

RESOLUTION NUMBER R-290508

ADOPTED ON JULY 28, 1998

WHEREAS, Pardee Construction Company, a California corporation, Owner/Permittee, filed an application with The City of San Diego for a permit to construct a 109-unit single-family residential subdivision, known as the Carmel Valley Neighborhood 8C - Option One development, on a site located south of State Route 56 and east of Interstate 5, in the Carmel Valley Community Plan area, in the A-1-10 (proposed SF3 and OC-1-1) Zones; and

WHEREAS, the project site is legally described as a portion of Section 30, Township 14 South, Range 3 West, San Bernardino Meridian; and

WHEREAS, on July 2, 1998, the Planning Commission of The City of San Diego considered Carmel Valley Planned District/Resource Protection Ordinance [CVPD/RPO] Permit No. 98-0200, and pursuant to Resolution No. 2654-1-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on July 28, 1998, 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 CVPD/RPO Permit No. 98-0200:

**RESOURCE PROTECTION ORDINANCE FINDINGS:**

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

The proposed mix of open space and single family residential development is consistent with the land use recommendations of the adopted Progress Guide and General Plan. The proposed development is also consistent with adopted housing, open space and public facility elements of the General Plan by providing the type of residential development anticipated by the adopted Carmel Valley Community Plan and reserving on site open space and contributing fair share to public facilities.

**2. 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) is consistent with the adopted Carmel Valley Community Plan and with open space preservation goals of the Community Plan.

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

The City's Multiple Species Conservation Program (MSCP) Subarea Plan identifies a Multi-Habitat Planning Area (MHPA) in the City for preservation of core biological resource areas and corridors targeted for preservation. The project site is located outside of the MHPA place-holder for the Carmel Valley Community. Exclusion from the MHPA place-holder indicates that development of this parcel will have less impact on environmentally sensitive lands than development on parcels identified as being within the MHPA.

**4. 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 existing on adjacent lands. The project proposes to dedicate as public open space the northerly part of the site to supplement additional public open space proposed through the adjacent draft Neighborhood 8A Specific Plan/Precise Plan. Development on the remaining portion of Neighborhood 8C will be sited in a manner to protect views from the adjacent proposed Neighborhood 8A public open space.

**5. 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.**

This proposed project alternative reduces impacts from that of the earlier approved 8C development plan, thereby reducing alteration of the natural landform. Proposed conditions to the

project should eliminate risks resulting from geological and erosional problems and flood and fire hazards.

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

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

**7. The proposed development will not adversely affect the applicable land use plan.**

The project is consistent with both the adopted Carmel Valley Community Plan and the Progress Guide and General Plan, which designate the subject property for a combination of single family residential development and open space.

**8. The proposed development will not be detrimental to the public health, safety and general welfare.**

Conditions recommended for the Vesting Tentative Subdivision Map and Carmel Valley Development Plan are designed to avoid public health, safety and general welfare problems at both the construction phase and following construction.

**9. The proposed development will comply with the applicable regulations of the Municipal Code.**

Proposed lot sizes and development standards are consistent with regulations of the proposed SF3 Zone and other applicable regulations of the Carmel Valley Planned District Ordinance.

**10. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to sensitive biological resources.**

The site was previously approved for the development of 156 single family homes on a development footprint of 24 acres. This alternative project reduces development to 109 dwelling units and 16.7 acres, thereby preserving a greater amount of biological resources on site. The reduced density and footprint remain consistent with the adopted Carmel Valley Community Plan.

**11. The proposed development will be sited and designed to prevent adverse impacts on any adjacent sensitive biological resources.**

As indicated in No. 10 above, this alternative project reduces impacts to on site resources.

**12. The proposed development will be consistent with The City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The project site is located outside the MHPA place holder for Carmel Valley.

**13. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

Appropriate mitigation measures to address drainage impacts, landform alteration, visual impacts, geologic and soil stabilization, off site acquisition, paleontology, traffic circulation, noise, utilities and water conservation are proposed to alleviate any negative impacts that may result from this project.

**RESOURCE PROTECTION ORDINANCE ALTERNATIVE COMPLIANCE FINDINGS:**

**1. 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 subject property is already approved for residential development impacting a larger area. This alternative plan results in fewer environmental impacts and would be implemented, instead of the earlier project approval, if the phase shift vote for North City Future Urbanizing Area Subarea III is approved in November.

**2. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.**

The proposed alternative plan represents a redesign of the earlier project approval and reduces effects on steep slopes. The subject property is not within the MHPA place-holder area.

**3. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego.**

The type, density and location of development remains consistent with land use recommendations and other elements of the General Plan.

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

The approved project was found to be consistent with the adopted Carmel Valley Community Plan. The reduced footprint proposal remains consistent and provides a greater amount of open space. Sensitive lands preservation is a goal of the Community Plan.

**5. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of the applicant's making.**

The reduced footprint project alternative responds to community desires to keep the mesa portion of the property vacant and would be implemented, in lieu of the earlier project approval on this site, if the Subarea III phase shift is approved. This project results in fewer impacts to on-site-biology.

**BRUSH MANAGEMENT FINDINGS:**

**1. 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 July 28, 1998, 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 materials 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.

**2. 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.**

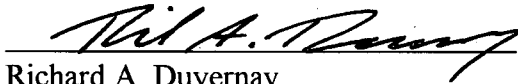
The proposed Brush Management Program, by using Zone Reduction (Sections 6.6-2, 6.6-3 and 6.6-5) of the Landscape Technical Manual as shown on Exhibit "A," dated July 28, 1998, on file in the Office of Development Services, will modify the existing vegetation to the least practical extent while still 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 recommendation of the Planning Commission is sustained, and Carmel Valley Planned District/Resource Protection Ordinance [CVPD/RPO] Permit No. 98-0200 is hereby granted to Pardee Construction Company, a California corporation, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this action shall be conditioned upon the continued cooperation and flexibility within the Neighborhood 8A planning process with Western Pacific to accommodate the coordinated access and lot configuration on the southwest corner of the parcel, benefitting both parties.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
11/21/98  
Or.Dept:Clerk  
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Reviewed by Nick Osler

**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 ORDINANCE/RESOURCE PROTECTION  
ORDINANCE PERMIT NO. 98-0200  
CARMEL VALLEY NEIGHBORHOOD 8C-OPTION ONE  
CITY COUNCIL PERMIT**

This Permit is granted by the Council of the City of San Diego to PARDEE CONSTRUCTION COMPANY, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 103.0607. The 40 acre site is located on the southerly border of the Carmel Valley Community, approximately 4,000 feet east of the Interstate 5 Freeway in the A-1-10 (proposed SF3 and OS Zones) of the Carmel Valley Community. The project site is legally described as a portion of Section 30, Township 14 South, Range 3 West, SBM.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct a 109 unit single family subdivision described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated July 28, 1998, on file in the Office of Development Services. The facility shall include:

- a. 109 two story single family detached 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.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of the corresponding Neighborhood 8C Precise Plan. 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 decision maker.

2. 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.

3. 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.

4. 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.

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

6. 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.)

7. The Owner/Permittee 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.

8. Before issuance of any building or grading 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 July 28, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. 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.

10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property, unless an advanced grading permit, including erosion control and landscaping, is authorized by the Development Services Manager.

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.

12. All projects shall be in compliance with Sections 101.0214 (Maximum Height of a Building or Structure) and 101.0215 (Procedural Requirements for Determination of Structure Height) of the Municipal Code.

13. All projects shall be in compliance with Section 101.0216 (Topographical Survey Requirements) of the Municipal Code and all building plans shall be predicated upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in Section 101.0101.24 (Grade) of the Municipal Code.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

14. Hydrology/Water Quality - As a condition of the VTM, the developer shall, within 90 days of completion of grading activities, hydroseed and landscape 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 has been firmly established as determined by the City's grading inspector.

Prior to the issuance of a grading permit, the grading plan shall locate temporary desilting basins at all discharge points adjacent to drainage courses or where substantial drainage alteration is proposed. The exact design and location of such facilities shall be conducted pursuant to direction by the City Engineer.

15. Landform Alteration/Visual Quality - Prior to issuance of a grading permit, the Development Services Development Coordinator shall review the grading and landscape plans for consistency with the precise plan guidelines and establishment of a long term monitoring program. Upon completion of 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.

16. Geology/Soils - Prior to recordation of the final map within the precise plan area, a complete geotechnical investigation shall be conducted for the final map area by a certified engineering geologist. The Development Services Coordinator shall review the grading plans to ensure that a qualified engineer has signed the plans and certifies they are consistent with the recommendations in the geologic investigation.

Prior to issuance of grading permits, a site-specific erosion control and landscaping 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. A phased plan of erosion-resistant ground cover planting shall be prepared for graded areas which require installation within 90 days of completion of grading.

17. Biological Resources - Prior to issuance of a grading permit or recordation of the first final map, the applicant shall provide verification that the following mitigation for the loss of Southern maritime chaparral and scrub oak chaparral identified in the table below has been provided;

Existing 4(d) Interim Habitat Loss Agreement Mitigation Credit	10.50 acres
Mesa Top Property Acquisition Credits	8.19 acres
Total Mitigation Provided	18.69 acres

A total of 10.50 acres of mitigation credit from the Carmel Valley Neighborhood 10 Interim Habitat Loss Permit and Settlement Agreement would be used for mitigation of project impacts. Pardee Construction Company has agreed to contribute \$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. Approximately 8.19 acres of additional mitigation credits from the Mesa Top Property would be provided for the Neighborhood 8C project impacts.

Prior to the issuance of a grading permit, grading plans shall note the requirement for a qualified biologist to supervise and monitor grading activities which includes staking the limits of grading to ensure no impacts to sensitive habitats or species occur in areas shown for permanent open space.

A tailored brush management plan shall be implemented that minimizes impacts to the habitat quality of the native vegetation nearest development areas which must be thinned for fire protection purposes.

No clearing or grading of native habitat shall occur during the gnatcatcher breeding season (March 1-August 15).

Prior to the issuance of a grading permit, the salvage and transplanting of San Diego barrel cactus within the areas to be disturbed by grading per the Precise Plan shall be required.

Lighting at perimeter lots adjacent to the open space shall be selectively placed, shielded, and directed away from that habitat.

Prior to the issuance of certificates of occupancy, in order to ensure uniformity, fencing along property boundaries facing the open space corridors 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 issuance of grading permits, the Development Services Development Coordinator shall review the grading and landscape plans for consistency with the mitigation measures for impacts to biological resources (grading and brush management).

18. Paleontology - Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.**

The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.

The paleontologist or paleontological monitor shall be on site full time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.

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. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.

19. Traffic Circulation - The applicant shall provide fair share contribution for the construction of an eastbound right-turn lane at El Camino Real and SR-56 eastbound ramps, to the satisfaction of the City Engineer.

20. Noise - Prior to the issuance of building permits, building plans for residential Lots 3, 105 and 106 shall show a noise attenuation berm or wall four to six feet high, along the rear property line to mitigate noise generated from Carmel Creek Road.

Prior to issuance of a certificate of occupancy, the Development Services field inspector shall verify that the construction of the noise attenuation berm or wall has been completed.

Prior to the issuance of building permits, a detailed acoustical analysis shall be performed to ensure that interior noise levels due to exterior sources would be below the City's 45 CNEL standard.

Measures developed by the required acoustical study shall appear as conditions of the Planned District Development Permit and VTM, and noted on building plans. The Environmental Analysis Section shall review building plans to ensure the acoustical mitigation has been incorporated into the specifications.

21. Public Services and Utilities - Prior to issuance of building permits the applicant shall provide verification of participation in a Mello-Roos District formed by the applicant and the affected school district. Participation in the established Mello-Roos District would mitigate the precise plan direct impacts on educational services to a level below significant.

22. Water Conservation - Measures incorporated into the project design guidelines to mitigate the project's contribution to cumulative impacts associated with water supplies include: limiting grading in areas where no construction is proposed; provide lifts of low-clay content soil in landscaped areas to improve infiltration; reduce runoff potential from landscaped areas by using berming, raised planters, and drip irrigation systems; install soil moisture override systems in all common irrigation areas to avoid sprinkling when the ground is already saturated; identify in the plant materials list in the project design guidelines whether or not plants are native or naturalize easily and incorporate a list of local California sources for native plants; incorporate low-flush toilets, low-flow faucets, and timers on sprinklers into project design; and provide information regarding water conservation measures to new residents at the time of lot purchase. The Development Services Development Coordinator shall review grading, landscape, and building permits to ensure the above measures have been noted on plans.

The above Mitigation Monitoring and Reporting Program will require an additional deposit of \$3,200.00 to be collected prior to the issuance of certificates of occupancy to ensure the successful completion of the monitoring program.

#### **ENGINEERING REQUIREMENTS:**

23. This permit shall comply with the conditions of the final map for Vesting Tentative Map No. 98-0200 (Carmel Valley Neighborhood 8C-Option 1).

24. Prior to the issuance of any building permits, the Permittee shall:

a. Ensure that building address numbers are visible and legible from the streets (UFC 901.44).

b. Show location of all fire hydrants on the plot plan to conform with Fire Department Policy # F-85-1 (UFC 903.2).

c. Provide access in conformance with Fire Department Policy A-93-1 (UFC 901 and 902).

d. Provide temporary street signs (UFC 901.45).

e. Comply with the City of San Diego Landscaping Technical Manual regarding brush and landscaping (Appendix II-A, section 16).

**PLANNING/DESIGN REQUIREMENTS:**

25. No fewer than two covered parking spaces shall be required on each residential lot with additional guest parking provided in residential driveways and curbside. Parking shall be maintained on the project site at all times in the approximate locations shown on the approved Exhibits "A," dated July 28, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with SDMC Chapter X, Article 1, Division 8, and shall not be converted for any other use unless otherwise authorized by the City Manager.

26. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

27. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

28. A topographical survey conforming to the provisions of Section 101.0216 of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

29. 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.

30. All signage associated with this development shall be consistent with sign criteria established by the adopted Carmel Valley Signage Guidelines and Criteria.

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

32. Any use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

33. 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.

### **LANDSCAPE REQUIREMENTS:**

34. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated July 28, 1998, on file in the Office of Development Services and all other applicable conditions of related permits.

35. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 90 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

36. 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 City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated July 28, 1998, 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.

37. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated July 28, 1998, on file in the Office of Development Services and all other applicable conditions of related permits.

38. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

39. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to 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.

40. 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, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

41. 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 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.

42. Prior to the recordation of the final map the subdivider shall submit complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required street tree improvements and the erosion control for new slope areas. The landscape construction documents shall be in substantial conformance with Exhibit "A," dated July 28, 1998, Landscape Concept Plan, on file in the Office of Development Services.

#### **BRUSH MANAGEMENT REQUIREMENTS:**

43. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Permittee shall implement the following requirements in accordance with the Brush Management program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated July 28, 1998, on file in the Office of Development Services:

a. Prior to the issuance of any grading or building permits, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A," dated July 28, 1998, on file in the Office of Development Services. The construction documents (site plan, landscape/brush management plan) shall show Zone One as "Building Restricted Area" and Zones Two and Three as "Negative Open Space Areas."

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," dated July 28, 1998, on file in the Office of Development Services, and shall comply with the Uniform Fire Code (SDMC section 55.0889.0201), and Section Six of the Landscape Technical Manual (Document No. RR-274506), on file at the Office of the City Clerk.

c. The Brush Management Zone Depths shall be as follows:

<u>Units/Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
High	30'	40'	40'

except that a 60-foot Zones 2 and 3 brush management area shall be provided on Lot BC.

d. 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.

e. 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 imminent health and safety risks still exist.

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

g. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and Development Services to discuss and outline the implementation of the Brush Management Program."

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

45. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual as shown on Exhibit "A," dated July 28, 1998, 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 materials in the Brush Management Zones One and Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

**FIRE/SAFETY REQUIREMENTS:**

46. All residential units shall be sprinklered for fire safety purposes unless a second street ingress and egress is provided to the development, satisfactory to the Fire Department.



**INFORMATION:**

47. The developer shall inform all renters or purchasers of homes that this development is subject to potential visual and noise impacts from military aircraft operating out of MCAS Miramar.

APPROVED by the Council of The City of San Diego on July 28, 1998, by Resolution No. R-290508.

11/21/98

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**The undersigned Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

**PARDEE CONSTRUCTION COMPANY**  
a California corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

11/21/98  
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