

(R-98-697)

RESOLUTION NUMBER R-289492

ADOPTED ON NOVEMBER 25, 1997

WHEREAS, Pardee Construction Company filed an application with The City of San Diego to approve a Carmel Valley Planned District Development Plan Permit (CVPD) and Resource Protection Ordinance Permit (RPO) to construct 156 single family dwelling units on a 40 acre tract of land which proposes to locate the dwelling units on approximately 24 acres while dedicating approximately 3.5 acres for public improvements and preserving approximately 12.5 acres as open space, located at the south boundary of the Carmel Valley Community, adjacent to the terminus of Carmel Creek Road, more particularly described as a portion of Section 30, Township 14 South, Range 3 West, SBM, in the Carmel Valley Community Plan area, in the A-1-10 (Hillside Review Overlay) (proposed SF3 and OS) zone ("The Reduced Project Alternative"); and

WHEREAS, the matter was set for public hearing on November 25, 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 Carmel Valley Planned District Development Plan Permit (CVPD)/Resource Protection Ordinance (RPO) Permit No. 96-7499:

CVPD/RPO FINDINGS:

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

The proposed development, a mix of residential and open space, is consistent with land use recommendations of the adopted Progress Guide and General Plan, which designates the property for residential and open space use. The proposed development is also consistent with adopted housing, open space, and public facilities elements of the General Plan by providing the type of residential units (single family detached) anticipated by the Carmel Valley Community Plan and General Plan, preserving the most environmentally sensitive portions of the property as open space and providing for project and area public facilities through the extension of Carmel Creek Road and the extension of water, sewer and gas lines.

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

The type of land use proposed (a mix of single family residential and open space) and the density of development proposed (4.7 dwelling units per developed acre) are consistent with recommendations of the adopted Carmel Valley Community Plan, which designates this 40 acre site for open space preservation of its more sensitive portions and residential development on the remainder, at 0-5 dwelling units per acre.

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

Both the on-site San Diego Gas and Electric easement area, as well as the portion of the project site located north of Carmel Creek Road, function as habitat for endangered and threatened species and provides a functional corridor for wildlife connecting to other off-site natural areas. These corridors will be preserved as open space.

D. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open-space areas and will provide adequate buffer areas to protect such resources.

There are no identified parks or public open space areas on adjacent lands. Approximately one-half mile of existing and proposed development separates the subject site from the Los Peñasquitos Canyon Preserve. The portion of the project site located within the boundary of the Multiple Species Conservation Program (MSCP) will be retained as open space.

E. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

Proposed conditions to the project should eliminate risks resulting from geological and erosional problems and flood and fire hazards.

F. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of affected significant prehistoric site or resource have been provided by the applicant.

The site is vacant and there are no significant archaeological resources identified on the property.

BRUSH MANAGEMENT FINDINGS:

A. The proposed brush management program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462.

The proposed Brush Management Program, by providing the required brush management zones of the Landscape Technical Manual as shown on Exhibit "A," dated November 25, 1997, on file in the Office of Development Services, 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 Zones One and Two will be selected to visually blend with the existing hillside vegetation and no invasive 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, as shown on Exhibit "A," dated November 25, 1997, on file in the Office of Development Services, 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. All new plantings on slopes will conform to the Revegetation Standards of the Landscape Technical Manual, Section Seven, and incorporate low precipitation irrigation systems to minimize runoff.

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 Carmel Valley Planned District/Resource Protection Ordinance Permit No. 96-7499 is hereby granted to Pardee Construction Company, under the terms and conditions set forth in the permit attached hereto and made a part hereof and specifically subject to the good faith efforts and substantial compliance by Pardee and City to satisfy the following conditions, all of which have been mutually agreed upon by the City and Pardee Construction Company:

1. Pardee agrees not to require issuance of building permits for The Reduced Project Alternative until after November 3, 1998.

2. Pardee further agrees that The Reduced Project Alternative approvals shall be null and void and of no further force and effect if the phase shift vote for Subarea III is successful on November 3, 1998, and if the planning group alternative project for Parcel C is approved by the Council (after consideration of that project alternative concurrent with the specific plan/precise plan in process for Neighborhood 8A by September 30, 1998) and becomes effective after a successful phase shift vote for Subarea III.

3. Subject to timely submission of necessary applications and required documentation by Pardee, the City Manager is directed to expeditiously process and approve, prior to November 3, 1998, all City entitlements for The Reduced Project Alternative but not issue or release those entitlements prior to that date.

4. Subject to timely submission of necessary applications and revised documentation by Pardee, the City Manager is directed to expeditiously process a revised Neighborhood 8C Precise Plan and a tentative map application for the alternative proposed by the planning group for Parcel C and return the project applications to the City Council for consideration of approval concordant with consideration of the specific plan/precise plan which is in process for Neighborhood 8A.

a. The planning group alternative for Parcel C shall also be included as an alternative for potential adoption as part of the specific plan/precise plan. If the planning group alternative is approved as part of the specific plan for Parcel C **(language in this resolution referring to the planning group option applies only to Parcel C and does not imply a potential land use outcome for any other parcels in the Comprehensive**

Specific Precise Plan for Neighborhood 8A) or approved separately as a revised Neighborhood 8C Precise Plan, the approval shall be conditioned such that the 8C project approvals become effective only upon a successful phase shift vote for Subarea III on November 3, 1998.

b. The residential area in the planning group alternative for Parcel C would be separated from the undisturbed natural open space by a vertical grade separation. This vertical grade separation will be designed so that a person standing in the natural open space area at the top of the mesa would find the topmost point of the roofs of the houses at their feet. The vertical separation must be enough to ensure that the roofs of the houses would not extend beyond the level of the adjacent mesa top.

5. Subject to timely submission of necessary applications and required documentation by Pardee, the City Manager is directed to process and approve prior to November 3, 1998, all City entitlements for the community planning group alternative but not issue or release those entitlements prior to that date and subject to City Council approval of the planning group alternative.

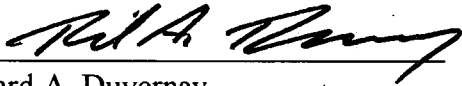
6. Direct the City Manager to amend certain portions of the "Second Addendum to Settlement Agreement between Pardee Construction Company and The City of San Diego," among them sections 1.2 and 3.1 and others as needed, to make the dates consistent with our action today.

BE FURTHER RESOLVED, in addition, project approval is subject to the conditions contained within the written report by staff and supplemented by condition changes contained in the ERRATA SHEET FOR CITY COUNCIL ITEM 333, NOVEMBER 25, 1997, to the

Honorable Mayor and Members of the City Council, dated November 25, 1997, attached hereto as Exhibit A and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay
Deputy City Attorney

RAD:lc

01/05/97

Attachments:

CVPD/RPO 96-7499

Exhibit A

Or.Dept:Clerk

R-98-697

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

CARMEL VALLEY PLANNED DISTRICT/RESOURCE
PROTECTION ORDINANCE PERMIT
CARMEL VALLEY NEIGHBORHOOD 8C
CITY COUNCIL (PROJECT NO. 96-7499)

This Permit is granted by the Council of The City of San Diego to the PARDEE CONSTRUCTION COMPANY, a California Corporation, Owner/Permittee, pursuant to Sections 101.0462 and 103.0607 of the Municipal Code of the City of San Diego and subject to applicable terms and conditions contained in Resolution No. R-289492, adopted by the Council of The City of San Diego on November 25, 1997. The 40-acre project site is located at the southerly boundary of the Carmel Valley Community in the SF3 and OS Zones of the Carmel Valley Planned District. The project site is legally described as a portion of Section 30, Township 14 South, Range 3 West, SBM.

1. Subject to the terms and conditions set forth in this permit and Resolution No. R-289492, adopted by the Council of The City of San Diego on November 25, 1997, permission is granted to Owner to develop 156 single-family homes described herein as identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 25, 1997, on file in the Office of Development Services. The facility shall include:

- a. 156 single-family homes;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable

regulations of the Municipal Code in effect for this site.

2. Construction or grading must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted. 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 appropriate decisionmaker.

3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

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

4. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

5. 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 set out in this permit and all referenced documents.

6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

7. 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 Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

8. The applicant shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 25, 1997, 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.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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 such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

11. All projects submitted for plan check for the purpose of obtaining building permits shall concurrently submit building plans which meet the submittal requirements of the "Applicant's Guide to Project/Permit Applications," items 11 through 29, as applicable, together with appropriate plan check fees.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Landform Alteration/Visual Quality. Prior to issuance of a grading permit, the Development Services Development Coordinator shall review and approve the grading plans and review the landscape plans for consistency with the precise plan guidelines. Upon completion of the grading for the VTM and associated off-site conditions, the developer shall submit a letter to the

Development Services Development Coordinator from a qualified consultant certifying that all landscaping for the major manufactured slopes (e.g., roadway slopes) has been implemented. Monitoring shall be required to assure the long-term establishment of the landscaping. The maintenance program would be effective for a three-year period following the installation of the plantings or until such time as all plantings are established. The long-term monitoring shall establish an inspection schedule, establish replanting specifications, and require written notification once a year to the Development Services Development Coordinator from the applicant-hired consultant to verify the status of the revegetation.

13. Geology/Soils. Upon completion of construction of the project, a soils engineer and engineering geologist retained by the project applicant shall submit in writing, to the City Development Services Development Coordinator certification that the project has complied with the recommendations of the geotechnical investigation and the approved mitigation measures.

Prior to grading permit issuance for proposed on-site roadways and lot development, a site-specific erosion control plan shall be submitted to and approved by the City Development Services Development Coordinator. This plan shall include measures to mitigate erosion and transport both during and immediately after construction, as well as the provision of landscaping to provide short- and long-term erosion control.

14. Biology

- a. To meet MSCP goals, The City of San Diego and Pardee Construction Company have entered into a comprehensive agreement concerning processing of various Pardee projects within the City of San Diego. This agreement is called the Settlement Agreement (December 12, 1996), the Addendum to the Settlement Agreement (December 18, 1996), and the Second Addendum to the Settlement Agreement. This agreement provided The City of San Diego with funding for purchase of regionally important open space and provides Pardee with mitigation credits for all impacts to wildlife and vegetation resulting from the project developed under this agreement. A Section 4(d) Mitigation and Interim Habitat Loss permit has been approved for the Settlement Agreement.
- b. The developer has agreed to the following mitigation measures, many of which are referenced in the Existing 4(d) Interim Habitat Loss Mitigation for this site, and are proposed to reduce the project's impacts to biological resources.

- i. Pardee Construction Company has contributed \$3 million to The City of San Diego toward the acquisition of the 80-acre Mesa Top Property within the Carmel Valley Neighborhood 8A Precise Plan area. Neighborhood 8A lies immediately to the west of Neighborhood 10. The Mesa Top Property includes high-quality coastal sage scrub and southern maritime chaparral vegetation communities with numerous sensitive plant and animal species and is an integral component of the Draft MSCP as a part of the Carmel Mountain Biological Core Area within the City's Subarea Plan. The City considers this acquisition a critical acquisition, and cannot acquire the parcel but for Pardee's significant and timely financial contribution. Thus, the mitigation value of the Mesa Top Property is even greater than the habitat analysis reveals as the opportunity to acquire this keystone piece is now, and Pardee's contribution allows this acquisition to occur. Approximately 11.98 acres of additional mitigation credits from the Mesa Top Property would be provided for the Neighborhood 8C project impacts.
- ii. Pursuant to the existing 4(d) Interim Habitat Loss Mitigation and Mitigation Agreement between the wildlife agencies, City of San Diego, and the applicant, 10.5 acres of mitigation credit shall be provided which would reduce biological impacts to coastal sage scrub.
- iii. The other City mitigation credit shall contain appropriate habitat within the City of San Diego MSCP Subarea Plan to provide mitigation for the on-site impacts. Approximately 1.81 acres of mitigation credit shall be applied to the Neighborhood 8C project.
- iv. Staking and monitoring of grading activities for the precise plan amendment shall be supervised by a qualified biologist to ensure no unanticipated impacts to sensitive habitats or species occur within the areas shown for permanent open space. This requirement will be noted on the grading plans prior to the issuance of a grading permit.
- v. A tailored brush management plan shall be implemented in substantial conformance to the approved Brush Management Plan, dated

November 25, 1997, on file in the Office of Development Services.

- vi. No clearing or grading of native habitat shall occur during the gnatcatcher breeding season (March 1-August 15).
 - vii. The salvage and transplanting of San Diego barrel cactus within the areas to be disturbed by grading per the Precise Plan shall be required prior to the issuance of a grading permit.
 - viii. Lighting at perimeter lots adjacent to the SDG&E open space easement shall be selectively placed, shielded, and directed away from that habitat.
 - ix. Fencing along property boundaries facing the SDG&E open space easement shall be designed and constructed of materials that are compatible with the open space corridors and shall be installed by the developer prior to the occupancy of the units in order to ensure uniformity.
 - x. Prior to the issuance of grading permits, the Development Services Development Coordinator shall review and approve the grading plan and review the landscape plan for consistency with the mitigation measures for impacts to biological resources (grading and brush management).
- c. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 16, 1997 and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to

this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

- d. The issuance of this permit by The City of San Diego does not authorize the applicant 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.).

15. Paleontology

A program for the recovery of paleontological resources during grading and earthwork shall be implemented. This program will include the following steps.

- e. A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. (VTM)
- f. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The requirement for paleontological monitoring shall be noted on the construction plans. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses paleontological collections, and preparing a results report. (VTM)
- g. The paleontologist or paleontological monitor shall be on-site full-time during the original cutting of previously undisturbed areas of the Lindavista, Scripps, and Ardath Shale formations 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. The paleontological monitor may decrease the amount of time spent monitoring after consultation with Development Services Development Coordinator. The decrease in monitoring time will depend on the rate of excavation, materials being excavated, and the abundance of fossils. (VTM)

- h. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact the Environmental Analysis Section (EAS) of The City of San Diego Development Services Business Center. EAS must concur with the salvaging methods before construction is allowed to resume. (VTM)
- i. Fossil remains shall be cleaned, sorted, cataloged, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum). (VTM)
- j. A monitoring results report, with appropriate graphics, summarizing the results (even if negative), analysis, and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program. (VTM)
- k. A report of findings, even if negative, shall be filed with EAS and the San Diego Natural History Museum prior to issuance of building permits. (VTM) (PDDP)

It shall be a requirement of the project that the above mitigation measures be conditions of the Neighborhood 8C VTM: The City Development Services Development Coordinator shall verify this is a condition of vesting tentative map approval. (VTM)

A note shall be included on the grading plans that the above measures are conditions of approval of grading permits. Prior to issuance of grading permits, EAS and the City Development Services Development Coordinator shall review the grading plans to ensure that these measures are on the plans. (VTM)

15. Noise

- a. As seen in the EIR, even with the construction of noise barriers, both first- and second-floor exterior noise levels are projected to exceed 60 CNEL on the lots adjacent to Carmel Creek Road. For residential units on these lots, typical light-frame construction is not assumed to adequately reduce the modeled future exterior traffic noise levels to below the City's interior standards. At the time that building plans are available for these units, and prior to the issuance of building permits, a detailed acoustical analysis shall be performed ensuring that interior noise levels due to exterior sources would be below the City's 45 CNEL standard.
- b. These measures developed by the required acoustical study shall appear as conditions of the Planned District Development Permit. The Development Services Development Coordinator shall review the VTM to ensure the notes have been provided. EAS shall review building plans to ensure the acoustical mitigation has been incorporated into the specifications.

16. Public Services and Utilities

Mitigation of the project's direct impact to schools from the proposed precise plan/VTM would be accomplished by participation in a Mello-Roos District formed by the applicant and the affected school districts (Del Mar Union and San Dieguito Union) which ensure the payment of appropriate school impact fees prior to the discretionary approval of the issuance of building permits.

17. Water Conservation

The following mitigation measures shall be incorporated into project design guidelines to address cumulative water usage concerns.

- a. Limit grading in areas where no construction is proposed; thereby reducing the need for planting and irrigation of graded areas (VTM);
- b. Provide integrated organic soil amendment into landscaped areas to improve infiltration (landscape);
- c. Reduce runoff potential from landscaped areas by using berming, raised planters, and drip irrigation systems (landscape);

- d. Install soil moisture override systems in all common irrigation areas to avoid sprinkling when the ground is already saturated (landscape);
- e. Identify in the plant materials list the project design guidelines whether or not plants are native or naturalize easily and incorporate a list of local California sources for native plants (landscape);
- f. Incorporate low-flush toilets, low-flow faucets, and timers on sprinklers (including nighttime watering) into project design (VTM, PDDP, landscape); and
- g. Provide information regarding water conservation measures to new residents at the time of lot purchase (PDDP).

The Development Services Development Coordinator shall review grading, landscape, and building permits to ensure the above measures have been noted on plans.

PLANNING/DESIGN REQUIREMENTS:

18. All unit driveways shall be provided with a 20-foot minimum depth behind the sidewalk. Garages shall be provided with a roll-up garage door.

ENGINEERING REQUIREMENTS:

19. No fewer than two covered off-street parking spaces per dwelling unit shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated November 25, 1997, on file in the Office of Development Services. Parking spaces shall comply at all times with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall not be converted for any other use unless otherwise authorized by the City Manager. In addition, one-half parking space per dwelling unit shall be provided at curb side within the project streets.

20. There shall be compliance with the regulations of the underlying zone(s) unless a deviation to a specific regulation(s) is approved as a provision of this permit. Where there is a conflict between a provision of this permit (including exhibits) and a regulation of the underlying zone, the regulation shall prevail unless the provision was specifically approved as part of this permit.

21. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

22. All signage associated with this development shall be consistent with sign criteria established by the adopted Carmel Valley Signage Guidelines and Criteria. No deviation in excess of these adopted standards shall be granted unless approved by the Planning Commission or on appeal by the City Council.

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

24. The use of textured or enhanced paving, if proposed, shall meet applicable City standards as to location, noise and friction values.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any grading permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager. The construction documents shall be approved prior to the issuance of building permits and shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 25, 1997, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

26. Prior to issuance of any Certificate of Occupancy for any residential unit, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections associated with that residential unit. The Permittee shall obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

27. All required 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, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the *Landscape Technical Manual* until transfer to a landscape maintenance district, homeowners association or individual lot owner.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind per the approved plans.

29. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Permittee shall comply with the applicable provisions of the "Landscape Technical Manual - Section 6," Document No. RR-274506 and shall implement the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated November 25, 1997, on file in the Office of Development Services:

APPROVED by the Council of The City of San Diego on November 25, 1997, by Resolution No. R-289492.

L:\DUVERNAY\PERMITS\96-7499.RPO

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.

PARDEE CONSTRUCTION COMPANY
Owner/Permittee

By _____

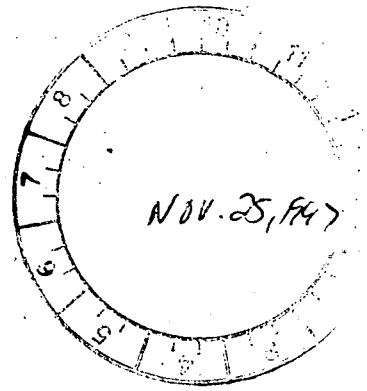
By _____

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

1/5/98

LADUVERNAYPERMITS\96-7499.RPO

City of San Diego
Memorandum



DATE: November 25, 1997
TO: Honorable Mayor and Members of the City Council
FROM: City Manager
SUBJECT: ERRATA SHEET FOR CITY COUNCIL ITEM 333, NOVEMBER 25, 1997

Attachment 8, Page 1, Finding 1, last two sentences. Change to read, "This type of development is consistent with the General Plan and Carmel Valley Community Plan, which designate the property for residential use. The proposed map will retain the community's character by retaining open space and encouraging orderly development consistent with surrounding development."

Attachment 8, Page 3, Condition 9. Change to read, "The subdivider shall comply with the Mitigation, Monitoring and Reporting Program as specified in Environmental Impact Report No. 96-7499, to include:

- A. Grading and other surface-disturbing activities either shall be planned to avoid the rainy season (i.e. November through March) to reduce potential erosion impacts or shall employ construction phase erosion control measures, including the short-term use of sandbags, matting, berms, hay bales or similar devices along all graded areas to minimize sediment transport. The exact design, location and schedule of use for such devices shall be conducted pursuant to direction and approval by the City Engineer.
- B. The developer shall, within 90 days of completion of grading activities, hydroseed andandscape graded and common areas with appropriate ground cover vegetation consistent with the biology section mitigation requirements (e.g. use of native or noninvasive plants). These revegetated areas shall be inspected monthly by a qualified biologist until vegetation been firmly established as determined by the City's grading inspector.
- C. Compacted areas shall be scarified, where appropriate, to induce surface water infiltration and revegetation as directed by the project geologist, engineer and/or biologist.
- D. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g. fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and use of temporary impervious liners to prevent soils and water

EXHIBIT A
R-289492

contamination.

- E. Postconstruction erosion control measures shall be implemented where proposed disturbance is adjacent to or encroaches within existing drainage courses and projected runoff velocities exceed 5 cubic feet per second (cfs).
- F. Energy-dissipating structures (e.g. detention ponds, riprap or drop structures) shall be used at storm outlets, drainage crossings and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
- G. Long-term maintenance responsibility of the detention basin may be accepted by the City of San Diego or through other acceptable mechanisms (e.g. homeowners' association or assessment district)."

Attachment 8, Page 6, Condition 26, add to the end of the first sentence: "or satisfactory to the City Engineer and Fire Department."

Attachment 9, Page 3, Paragraph B, first line. Delete the words, "Alternative Compliance."

Attachment 10, Page 13, Condition 31, first sentence. Add the words, "of high." to the end of the sentence.