

RESOLUTION NUMBER R-290952

ADOPTED ON NOVEMBER 10, 1998

WHEREAS, San Dieguito Partnership filed an application with The City of San Diego for a Resource Protection Ordinance Permit to construct 47 detached single family dwelling units for the Villas at Stallions Crossing project; and

WHEREAS, the owners and project sites are:

A. San Dieguito Partnership, a California Limited Partnership, owner of:

Parcel A: a 48.10 net acre site located south of Via de la Valle and east of Interstate 5 (a donor site). This site is legally described as a portion of the south half of Section 1, Township 14 South, Range 4 West, San Bernardino Meridian, City of San Diego, County of San Diego; and

Parcel E: a 25.35 net acre site located just east of El Camino Real and east of Interstate 5 (the developing site). The developing project site is legally described as a Portion of the northwest quarter of the southwest quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego.

B. Southern California Edison, a California Corporation, owner of:

Parcel B: a 33.77 net acre site legally described as a portion of the east half of the northwest quarter of Section 12, Township 14 South, Range 4 West, San Bernardino Meridian, in the City of San Diego, County of San Diego; and

Parcel C: a 12.62 net acre site legally described as a portion of the west half of the northeast quarter of Section 12, Township 14 South, Range 4 West, San Bernardino Meridian, in the City of San Diego, County of San Diego.

Both sites are located just east of Interstate 5, south of San Dieguito Partnership Parcel A, and just north of the San Dieguito River (both donor sites).

C. City of San Diego, a Charter City of the State of California, owner of:

Parcel D: a 68.16 net acre site located just east of Interstate 5, south of the San Dieguito River, and west of El Camino Real and legally described as a portion of the south

half of the northeast quarter and the southeast quarter of Section 12, Township 14 South, Range 4 West, San Bernardino Meridian, in the City of San Diego, County of San Diego (a donor site).

All sites are within Subarea II of the North City Future Urbanizing Area and are described in and identified by approved Exhibits "A," dated November 10, 1998, on file in the Office of Development Services; and

WHEREAS, on September 26, 1996, the Planning Commission of The City of San Diego considered Resource Protection Ordinance [RPO] Permit No. 98-0983, and voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on November 10, 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, which are separated into two parts (biological resources are included in the standard Resource Protection Ordinance findings and archaeological and hillside resources are included in the Alternative Compliance findings), with respect to Resource Protection Ordinance Permit No. 98-0983:

**I. RESOURCE PROTECTION ORDINANCE FINDINGS - San Diego Municipal Code Section 101.0462 (for biological resources):**

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

This Resource Protection Ordinance Permit applies to five sites within Subarea II of the North City Future Urbanizing Area. Development would occur on the least sensitive site while the four other sites, which are transferring the density to the developing site, will remain in perpetual open space.

The developing portion of the project (Parcel E) proposes no encroachment into biologically sensitive lands. The development area is outside of the Multiple Habitat Planning Area (MHPA). A detention basin on Parcel E is located in an area previously used for agriculture

within the MHPA, however, facilities such as detention basins are compatible with the MHPA and this basin will be re-vegetated with native species.

The four more sensitive properties which are part of this project and are adjacent to the San Dieguito River Park will be preserved.

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

The San Dieguito River Park is adjacent to the four properties that will be transferring density to Parcel E and will be preserved in perpetuity which will provide approximately 175 acres of land adjacent to the River Park and MHPA. Between the development area on Parcel E (the developing property) and the MHPA, a 1.2 acre passive park will be located. Additionally Lot 48 which is within the MHPA will record an open space (non-building) easement.

**C. 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 project is proposing no alterations in the flood plain or flood plain fringe. All on-site drainage will be detained in an on-site detention basin sized to accommodate the development. A geotechnical investigation will be conducted prior to issuance of building permits which will assure that development is compatible with geological forces. Landform alteration is minimized and impacts to Hillside Review are less than 1 percent of the site. The Hillside Review area encroachments are discussed under the following Alternative Compliance Findings.

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

The project is compatible with the single family detached residential development pattern south and east of the project. The areas of the site that were previously in agriculture will be replaced by residences. The 15.5 acres on site passive park and open space lot will be left in native vegetation.

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

The North City Future Urbanizing Area Framework Plan and the Progress Guide and General plan designated this area for residential development, therefore the proposed development is compatible with these plans. The site is in State Coastal Jurisdiction and will be subject to a State Coastal Development Permit.

**II. RESOURCE PROTECTION ORDINANCE FINDINGS (ALTERNATIVE COMPLIANCE) - San Diego Municipal Code Section 101.0462(M) (for impacts to Hillside Review areas and archaeological resources):**

**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 of reasonable use of the subject property.**

This Resource Protection Ordinance Permit applies to five sites within Subarea II of the North City Future Urbanizing Area. Development would occur on the least sensitive site while the four other sites, which are transferring the density to the developing site, will remain in perpetual open space.

Impacts to Hillside Review areas and a sensitive archaeological site on the developing property have been minimized and archaeological resources have been fully mitigated.

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

The purpose and intent of the Resource Protection Ordinance is to protect, preserve and, where damaged, restore the environmentally sensitive lands of San Diego. The project proposes to cluster the development rights from five parcels located in the Subarea II portion of the City of San Diego's Future Urbanizing Area, onto the least environmentally sensitive of these five parcels. The parcel that is proposed for development is located east of El Camino Real and zoned A-1-10 and Hillside Review and contains an archaeologically significant site and biologically sensitive lands. The parcels that are proposed for preservation are also zoned A-1-10 and contain floodways, floodplain fringe, wetlands, wetland buffer area and biologically sensitive lands. These parcels would be protected by an open space easement relinquishing all rights for future development.

As designed, the proposed project would encroach into the Hillside Review Overlay and the archaeologically significant site. The permitted encroachment into the Hillside Review area is zero and the project proposes encroachment into less than 1 percent (.025 acre) of the site. The permitted encroachment into the archaeologically significant site is also zero and the project is proposing an encroachment of 22 percent.

Although the project is proposing encroachments beyond what is permitted by RPO, it has been designed to reduce the impacts of these encroachments. The project proposes no encroachment into the biologically sensitive lands on the site, proposes less than 1 percent of encroachment into the hillside review area and is proposing a passive park over 1.2 acres of the archaeologically significant site. By incorporating these features into the project design and preserving the other four sites also located in Subarea II, the project can to develop to the permitted density for the site (taking the density transfer into account) while preserving the majority of the environmentally sensitive lands included in the project.

The strict application of the Resource Protection Ordinance requirements, which would eliminate any encroachment into the Hillside Review Overlay zone and the archaeologically significant site, would eliminate the ability to cluster development on to the least sensitive property. Eliminating the cluster alternative would limit the potential to preserve the other parcels where the density is being transferred from, while maintaining the ability to provide the same amount of housing in the area.

The current project's proposal to cluster development would provide an extraordinary public benefit by preserving sensitive environmental lands without reducing the number of houses permitted by the zoning of the land. These public benefits would not be obtained without permitting a small encroachment into the Hillside Review area and the archaeologically sensitive site, as the potential development area of the parcel would be reduced, requiring that the amount of units permitted on the site would also be reduced.

**C. Alternative compliance for the development will not adversely affect the City's Progress Guide and General Plan.**

The proposed development will not adversely effect the City of San Diego's Progress Guide and General Plan. The project's proposal to cluster development allows for more of the objectives of the General Plan and the North City Future Urbanizing Area Framework Plan by preserving environmentally sensitive lands on other sites (where the density is being transferred from) and permitting the development of housing on the least sensitive of the lands in the applicant's ownership. The parcels that are being preserved shall have an open space easement attached to them, which will relinquish all rights for future development.

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

The proposed development conforms to the adopted community plan for the area. The North City Future Urbanizing Area Framework Plan describes four development alternatives in the Future Urbanizing Area. One of these alternatives is to develop pursuant to the Planned Residential Development regulations at a density not to exceed one dwelling unit per four acres. The adopted North City Future Urbanizing Area Framework Plan discusses the option of proceeding under the one dwelling unit per four acres rather than phase shift. The proposed project also conforms with the land use proposed in the Framework Plan, which is residential. The other sites that are being preserved as a result of the density transfer are designated for residential and environmental tier (open space). These parcels will be covered by an open space easement, relinquishing all rights to future development. The proposed project would provide additional open space in Subarea II and not affect the total number of units that would be built on these parcels absent approval of a Subarea II land use plan and a phase shift.

**III. BRUSH MANAGEMENT FINDINGS:**

**A. The proposed Brush Management Program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric**

**sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code Section 101.0462.**

The proposed Brush Management Program, by providing the required brush management zones of the Landscape Technical Manual as shown on Exhibit "A," 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.**

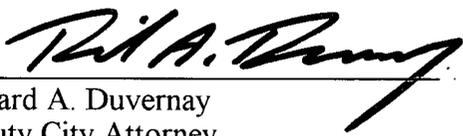
The proposed Brush Management Program, by using Zone Reduction (Sections 6.6-2, 6.6-3 and 6.6-5) of the Landscape Technical Manual, as shown on Exhibit "A," will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code. All new plantings on slopes will conform to the Re-vegetation 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 Resource Protection Ordinance Permit No. 98-0983 is hereby granted to San Dieguito Partnership, Southern California Edison, and The City of San Diego, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

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01/06/99  
Or.Dept:Clerk  
R-99-749  
Form=permitr.frm  
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

**PLANNED RESIDENTIAL DEVELOPMENT/RESOURCE PROTECTION ORDINANCE  
PERMIT NO. 98-0983  
VILLAS AT STALLIONS CROSSING  
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to the following Owners and Permittees:

A. San Dieguito Partnership, a California Limited Partnership, Owner of:

Parcel A: a 48.10 net acre site located south of Via de la Valle and east of Interstate 5 (a donor site). This site is legally described as a portion of the south half of Section 1, Township 14 South, Range 4 West, San Bernardino Meridian, City of San Diego, County of San Diego; and

Parcel E: a 25.35 net acre site located just east of El Camino Real and east of Interstate 5 (the developing site). The developing project site is legally described as a portion of the northwest quarter of the southwest quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego.

B. Southern California Edison, a California Corporation, Owner of:

Parcel B: a 33.77 net acre site legally described as a portion of the east half of the northwest quarter of Section 12, Township 14 South, Range 4 West, San Bernardino Meridian, in the City of San Diego, County of San Diego; and

Parcel C: a 12.62 net acre site legally described as a portion of the west half of the northeast quarter of Section 12, Township 14 South, Range 4 West, San Bernardino Meridian, in the City of San Diego, County of San Diego.

Both sites are located just east of Interstate 5, south of San Dieguito Partnership Parcel A, and just north of the San Dieguito River (both donor sites).

C. City of San Diego, a Charter City of the State of California, Owner of:

Parcel D: a 68.16 net acre site located just east of Interstate 5, south of the San Dieguito River, and west of El Camino Real and legally described as a portion of the south half of the northeast quarter and the southeast quarter of Section 12,

Township 14 South, Range 4 West, San Bernardino Meridian, in the City of San Diego, County of San Diego (a donor site).

All sites are within Subarea II of the North City Future Urbanizing Area and are described in and identified by approved Exhibits "A," dated November 10, 1998.

Parcel E (the developing site) is being developed pursuant to San Diego Municipal Code [SDMC] sections 101.0900, 105.0201, 111.0501, and 101.0462. Parcel E is a 26.9 gross acre site (25.35 net) located on the east side of El Camino Real, north of Derby Downs Road and south of San Dieguito Road in the A-1-10 Zone within Subarea II of the North City Future Urbanizing area.

Subject to the terms and conditions set forth in this permit, permission is granted to SAN DIEGUITO PARTNERSHIP, Owner and Permittee of Parcel E, to construct forty-seven (47) detached, single-family detached dwelling units described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated November 10, 1998, on file in the Office of Development Services. The facility shall include:

- a. Landscaping (planting, irrigation, private drives and landscape related improvements); and
- b. Off-street parking facilities; and
- c. Accessory improvements such as the detention basin, private 1.2-acre park, lighting, fencing, entrance monumentation, sound walls, storm drain, and brush management; 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 on Parcel E 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 improvement on Parcel E described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. All Permittees sign and return the Permit to Development Services; and
- b. The Permit is recorded in the Office of the San Diego County Recorder against Parcels A through E.

3. Unless this permit has been revoked by The City of San Diego the properties 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 properties and shall be binding upon the Permittees 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 applicants for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.
8. The Owners/Permittees shall secure all necessary building permits for Parcel E. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical, and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any building or grading permits for Parcel E, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 10, 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.

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

In the event that any condition of this Permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees 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.

11. The subdivider is permitted to file up to 4 final maps. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit. Issuance of a grading permit prior to the final map shall be at the discretion of the City Engineer.

12. All projects submitted for plan check for the purpose of obtaining building permits on Parcel E 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.

13. All projects shall be in compliance with Gross Floor Area requirements of the Municipal Code and all appropriate related definitions.

14. All projects shall be in compliance with Maximum Height of a Building or Structure and Procedural Requirements for Determination of Structure Height of the Municipal Code.

15. All projects shall be in compliance with 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 grading sections of the Municipal Code.

16. Prior to the issuance of the first final map on Parcel E, the subdivider shall pay to The City of San Diego a fee in the amount of \$227,480 for the purpose of providing Affordable Housing.

17. Concurrent with the recordation of the first final map on Parcel E, the subdivider shall record Open Space Easements covering Parcels A, B, C, and D; Lots A, B, and C; and Lot 48 of Parcel E as shown on Exhibit "A"/Density Calculation Plan, dated November 10, 1998, on file in the Office of Development Services, to the satisfaction of the City Manager and City Attorney ensuring that no development shall be permitted on these parcels and lots where density has been transferred to the development area on Parcel E.

18. Prior to the issuance of a final map, a full Geotechnical Investigation will be required to the satisfaction of the City Manager. This investigation is required in order to determine that the site is suitable for development.

19. Prior to issuance of any building permits on Parcel E, the subdivider shall obtain a Coastal Development Permit from the State Coastal Commission.

**PLANNING/DESIGN REQUIREMENTS:**

20. No fewer than 94 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 10, 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.

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

22. 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.

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

24. 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.

25. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Development Services Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
26. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
27. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
28. Architectural design, building materials, landscape materials, building colors and textures should be coordinated between all buildings and uses within the project to provide visual continuity between buildings and provide a consistent project identity.
29. The rear and side elevations of buildings which face Gonzales Canyon, Lots 12 through 22, 24 through 26, and 29 through 32, shall be as refined in architectural style and detail as the principal elevations of such buildings.
30. All rooftop equipment and appurtenances shall be of colors and materials or screened so that they appear to be an integral part of the building.
31. All outdoor lighting shall be low-sodium type with horizontal cut-off, shielded and adjusted such that the light is directed to fall only on the same premises as the light sources and would not be visible to adjacent properties or open space areas.
32. The facades of the structures shall be angled at varying degrees to follow the natural topography of the site. Roof lines shall vary in angle and height to provide a changing profile.
33. In order to limit visual clutter and limit access to sensitive habitats in the adjacent open space, rear yard fencing or walls on Lots 12 through 22, 24 through 26, and 29 through 32, shall be of a single type installed by the developer.
34. The building height, square footage, floor area ratio, parking, coverage and other requirements shall be limited as provided for in the R-1-5000 Zone.

**ENVIRONMENTAL MITIGATION MEASURES (all conditions apply to Parcel E):**

Transportation Development

35. Prior to the issuance of the thirtieth certificate of completion, the applicant shall have widened, or shall have arranged to have widened, El Camino Real between Derby Downs Road and the project entrance as a 4-lane major road with a minimum of 78' of pavement width within 98' of right-of-way, satisfactory to the City Engineer.

Biological Resources

36. All artificial lighting shall be directed and shielded away from native habitat and its buffer zone.

37. Any necessary spraying to control mosquitoes within the project boundaries or off-site within sensitive biological areas as a result of the project shall only occur under the direction of the County health department consistent with established County protocol and after early coordination with the USFWS and the CDFG. A plan describing the spraying and the need for early coordination with the USFWS and the CDFG shall be prepared to the satisfaction of the County and the resource agencies prior to issuance of the first building permit.

38. Prior to the issuance of a grading permit, surveys for the Pacific pocket mouse consistent with the USFWS will be required.

#### Geology, Soils and Erosion

39. The following temporary erosion-control measures shall be shown on the grading plans and shall be implemented during the construction phase of the project as a condition of the future grading permit: planting of disturbed and manufactured slopes within 90 days, grading to facilitate drainage away from slope faces, use of hay bales and swales at the top of slopes and construction of the on-site desilting basin. Hay bales should only be used if necessary after all other erosion-control measures have been included. If hay bales are necessary, then they shall be sterilized or rice straw shall be used to minimize the potential for introduction of invasive, non-native plant material to the site. The desilting basin that would serve The Villas at Stallions Crossing project shall be located on site as shown on the tentative map. Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.

40. Special site preparation and grading techniques, as described in the geotechnical reconnaissance and in any additional geotechnical investigation performed for the project shall be shown on the grading plans and implemented as a condition of the grading permit.

41. Permanent erosion-control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, and construction and maintenance of the detention basin, shall be installed. Maintenance of the desilting basin shall be the responsibility of a homeowners association or similar maintenance district.

42. Placement of temporary measures and detention basins shall be field inspected by the Development Services Department in conformance with the tentative map immediately after grading. These shall be in place prior to the issuance of grading permits. Permanent landscaping, as defined by the landscape plan and revegetation plan, shall be field inspected by Development Services prior to issuance of building permits.

#### Paleontology

43. Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. ALL PERSONS INVOLVED IN THE

**PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.**

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

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

46. The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

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

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

49. This mitigation monitoring and reporting program shall require an additional deposit of \$450 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.

Noise

50. Prior to issuance of the first Certificate of Completion, the applicant shall construct a six-foot noise barrier along all lots adjacent to El Camino Real (see EIR 95-0197, Figure 4K-2). These barriers shall be shown on the final improvement plans. Noise barriers can be constructed of, but not limited to masonry, brick stucco, concrete, Plexiglas (1/2-inch thick), tempered glass (1/4-inch thick), or earth. The barriers must be solid, with no cracks between wall segments or between the ground and the bottom of the barrier.

51. All first-floor interior areas shall be designed to reduce exterior noise levels by at least 20 dB. Second-floor areas of buildings within 150-feet of El Camino Real shall be designed to reduce exterior noise levels by at least 25 dB. The second-floor areas of buildings beyond 150 feet shall be designed to reduce exterior noise by at least 20 dB. The buildings farther in on the project site would experience lower noise levels since other buildings located between them and El Camino Real would block noise.

52. To insure that the interior standards are met, an interior analysis shall be submitted to the City to be reviewed by the Environmental Analysis Section and the

Noise Abatement Administrator at the time of building permits. Appropriate structural mitigation shall be incorporated into building plans prior to issuance of building permits. The structural building inspector from Building Inspection would then inspect the site to ensure conformance with the approved plans.

### Public Facilities

53. *Elementary, Junior High, and High Schools:* Mitigation of the project's impact to schools shall be accomplished by agreements between the applicant and the affected school districts (Solana Beach Elementary and San Dieguito Union) prior to issuance of the first final map. The City has received verification from Solana Beach Public Schools that a mitigation agreement has been signed and notarized. The payment of school fees shall be made in accordance with the agreement between the applicant and the affected school district.

54. *Parks:* The project shall provide a fair-share payment of park fees consistent with the adopted Interim Development Impact Fee program.

55. *Libraries:* The project shall provide a fair-share contribution for library services consistent with the adopted Interim Development Impact Fee program.

56. *Water and Sewer:* The project plans would include the requirement that a site-specific water facilities study be prepared for the plan area prior to recordation of the first final subdivision map. All required on- and off-site water facilities, as determined by the approved water facilities study, must be completed and accepted by the City prior to the occupancy of any buildings. The project must incorporate and implement the appropriate recommendations of the water facilities study.

57. Facilities identified in the updated study may require subsequent environmental review, if deemed necessary by the Development Services Department. Any additional environmental review will be necessary prior to the construction of any off-site facilities. Mitigation to reduce any significant impacts shall be identified during subsequent environmental review.

58. The sewer facilities for the tentative map would be provided by The City of San Diego, other than the facilities provided on-site to connect to existing facilities. The sewer plans must be implemented according to the tentative map.

### Safety

59. The detention basin shall be kept free of debris, high concentrations of nutrients which could contribute to algae blooms, and organic floatage. Any emergent vegetation (e.g., cattails and bulrushes) shall be removed only as necessary to control the mosquito problem.

60. Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.

61. Although the above measures are designed to minimize the potential for mosquito breeding in the on-site retention basin and control mosquito populations, active control measures may be necessary at times. They would include the application of a

mosquito fog or insecticide spray. The use of this measure should be minimized to avoid reducing populations of other insects. Use of spray application shall be minimal and shall require coordination with USFWS and CDFG. Maintenance of the detention basin shall be the responsibility of a homeowners association or similar maintenance district.

### Cultural Resources

62. The portion of CA-SDI-687 that has been designated for passive open space shall be capped with six to eight inches of sterile topsoil placed over a jute or fiber mat. A licensed and experienced contractor shall install the mat and sterile topsoil and the allowable planting shall be restricted to shallow rooted shrubs, grass, or application of a seed mix of native grasses, annuals, and bushes. City staff shall review the landscape plan prior to implementation. Trees shall not be planted within the preservation area and irrigation must be limited to the upper six inches of the soil cap.

63. All final reports on the results for the data recovery program for CA SDI-687 must be approved by the City Manager prior to acceptance by the City of all of the public improvements associated with the project.

APPROVED by the Council of The City of San Diego on November 10, 1998, by Resolution No. R-290952.

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

**SAN DIEGUITO PARTNERSHIP**  
a California Limited Partnership  
Owner/Permittee

By \_\_\_\_\_

**SOUTHERN CALIFORNIA EDISON**  
a California Corporation  
Owner/Permittee

By \_\_\_\_\_

**THE CITY OF SAN DIEGO**  
a Charter City of the State of California  
Owner/Permittee

By \_\_\_\_\_

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

1/6/99 - L:\DUVERNAY\PERMITS\IP98-0983.WPD