erosion control plan has been prepared and is on file with the Development Services Department, identifying the location of temporary sandbags required to reduce erosion from the site during construction.
- j. Erosion control measures designed for the project shall comply at all times with the required performance criteria outlined in the City's grading ordinance. Sandbags must be stored on-site and put in place when there is a 30 percent or greater chance of rain.
- k. Grading shall occur on this site only between April 1 and November 15, unless the following conditions have been met to the satisfaction of the City Engineer and the Development Services Department (as required by City Clerk Document No. 00-17068):
- Adequate erosion control measures are in place to minimize and control the off-site transportation of sediments;
 - No increase in peak runoff rate from the fully developed site is assured;
 - The permittee posts a bond to cover the costs of remedial grading or replanting of vegetation;
 - The permittee provides documentation regarding the condition of erosion control measures following periods of heavy rainfall (as determined by City Clerk Document No. 00-17068).

1. Erosion control on-site shall be monitored at all times by the City Engineer.

26. Prior to the issuance of any building permits, the permittee shall assure (by indication or notation on all plans) compliance with the following standards and/or requirements to the satisfaction of the City Engineer and the Development Services Department:

- a. Site preparation shall begin with the removal of any existing vegetation and existing topsoils, fill and alluvium underlying proposed fill areas and settlement-sensitive improvements areas. Average and maximum removal depth shall be about 2.5 and 5.5 feet, respectively. In addition, Bay Point Formation deposits within five feet from existing grade or within five feet from finish pad grade shall be removed, to five feet beyond the perimeter of the improvements or equal to the depth of removal, or to property, whichever is less.
- b. The bottom of excavations shall be scarified to a depth of 12 inches, moisture conditioned and compacted to at least 90 percent as determined in accordance with standards set forth by the American Society of Testing and Materials (ASTM D-1557-78). Where Bay Point Formation deposits are exposed, the bottom of the excavation shall be flooded for a period of 24 hours.
- c. The bottom of the excavation shall be compacted to a minimum depth of four feet utilizing a vibratory compactor. The removed soils shall then be placed in thin compact layers until desired elevations are reached.
- d. Select grading shall consist of capping building pads with at least four feet of non-detrimentally expansive soils. Expansive soils shall be encountered in Lots 1, 2, 9, 10, and 11, as well as portions of Lots 5, 6, 11, 15, and 16. Select soils shall be readily available at the site. The bottom of the excavations for select grading shall be sloped in a manner to avoid ponding of water under proposed buildings.
- e. Select grading shall be performed in proposed street areas on site. In this case, the minimum cap shall be two feet below subgrade elevations.
- f. Expansive soils shall not be placed within a distance from the face of fill slopes equal to their height. To avoid erosion-prone soils on the face of fill slopes,

fill slopes shall be constructed of a mixture of Bay Point Formation sands and silty sands derived from the surficial on-site materials.

- g. Cut slopes shall be buttressed. Existing topsoils shall be mixed with the cohesionless formational soils generated during grading and used for the construction of the buttress.
- h. All surface drainage shall be directed away from proposed structures and the top of slopes. Ponding of water shall not be allowed adjacent to foundations. Rain gutters shall be installed and connected to appropriate drainage devices.
- i. All earthwork and grading contemplated for site preparation shall be accomplished in accordance with the Recommended Grading Specifications and Special Provisions supplied by California Soils and Testing. All embankments, structural fill, and fill shall be compacted to at least 90 percent relative compaction at or slightly over optimum moisture content.
- j. Utility trench backfill within five feet of the proposed structures and beneath asphalt pavement shall be compacted to a minimum of 90 percent of its maximum dry density. The upper twelve inches of subgrade beneath paved areas shall be compacted to 95 percent of its maximum dry density. This compaction shall be obtained by the paving contractor just prior to placing the aggregate base material and shall not be part of the mass grading requirements.
- k. Fill slopes, including cut slope buttresses, shall not exceed 15 feet in height and shall be constructed at a 2:1 gradient or flatter. Fill slopes shall be constructed of a mixture of Bay Point formation sands and silty sands derived from surficial on-site materials, to avoid having erosion-prone soils on the face of the fill slopes.
- l. A qualified geologist shall be present on-site at all times during construction of temporary fill slopes to ascertain that no unforeseen adverse conditions are encountered.
- m. Foundation footings shall have a minimum depth of 12 to 18 inches below lowest adjacent finish pad grade for single and two-story structures, respectively. A

minimum width of 12 inches and 24 inches shall be used for continuous and isolated footings, respectively. Special footing reinforcement shall be used for structures located on lots where partial Bay Point formation deposits would be removed.

- n. Retaining walls shall be constructed with subdrains.
- o. All activities related to grading, including but not limited to material stockpiling, equipment storage or layout, access and egress and temporary facilities shall occur on land identified as "to be graded" on the grading plans.
- p. The final grading plan shall be reviewed by the geotechnical consultant to verify that all the preceding mitigation measures are included.

27. Prior to the issuance of any building permits, the permittee shall assure (by indication or notation on all plans) compliance with the following standards and/or requirements to the satisfaction of the City's Acoustical Plans Review Office and the Development Services Department:

- a. Construct a noise wall or barrier at least three feet high along the southern boundary of Lot 5 and a noise barrier or wall at least four feet high along the southern boundary of Lots 1-4 and Lots 16-19 to attenuate traffic noise levels to or below City standards. Barrier heights shall be constructed in relation to each pad.
- b. Verify that all noise walls or barriers are shown on the plans and identified as noise mitigation.
- c. Special construction measures shall be used to reduce interior noise levels to 45 dBA CNEL or below. Lots 1-5 and Lots 16-19 shall be labeled accordingly on the approved tentative map as requiring structural mitigation to achieve 25 dBA of exterior to interior attenuation.
- d. A detailed acoustical analysis to determine specific mitigation measures shall be reviewed and approved by the City's Acoustical Plans Review Office and the Development Services Department.
- e. Appropriate structural mitigation shall be incorporated into building plans for each of the approved residential lots prior to the issuance of building permits. The Structural Building Inspector from the

City shall then inspect the site to ensure conformance with the approved plans.

28. Prior to the issuance of any grading or building permits, the permittee shall assure (by indication or notation on all plans) compliance with the following standards and/or requirements to the satisfaction of the City Engineer and the Development Services Department:

- a. A qualified paleontologist shall attend any preconstruction meetings on site 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 or 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. The requirement for paleontological monitoring shall be noted on all construction plans for the project. 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 shall be on site during the initial cutting of previously undisturbed areas of Delmar formation to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
 - (2) Salvaging In the event that well-preserved fossils are found on the property, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow adequate recovery of fossil remains.
 - (3) Preparation Fossil remains shall be cleaned, sorted, catalogued and then deposited in a scientific institution that houses paleontological collections.

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- (4) Monitoring Results Report If any paleontological findings are of significance, then a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to the Development Services Department for approval prior to the issuance of a building permit. If there are no findings of significance, then a letter from the paleontologist to the Development Services Department shall be sufficient.

29. Fire resistive features for the project shall be approved by the City's Fire Department and included within the architecture of all structures to be located adjacent to brush management zones as indicated on the approved Exhibits "A" including:

- a. Roofs shall consist of fire retardant building materials.
- b. Eaves and overhangs shall have an exterior surface as required for one hour fire resistive walls for any structure located within the minimum setback distance.
- c. All eave vents shall be covered with wire screen not to exceed one-quarter inch mesh.

30. Existing *Pinus torreyana* trees shall be maintained on the property at all times in a healthy growing condition. Should any of the 31 trees identified on the approved concept landscape plan for this project expire or terminate, it shall be replaced immediately by the Permittee with a tree of comparable specie as originally indicated on the approved Exhibits "A."

31. A Homeowners Association (HOA) or Landscape Maintenance District shall be established for this development within one year from the date of building permit issuance for the first home on this site. The HOA shall remain in effect for the project at all times and will be responsible for maintaining all negative open space easements recorded on the property per TM 92-0430.

32. In accordance with the preceding condition, all negative open space easements on this property, including the various open space easements within the residential development parcels, shall be maintained in a safe and adequate manner at all times by the Homeowners Association (HOA). As a general restriction to be enforced by the HOA, encroachment into areas of this site designated as open space on the associated Tentative Map (TM 92-0430) shall be prohibited.

33. Future proposals to develop this property beyond the maximum 19 units authorized by this permit and the associated map

(TM 92-0430) will require additional environmental review (and certification) per CEQA and City Council approval of amendments to this permit, the Via de la Valle Specific Plan, and Tentative Map No. 92-0430.

34. Prior to the commencement of any work or activity authorized by this permit, the permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Development Services Manager, or designated representative which shall provide that the permittee unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successor and assigns.

35. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

36. 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 Building Inspection.

37. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits for the project.

38. Prior to the issuance of any building permits, the permittee must demonstrate on the construction plans that a walkway will be provided from each dwelling unit to the public sidewalk adjacent to the right-of-way on site.

39. Prior to the issuance of building permits for each home, the permittee/lot owner shall enhance the horizontal and vertical architectural elements of buildings proposed on parcels with frontal (elevation) exposures facing Via de la Valle and rear (elevation) exposures facing to the north, east and west. The enhanced building designs for each lot shall be reviewed and approved by the Development Services Department, via the Substantial Conformance Review (SCR) process, prior to the issuance of building permits for each home.

40. Prior to the issuance of building permits for each home, the permittee/lot owner shall demonstrate compliance with the following structural and site design criteria, as identified on pages 14-17 of the Environmental Impact Report (EIR 92-0430)

certified for this development. Compliance with the following criteria shall be determined by the Development Services Department via the Substantial Conformance Review (SCR) process:

- a. BUILDING COLOR TEXTURE AND STYLE: Colors chosen for each structure shall consist of a coordinated use of earthtones consistent with the community design element of the Via de la Valle Specific Plan. The use of harsh white, pink and other pastel colors is prohibited. Individual dwellings shall achieve a unified and cohesive architectural theme throughout the development and consist of a Mediterranean style with stucco walls.
- b. ROOF DESIGN: All roofs shall be of hip or gable design with earthtone tile roofing material. No form of red roofing material shall be permitted. Roofs shall have a minimum pitch of 3:12, except that a maximum of 20 percent of the roof area may be flat provided that the flat area is surfaced with colored roofing to match the roof tile. Home designs, roof colors and materials (particularly for those houses located along Via de la Valle) should be varied to avoid a "walled effect" along the roadway as viewed from the south. Rooftop mechanical equipment, antennas or satellite dishes are prohibited. Exterior fixtures such as flue spark arresters shall be painted to match the roof color.
- c. BUILDING ELEVATIONS: Structures shall reflect unity of character as represented in massing, roof forms, colors, textures and details. Windows shall be provided with enhanced exterior treatment. Shadow box treatment shall be provided at eaves and windows. Entryways shall be set back, and provided with substantial overhangs.
- d. PATIOS: All patios and exterior leisure areas shall be constructed at ground level, except for permitted decks at the second floor, which shall have a maximum uncovered depth of ten feet. Open rafters shall be considered adequate cover. Patios and inside pool walls shall have a low glare surface and angled lights to reduce reflected light to other homes.
- e. STREET LIGHTING: Street lighting fixtures must consist of styles compatible with the architectural design of the homes. Light fixtures shall be shielded above to minimize direct light emitted above the horizontal plane of each street light.
- f. BUILDING LIGHTING: All building entryways shall utilize recessed fixtures. Carriage type lights are

prohibited. Light fixtures shall be designed and located to minimize direct light emitted above the horizontal plane of each light, and to direct light away from adjoining property. The light source shall be screened so that it is not visible from adjoining property.

- g. LANDSCAPE LIGHTING: Landscape accent lights shall be mounted near the ground with a horizontal cutoff and shall not be directed upward. Light sources shall be screened so that it is not visible from adjoining property. Light fixtures shall direct light away from adjoining property.
- h. SCREENING OF MECHANICAL AND ELECTRICAL EQUIPMENT: Ground mounted equipment shall be screened from view by walls to be coordinated in material, color and texture with the adjacent building surfaces.
- i. STORAGE: Private storage enclosures shall be constructed of durable material with finishes and colors that are harmonious with the overall architectural theme of the project. Fiberglass, chain-link fences and corrugated metal work will not be permitted.
- j. FENCES AND WALLS: Fences and walls shall be designed as an integral part of the overall architectural theme of the project and shall be constructed of masonry or wood frames completely covered with exterior plaster and provided with pilasters and caps to break up large horizontal surfaces. Wood, fiberglass, corrugated metal and chain link fences will not be permitted.
- k. ANTENNA SYSTEMS: No ground, roof-mounted or monopole antenna systems (or satellite dishes) will be permitted within this subdivision.
- l. STREETS: Driveways and sidewalks for each development lot shall be tinted earthtone brown. No common area, carport or outside recreational vehicle parking shall be allowed. No on-street parking for residents will be allowed.
- m. NOISE: No common area recreation facilities will be provided within the boundaries of the subdivision. Outside sound systems shall be prohibited. Operation of noisy equipment shall be limited to the hours between 7:00 a.m and 6:00 p.m. Monday through Saturday. Leaf blowers are prohibited.

Adopted by the Council of The City of San Diego on July 30, 1996, by Resolutions No. R-287706.

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.

DEL MAR DEVELOPMENT, INC.
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
09/03/96