

(R-99-506)

RESOLUTION NUMBER R-290683

ADOPTED ON SEPTEMBER 8, 1998

WHEREAS, Jerry L. Elder, an individual, Owner/Permittee, filed an application with The City of San Diego for a Carmel Valley Planned District Development Plan/Resource Protection Ordinance [CVPD/RPO] Permit to construct 63 single family dwelling units on a 17.98 acre tract of land, located south of State Route 56 and east of the Interstate 5 Freeway, more particularly described as a portion of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, in the Carmel Valley Community Plan area, in the A-1-10 zone (proposed SF2 and OC-1-1 zones); and

WHEREAS, on July 2, 1998, the Planning Commission of The City of San Diego considered CVPD/RPO Permit No. 91-0899, and voted to recommend City Council approval of the permit; and

WHEREAS, after the City Council approved the above referenced permit, ownership of the property was transferred from Jerry L. Elder to Standard Pacific Corp., a Delaware corporation; and

WHEREAS, the matter was set for public hearing on September 8, 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. 91-0899:

CARMEL VALLEY PLANNED DISTRICT FINDINGS

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

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 uses, is consistent with the 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 adopted General Plan and Carmel Valley Community Plan and through the provision of public utilities and services.

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 (single-family residential and open space) and the density of development proposed (approximately 4.9 dwelling units per developed acre) are consistent with the recommendations of the adopted Carmel Valley Community Plan and Neighborhood 8A Specific Plan/Precise Plan, which designate this property for residential development 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.

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. Although the project site is located outside of the MHPA, the developer will still preserve all of the on site vernal pools.

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 public parks on adjacent lands. Approximately one-half mile of existing and proposed development separates the subject site from the Los Peñasquitos Canyon Preserve. The project will be dedicating approximately 5.1 acres of wetlands for open space which has connectivity to other lands proposed for public open space in the Neighborhood 8A Specific Plan/Precise Plan area. A fire access gate will be provided at the end of "F" Street to prevent nonemergency vehicles from entering the on site open space area.

- 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 of project approval will eliminate risks resulting from geological and erosional problems and flood and fire hazards. The development plan minimizes alterations of the natural landform through a grading design which follows the natural topography.

- 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 no significant archaeological features as defined by RPO exist on-site.

ALTERNATIVE COMPLIANCE - HILLSIDES FINDINGS (Municipal Code section 101.0462.0012)

- A. There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this section would deprive the property owner from reasonable use of the land.**

The project terrain, grading compatibility with adjacent projects and the desire to create a building setback between on-site development and an adjacent SDG&E utility easement offers a number of constraints relative to sensitive hillside impacts. Consideration of these constraints, while still being responsive to engineering, access, and grading requirements, creates the need to disturb sensitive hillsides. The final project design results in a disturbance that is the minimum necessary to afford relief from the special conditions of the land not of the applicant's making.

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

Approximately 28 percent of the project site is being preserved for open space preservation. The remaining area is designated for residential development by the City's adopted Progress Guide and General Plan, the Carmel Valley Community Plan and the Neighborhood 8A Specific Plan/Precise Plan. The project's grading design has incorporated all feasible measures to minimize impacts to hillsides and there are no other feasible measures that can further minimize the potential adverse effects to sensitive resources.

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

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 uses, is consistent with the 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 adopted Carmel Valley Community Plan, and providing for project and area public facilities through the provision of on-site access roads. Water, sewer, and other necessary utilities are proposed to integrate with public services planned or existing within adjacent parcels.

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

The type of land use proposed (single-family residential and open space) and the density of development proposed (approximately 4.9 dwelling units per developed acre) are consistent with the residential development recommendations of the adopted Carmel Valley Community Plan and Neighborhood 8A Specific Plan/Precise Plan.

SENSITIVE BIOLOGICAL RESOURCES FINDINGS (San Diego Municipal Code section 101.0462.0027)

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

The proposed development, a mix of residential and open space uses, is consistent with the land use recommendations of the adopted Progress Guide and General Plan, which designates the property for residential and open space use. The type of land use proposed (residential and open space) and the type of development proposed (single-family detached) are consistent with the goals and objectives of the adopted Carmel Valley Community Plan, which designates this property for residential development and open space.

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

The proposed development, a mix of residential and open space uses, will not be detrimental to the public health, safety, and welfare. The provision of a circulation system that accommodates appropriate fire and safety vehicle access, the provision of brush management zones that separate residential structures from potential fire hazards, and the provision of architectural features that will be included in each unit assure that proper health, safety and welfare issues have been addressed by project design.

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

The proposed development will comply with the applicable regulations of the Municipal Code. A Specific Plan/Precise Plan has been prepared which, in accordance with State law, establishes zoning regulations and standards, as well as design guidelines, for the project. These regulations, standards and guidelines either meet or exceed the applicable regulations of the Municipal Code.

D. 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 is physically suitable for the design and siting of the proposed residential and open space uses. The site is located adjacent to approved single-family residential developments on the west (approved - Neighborhood 8C), and east (approved - Carmel Oaks). The proposed project design is compatible with these surrounding land uses. The project site is located outside of the MHPA and the developer will preserve all of the on site vernal pools.

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

The site is located adjacent to approved single-family residential developments on the west and east and adjacent to proposed single-family residential development to the south. Environmentally sensitive vernal pool habitat will be preserved on site that provides physical connectivity to the adjacent MHPA/MSCP. The proposed project design will comply with Section 1.4.3 Land Use Adjacency Guidelines (pp 48-49) of the City's MSCP Subarea Plan which provides specific guidelines for minimizing development impacts on the MHPA.

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

The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The City's MSCP 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. However, natural open space will be provided on site (vernal pools) that would compliment the MSCP.

G. 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.

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. Mitigation requirements were determined based on the mitigation ratios established under the City of San Diego's MSCP Subarea Plan; i.e., Vegetation Tiers I-IV. Vernal pool/wetland impacts will be mitigated both on and off-site to the satisfaction of the resource agencies in accordance with the no net loss criteria established by the U.S. Army Corps of Engineers.

**DEVIATIONS FROM SENSITIVE BIOLOGICAL RESOURCES REGULATIONS
FINDINGS (San Diego Municipal Code section 101.0462.0028)**

- A. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources; and**
- B. 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 original development plan, recommended by the City Manager and Planning Commission, proposed 79 lots with grading over all of the vernal pools and other wetlands on the site, allowing mitigation to be provided off site. Since the Planning Commission hearing, a vernal pool/wetland preserve of 5.1 acres has been created whereby 100% of the vernal pools, a portion of Seep 1 and all of Seeps 2 and 3 are preserved on site. The portion of the preserve is 54 times the surface area of the pools, whereas the certified Environmental Impact Report requires, in the event of off site mitigation, a ratio of only 15:1 of upland area preservation for the purpose of providing adequate watershed for the pools. The existing pools are not considered to be of high quality because they do not contain any sensitive plant species and, appear to have been created largely by disturbance caused by vehicles. Three pools contain fairy shrimp and they are fully preserved and provided with a more than adequate buffer. The developer has proposed, in addition to on site preservation, enhancement of the existing pools to upgrade them to a higher quality habitat. The vernal pool/wetlands preserve will be fenced and all drainage from surrounding development will be directed away from the open space preserve. The vernal pool enhancement on site would result in an increase of the vernal pool habitat and allow for its long term protection and maintenance.

The only remaining wetland impacted by the project is a seep identified on the replacement Vesting Tentative Map as "Seep 1." The seep (or isolated seasonal wetland) on site that would be impacted by the project covers an estimated 0.13 acres. The seep, comprised primarily of soft rush *Juncus effusus* var *pacificus* and, to a lesser extent, *Juncus bufonius*, occurs as a result of groundwater that trickles to the surface and provides moist soil conditions during a portion of the year. Seep 1 contains no endangered species and limited species diversity. Two other seeps (totaling 0.08 acres) located along the western property boundary would be preserved in permanent open space. The proposed project would impact approximately 0.07 acres of the eastern portion of the seep. This impact would be mitigated by the on site preservation of 0.14 acres of seep habitat and by creation of an additional 0.07 acres (3,049 square feet) of vernal pool habitat within the open space area on site. This mitigation is in excess of a 2:1 ratio, and would ensure a no net loss of wetland habitat. The provision of vernal pool habitat restoration for mitigation of the "seep" impacts is far and above that normally required and is considered an additional biological benefit for the project.

The developer was required by the elimination of "Street A" from the Neighborhood 8A Specific Plan/Precise Plan to find an alternative access and relocate it south of the northern property line in order to avoid grading onto Pardee Parcel A. This was a special circumstance not of the applicant's making. The location of "Street C" is the sole reason for the impact on Seep 1.

The present location of the access road is shown on the revised Vesting Tentative Map as "Street C." The deviation from the total avoidance of Seep 1 is the minimum necessary to avoid relief from the special circumstance created by the requirement for relocation of access. There are no measures that can further minimize the impacts on Seep 1 that are economically feasible. Revising the development plan to relocate "Street C," either further north or south, will eliminate 11 more lots. The developer has already given up 16 lots (reduced total from 79 to 63) to create the vernal pool/wetland preserve. Losing 11 additional lots for the sole purpose of avoiding an approximately 50% impact (0.07 acres) to Seep 1 is not economically feasible in that it nearly doubles the loss of developable lots and, more importantly, eliminates lots which are the most valuable in the project (approximately twice as valuable as the remaining lots).

The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands, based on the above findings as well as the findings of the EIR for Neighborhood 8A, as modified by the EIR Addendum. The proposed development will minimize the alteration of natural landforms and will not result in undue risk of geologic and erosional forces, flood hazards and fire hazards based upon the findings in the EIR for Neighborhood 8A, as modified by the EIR Addendum. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands, based on the findings in the EIR for Neighborhood 8A, as modified by the EIR Addendum and, in fact, will provide connectivity to the sensitive areas to the north and west of the project. The proposed development is not within the MHPA of the San Diego MSCP Subarea Plan. The nature and extent of mitigation required as a condition of the approval of the map is reasonably related to and calculated to alleviate negative impacts created by the proposed development based on the above findings and the findings in the EIR for Neighborhood 8A, as modified by the EIR Addendum.

BRUSH MANAGEMENT PROGRAM 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," 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.

- B. The proposed Brush Management Program, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.**

The proposed Brush Management Program, by using Alternative Compliance Provision (Section 6.2) and Zone Reduction (Sections 6.6-2, 6.6-3 and 6.6-5) of the Landscape Technical Manual, including the 6 foot block wall adjacent to Lots 37-38 and 53-54, as shown on Exhibit "A," 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.

BRUSH MANAGEMENT PROGRAM - ALTERNATIVE COMPLIANCE FINDINGS

A. The proposed Brush Management Program will meet the purpose and intent of Appendix IIA of the Uniform Fire Code.

The proposed development complies with the purpose and intent by providing an effective fire break by means of an Alternative Brush Management Zones, a 6 foot block wall adjacent to Lots 37-38 and 53-54 as shown on Exhibit "A" and the Alternative Compliance Provision (Section 6.2), the Architectural Features (Sections 6 and 6.2) and Zone Reduction Application (Sections 6.6-3 and 6.6-5) of the Landscape Technical Manual, Section Seven.

B. The 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.

Requirements incorporated into the permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing revegetation to all slopes per the Landscape Technical Manual.

C. The provisions outlined in Sections 6.6-2 of the Landscape Technical Manual (on file in the office of the City Clerk as Document Number RR-274506) shall be satisfied and the proposed development shall provide other fire resistive features as required by the Fire Chief.

The Architectural Features (Section 6.6-2) of the Landscape Technical Manual have been incorporated into the project and, in addition, a 6 foot high block wall adjacent to Lots 37-38 and 53-54, as shown on Exhibit "A," have been incorporated into the project to provide additional fire resistive features.

D. Compliance with the provisions of this section, in addition to any other applicable adopted plans or ordinances, would preclude reasonable development of the site.

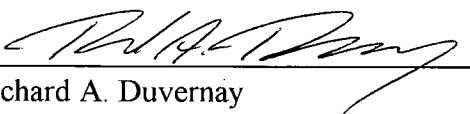
Due to site constraints, open space easements and a site design which comply with the Carmel Valley Community Plan and the VTM/PD Permit (which includes a site layout and setbacks which would not accommodate the literal compliance with the provisions of the Uniform Fire Code) this project would require encroachment into sensitive habitat and the adjoining

property, therefore, the Alternative Compliance Provision of the Landscape Technical Manual has been implemented to allow for reasonable development of the site.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Carmel Valley Planned District Development Plan/Resource Protection Ordinance Permit No. 91-0899 is hereby granted to Standard Pacific Corp., a Delaware corporation, 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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12/17/98
Or.Dept:Clerk
R-99-506
Form=permitr.frm
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 DEVELOPMENT PLAN AND RESOURCE
PROTECTION ORDINANCE PERMIT NO. 91-0899
TORREY SURF
CITY COUNCIL PERMIT**

This Permit is granted by the Council of The City of San Diego to Standard Pacific Corp, a Delaware corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 103.0607. The 17.98 acre site is located in Carmel Valley Neighborhood 8A, south of State Route 56 and east of Interstate 5 in the A-1-10 zone (proposed SF2 and OC-1-1 zones). The project site is legally described as a portion of Section 29, 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 63 unit single family residential subdivision described on the approved Exhibits "A," dated September 8, 1998, on file in the Office of Development Services. The facility shall include:

- a. 63 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 permit (September 8, 1998). 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. § 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 September 8, 1998, 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.
 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 new 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 the City Engineer allows preliminary grading to take place before recordation of the final map.

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 development shall be in compliance with SDMC section 101.0214 (Maximum Height of a Building or Structure) and SDMC section 101.0215 (Procedural Requirements for Determination of Structure Height).

13. All development shall be in compliance with SDMC section 101.0216 (Topographical Survey Requirements) 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 SDMC section 101.0101.24 (Grade).

14. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated September 8, 1998, on file in the Office of Development Services).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

TRAFFIC CIRCULATION:

15. Prior to the issuance of building permits for any parcel of Neighborhood 8A, the applicant(s) shall provide adequate left turn capacity at the intersection of Carmel Mountain Road and "C" Street.

16. Prior to the issuance of building permits, the applicant(s) shall contribute fair share to the cost of signaling the intersection of Sorrento Valley Road and Carmel Mountain Road.

17. Prior to the issuance of building permits, the applicant(s) shall be responsible for the construction of Carmel Creek Road/Street "A" through Neighborhood 8A. Portions of this roadway may be included in the Carmel Valley South FBA. If this inclusion occurs, each project applicant shall pay its fair share for the construction of Carmel Creek Road/Street "A" through required FBA contributions.

18. With implementation of the following mitigation measures, up to 766 building permits may be issued in Neighborhood 8A.

19. Prior to the issuance of building permits, the applicant(s) shall re-stripe the westbound left turn lane at the Sorrento Valley Road/Carmel Mountain Road intersection.

20. Prior to the issuance of building permits, the applicant(s) shall be responsible for the provision of a westbound right turn lane and an additional southbound right turn lane at the El Camino Real/Carmel Mountain Road/Carmel Creek Road South intersection.

21. Prior to the issuance of building permits and if more than 550 dwelling units are approved in Neighborhood 8A, the applicant(s) shall contribute fair share towards the construction of a westbound right turn lane, a southbound left turn lane, a northbound left turn lane and a northbound right turn lane at the El Camino Real/Carmel Mountain Road/Carmel Creek Road South intersection.

22. Prior to the issuance of building permits, the applicant(s) shall construct an exclusive eastbound right turn lane and a third northbound through lane at the SR-56/El Camino Real intersection. Also within the median area south of the eastbound ramp, the applicant(s) shall provide a northbound left turn storage area.

23. Prior to the issuance of building permits and if Sorrento Valley Road is closed to vehicular traffic, the applicant(s) shall construct a triple left turn lane at the intersection of El Camino Real/Carmel Mountain Road/Carmel Creek Road South.

BIOLOGICAL RESOURCES:

24. Prior to the issuance of a grading permit the Environmental Review Manager of Development Services shall review the Tentative Map to ensure that mitigation includes on-site preservation of a majority of the on-site vernal pool habitat, 2.23 acres of Tier I habitat, 0.62 acres of Tier II habitat, 1.05 acres of Tier IIIB habitat, and 0.50 acres of Tier IV. Off-site acquisition of habitat is to occur in the following quantities: Tier I - 10.62 acres inside the MHPA or 21.24 acres outside the MHPA; Tier II - 1.62 acres inside the MHPA or 2.43 acres outside the MHPA; and Tier IIIB - 0.36 acres inside the MHPA or 0.73 acres outside the MHPA.

25. Prior to the issuance of grading permits for the Torrey Surf parcel, a vernal pool preservation and mitigation plan shall be submitted to and approved by The City of San Diego Environmental Review Manager to verify that impacts to vernal pools are mitigated on- or off-site at a 2:1 ratio for surface area and 15:1 for upland habitat around the vernal pool to ensure capture of sufficient watershed area.

26. Prior to the issuance of building permits, a permanent, four foot high or greater fence shall be installed along the open space/MHPA boundary as indicated on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services, for the Loma Sorrento and Torrey Pines Estates parcels. The specific design of the fence will be subject to review and approval by the Environmental Review Manager. Upon review of the fence type, the Environmental Review Manager may require that wire mesh be attached to the fence as part of its installation.

27. The developer agrees to monitor and maintain 100% of the vernal pools on site and ensure that the proposed watershed is sufficient to ensure their continued function.

If it is determined at any time that the watershed is not sufficient, then the developer will further agree to enhance, additionally, on site, vernal pool habitat at a ratio of 2:1.

GEOLOGY/SOILS:

28. Prior to the issuance of building permits, the City Engineer shall review and approve all construction documents to ensure adherence to the applicable foundation recommendations contained in the geotechnical investigation.

PUBLIC FACILITIES:

29. Prior to issuance of any building permit the applicant shall provide written verification to the Environmental Review Manager confirming participation in a Special Assessment District formed by the applicants and the affected school districts to ensure the payment of appropriate school impact fees.

The above Mitigation Monitoring and Reporting Program will require an additional deposit of \$3,200 to be collected prior to the issuance of certificates of occupancy to ensure the successful completion of the monitoring program.

ENGINEERING REQUIREMENTS:

30. This permit shall comply with the conditions of the final map for Vesting Tentative Map No. 91-0899 (Torrey Surf).

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

- a. Provide building address numbers visible and legible from streets or roads fronting the property or provide a directory (UFC 901.44).
- b. Show the 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 & 902).
- d. Temporary street signs shall be required (UFC 901.4.5).

32. Parking will be permitted on only one side of "E" Street.

33. Any home fronting on "B" Street shall be designed in a manner that provides for vehicles exiting the driveways to face the street rather than backing out. Side entry garages can achieve this goal.

34. The location of the driveway for Lot 1 shall be approved by the City Engineer and shall be located in a manner that provides appropriate distance from the "C" Street intersection.

35. All unit driveways shall have a minimum 20 foot depth (18 feet minimum with roll up garage doors) behind the sidewalk to allow for two standard size vehicles without encroaching into the sidewalk area.

PLANNING AND DESIGN CONDITIONS:

36. No fewer than two enclosed off-street parking spaces shall be maintained on the residential lots at all times in the approximate locations shown on the approved Exhibit "A," dated September 8, 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.

37. There shall be compliance with the regulations of the underlying zone 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.

38. 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.

39. A topographical survey conforming to the provisions of SDMC section 101.0216 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.

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

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

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

43. 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.

44. 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.

LANDSCAPE REQUIREMENTS:

45. Prior to issuance of any grading, or building permits, complete landscape construction documents (for that portion of the development), 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 September 8, 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.

46. 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 September 8, 1998, on file in the Office of Development Services and all other applicable conditions of related permits.

47. 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.

48. 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.

49. 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.

50. 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:

51. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of Moderate. 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 September 8, 1998, on file in the Office of Development Services:

Prior to the issuance of any grading (except for preliminary 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." 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."

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 September 8, 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, on file at the office of the City Clerk as Document No. RR-274506.

The Brush Management Zone Depths shall be as shown on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services.

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.

All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.

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

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."

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

53. 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."

APPROVED by the Council of The City of San Diego on September 8, 1998, by Resolution No. R-290683.

12/17/98

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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.

STANDARD PACIFIC CORP.
a Delaware corporation
Owner/Permittee

By _____

By _____

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

12/17/98

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