

RESOLUTION NUMBER R-290515

ADOPTED ON JULY 28, 1998

WHEREAS, Del Mar Land Management, Owner/Permittee, filed an application with The City of San Diego for a permit to construct 60 single family homes, known as the Mesa Verde Estates project, located at the northeast corner of Shaw Ridge Road and Vine, and legally described as the south half of the west half of the north half of the southeast quarter of the northwest quarter in Section 22; the southeast quarter of the northeast quarter of the northwest quarter of Section 22; the northeast quarter of the northeast quarter of the northwest quarter of Section 22; the south half of the southeast quarter of the northwest quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the Del Mar Mesa Specific Plan in Subarea V of the North City Future Urbanizing Area, in the A-1-1 zone; and

WHEREAS, on April 2, 1998, the Planning Commission of The City of San Diego considered Planned Residential Development/Coastal Development Permit/Hillside Review Overlay/Resource Protection Ordinance [PRD/CDP/HR/RPO] Permit No. 96-0625, and pursuant to Resolution No. 2620-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 PRD/CDP/HR/RPO Permit No. 96-0625:

PLANNED RESIDENTIAL DEVELOPMENT FINDINGS - (San Diego Municipal Code Section 101.0900)

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.

The project proposes the creation of 60 residential lots and 3 open space lots consistent with the adopted Del Mar Mesa Specific Plan in Subarea V of the North City Future Urbanizing Area. The project incorporates a rural character design as recommended in the Specific Plan, including the development of a multi-use trail. The project as a condition of approval will also provide affordable housing as required by the Specific Plan, consistent with the General Plan and area plan. The project will also dedicate 13.88 acres on site and 10.6 acres off-site for the City's Multiple Habitat Planning Area (MHPA).

B. The proposed use 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 properties in the vicinity.

The proposed project as conditioned for approval requires that it be developed and constructed in conformance with applicable building, fire and grading regulations. The permit conditions also include compliance with environmental mitigation measures to reduce impacts related to the health, safety and general welfare of persons residing or working in the area.

C. The proposed use will fully comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

The proposed project is consistent with the Del Mar Mesa Specific Plan which regulates development of the project site consistent with the San Diego municipal Code.

COASTAL DEVELOPMENT FINDINGS - (San Diego Municipal Code Section 105.0200)

D. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted Local Coastal Program [LCP] Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The proposed project site is not located adjacent to or near any existing or proposed physical accessway legally utilized by the general public, nor is there any public vantage point to any scenic coastal views located near or adjacent to the project site.

E. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

The proposed project as conditioned provides mitigation and monitoring for any adverse affects to environmentally sensitive areas, archaeological or paleontological resources.

F. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in

the Resource Protection Ordinance (San Diego Municipal Code section 101.0462), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

The proposed project is consistent with the Del Mar Mesa Specific Plan which contains special requirements for compliance with the Resource Protection Ordinance. All mitigation measures for biologically sensitive lands and prehistoric resources have been conditioned for approval of the proposed project.

G. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.

The proposed project includes construction of a multi-use trail which connects to a regional trail, consistent with the Del Mar Mesa Specific Plan.

H. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

The proposed project incorporates all mitigation and monitoring requirements as a condition of approval. The mitigation and monitoring measures are designed to mitigate adverse impacts to environmentally sensitive habitats and scenic resources. Adequate buffers have been provided from the proposed residential lots to the environmentally sensitive areas adjacent to the project site.

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

The proposed project is consistent with the grading and development criteria established in the adopted Del Mar Mesa Specific Plan. The project has been conditioned to reduce risks from geologic, erosional, flood and fire hazards.

J. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas.

The proposed project is designed with "rural character" streets and includes the construction of a multi-use trail to connect to the regional trail system. Three (3) open space lots provide preservation of adjacent environmentally sensitive lands and provide a visual enhancement to the surrounding properties.

K. The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site.

The proposed project is consistent with the adopted Del Mar Mesa Specific Plan. The Specific Plan was adopted by the City Council and certified by the California Coastal Commission to implement the land use policies of the North City Future Urbanizing Area, Subarea V. Therefore the proposed project conforms to the City's General Plan, Subarea Plan and Local Coastal Program Land Use Plan.

HILLSIDE REVIEW FINDINGS - (San Diego Municipal Code Section 101.0454)

L. The site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas.

The proposed project is designed consistent with the conceptual grading plan contained in the adopted Del Mar Mesa Specific Plan. The project as conditioned for approval requires mitigation for adverse affects of the proposed development to the adjacent environmentally sensitive areas.

M. The grading 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.

The proposed project as conditioned for approval requires compliance with the standards for grading and soil erosion to mitigate adverse impacts to the Los Peñasquitos Lagoon. In addition, conditions have been placed on the approval of the proposed development for compliance with all fire, building and grading requirements.

N. 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 proposed project is designed consistent with the Del Mar Mesa Specific Plan. The Specific Plan contains criteria and recommendations for preserving the rural character of the surrounding area. The project incorporates rural character through the design of reduced street widths, varied building setbacks and building materials such as stone and wood. The project also includes the construction of a multi-use trail and landscaped parkways to include plant material native to the area.

O. The proposed development is in conformance with the Open Space Element of the City's Progress Guide and General Plan, the Open Space and Sensitive Land Element of the applicable community plan, any other adopted applicable plan in effect for this site, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.

The proposed project is consistent with the Del Mar Mesa Specific Plan which is the implementing tool for the North City Future Urbanizing Area, Subarea V. The project includes

on-site and off-site preservation of environmental sensitive areas to be dedicated for inclusion into the Northern Area of the City's MSCP, Multiple Habitat Planning Area (MHPA).

P. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines."

The proposed project is consistent with the Del Mar Mesa Specific Plan. The Specific Plan contains a conceptual grading plan and specific development criteria for the project site. The proposed project design is consistent with the approved conceptual grading plan and incorporates contour grading consistent with the Hillside Design Guidelines along the boundaries of the open space areas.

RESOURCE PROTECTION ORDINANCE FINDINGS - (San Diego Municipal Code Section 101.0462)

Q. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

The proposed project includes the on-site and off-site dedication of environmentally sensitive lands to the City's MHPA to mitigate adverse impacts of the project to the adjacent environmentally sensitive areas. The required mitigation is consistent with the Del Mar Mesa Specific Plan and Master Environmental Impact Report No. 95-0353.

R. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

The proposed project as conditioned will be required to construct a multi-use trail connected to a regional trail system. The proposed development will provide adequate setbacks and landscape buffers to protect the adjacent resources.

S. 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.

The proposed project as conditioned is required to comply with the grading and erosional control measures for the protection of Los Peñasquitos Lagoon. In addition, conditions have been placed on the approval of the project to meet building, grading and fire regulations.

T. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

The proposed project is designed with rural character streets and includes the construction of a multi-use trail to connect to the regional trail system. Three (3) open space lots provide preservation of the adjacent environmentally sensitive lands and provide a visual enhancement to the surrounding properties.

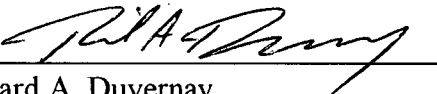
U. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, the Local Coastal Program, or any other applicable adopted plans and programs in effect for this site.

The proposed project is consistent with the adopted Del Mar Mesa Specific Plan. The Specific Plan was adopted by the City Council and certified by the California Coastal Commission to implement the land use policies of the North City Future Urbanizing Area, Subarea V. Therefore, the proposed project conforms to the City's General Plan, Subarea Plan and Local Coastal Program Land Use Plan.

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/Coastal Development Permit/Hillside Review Overlay/Resource Protection Ordinance Permit No. 96-0625 is hereby granted to Del Mar Land Management, 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

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01/22/99
Or.Dept:Clerk
R-99-314
Form=permitr.frm
Reviewed by Georgia Sparkman

**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/COASTAL DEVELOPMENT
PERMIT/HILLSIDE REVIEW/RESOURCE PROTECTION ORDINANCE
(PRD/CDP/HR/RPO) PERMIT NO. 96-0625
MESA VERDE ESTATES**

CITY COUNCIL

This Permit is granted by the Council of The City of San Diego to DEL MAR LAND MANAGEMENT, Inc., Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0900, 105.0200, 101.0454 and 101.0462. The 60.85-acre site is located at the northeast corner of Shaw Ridge Road and Vine in the A-1-1 Zone of the Del Mar Mesa Specific Plan - Subarea V of the North City Future Urbanizing Area. The project site is legally described as the south half of the west half of the north half of the southeast quarter of the northwest quarter in Section 22; the southeast quarter of the northeast quarter of the northwest quarter of section 22; the northeast quarter of the northeast quarter of the northwest quarter of Section 22, the south half of the southeast quarter of the northwest quarter of Section 22, all in Township 14 South, Range 3 West, San Bernardino Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide 60.85 acres into 60 single-family residential lots, three open space lots, five private road lots and the future development of 60 single-family homes as described, 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 project shall include:

- a. Construction of sixty (60) single-family residential lots, three open space lots and five private drive lots; and
- b. Future development of 60 single-family homes; and
- c. Construction of an eight-foot-wide multi-use trail and a six-foot-wide landscaped parkway; and
- d. Landscaping (planting, irrigation and landscape related improvements); and
- e. Off-street parking facilities; and

- f. 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 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 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 by Development Services 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 Owner/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. § 1531 et seq.).
 7. 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.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications may be required 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.

9. 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 Exhibits "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 amendments of this Permit 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

12. All development 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. Prior to the issuance of any grading or building permits, the Permittee shall pay a fee into the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of final site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. All impervious surfaces shall include all public and private roads, driveways and private hardscape areas. Private driveways and hardscape areas are to be calculated at the time that each single-family lot is developed. The enhancement fee shall be computed by the Permittee and verified by Development Services. Payment of the fee shall be made to Development Services prior to the issuance of any grading or building permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Prior to issuance of any grading permit from The City of San Diego for any portion of the project site, the Permittee must verify in writing to the City Manager that he/she has obtained final concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the NCCP Process and Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence will require reconsideration by the appropriate City decision making body.

Geology/Soils

15. Prior to issuance of any grading permits the Permittee shall submit a full geotechnical study, for review and approval by Development Services. All mitigation measures to remediate conditions identified in the site specific geological reconnaissance report (Geotechnics, Inc., dated February 9, 1996) and supplemental report (Geotechnics, Inc., dated December 31, 1996) shall be satisfied.

16. Prior to issuance of any grading permits, a site-specific erosion control plan shall be submitted to, and approved by, the City Engineer. All erosion control measures shall be consistent with the "Erosional Control Measures For North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons," on file in the Office of the City Clerk as Document No. OO-17068.

Hydrology/Water

17. Prior to issuance of any grading permits, the Permittee shall file a Notice of Intent with the Regional Water Quality Control Board (RWQCB). A General Permit for Construction Activity from the RWQCB, a Storm Water Pollution Prevention Plan and Monitoring Program Plan shall be submitted, satisfactory to the City Engineer. The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Peñasquitos Lagoon and other waters. Such BMPs must fulfill the intent of City Clerk Document No. OO-17068 - Erosion Control Measures for North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons and SDMC section 62.0419, Protecting Water Quality in Coastal Lagoons, and shall include the following:

- a. Construction phase erosion control measures shall be employed, including such measures as short-term use of sandbags, matting, mulches, berms, hay bale similar devices, along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
- b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Manager.
- c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
- d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes.
- e. Energy dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
- f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
- g. 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 the use of temporary impervious liners to prevent soil and water contamination.
- h. Landscape design shall incorporate the use of drought tolerant vegetation.
- i. Native and naturalized species shall be planted on slopes. If fertilization is deemed necessary, it shall be discontinued on areas adjacent to open space after one year.
- j. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City of San Diego Landscape Technical Manual, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
- k. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.

- l. Grading shall be in accordance with SDMC section 62.0400, Grading; section 62.0419, Protecting Water Quality in Coastal Lagoons; and Erosion Control Measures For North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons, Document No. OO-17068, on file in the Office of the City Clerk.
- m. A maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
- n. All conditions of the General Permit for Construction Activity shall be adhered to.

18. Prior to issuance of the grading permits, the City Engineer shall assure that drains are designed to control run-off into the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and that drains are directed only to sedimentation basins, swales, mechanical trapping devices or similar devices to minimize the potential for erosion damage and minimize water quality impacts.

Biological Resources

19. Prior to issuance of grading permits, direct development impacts to 42.64 acres (6.16 acres of Diegan coastal sage scrub, 34.28 acres of southern mixed chaparral and 2.20 acres of non-native grassland) will be mitigated on and off-site in the following manner:

- a. The Permittee shall dedicate (in fee title to The City of San Diego) a total of 13.88 acres located on-site within the City of San Diego's Multiple Habitat Planning Area (MHPA).
- b. Off-site, a total of 10.70 acres located in the MHPA preserve and appropriate habitat tier, shall be acquired (to the satisfaction of the City Manager) and dedicated in fee title to The City of San Diego.

Noise

20. Prior to issuance of building permits, a final acoustical report shall be required for Lots 1, 4 and 35-43 to determine if interior CNEL for these lots exceeds 45-dB. If interior levels exceed 45-dB, mitigation recommended in the noise report shall be incorporated into the final plans and specifications prior to issuance of the project building permit. Potential mitigation would include; but is not limited to; air-conditioning, mechanical ventilation, and/or upgraded construction materials and windows.

21. All grading/construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, or as allowed by The City of San Diego Noise Ordinance (SDMC section 59.5.0404). Construction-related noise levels (taken as a 12-hour average) shall be limited to 75-dB(A) at the property line of adjacent residential

uses. Construction contractors' specifications shall include details of the noise ordinance.

Light/Glare/Shading

22. Street lighting shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type. All street and residential lights shall be directed away from open-space areas (consistent with the MSCP Guidelines) with appropriate placement or shades.

Landform Alteration

23. Prior to issuance of any grading permits, the Permittee shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on Exhibit A, Grading Plan, dated July, 28, 1998, on file in the Office of Development Services.

Public Facilities and Services - Schools

24. Prior to the recordation of the first Final Map, the applicant shall fully mitigate impacts to the Del Mar Union School District and San Dieguito Union High School District through payment of school mitigation costs and/or participation in a Mello-Roos Community Facilities District.

Libraries

25. Prior to recordation of the first Final Map, the project applicant shall pay a development impact fee to provide for fair-share funding of a new branch library in the NCFUA.

Water

26. Prior to recordation of the first Final Map, the 610/712 Water Zone Study and construction of accessory applicable water facilities shall be completed to the satisfaction of the City Engineer.

Sewer

27. Prior to the recordation of the first Final Map, the applicant shall provide a project level sewer study which shows the proposed sewer system for Subarea V to the satisfaction of the City Engineer.

Fire

28. Prior to the recordation of the first Final Map, the City Fire Department shall determine whether a first response can be provided on the project site within six minutes. Mitigation measures in the form of individual sprinkler systems and/or construction/site design safeguards shall be required if a six-minute response cannot be provided at the time of future development.

29. Prior to recordation of the first Final Map, the applicant shall pay a development impact fee to partially fund construction of new fire stations, if a phase shift occurs for the NCFUA as a whole.

Paleontological Resources

30. Prior to issuance of grading permits, the Permittee shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review (LDR) Division. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING PROGRAM SHALL BE APPROVED BY LDR.**

- a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss grading plans with the construction contractors. The requirement for paleontological monitoring shall be noted on the grading plans.
- b. The qualified paleontologist shall be present full-time, on-site during the original cutting of previously undisturbed sediments. Monitoring will include inspection of excavations and salvage of any fossils from the high resource potential Friars and Stadium formational soils and the moderate resource potential Torrey Sandstone and Lindavista formations. Monitoring time may be increased or decreased at the discretion of the paleontologist in charge, in consultation with LDR, and will depend on the rate of excavation, materials excavated and the abundance of fossils.
- c. In the event that fossil remains are discovered, the paleontologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow the evaluation and recovery of exposed fossils. **THE PALEONTOLOGIST SHALL CONTACT DEVELOPMENT SERVICES, LAND DEVELOPMENT REVIEW, AT THE TIME OF DISCOVERY.** Land Development Review must concur with the proposed salvaging procedures to be performed before ground disturbance operations will be allowed to resume.
- d. All paleontological materials collected during monitoring of ground disturbance operations shall be cleaned, sorted and catalogued following standard professional procedures. The collection shall be donated to, and permanently curated with, an appropriate institution.
- e. Prior to issuance of the any building permit, a monitoring report which describes results (even if negative), analysis and conclusions of the above program (with appropriate graphics) shall be submitted and approved by Development Services, Land Development Review, Environmental Section.

Safety

31. Prior to recordation of the first Final Map, if the project includes water quality devices that will result in the impoundment of water, either within the project site or as a

condition of approval, then the applicant shall provide a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management will vary with proximity to residences, human activity, risk and environmental factors.

32. Prior to recordation of the first Final Map, sedimentation basins (if they are required by the hydrology analysis) shall be designed to be self-draining within 72 hours, consistent with the California State Stormwater BMPs. Additionally, an access plan, funding and a maintenance contact shall be provided by the responsible party to the City Engineer. Cleaning shall be performed at the frequency necessary to remove algae and vegetation blooms and prevent mosquito breeding and the build-up of contaminated sediments.

33. The above environmental mitigation monitoring and reporting program will require a deposit of \$3,200 to be collected prior to the issuance of any grading permits to ensure the successful completion of the monitoring program.

ENGINEERING REQUIREMENTS:

34. All development shall comply with the conditions of the Final Map for Vesting Tentative Map No. 96-0625.

35. Vehicular access to the residential dwelling units within this permit shall be by means of privately maintained unnamed, non-dedicated private driveways constructed in a manner satisfactory to the City Engineer.

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

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
- d. Provide temporary street signs.
- e. Comply with the City of San Diego Landscape Technical Manual and Brush Management, Exhibit A, Landscape and Brush Management Plan dated July 28, 1998, on file in the Office of Development Services, regarding brush management requirements.

PLANNING/DESIGN REQUIREMENTS:

37. Prior to the issuance of any building permits for any lot, the Permittee shall submit for the review and approval by Development Services, a revised PRD Site Plan depicting those lots which will develop residential units with side and rear loaded

garages. The siting of lots with side and rear loaded garages shall be for purposes of providing variety and avoiding front entry garages along Streets A and B. A minimum of 50 percent of the residential units shall be developed with side or rear loaded garages. This revised Exhibit A, PRD Site Plan, dated July 28, 1998, on file in the Office of Development Services, shall be used for reviewing the consistency with Condition 33.

38. Prior to the issuance of any building permits for any lot, the Permittee shall submit for review and approval to the Development Services Manager, building elevations for all proposed residential units. The building elevations shall include all sides of the principal structure and garages and shall call out materials. Side and rear elevations shall include the same attention to detail as the front elevations. The elevations shall include both single and two-story residential units depicting an architecture consistent with a "rural" character. All accessory structures, including fences and walls shall be consistent with a rural design.

39. Prior to the issuance of any building permits for any lot, an exhibit shall be submitted to the City Manager which shows the location of all existing and/or proposed structures adjacent to the lot for which the permit(s) is sought. The development of each lot shall comply with the following setbacks:

Minimum Front Yard - 25 feet or 15 feet for side or rear loaded garage. In no case shall the front yard setback be reduced to less than 25 feet for those lots fronting on Street A;

Minimum Side Yard may vary with a minimum of 30 feet maintained between adjacent residential structures. In no case shall any structure be located less than 10 feet from the property line or 15 feet for those lots abutting Street A.

40. Development of each lot shall be limited to a maximum square-footage (FAR) of 8,000 square feet with the exception of Lots 1, 5, 8 which shall not exceed a maximum 6,500 square feet or a lot coverage as specified below, whichever is less:

Single-story homes shall allow a maximum coverage of 35 percent.

Two-story homes shall allow a maximum coverage of 30 percent.

41. A minimum of 25 percent of the development shall be developed with single-story homes.

42. All front and street side yards shall include 4-5-foot post and rail fencing and all fencing abutting the MSCP shall include stone pilaster and vinyl chain link as shown on Exhibit "A," Landscape Concept Plan, dated July 28, 1998, on file in the Office of Development Services.

43. The project may be developed in phases, however, the construction of the Multi-Use Trail and adjacent landscaped parkway shall be included in the first phase.

44. The design of Street A and the Multi-Use Trail shall provide for the protection and preservation of the existing mature eucalyptus trees as shown on the Vesting Tentative Map. The final design of Street A and the Multi-Use Trail and any transition shall be reviewed and approved by the City Engineer and City Manager.

45. Development shall be in compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit.

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

LANDSCAPE REQUIREMENTS:

47. Prior to the issuance of any grading permit, the Permittee shall submit to the satisfaction of the City Manager a landscape concept plan for the ten-foot parkway on the east side of Street A (north of Street B), the five-foot parkway on the east side of Street A (south of B Street), the six-foot parkway on the west side of Street A, the six-foot parkway on the north side of Street B and the five-foot parkway on the south side of Street B. The landscape plan shall include appropriate street trees, shrubs and other material consistent with a rural character and provide a visual screening of the proposed new development from the public right of way. The landscaped parkway adjacent to the Multi-Use Trail shall provide convenient access to the trail.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

BRUSH MANAGEMENT REQUIREMENTS:

54. No grading or building permit shall be issued nor shall any substantial conformance approval be granted to the project which would necessitate the extension of Brush Management Zone 1, as shown on Exhibit A, Brush Management/Landscape Plan, dated July 28, 1998, on file in the Office of Development Services.

55. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification. The Permittee shall comply with the applicable provisions of the Landscape Technical Manual - Section 6, Document No. RR-274506, and shall implement the requirements of the Brush Management Program shown on Exhibit "A" Landscape Concept Plan/Brush Management Program, dated July 28, 1998, on file in the Office of Development Services.

APPROVED by the City Council of the City of San Diego on July 28, 1998, by Resolution No. R-290515.

01/12/99

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AUTHENTICATED BY THE CITY MANAGER

By _____

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

DEL MAR LAND MANAGEMENT, INC.
Owner/Permittee

By _____

By _____

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

1/21/99

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