

(R-99-508)

RESOLUTION NUMBER R-290685

ADOPTED ON SEPTEMBER 8, 1998

WHEREAS, Loma Sorrento Investors, Inc., a general partnership, Owner, and Western Pacific Housing, dba for Lamco Housing, Inc., a California corporation, Permittee, filed an application with The City of San Diego for a permit to develop 75 single family and 103 multi-family units including private drives and amenities for the Loma Sorrento project, located off of El Camino Real, east of Interstate 5, and legally described as Parcel 1 of Parcel Map 17212, in the Carmel Valley Community Plan area, in the A-1-10 and A-1-1 zones (proposed MF1, SF2, SF3 and OC-1-1 zones); and

WHEREAS, on July 2, 1998, the Planning Commission of The City of San Diego considered Carmel Valley Planned District/Resource Protection Ordinance [CVPD/RPO] Permit No. 96-7929, and voted to recommend City Council approval of the permit; 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. 96-7929:

RESOURCE PROTECTION ORDINANCE (RPO) FINDINGS:

Administration of Permit (San Diego Municipal Code Section 101.0462.0011):

An application for a Resource Protection Ordinance Permit may be approved or conditionally approved only if all the following findings of fact are made:

1. 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 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 and fair share contribution toward the construction of Carmel Creek Road South. The Progress Guide and General Plan Housing Element seeks to provide housing for all economic segments of the community and to make available adequate sites for the development of a variety of housing. The proposed development will consist of two distinct housing types (large lot single-family detached and small lot single-family detached courtyard) to provide housing for varying economic segments of the community. Water, sewer, and other necessary utilities exist within the right of way of El Camino Real, which borders the site's southwestern boundary and are available at adequate capacities to serve the project. Water, sewer, and other utilities also are proposed within the right-of-way of Carmel Creek Road South, which is proposed to cross the southeastern corner of the property.

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

The type of land use proposed (residential and open space) and the type and quantity 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. The configuration of proposed land uses within the project is consistent with the City's adopted MSCP Subarea Plan for the parcel, which calls for a portion of the site's valley to be preserved as permanent dedicated open space for habitat protection. The proposed development will conform to the community plan for the area and any other applicable plans, policies, and ordinances.

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

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

Species Conservation Program (MSCP) Subarea Plan identifies a Multi-Habitat Planning Area (MHPA) in the City for preservation of core biological resource areas and corridors targeted for preservation. The City's MHPA Guidelines for Carmel Valley state that "the MHPA boundaries are unresolved and may be modified by City Council action on the Carmel Valley Neighborhood 8A Precise Plan." Based on this direction, a temporary or place-holder MHPA was included in the City's MSCP Subarea Plan for Neighborhood 8A. The configuration of land uses proposed on the Loma Sorrento parcel is consistent with the City's adopted MSCP Subarea Plan for the parcel and the Neighborhood 8A MHPA place-holder, which designates a portion of the site's valley to be preserved as open space. A public trail has been proposed along the site's northwesterly boundary to direct pedestrians to an existing trail which the City may designate as a public trail within the future City-owned MHPA. Public trails will be designated by the City after adoption of a development plan for Neighborhood 8A. These trails will direct pedestrians away from environmentally sensitive areas.

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

There are no identified public parks or public open space areas on adjacent lands. Approximately one-half mile of existing and proposed development separates the subject site from the Los Peñasquitos Canyon Preserve. With approval of the proposed development plan, on-site open space lands will be dedicated to the City for inclusion in the MHPA. Adequate buffers have been incorporated in the project design between proposed development and the future MHPA in accordance with the City's MSCP Subarea Plan MHPA Adjacency Guidelines. Additionally, a 75- to 100-foot buffer area has been incorporated into the project design at the project's northwesterly property to alleviate any potential land use conflicts with adjoining off-site existing development in the Arroyo Sorrento community (Neighborhood 8B). 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.

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

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. In accordance with City direction, the development plan has been designed to minimize alterations of the natural landform through a grading design which follows the natural topography. Single-family detached residential courtyard uses are proposed on the lower elevations of the property and on the flatter portions of the site. Grading for large lot single-family detached residential uses is designed to follow the natural topography of the site by stepping development down from the site's higher elevation and by preserving the higher

elevations of the site to allow for a natural vista point to be preserved in the easterly portion of the property without visual interference of the project.

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

Feasible measures 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 exist on-site. The project design will preserve a large majority of eucalyptus groves on-site as identified by the Carmel Valley Community Plan as significant identifiable landmarks. The eucalyptus groves that are disturbed will be re-established in areas that accent the existing groves and to provide a natural landscape buffer to adjacent community and public views of the project. Additionally, the project design maximizes the use of terraced grading to preserve a natural vista point from the project's easterly boundary. The preservation of open space also allows for the ongoing preservation of significant natural resources and provides for a trail linkage to the City-owned mesa top properties.

Alternative Compliance - Hillsides (San Diego Municipal Code Section 101.0462.0012):

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

The project terrain and nature of the site's geology and soil conditions offers a number of constraints relative to hillside disturbance. Additionally, the project's commitment to preservation of existing eucalyptus groves located along the property's northern boundary and to preservation of views from the higher elevations of the site, which are identified as important community goals, offers a constraint to hillside disturbance. The project's grading design allows for a 75-100 foot buffer along the project's northerly boundary and maximizes the use of terraced grading to preserve a natural vista point from the project's easterly boundary. Numerous design alternatives were undertaken and considered in order to minimize impacts to hillsides, while being responsive to preservation of views from the higher elevations, and engineering geologic/soils constraints. The final project design results in hillside disturbance that is the minimum necessary to afford relief from the special conditions of the land not of the applicant's making.

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

The project design provides for the preservation of a portion of the site's valley, which is designated by the City's MHPA place-holder for open space preservation. The proposed development area is designated for residential development by the City's Progress Guide and General Plan, and by the Carmel Valley Community 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. Manufactured slopes over ten feet in height with high visibility from major public roads or neighborhood and community public facilities will be contoured or undulated to produce a more naturalized appearance. Landscaping techniques using plant material of varying heights will be used in conjunction with contour grading to create a undulated slope appearance.

3. 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 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 and fair share contribution toward the construction of Carmel Creek Road South. The Progress Guide and General Plan Housing Element seeks to provide housing for all economic segments of the community and to make available adequate sites for the development of a variety of housing. The proposed development will consist of two distinct housing types (large lot single-family detached and small lot single-family detached courtyard) to provide housing for varying economic segments of the community. Water, sewer, and other necessary utilities exist within the right of way of El Camino Real, which borders the site's southwestern boundary and are available at adequate capacities to serve the project. Water, sewer, and other utilities also are proposed within the right-of-way of Carmel Creek Road South, which is proposed to cross the southeastern corner of the property.

4. 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 (residential and open space) and the type and quantity 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. The configuration of proposed land uses within the project is consistent with the City's adopted MSCP Subarea Plan for the parcel, which calls for a portion of the site's valley to be preserved as permanent dedicated open space for habitat protection. The proposed development will conform to the community plan for the area and any other applicable plans, policies, and ordinances.

Required Findings for Impacts to Sensitive Biological Resources (San Diego Municipal Code Section 101.0462.0027)

1. 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 and quantity 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.

2. 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.

3. The proposed development will comply with the applicable regulations of the San Diego Municipal Code.

The proposed development will comply with the applicable regulations of the San Diego Municipal Code. Existing properties located to the north of the project site contain private horse keeping areas. San Diego Municipal Code section 44.308 requires horse keeping areas to be located a minimum of 75 feet from neighboring residences. A 75- to 100-foot wide landscape buffer area has been incorporated into the project design at the project's northwesterly property to alleviate any potential land use conflicts at this project boundary. Additionally, 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.

4. 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. Public utilities are available to serve the proposed development. The property is located immediately north of El Camino Real and northwest Carmel Creek Road. Public utilities are located within the right of way of El Camino Real, which borders the site's southwestern boundary and are available at adequate capacities to serve the project. Water, sewer, and other utilities also are proposed within the right-of-way of Carmel Creek Road South, which is proposed to be extended through the southeastern corner of the property. The site is surrounded by existing and approved development on all sides, including industrial development to the southwest (under construction - Sorrento Hills), small lot residential development to the south (existing - Trilogy), single-family detached residential development to the east (approved -

Neighborhood 8C), and rural residential development to the north (existing - Arroyo Sorrento community). The proposed project design is compatible with these surrounding land uses.

In accordance with City direction, the development plan has been designed to minimize disturbance to sensitive biological resources. The configuration of land uses proposed on the Loma Sorrento parcel is consistent with the City's adopted MSCP Subarea Plan for the parcel and the Neighborhood 8A MHPA place-holder, which designates a portion of the site's valley to be preserved as open space.

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

A public trail has been proposed along the site's northwesterly boundary to direct pedestrians to an existing trail which the City may designate as a public trail within the future City-owned MHPA. Public trails will be designated by the City after adoption of a development plan for Neighborhood 8A. These trails will direct pedestrians away from environmentally sensitive areas. In addition, 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.

6. 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'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 City's MHPA Guidelines for Carmel Valley state that "the MHPA boundaries are unresolved and may be modified by City Council action on the Carmel Valley Neighborhood 8A Precise Plan." Based on this direction, a temporary or "place-holder" MHPA was included in the City's MSCP Subarea Plan for Neighborhood 8A. The configuration of land uses proposed on the Loma Sorrento parcel is consistent with the City's adopted MSCP Subarea Plan for the parcel and the Neighborhood 8A MHPA place-holder, which designates a portion of the site's valley to be preserved as open space. With adoption of a land use plan for this parcel and the other parcels of Neighborhood 8A, a permanent MHPA line will be established. Additionally, 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.

7. 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, impacts to biological resources created by the proposed development. Mitigation requirements were determined based on the mitigation ratios established

under the City's MSCP Subarea Plan; i.e., Vegetation Tiers I-IV. Additionally, the proposed mitigation plan demonstrates functional equivalency for impacts to the MHPA place-holder such that the mitigation area has the same or higher biological value for the MHPA in comparison to the MHPA place-holder applied to the parcel.

Deviations from Sensitive Biological Resources Regulations (San Diego Municipal Code 101.0462.0028)

1. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources.

The project design provides for the preservation of a portion of the site's valley, which is designated by the City's MHPA place-holder for open space preservation. Mitigation requirements for direct impacts to biological resources are specified in the Carmel Valley Neighborhood 8A EIR and were determined based on the mitigation ratios established under the City's MSCP Subarea Plan. The project design has incorporated all feasible measures to minimize impacts to biological resources and there are no other feasible measures that can further minimize the potential adverse effects to sensitive resources.

2. 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 project terrain and nature of the site's geology and soil conditions offers a number of constraints relative to sensitive biological resource impacts. Additionally, preservation of existing eucalyptus groves located along the property's northern boundary and preservation of views from the higher elevations of the site were identified as important community goals. The project's grading design allows for a 75-100 foot buffer along the project's northerly boundary and maximizes the use of terraced grading to preserve a natural vista point from the project's easterly boundary. Numerous design alternatives were undertaken and considered in order to minimize impacts to biological resources, while being responsive to preservation of views from the higher elevations, and engineering geologic/soils constraints. The final project design results in a deviation that is the minimum necessary to afford relief from the special conditions of the land not of the applicant's making.

BRUSH MANAGEMENT FINDINGS:

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

The proposed Brush Management Program, by providing the required brush management zones of the Land Development Code 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.

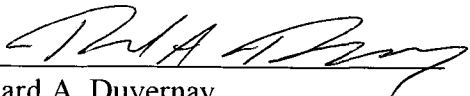
The proposed Brush Management Program, Zone Reduction (Land Development Code section 142.0412(f)) as shown on Exhibit "A," will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code. 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.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Carmel Valley Planned District/Resource Protection Ordinance Permit No. 96-7929 is hereby granted to Loma Sorrento Investors, Inc., a general partnership, Owner, and Western Pacific Housing, dba for Lamco Housing, Inc., a California corporation, Permittee, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:lc

12/17/98

Or.Dept:Clerk

R-99-508

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Reviewed by Deborah Johnson

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CARMEL VALLEY PLANNED DISTRICT/
RESOURCE PROTECTION ORDINANCE PERMIT NO. 96-7929
LOMA SORRENTO
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Loma Sorrento Investors, Inc., a Limited Partnership, Owner, and Western Pacific Housing DBA for Lamco Housing, Inc., a California corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 103.0607. The 52.17 acre site is located in Carmel Valley Neighborhood 8A north of El Camino Real, south of State Route 56, and east of Interstate 5 in the A1-10 zone (proposed MF1, SF2, SF3 and OC-1-1 zones), in the Carmel Valley Community Planning area. The project site is legally described as Parcel 1 of Parcel Map 17212.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct a residential development consisting of 53 single-family units and 127 multi-family units on 52.17 acres described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," September 8, 1998, on file in the Office of Development Services. The facility shall include:

- a. 53 single family units on approximately 17.4 acres and 127 multi-family units on approximately 33 acres;
- b. Landscaping (planting, irrigation and landscape related improvements); and
- 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 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 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 changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

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

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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. Unless otherwise authorized by the City Engineer, prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

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 requirements for Maximum height of a Building or Structure and the Procedural requirements for Determination of Structure Height in the municipal code.

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

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 eastbound to northbound 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." 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.

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

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

Geology/Soils:

23. 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.

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 6.29 acres of Tier I habitat, 5.56 acres of Tier II habitat, and 0.34 acres of Tier III habitat, and off-site acquisition of habitat in the following quantities: Tier I - 12.47 acres inside the MHPA or 24.94 acres outside the MHPA; Tier II - 8.70 acres inside the MHPA or 13.05 acres outside the MHPA; and Tier III - 2.65 acres inside the MHPA or 5.18 acres outside the MHPA.

25. Prior to the issuance of grading permits, grading plans shall be reviewed by the Environmental Review Manager to verify that impacts to the south coast saltbush, *Atriplex pacifica*, will be avoided where possible. Where avoidance is not possible, seeds shall be collected at seed set and planted in a protected areas (such as the MHPA) where similar hydrology, soils (including proper pH and salinity), vegetation,

slope and aspect are present. Plants should be located in areas that do not contain the species already, unless these areas are evaluated for carrying capacity, but should be located where appropriate habitat is available.

26. Prior to recordation of a final map, a detailed restoration plan shall be submitted and approved, to the satisfaction of the City Manager and the California Department of Fish and Game.

27. Prior to the issuance of a grading permit a conservation easement shall be placed over the open space portion of the site.

28. 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. 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.

29. 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.

30. Prior to the issuance of a grading permit, the applicant shall provide written verification to the Environmental Review Manager that 1.38 acres of habitat, located within or directly adjacent to the MHPA and providing functional equivalency has been acquired. The acquired land shall provide long-term conservation of biological resources and shall be subject to the following criteria:

- a. Acquisition shall be located within the MHPA or directly adjacent to the MHPA;
- b. Acquisition sites shall be a minimum of 1.38 acres in size;

- c. Acquisition sites shall be potentially developable property either by (1) being part of the 25 percent development area for property within the MHPA, or (2) being a property located outside the MHPA, unencumbered by an easement or other open space restriction. Development rights obtained as part of the acquisition will no longer be available for future development entitlements;
- d. Acquisition sites shall replace habitat acreage eliminated from the MHPA in-Tier or, if in-Tier repayment is not provided, acquisition sites shall contribute positively to preserve functions and values by (1) providing for increased functionality with respect to wildlife movement, habitat linkages, connectivity; (2) providing for increased functionality by eliminating a potential development area in the preserve, thereby minimizing edge effects, fragmentation and management requirements; and (3) probing for conservation of species of concern not on the MSCP covered species list.

Noise:

31. Prior to issuance of building permits, a parcel-specific noise analysis shall be prepared by a qualified acoustician for residential land uses proposed within 160 feet of the centerline of El Camino Real, to verify that the combination of final site grading, building placement and architectural attenuation features achieves a sufficient obstruction to traffic noise to meet City of San Diego exterior noise standards of 65 dB CNEL and state-mandated interior standard of 45 dB CNEL. The consulting acoustical analyst shall provide verification in writing to the Environmental Review Manager that these requirements are met. Building permits shall not be issued until the noise report is approved by the City's Acoustical Plan Check Section.

32. Prior to issuance of occupancy permits for residential dwelling units located along El Camino Real, any masonry walls (or equivalent) determined necessary by the parcel specific noise analysis shall be constructed. All noise attenuation walls shall be shown on building plans and identified as "noise mitigation walls." The City's Development Services field inspector shall ensure noise walls are built on the project site according to approved plans.

Paleontology:

33. Prior to the issuance of a building permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the monitoring program, even if negative, shall be submitted within three months following the termination of the paleontological monitoring program to EAS for approval.

Public Facilities:

34. 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:

35. The conditions of the final map for Vesting Tentative Map No. 96-7929 (Loma Sorrento) shall apply to this permit.

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

PLANNING/DESIGN REQUIREMENTS:

37. No fewer than 106 enclosed off-street parking spaces shall be maintained on the single family lots and no fewer than 254 enclosed spaces shall be maintained for the multi-family units on the property at all times in the approximate locations shown on the approved Exhibits "A," dated September 8, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

38. The regulations of the underlying zone(s) apply 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.

39. 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.

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

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

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

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

44. The project shall conform to the Carmel Valley Transportation Phasing Plan.
45. The trace of the potentially active Carmel Valley Fault located on subject project must be shown on the grading plans and a "Notice of Geologic and Geotechnical Conditions" recorded prior to issuance of building permits for buildings sited over the fault trace.
46. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated September 8, 1998, on file in the Office of Development Services.
47. Disclosure of Noise from USMC, Miramar.

LANDSCAPE REQUIREMENTS:

48. Prior to issuance of any 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 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.
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 September 8, 1998, on file in the Office of Development Services and all other applicable conditions of related permits.
50. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 90 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.
51. 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.
52. 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:

53. The Brush Management Program is based on the Land Development Code [LDC] section 142.0412. 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:

- a. Prior to the issuance of any building permits, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A," dated September 8, 1998, on file in the Office of Development Services. The construction documents (site plan, landscape/brush management plan) shall show Zone One as A Building Restricted Area and Zone Two as A Negative Open Space Area.
- b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A," dated 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 Land Development Code section 142.0412.
- c. The Brush Management Zone Depths shall be as follows:

<u>Unit #</u>	<u>Zone One</u>	<u>Zone Two</u>
54-75 Plus zone reduction LDC § 142.0412(f)	40 feet	30 feet

- d. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager.
- e. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risks still exist.
- f. Plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted.

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

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

55. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Code as shown on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services, will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code, Appendix IIA. Plant materials in Brush Management Zones One and Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

APPROVED by the of the Council of The City of San Diego on September 8, 1998, by Resolution No. R-290685.

12/21/98

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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.

Loma Sorrento Investors, Inc.
a Limited Partnership
Owner

By _____

Western Pacific Housing,
dba for Lamco Housing, Inc.
a California corporation
Permittee

By _____

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

12/21/98

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