

RESOLUTION NUMBER R-288963

ADOPTED ON JULY 15, 1997

WHEREAS, Security First National Corporation and Miramar Ranch North, a California General Partnership, Owner/Permittee, filed an application with The City of San Diego for Planned Residential Development ("PRD") Permit No. 96-0315 (Amendment to PRD Permit No. 89-0550 Phase II) for the development of a 180 single-family detached residential subdivision of 51.13 acres located on the south side of Cypress Canyon Road easterly of Blue Cypress Drive, described as a portion of the Northwest Quarter of the Southeast Quarter, Section 27, Township 14 South, Range 2 West, SBM, and Lot 23 and a portion of Lot "F," Scripps Ranch North Unit No. 10, Map No. 13206, in the Miramar Ranch North Community Plan area, in the A1-10, RI-5000 and Hillside Review (HR) Overlay (proposed RI-5000 and HR) Zones; and

WHEREAS, on May 29, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") recommended approval of PRD Permit No. 96-0315; and

WHEREAS, the matter was set for public hearing on July 15, 1997, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Residential Development Permit No. 96-0315 (Amendment to Planned Residential Development Permit No. 89-0550 Phase II):

PLANNED RESIDENTIAL DEVELOPMENT PERMIT 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 Cypress Valley Planned Residential Development Permit Amendment proposes to develop approximately 51.13 acres of vacant land within the Miramar Ranch North Community Planning area. The development would include 180 single-family detached residences, 36.4 acres of open space within seven separate lots, associated infrastructure improvements, and a 1.2-acre mini-park on an adjacent parcel. The residential density of the proposed project would be in conformance with the Miramar Ranch North Community Plan, which designates the site for low to medium density residential development (6-9 dwelling units per net acre). A total of 241 units are allocated to the site. Therefore, the proposed use will fulfill an individual and community need and will not adversely affect the General Plan or the Community Plan.

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 Cypress Valley Planned Residential Development involves the construction of 180 single-family units, open space, and associated infrastructure improvements. The project permit conditions would ensure that the project would comply 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 Mitigated Negative Declaration No. 96-0315. The project would provide the required access for traffic and fire protection. Conditions of the Tentative Map would require the proper installation of infrastructure improvements including drainage, water and sewer conditions, and public streets. Therefore, the project 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.

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 Hillside Review Overlay Zone Ordinance, the Landscape Ordinance and Brush Management Program. In addition, the project would comply with the land use and density requirements of the General Plan and the Miramar Ranch North Community Plan.

HILLSIDE REVIEW OVERLAY ZONE FINDINGS:

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

The development of the proposed 188-lot subdivision has been clustered in order to retain large open space areas and the natural terrain. The entire Miramar Ranch North Community Planning area is subject to conformance with a master concept grading plan. The project is in conformance with this grading plan. Additionally, approximately 40% of the site has been previously graded in accordance with previously approved grading permits issued in conjunction with adjoining off-site projects. The Mitigated Negative Declaration prepared for the project identified the potential for paleontological resources as the site has a high resource potential for marine invertebrates and terrestrial vertebrates. A Mitigation, Monitoring and Reporting program as described in Mitigated Negative Declaration No. 96-0315 is required as part of the approval of the project. This program requires the monitoring of the site during excavation to ensure the protection of any resources that may be discovered.

Therefore, the site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.

B. THE GRADING AND EXCAVATION PROPOSED IN CONNECTION WITH THE DEVELOPMENT WILL NOT RESULT IN SOIL EROSION, SILTING OF LOWER SLOPES, SLIDE DAMAGE FLOODING, SEVERE SCARRING OR ANY OTHER GEOLOGICAL INSTABILITY WHICH WOULD AFFECT HEALTH, SAFETY AND GENERAL WELFARE AS APPROVED BY THE CITY ENGINEER. DISTURBED SLOPES ARE PLANTED WITH NATIVE AND SELF SUFFICIENT VEGETATION.

The project includes the subdivision of land into 180 single-family residential units seven lots for open-space and one remnant lot. Preliminary geotechnical reports prepared for the site analyzed potential geotechnical hazards associated with soil instabilities and geologic reconnaissance was also reviewed. Neither report identified site-specific seismic hazards on the site.

The Mitigated Negative Declaration prepared for the project analyzed the existing and proposed grading for the site. Approximately 740,000 cubic yards of cut and fill and imported soils is proposed. Rough grading for the westerly portion of the site ("Unit No. 9") was previously approved under Scripps Ranch North Phase II Planned Residential Development Permit No. 89-0550. The "USG 161" portion of the site has also been partially graded in accordance with off-site grading permits associated with approved developments to the north and west.

The Mitigated Negative Declaration prepared for the project concluded that the grading as proposed conforms to the landform and contours as shown on the master concept grading plan

and matches pre-existing landforms. As such, the proposed grading is not considered a significant impact.

A final geotechnical will be required as a condition of the Tentative Map, and no flood or fire hazards were identified for this project. Therefore, 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.

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 MATERIAL.

The Planned Residential Development will include a 188-lot subdivision of the land into 180 residential single family lots and will enhance the aesthetic qualities of the area by implementing several goals and objectives of the Miramar Ranch North Community Plan. Conditions have been included in the permit addressing site design and architectural features which will ensure that individual site developments will provide a high quality of design particularly in highly visible areas such as those adjacent to open space areas. These conditions require compliance with design guidelines which have been approved for other PRDs in the area, varied setbacks, and articulated facades among the elevations. The Miramar Ranch North Community plan identifies the parcel as being located within a "special design area" due to its frontage on Cypress Canyon Road. This document calls for the provision of a continuous greenway extending the length of this road. The project has been designed to eliminate curb cuts on Cypress Canyon Road and provide a meandering sidewalk along the project site frontage. Additionally, the landscape design incorporates many of the plant materials suggested in the Community Plan including the extensive use of eucalyptus trees to emphasize the community theme. Therefore, the project as sited and designed, will retain 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.

D. THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE OPEN SPACE ELEMENT OF THE GENERAL PLAN THE OPEN SPACE AND SENSITIVE LAND ELEMENT OF THE COMMUNITY PLAN, AND OTHER ADOPTED APPLICABLE PLANS AND THE LAND USE ZONE.

The proposed development of the 188 lot subdivision has been designed to ensure that the project does not encroach into specifically designated open space areas as identified in the Miramar Ranch North Community Plan. The project provides for 36.4 acres of open space areas where 12.4 are required for the project based upon the requirements of the Planned Residential Development Ordinance. The proposed development is in conformance with the Open Space Element of The General Plan, the Open Space and Sensitive Land Element of the Miramar Ranch North Community Plan, the adopted plan, and the R1-5000 Zone.

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 of the proposed 180 detached single-family residential units includes site design features and architectural standards as described in the Hillside Design and Development Guidelines, including clustering of lots to preserve open space areas, and the use of cul-de-sac streets. Additionally, the architectural features would be in conformance with the Scripps Ranch Villages Phase 2 Residential Design Guidelines. This document has incorporated design elements of the Hillside Design and Development Guidelines. Therefore, the proposed development will be in substantial conformance with this document.

BRUSH MANAGEMENT FINDINGS:

A. THE BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL NOT ADVERSELY AFFECT FLOODPLAINS, BIOLOGICAL 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 (Section 6.6) and the alternative compliance provision of the *Landscape Technical Manual* including the six-foot (6') block wall adjacent to a fifteen-foot to twenty-foot (15' to 20') crib wall/retaining wall and under ground culvert as shown on Exhibit "A," dated July 15, 1997, will modify the existing 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. Plant material in Brush Management Zone One will be selected to visually blend with the existing hillside vegetation and no evasive species shall be used.

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 vegetation for purposes of fire protection by providing an effective fire break which incorporates zone reduction (Section 6.6) and the alternative compliance provision of the *Landscape Technical Manual* including the six-foot (6') block wall adjacent to a fifteen-foot to twenty-foot (15' to 20') crib wall/retaining wall, as shown on Exhibit "A," dated July 15, 1997. The alterations to existing vegetation will be minimized and all the new planting on the slopes will conform to the revegetation standards of the *Landscape Technical Manual*, Section 7, and incorporate low precipitation irrigation systems to minimize runoff.

BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS:

A. THE PROPOSED BRUSH MANAGEMENT PROGRAM WILL MEET THE PURPOSE AND INTENT OF THE UNIFORM FIRE CODE, APPENDIX IIA.

The proposed development complies with the purpose and intent by providing an effective fire break by means of a seventy-foot (70') brush management zone, alternative compliance, six-foot (6') block wall adjacent to fifteen-foot to twenty-foot (15' to 20') crib wall/retaining wall as shown on Exhibit "A," dated July 15, 1997, and the application features listed in 6.6-2 of the *Landscape Technical Manual*.

B. THE PROPOSED BRUSH MANAGEMENT PROGRAM, 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.

Conditions incorporated into the permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing revegetation to all slopes in accordance with Section Seven of the *Landscape Technical Manual*.

C. THE PROVISIONS AS OUTLINED IN SECTION 6.6-2 OF THE DOCUMENT ENTITLED "CITY OF SAN DIEGO LANDSCAPE TECHNICAL MANUAL," ON FILE IN THE OFFICE OF THE CITY CLERK AS DOCUMENT NUMBER RR-274506 SHALL BE SATISFIED AND THE PROPOSED DEVELOPMENT SHALL PROVIDE OTHER FIRE RESISTIVE FEATURES AS REQUIRED BY THE FIRE CHIEF.

The architectural features outlined in Section 6.6-2 of the *Landscape Technical Manual* have been incorporated into the project and in addition, on lots 64 and 65: walls with a two hour fire resistive construction, a maximum of 25% window area on the portion of the architectural structures facing the adjacent property line, and the aforementioned block wall and retaining wall and as shown on Exhibit "A," dated July 15, 1997, have been incorporated into the project to provide additional fire resistive features.

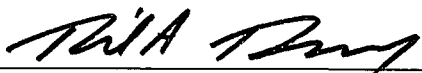
D. COMPLIANCE WITH THE PROVISIONS OF THIS SECTION IN ADDITION TO ANY OTHER APPLICABLE ADOPTED PLANS OR ORDINANCES WOULD PRECLUDE ANY REASONABLE DEVELOPMENT ON THE SITE.

Due to site constraints of the existing riparian site and site design which complies with the Miramar Ranch North Community Plan, the Planned Residential Development and Resources Protection Ordinances, which included a site layout and setbacks which would not accommodate the literal compliance with the provisions of the Uniform Fire Code, Appendix IIA, would require encroachment into sensitive habitat and the adjoining property thereby increasing the impacts generated by this project. Granting this project alternative compliance to the brush management requirements allows reasonable development of the site.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Residential Development Permit No. 96-0315 (Amendment to PRD No. 89-0550 Phase II) is hereby granted to Security First National Corporation and Miramar Ranch North, a California General Partnership, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
08/12/97
Or.Dept:Clerk
R-98-87
Form=permitr.frm

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 96-0315
(AMENDMENT TO PLANNED RESIDENTIAL DEVELOPMENT 89-0550 PHASE II)
CYPRESS VALLEY
CITY COUNCIL

This Planned Residential Development Permit/Amendment to Planned Residential Development No. 89-0550 Phase II, is granted by the City Council of The City of San Diego to, SECURITY FIRST NATIONAL CORPORATION and MIRAMAR RANCH NORTH, a California General Partnership, Owner/Permittee, pursuant to Section 101.0901 of the Municipal Code of The City of San Diego.

Permission is granted to Owner/Permittee to construct a Planned Residential Development, described as a Portion of the NW 1/4, SE 1/4, Section 27, T142, R2W, SBBM and Lot 23 and a Portion of Lot "F", Scripps Ranch North Unit. No. 10, Map No. 13206, located on the south side of Cypress Canyon Road easterly of Blue Cypress Drive in the A-1-10, R1-5000 and Hillside Review (HR) Overlay (proposed R1-5000 and HR) Zones.

1. The Planned Residential Development Permit shall include the following facilities:

- a. One hundred and eighty (180) single-family residential lots; seven (7) open space lots; one (1) non-buildable lot;
- b. Off-street parking (see Condition No. 5);
- c. Incidental accessory uses as may be determined and approved by the City Manager.
- d. One "Pocket Park" (approximately 1.2 acres) located off-site as shown on Exhibit "A" dated July 15, 1997).

2. Prior to the issuance of any grading or building permits, the accompanying tentative subdivision map (TM 96-0315) 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, City Engineer and City Manager.

3. A "Non-building Area" or easement designation shall be granted 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.

4. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

5. A total of 540 parking spaces shall be provided (at a ratio of three (3) spaces per dwelling unit). Of those spaces, 360 shall be provided for residents (at a ratio of two (2) spaces per unit) and maintained on-site. Curb spaces may be included in the calculation of guest parking at a ratio of one (1) space per unit. Each of the required 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 July 15, 1997. Parking spaces shall conform to Development Services standards. No change shall be made at any time for use of these off-street parking spaces.

6. Driveways shall be of sufficient depth and width to provide for the temporary parking of two standard size vehicles without encroaching into the sidewalk area.

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 or other structural improvements, shall be permitted unless approved by the homeowners' association and the City Manager. Any proposed building additions and/or patio covers must comply with all development standards of the R1-5000 Zone.

9. No manufactured slope shall be steeper than a ratio of 2:1 except as provided in Section 62.0415 of The City of San Diego Municipal Code which provides that slopes less than 10 feet in vertical height can be constructed at a gradient of 1.5:1.

10. The applicant shall post a copy of the approved Planned Residential Development permit in the sales office for consideration by each prospective buyer of a residential unit within this development.

11. Any sales office or temporary sales signs advertising the subdivision shall be approved by the City Manager and shall be consistent with the criteria established by the R1-5000 Zone.

12. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and must conform to San Diego Municipal Code Section 101.0300, Light Pollution Ordinance.

13. 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 City Manager, 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 City Manager.

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

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

15. The property included within this Planned Residential Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the City Manager or the permit has been revoked by the City of San Diego.

16. This Planned Residential Development 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.

17. This Planned Residential Development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

18. All accessory structures require the approval of the City Manager and must meet zoning criteria and comply with all conditions of this Planned Residential Development Permit.

19. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to the special sign district for Scripps Ranch Villages Sign Program Citywide Sign Regulations and be administered by Development Services.

20. This Planned Residential Development 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 City Manager.

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

22. Decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated July 15, 1997, shall be permitted by an Encroachment Permit obtained from the City Engineer.

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

24. The Planned Residential Development Permit shall comply with the conditions and be consistent with Tentative Map No. 96-0315.

25. 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 1-0.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide temporary street signs.

26. Planned Residential Development 96-0315 includes that property described as Lot 23 and Portion of Lot "F" Unit No. 10 Map No. 13206 (Unit No. 9 of PRD 89-0550, Phase II) Scripps Ranch North. Development of this portion of the subject site is herein amended by PRD 96-0315.

27. Development Agreement No. 90-1019: To the extent the provisions and conditions of this Planned Residential Development Permit may be inconsistent with and legally controlled by the provisions and conditions of the September 18, 1990 agreement between McMillin-BCED/Miramar Ranch North (Settlement Agreement"), and the development agreement between McMillin-BCED/Miramar Ranch North and The City of San Diego, effective February 21, 1991 ("Development Agreement"), the provisions and conditions of the Settlement Agreement and the Development Agreement shall govern.

28. Development Agreement No. 88-0913: To the extent the provisions and conditions of this Planned Residential Development Permit may be inconsistent with and legally controlled by the provisions and conditions of the development agreement between Security First National Bank and The City of San Diego effective January 9, 1989 ("Development Agreement"), the provisions and conditions of the Development Agreement shall govern.

29. Prior to the issuance of any building permits, the development shall comply with Development Agreements Numbers 90-1019 and 88-0913.

30. Proposed natural open space areas (excluding Brush Management areas), including public rights of way on Cypress Canyon Road and all streets; major manufactured slopes adjacent to Cypress Canyon Road and the minimum 20-foot-wide linear greenbelt adjacent to Cypress Canyon Road, will be maintained through establishment of a Landscape Maintenance District to be administered by The City of San Diego.

31. CC&R'S developed by and for the Home Owners Association shall be reviewed by the Deputy Director of Development Services for substantial conformance with the permit conditions and for sensitivity to biological resources.

32. Individual lots shall be designed and graded to the highest extent possible to meet the purpose, intent, and requirements of the Scripps Ranch Villages Phase 2 Residential Design Guidelines (PRD 89-0550) as they apply to single-family dwellings. The Design Guidelines are a part of Exhibit "A", dated July 15, 1997, and are incorporated herein by reference.

33. Side and rear elevations of structures adjacent to public streets, open spaces areas and the pocket park shall have articulated elevations equivalent to the front elevations as shown on Exhibit "A" dated July 15, 1997.

34. Where there are more than four dwelling units adjacent to each other, variable front yard setbacks from the property line shall be observed, ranging from 15'-0" to 20'-0", with at least 20 percent of the units set back a minimum of 20 linear feet from the property line and no more than 20 percent set back a minimum of 15'-0" linear feet from the property line.

35. Where lots are located on ridgelines, rooflines of structures shall vary in angle and height to provide a changing profile along the ridge.

36. All building restricted areas and open space easements shall be shown on the final map to the satisfaction of the City Manager.

37. Prior to the approval of improvement plans for publicly dedicated streets and private streets within the associated tentative map, an area not less than forty square feet per residential lot shall be indicated on the improvement plans for the planting of street trees. The location of street trees shall conform with Exhibit 'A', Landscape Concept Plan dated July 15, 1997, and the applicable sections of the *Landscape Technical Manual*. Other improvements such as driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees to the satisfaction of City Manager.

38. Prior to the 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) and a complete utility plan coordinating all underground and above ground utilities with the tree and shrub located in the planting plan, shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A' dated July 15, 1997, Landscape Concept Plan, on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

39. Prior to the issuance of any grading permit, complete landscape construction documents for hydroseeding and erosion control measures shall be submitted the City Manager and City Engineer for approval. The construction documents, including plans, details and specifications (including temporary automatic

irrigation system) shall be in conformance with Exhibit "A" dated July 15, 1997.

40. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all approved landscape and obtain all required landscape inspections and to obtain a NO FEE STREET TREE PERMIT for all street trees, and must notify and obtain signatures on a no fee street tree permit from, any subsequent property owner, prior to any transfer of ownership of the property. Copies of these approved documents must be submitted to the City Manager.

41. All approved landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this permit. The Permittee, or subsequent owner shall be responsible to maintain all street trees and related landscape improvements consistent with the standards of the *Landscape Technical Manual*.

42. If any existing or installed landscape (including 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 Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the 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 City Manager.

43. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "High". The permittee shall implement the following conditions in accordance with the Brush Management Program shown on Exhibit 'A' dated July 15, 1997, Brush Management Program/Landscape Concept Plan, on file in the Office of Development Services:

- a. Prior to the issuance of any grading or building permits, document(s) shall be submitted indicating that the appropriate brush management easements have been recorded on the property in substantial conformance with Exhibit 'A'. The construction documents (site plan, brush management plan) shall show Zone One as a Building Restricted Area, and Zones Two and Three as Negative Open Space Easements.
- b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and

the Fire Chief. The construction documents shall be in substantial conformance with Exhibit 'A', and shall comply with the Uniform Fire Code, MC 55.0889.0201, and Section Six of the *Landscape Technical Manual* (document number RR-274506) on file at the office of the City Clerk.

44. The Brush Management Zone depths shall be as follows:

<u>Lots</u>	<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
9-26	High	30'	40'	40'
30-63	High	30'	40'	40'
64&65	High	10'	0'	0'
66-80	High	30'	40'	40'
101-119	High	30'	40'	40'
127-156	High	30'	40'	40'
167-170	High	30'	40'	40'

Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager.

45. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief 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.

46. Plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted.

47. Provide the following note on the Brush Management Construction Documents:

"It shall be the responsibility of the Permittee to schedule a preconstruction meeting on site with the contractor and Development Services to discuss and outline the implementation of the Brush Management Program." This preconstruction meeting may require an additional fee as determined by the City Manager.

48. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

49. The Brush Management Program shall be maintained at all times in accordance with The City of San Diego's *Landscape Technical Manual*, Section Six.

50. Prior to the recordation of any final map for this subdivision, a "Building Restricted Area" for Zone One Brush Management" shall be shown on lots numbered 9 through 26, 30 through 80, 101 through 119, 127 through 156, 167 through 170 and shall be of varied depths as identified on Exhibit "A", Brush Management Plan, on file in the Office of the Development Services, and which shall be owned and maintained by the permittee.

51. Structures on said lots shall be developed in conformance with the applicable sections of the *Landscape Technical Manual* (LTM), particularly Sections 6.6-2, 6.6-3 and 6.6-5.

52. All building restricted areas and open space easements shall be shown on the final map to the satisfaction of the City Manager.

53. Prior to the approval of improvement plans for publicly dedicated street and private streets within the associated tentative map, an area not less than forty square feet shall be indicated on the improvement plans for the planting of street trees. The location of street trees shall conform with Exhibit "A", Landscape Concept Plan and the applicable sections of the *Landscape Technical Manual*. Other improvements such as driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees to the satisfaction of City Manager.

54. Prior to the final submittal, provide the following note on the Landscape Concept Plan (LCP).

- a. Reference the legend and notes on the LCP.
- b. LTM Reference - "All landscape and irrigation shall conform to The City of San Diego *Landscape Technical Manual* and all other applicable City and regional standards for landscape installation and maintenance."
- c. Maintenance Reference - "All landscape materials shall be permanently maintained by owner/operator in a growing and health condition including trimming as appropriate to the landscape materials."
- d. Damage to Hardscape - "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 size per the approved plans".

55. MITIGATION, MONITORING AND REPORTING PROGRAM: All Mitigation measures listed in the Mitigated Negative Declaration No. 96-0315 are incorporated as conditions within this permit as follows:

Paleontology

- a. The applicant, Miramar Ranch North, shall provide a letter of verification to the Environmental Analysis Section of Development Services stating that a qualified paleontologist has been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits.

A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. 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 supervision of a qualified paleontologist.

- b. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the preconstruction meeting.
- c. The qualified paleontologist shall attend the preconstruction meeting to consult with the excavation contractor. The paleontologist's duties shall include monitoring, salvaging, preparation of collected materials for storage at a scientific institution that housed paleontological collections, and preparation of a monitoring results report. These duties are defined as follows:

- i. Monitoring

The paleontologist or paleontological monitor shall be on-site to inspect for fossils during the time that excavation is being conducted. Monitoring shall be done full-time in those formations with a high sensitivity rating, and shall be half-time in those formations with a moderate sensitivity rating. The monitoring time may be increased or decreased at the discretion of the paleontologist in consultation with EAS.

Monitoring shall occur only when excavation activities affect the geologic formation.

ii. Salvaging

In the event that fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in as timely fashion. Because of the potential for recovery of small fossil remains, it may be necessary to set up a screen-washing operation on-site.

The Paleontologist shall contact EAS at the time of discovery. EAS must concur with the salvaging methods before construction activities are allowed to resume.

iii. Fossil Preparation

Fossil remains shall be cleaned, sorted, repaired, catalogued, and then (with the permission of the owner of the property where the remains were collected) stored in a local scientific institution that houses paleontological collections.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact EAS to suggest an alternative disposition of the collection.

iv. Report Preparation

A monitoring results report with appropriate graphics summarizing the results (even if negative), analyses, and conclusion of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program, and prior to Development Services final inspection. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum.

v. Air Quality

- a. Newly graded surfaces shall be watered twice daily.
- b. Stockpiles of excavated materials shall be watered, chemically stabilized or covered.
- c. Trucks carrying excavated materials from the site shall be covered or maintain adequate freeboard to prevent dust.

vi. Biology

Transplant any and all San Diego barrel cactuses found in the impacted areas of the site to open space area. Of the remaining open space, the west-facing slopes toward the southern end of the site will be the most appropriate place to transplant the cactus.

56. 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 City Manager 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.

57. 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.).

58. The subdivider shall provide a detailed lot design for lots 28, 178, 179 & 180. The subdivider shall design the driveway to allow a one point turn movement, to permit a vehicle to exit the driveway facing the street and provide adequate sight distance.

59. The proposed 1.2-acre pocket park as shown on Exhibit "A", dated July 15, 1997, shall be constructed prior to the issuance of a Certificate of Occupancy for the 120th single-family dwelling and shall be maintained by the Homeowner's Association.

APPROVED by the City Council of The City of San Diego on July 15, 1997, by Resolution No. 288963.

L:\DUVERNAY\PERMITS\96-0315

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.

**SECURITY FIRST NATIONAL
CORPORATION**
Owner/Permittee

By _____

By _____

**MIRAMAR RANCH NORTH, a
California General Partnership**
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**
07/22/97

R-288963