

(R-2000-595)

RESOLUTION NUMBER R-292176

ADOPTED ON SEPTEMBER 14, 1999

WHEREAS, Del Mar Land Management, Inc., Owner/Permittee, filed an application with The City of San Diego for the Seabreeze Farms project to construct 185 residential unit (147 single-family units and 38 multi-family units), located east of Interstate 5 and west of Carmel Valley Road between the proposed State Route 56 and Del Mar Heights Road, and legally described as Parcel 2 of Parcel Map 12086, in the Carmel Valley Community Plan area, in the A1-10 (Agricultural) zone (proposed A1-10 (Agricultural), SF-2 (Single Family), MF-1 (Multi Family), and OS (Open Space) zones); and

WHEREAS, on August 5, 1999, the Planning Commission of The City of San Diego considered Carmel Valley Planned District Development Permit/Resource Protection Ordinance [CVPDDP/RPO] Permit No. 96-7919, an voted to recommend City Council approval of the permit; and

WHEREAS, after approval of the above-referenced project by the City Council, Del Mar Land Management, Owner/Permittee, will transfer ownership of the property to Seabreeze LLC, thereby making Seabreeze LLC the new Owner/Permittee of the Seabreeze Farms project; and

WHEREAS, the matter was set for public hearing on September 14, 1999, 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 CVPDDP/RPO Permit No. 96-7919:

RESOURCE PROTECTION ORDINANCE FINDINGS:

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.

A development suitability analysis, consistent with Council Policy 600-40, was prepared to locate both the residential and equestrian elements of this project in an environmentally sensitive manner. The analysis included a review of general biological, geological and topographical constraints to development and an evaluation of potential views into and out of the project area. The proposed project is consistent with this suitability analysis and in many cases, further limits impacts to sensitive resources.

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 housing units represent a logical extension of the residential development pattern already approved in the Carmel Valley Community. The project includes recreational horse boarding and training facilities and a riding trail that will connect with other trails either existing or proposed in the region. The project site does not abut the Multiple Species Conservation Plan/Multiple Habitat Planning Area [MSCP/MHPA] nor does it abut any park or identified recreational area. The project, therefore, will not have adverse impacts on adjacent resources.

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.

This amended land use plan will not increase sensitive land impacts anticipated by adoption of the initial land use plan in 1996. By implementing contour grading and revegetation and mitigation measures recommended in Mitigated Negative Declaration No. 96-7919, the project will be designed in a manner to avoid undue geologic, erosional, flood and fire hazards.

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 use of contour grading, variable slope ratios and slope revegetation have been incorporated into the project to create more natural appearing manufactured slopes and transition into the undisturbed slopes. The housing units represent a logical extension of the residential development pattern already approved in the Carmel Valley Community.

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.

A General Plan/Community Plan/Precise Plan amendment was approved for this site in 1996 for mixed residential and equestrian village development. The action included a vote of the citizenry to shift the property from a Future Urbanizing category to Planned Urbanizing. The current land use plan amendment proposes to retain those same uses but, within a different configuration. Impacts to sensitive on-site slopes and biological resources will be reduced in some cases with this amendment.

BRUSH MANAGEMENT PROGRAMS 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," dated September 14, 1999, on file in the Office of Planning and Development Review, 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.

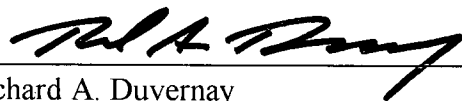
B. The proposed Brush Management Program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

The proposed Brush Management Program, as shown on Exhibit "A," dated September 14, 1999, on file in the Office of Planning and Development Review, 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 Development Permit/Resource Protection Ordinance Permit No. 96-7919 is granted to Seabreeze LLC, 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
12/21/99
Or.Dept:Clerk
R-2000-595
Form=permitr.frm
Reviewed by Farah Mahzari

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT/RESOURCE
PROTECTION ORDINANCE PERMIT AND MMRP NO. 96-7919
SEABREEZE FARMS
City Council**

This Permit is granted by the Council of The City of San Diego to Seabreeze LLC, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0404, 103.0608, 103.0609, and 103.0614. The 73.3 acre site is located east of Interstate 5 and west of Carmel Valley Road between the proposed State Route 56 and Del Mar Heights Road in the existing A1-10 Agricultural zone (proposed A1-10, SF2 Single Family, MF1 Multi Family and OS Open Space zones) within Neighborhood 4 Precise Plan of the Carmel Valley Community Planning area. The project site is legally described as Parcel 2 of Parcel Map No. 12086.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to develop 185 residential dwelling units (147 single family and 38 multiple family units), an equestrian village, and a designated 25-acre open space described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated September 14, 1999, on file in the Office of Planning and Development Review. The facility shall include:

- a. 185 residential units (147 single family and 38 multi family), an equestrian village, and a designated 25-acre open space; and
- 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 Planning and Development Review; 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. 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.

7. 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 14, 1999, on file in the Office of Planning and Development Review. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

8. 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.

9. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Transportation/Traffic Circulation

- a. Prior to issuance of any building permits, the applicant shall assure, by permit and bond, the construction of a traffic signal at the intersection of Del Mar Heights Road and Seagrove Drive, satisfactory to the City Engineer.
- b. Prior to issuance of any building permits, the applicant shall provide a fair share contribution for the future construction of Del Mar Heights Road from Carmel Valley Road/Camino Santa Fe to the Carmel Valley Community boundary, satisfactory to the City Engineer (the estimated fair share amount is approximately one percent).

11. Land Use

Prior to issuance of any building permits, the applicant shall place a note on all building plans indicating that lighting within the developed areas of the site, including the equestrian center, located adjacent to conserved habitat/open space shall be selectively placed, shielded, and directed away from the open space area. Light from homes abutting conserved habitat/open space shall be screened with vegetation, and large spotlight-type lighting that may affect conserved habitat shall be prohibited.

12. Biological Resources

- a. Prior to recordation of the first final map and/or issuance of the first grading permit, impacts to sensitive biological resources shall be mitigated by the off-site acquisition of 2.87 acres of habitat and recordation of a conservation easement and/or dedication of fee title to the City of San Diego or other acceptable entity of 2.87 acres consistent with this MND No. 96-7919. The mitigation parcel must be located within the City's Multi-Habitat Preservation Area (MHPA) and must have equal or greater habitat value than what is impacted. The parcel should support southern maritime chaparral, scrub oak chaparral, coastal sage scrub, southern mixed chaparral and/or other native habitats acceptable to the City of San Diego.
- b. In lieu of off-site acquisition and placement of a conservation easement and/or land dedication and prior to recordation of the first final map and/or issuance of the first grading permit, impacts to sensitive biological resources shall be mitigated by a contribution of \$78,925 for off-site mitigation to the City's Habitat Acquisition Fund (No. 10571).

13. Hydrology/Water Quality

- a. Prior to recordation of the first final map and/or issuance of the first grading permit, the applicant shall prepare a drainage study in accordance with the City of San Diego

Drainage Design Manual, subject to approval by the City Engineer. The Drainage Design Manual includes the following types of requirements:

- (1) Drainage system design shall be coordinated with the City Engineer to ensure compatibility with existing and planned drainage facilities;
- (2) Surface drainage shall be designed to collect and move runoff into adequately sized stream channels and/or drainage structures;
- (3) All project drainage facilities shall be designed to accommodate runoff associated with a 50-year storm event, acceptable to the City Engineer;
- (4) A maintenance plan shall be established for all drainage facilities, acceptable to the City Engineer. Such plans typically require the inspection, clearing and repair of all facilities after each runoff producing rainfall;
- (5) Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as to slow down runoff over slopes or over disturbed areas;
- (6) Developed areas shall be surfaced with pervious materials wherever feasible to increase infiltration and decrease surface runoff;
- (7) Downstream drainage courses and facilities shall be protected from the potential effects of increased runoff volumes or velocities (if applicable) through the use of flow equalization and/or energy dissipating structures. Such facilities may include detention ponds, drop structures, or other measures, acceptable to the City Engineer;
- (8) Recommendations on the design and location of all surface and subsurface drainage facilities provided during geotechnical and engineering observations of grading and construction activities shall be incorporated into the final project design, acceptable to the City Engineer;
- (9) All appropriate compacted areas shall be scarified to induce infiltration and revegetation;
- (10) Direct surface drainage to natural slopes and manufactured slopes shall be minimized by (a) grading away from slopes, (b) providing drainage swales at tops or toes of manufactured slopes, where appropriate, and (c) providing an underground drainage system;
- (11) All manufactured slopes shall be landscaped and irrigated to ensure slope stability, reduce erosion, and enhance visual appearance within 30 days of their creation. Temporary slope erosion control measures, such as hydroseeding, and slope stability measures shall be undertaken; and
- (12) Native vegetation shall be preserved wherever feasible, and all disturbed areas shall be reclaimed as soon as possible after completion of grading. Native topsoils shall be stockpiled and reapplied as part of site reclamation whenever feasible.

- b. Design necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff, subject to approval by the City Engineer.
- c. Design appropriate onsite detention basin facilities to ensure that runoff volumes do not exceed the existing runoff volumes, subject to approval by the City Engineer.
- d. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall comply with all requirements of State Water Resource Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan (MPP) shall be developed during discretionary permit review with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. The SWPPP and Monitoring Program Plan shall include:
 - (1) Identification of location of Best Management Practices (BMP) in accordance with the City's Drainage Design Manual;
 - (2) Timing of installation of BMPs;
 - (3) Maintenance schedule of BMPs; and
 - (4) Identification of onsite personnel administering the SWPPP and MPP.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received. Further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by a grading permit and by SWRCB Order No. 92-08-DWQ and any subsequent amendments thereto, shall comply with Section C (*Special Provisions for Construction Activity*) of SWRCB Order No. 92-08-DWQ (p.3).

- e. Prior to recordation of the first final map and/or issuance of the first grading permit, the applicant shall incorporate the current Best Management Practices and Best Available Technologies (BMPs and BATs) available at the time for pollution control and erosion/siltation control. This plan would address both short-term and long-term erosion control.

14. Landform Alterations/Visual Quality

Prior to recordation of the first final map and/or issuance of the first grading permit, the use of contour grading, variable slope ratios and slope revegetation shall be incorporated into the project grading plan and delineated on the final "Exhibit A" to create more natural appearing manufactured slopes. Lengthy, continuous "engineered" slopes that have hard edges (especially slopes adjacent to Lots 68 to 76 and southwest of the equestrian village adjacent to Lots 56 and 57) and no transition/rolled areas at the top or toe of the slope shall

be avoided. This is especially important along slopes where natural landform contour grading shall be used to create a more natural appearing transition to the undisturbed slopes.

15. Air Quality

- a. Prior to the recordation of the first final map and/or issuance of grading permits, the applicant shall submit to the City's Planning and Development Review Department a dust control plan that includes the following measures: active grading sites shall be watered twice daily to reduce dust; all trucks hauling loose materials shall be covered and maintain at least two feet of free board; soil stabilizers shall be utilized wherever necessary; and material stockpiles shall be covered and/or watered. Dust control measures shall achieve a minimum of 80 percent dust suppression and shall be identified on plans submitted for the building permits.
- b. Prior to the recordation of the first building permit for the equestrian facility, the applicant shall submit to the City's Planning and Development Review Department a dust control plan for the equestrian facility. The plan shall identify high areas of dust generation and control measures which shall include at a minimum a schedule for watering of dirt areas during dry months and control measures for all arenas, dirt roads and pathways. The dust control plan shall be made a condition of future discretionary permits for use of the equestrian facility.
- c. Prior to issuance of the first building permit for the equestrian facility, the applicant shall submit a detailed manure management and facility maintenance plan to the City's Planning and Development Review Department for approval. The plan shall identify facilities to be used for manure placement, which shall be enclosed. Daily manure management practices shall also be identified and shall include the following measures: a minimum maintenance schedule of daily stall cleaning; proper design for barn areas to minimize standing damp areas; and contracting with a waste hauler to dispose of manure when enclosed facilities are full. Manure placement areas shall be identified on construction plans submitted for the building permit. The manure management and facility maintenance plan shall also be made a condition of future discretionary permits for the use of the equestrian facility.

16. Geology/Soils

Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall submit a detailed soils and geologic investigation report to the satisfaction of the City Engineer. The City Engineer shall verify that all measures identified in the approved report which are necessary to mitigate potential impacts that may occur from expansive soils have been incorporated into the grading plans. These measures shall include the following:

- a. Surficial soils subjected to excessive consolidation or compression under increased loads, such as from fill or structures, shall be removed and recompacted during grading operations.
- b. The "medium" expansive soils shall not be placed within 3 feet of the finished grade or near the face of fill slopes in areas of proposed buildings and roadways. Where "medium" expansive soils are present within 3 feet of the finished grade on cut lots,

these soils shall be mitigated by appropriate foundation design and/or remedial grading.

- c. The effects of deep fill settlement shall be mitigated by structural design or selective placement of structural improvements on the building pad so that they do not span a large differential fill thickness, or occur near the top of a fill slope.

17. Paleontology

Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified paleontologist and/or paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, have been retained to implement the monitoring program. The requirements for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
- b. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE RESIDENT ENGINEER SHALL 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.**
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of 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.
- e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by Environmental Review Manager of LDR.

18. Noise

- a. Prior to issuance of the first building permit, the applicant shall incorporate sound attenuation measures as described in the acoustical report, dated January 26, 1999, to the satisfaction of the City Manager. Specifically, with the proposed construction of SR-56, plans shall indicate a five- to six-foot-high noise attenuation barrier along the backyard lot lines of Unit 2 Lots 13, 14, 16, 17, 27, 28, 30 and 31 and a seven-foot-high noise attenuation barrier along the eastern edge of Unit 2 Lot 56 (the multi-family units) to achieve a CNEL of 65 dB(A) exterior noise level. The proposed sound attenuation barrier shall be up to three feet of see through material (LEXAN or comparable material) over three feet of solid material that is continuous with no gaps or openings. Noise attenuation barriers over six feet in height shall include a berm so that the noise wall portion does not exceed six feet in height. These requirements shall be noted on the construction plans.
- b. Prior to issuance of the first building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve a 45 dB(A) CNEL interior noise level, have been incorporated into the design of the residential units. These requirements shall be noted on the construction plans.

19. Public Facilities and Services

- a. Prior to the issuance of building permits, the applicant shall provide the City with a certification from the Del Mar Union ESD and San Dieguito Union HSD that any fee imposed by the Districts pursuant to Government Code Sections 53080 and 65995.3 has been paid. If necessary, to fully mitigate impacts on Del Mar Union ESD and San Dieguito Union HSD, and subject to applicable laws, specific financing plans and/or special districts may be established to provide adequate funding for school facilities. Special community facility districts may include but are not limited to the Mello-Roos Community Facilities Act of 1982.
- b. Prior to approval of the proposed Plan amendments, a Public Facilities Financing Plan and Facilities Benefit Assessment shall be completed which establishes fair share contributions for property within the Carmel Valley Community Planning Area for regional facilities including community parks, libraries, fire stations and law enforcement facilities. The project plan shall require payment of approved fees.
- c. Prior to the issuance of building permits, a general water conservation landscaping plan to reduce water consumption shall be prepared. Measures shall be provided on the landscape plans and be subject to approval by the Planning and Development Review Department Landscape Review Section.
- d. The following mitigation measures would assure that the water and sewer infrastructure system in the project area is adequate to meet the expected demand and shall be incorporated into the Plan:
 - (1) Prior to recordation of the first final map, the City's Planning and Development Review Department shall review the water and sewer distribution plans to determine their consistency with water and sewer distribution plans approved for the NCFUA by the City.

- (2) Prior to recordation of the first final map, Waste Management Plans shall be submitted to the Director of Planning and Development Review Department for approval. The plan shall address type and quantity of waste materials expected to enter the waste stream; source separation techniques and onsite storage of separated materials; method of transport and destination of waste materials; and whenever fiscally feasible, implementation of buy-recycled programs. The provisions of the Plan shall be incorporated into the mitigation monitoring plan for that project.
- (3) Development within the project shall comply with the construction timing and funding requirements to be established in the approved Facilities Benefits Assessment for the Carmel Mountain Road Water Pipeline and the Carmel Valley Road Trunk Sewer. The development shall also pay its fair share of other onsite and offsite water facility improvements necessary to serve the proposed development, as identified in the City's Water Master Plan (currently in preparation), the Facilities Benefits Assessment, or during City review of proposed tentative maps. These improvements would include roads, parks, police and fire, libraries, drainage and utilities.

20. Public Health and Safety

- a. Prior to the recordation of the first final map and/or issuance of the first grading permit, the City's Planning and Development Review Department shall ensure that vector and rodent control measures are incorporated into project planning in accordance with the San Diego County Department of Health. These measures shall include ensuring that the design of detention basins include the following measures: steep slopes and minimum 4 feet in depth; adequate drainage; access for chemical control; and vegetation management.
- b. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall prepare a Public Safety Plan for review by the City's Planning and Development Review Department, Caltrans, San Diego County Sheriff's Department, and San Diego Trails Council. The Public Safety Plan shall be coordinated with input from the City of San Diego, Caltrans, San Diego County Sheriff's Department, San Diego Trails Council, the residents of the proposed project, and equestrian trail users to incorporate measures to avoid conflicts between equestrian and motor vehicles and ensure public safety such as the following:
 - (1) Trail design and construction along Carmel Valley Road to direct the equestrian crossing to designated location(s) and prevent uncontrolled crossings;
 - (2) Location of the trail crossing away from equestrian facility entrance gates;
 - (3) Installation of equestrian crossing signs and road markings visible under regular and low-light conditions;
 - (4) Open access leading to the crossing with no bends in the trail;
 - (5) Sight distance from 150 yards to the equestrian crossing without obstructing structures, brush or bushes;

- (6) Optional measures when traffic exceeds 5,000 ADTs on Carmel Valley Road such as flashing warning lights and signs, or restricting access until the full buildout transportation system is in place; and
 - (7) The Public Safety Plan for the equestrian crossing shall be approved by the City Engineer.
- c. The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$3,200.00 to be collected prior to the issuance of grading permits to cover the City's costs associated with the implementation of the MMRP.

ENGINEERING REQUIREMENTS:

21. "The subject Permits shall comply with the conditions of the final map for Seabreeze Farms Vesting Tentative Map No. 96-7919.

PLANNING/DESIGN REQUIREMENTS:

22. No fewer than 79 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated September 14, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the San Diego Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

23. 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.

24. 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.

25. A topographical survey conforming to the provisions of SDMC section 101:0216 may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the permittee.

26. 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.

27. All signage associated with this development shall be consistent with Carmel Valley Signage Guidelines and Criteria.

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

29. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
30. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
31. No merchandise, material or equipment shall be stored on the roof of any building.
32. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
33. Equestrian arena lighting shall be turned off no later than 8:30 pm. No outdoor speakers or amplification shall be permitted at any time.
34. Stored hay must be kept dry at all times. Should hay be stored outside of an enclosed area, it shall be suitably covered.

LANDSCAPE REQUIREMENTS:

35. 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 14, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.
36. Prior to issuance of any 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 14, 1999, on file in the Office of Planning and Development Review and all other applicable conditions of related permits.
37. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.
38. 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.
39. 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 PROGRAM:

40. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "Low" and "Moderate." The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated September 14, 1999, on file in the Office of Planning and Development Review:

- a. Prior to the issuance of any grading or building permits, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A," dated September 14, 1999, on file in the Office of Planning and Development Review. The construction documents (site plan, landscape/brush management plan) shall show Zone One as a "Building Restricted Area" and Zones Two and Three as "Negative Open Space Areas."
- b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A," dated September 14, 1999, on file in the Office of Planning and Development Review, and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, and Section Six of the Landscape Technical Manual (Document No. RR-274506) on file in the Office of the City Clerk.
- c. The Brush Management Zone Depths shall be as follows:

<u>Lot # Units</u>	<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
32	Moderate	35'	30'	20'
33-41	Low	30'	20'	0'
42-53	Moderate	35'	30'	20'
76-77	Moderate	35'	30'	20'
68-69, 72-75	Low	30'	20'	0'
Areas between buildings (jump arena, round pen)	Moderate	35'	0'	0'
Manager's residence, Worker housing, Barn A and B	Moderate	35'	30'	20'

- 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 risk 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 the Planning and Development Review Department to discuss and outline the implementation of the Brush Management Program."

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

42. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.

AFFORDABLE HOUSING REQUIREMENTS:

43. Affordable Housing Requirements. Prior to the filing of the first final map, Subdivider shall comply with the Carmel Valley Neighborhood 4 Precise Plan which requires that the Seabreeze Farms Project provide 20% of the units be affordable to persons at 65% of the area median income (the "Affordable Housing Requirements") by satisfaction of the requirements of subparagraph A, below:

A. Subdivider shall assure the construction and occupation of an "Affordable Housing Project" consisting of thirty-eight (38) units to be constructed on Lot 56, as shown on Vesting Tentative Map No. 96-7919. Subdivider shall execute an agreement ("the Affordable Housing Agreement"), subject to the approval of the Executive Director of the Housing Authority of The City of San Diego, or designee, and the City Manager of The City of San Diego, or designee, addressing the following issues:

1. Performance Security for the construction of (the "Affordable Housing Project") and dedication of land (the "Affordable Housing Site") for the construction of the Affordable Units (the "Affordable Units") on site, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the Executive Director of the Housing Authority of The City of San Diego, or designee ("Executive Director");

2. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the Executive Director, provided that the following timetable is incorporated into the Affordable Housing Agreement:

a. Issuance of building permits for the Affordable Project shall occur on or before the earlier of:

(i) the issuance of building permits for construction of the 73rd market rate dwelling unit (number of units which represents 50% of market

rate units); or, (--date which is eighteen (18) months after the filing of the first final map--);

(ii) In no event shall the issuance of building permits for the construction of the 73rd market rate unit occur until building permits are issued for construction of the thirty-eight (38) affordable units are authorized by the City and are obtained by the Subdivider. Further, if individual parcels are sold initially by Subdivider without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building permits issued, in determining when the issuance of the building permits occurs for the 73rd and 110th or greater, market rate unit.

b. Completion of construction of the Affordable Project shall occur upon the earlier of:

(i) Twelve (12) months after the issuance of building permit for the Affordable Project as referenced in Paragraph 2. a. hereof; or

(ii) (--date--) (Date shall be two and one-half years after the filing of the first final map).

Further, the issuance of building permits for the construction of the 110th market rate unit (number of units which represents seventy-five percent (75%) of market rate units) shall not occur until the completion of the thirty-eight (38) affordable units is authorized by the City.

c. Occupancy of the Affordable Project shall occur not later than one hundred eighty (180) days after the completion of construction as referenced in Paragraph 2. b. above.

d. For "good cause" shown to the satisfaction of the Executive Director, the dates referenced herein may be extended for one or more period(s) of up to twelve (12) months, each. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the Executive Director, in her/his sole discretion.

3. A Declaration of Covenants, Conditions and Restrictions (the "Declaration"), restricting the occupancy and affordability of the Affordable Project for a period of fifty-five (55) years from the date of completion of the Affordable Project, which Declaration shall incorporate the Affordable Housing Agreement by reference, shall be recorded against the Affordable Housing Site, in a first priority position. All Affordable Units shall be for occupancy by and at rates affordable to, families earning no more than sixty-five percent (65%) of the Area Median Income, as adjusted for assumed family size and utilities.

4. Additional security for the performance by the Subdivider of the Affordable Housing Requirements shall be provided by a deed of trust in favor of the Executive Director, recorded against the Affordable Housing Site, in second lien priority (junior only to the Declaration), assuring the timely performance of the Agreement referenced in Paragraph A, hereof. The deed(s) of trust in favor of the Housing Authority may be

subordinated to construction deed(s) of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the Executive Director, in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Project, upon such terms and conditions as she/he may impose.

5. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.

6. Subdivider, and their successors, heirs and assigns shall execute such other and further documents and shall perform such acts, as shall be requested by the Executive Director and the City Manager and as may, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.

44. The Seabreeze Farms Affordable Housing Program is attached to this Permit as Exhibit 1.

MULTIPLE SPECIES CONSERVATION PLAN:

45. The issuance of this permit by the City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).

46. 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.

APPROVED by the Council of The City of San Diego on September 14, 1999, by Resolution No. R-292176.

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.

SEABREEZE LLC
Owner/Permittee

By _____

By _____

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

12/21/99

L:\DU\VERNA\PERMITS\196-7919.WPD

EXHIBIT A

Dated September 14, 1999

for

Carmel Valley Planned District Development Permit/
Resource Protection Ordinance Permit No. 96-7919
Seabreeze Farms

Is on file in the Office of Planning and Development Review.

R- 292176

SEABREEZE FARMS AFFORDABLE HOUSING PROGRAM

AUGUST 5, 1999

The Project:

The Seabreeze Farms project is a 185 unit residential development located in the Carmel Valley Community, Neighborhood 4 (Attached as Exhibit A).

Affordable Housing Requirements:

- (1) providing no less than 20 percent of total housing units for occupancy by, and at rates affordable to, families earning no more than 65 percent of the median area income adjusted for family size.

Affordable Housing Tentative Map Condition:

The Executive Director of the Housing Authority, in conjunction with the developers and owners of the property, with City Staff, have developed an affordable housing Tentative Map Condition which provides mechanisms to fulfill the above-stated obligation to provide for the project's affordable housing by constructing the required amount of units onsite. This condition is also incorporated into the Carmel Valley Planned District Development permit No. 96-7919 as condition 43.

Provision of Affordable Housing Units On-Site:

The total residential units allowed on-site would be 185. Of those 185 units, 38 units would be affordable, while 147 units would be sold at market rate as follows:

- 147 Detached market rate units on 147 lots.
- 38 Units which will be restricted for occupancy by, and at rates affordable to, households earning no more than 65 percent of the median area income, as adjusted for household size. This affordability restriction on the units will remain in place for a period of no less than 55 years.
- 185 Total units onsite

Affordable Housing Project Location and Unit Type:

Del Mar Land Management has proposed the siting of the 38 units in the southern area of the project (Attached Exhibit B). An Exhibit showing the site layout is attached as Exhibit C.

The type of affordable unit proposed is shown on Exhibit D. The design concept is to build 4 structures comprising 38 units and an office/recreation building. The proposed units are contemplated to contain a proportionate mix of 2 bedroom/2 bath and 3 bedroom/2 bath units anticipated to range in size from 907 to 1127 square feet. All parking requirements are fulfilled with 79 on site parking spaces

2 bedroom = 22 units - 58%
3 bedroom - 16 units - 42%

It is anticipated that the units in the Seabreeze Farms Affordable Housing Project would be rental units

R. 292176

Affordable Housing Timeline

The Seabreeze Farms project is anticipated to be constructed in several phases over a one to three year period, depending on market conditions and absorption rates. However, as stated in the affordable housing tentative map condition, the affordable housing project building permits must be issued at the earlier of the issuance of the 73 market rate dwelling units (which represents 50 percent of the market rate units) or 18 months after the filing of the first final map.

Completion of the construction of the affordable housing project shall occur upon the earlier of 12 months after the issuance of building permits for the affordable housing project or 30 months after the filing of the first final map.

The issuance of permits for the construction of the 110th market rate unit (which represents 75 percent of the market rate units) shall not occur until the City authorizes the completion of the 38 affordable units.

Occupancy of the affordable housing project shall occur no later than 180 days after the completion of construction as referenced above.

The affordable housing schedule provides sufficient time for Seabreeze Farms to complete the sale of market rate units that will generate adequate funds to cover the cost of site preparation and construction of the affordable units.

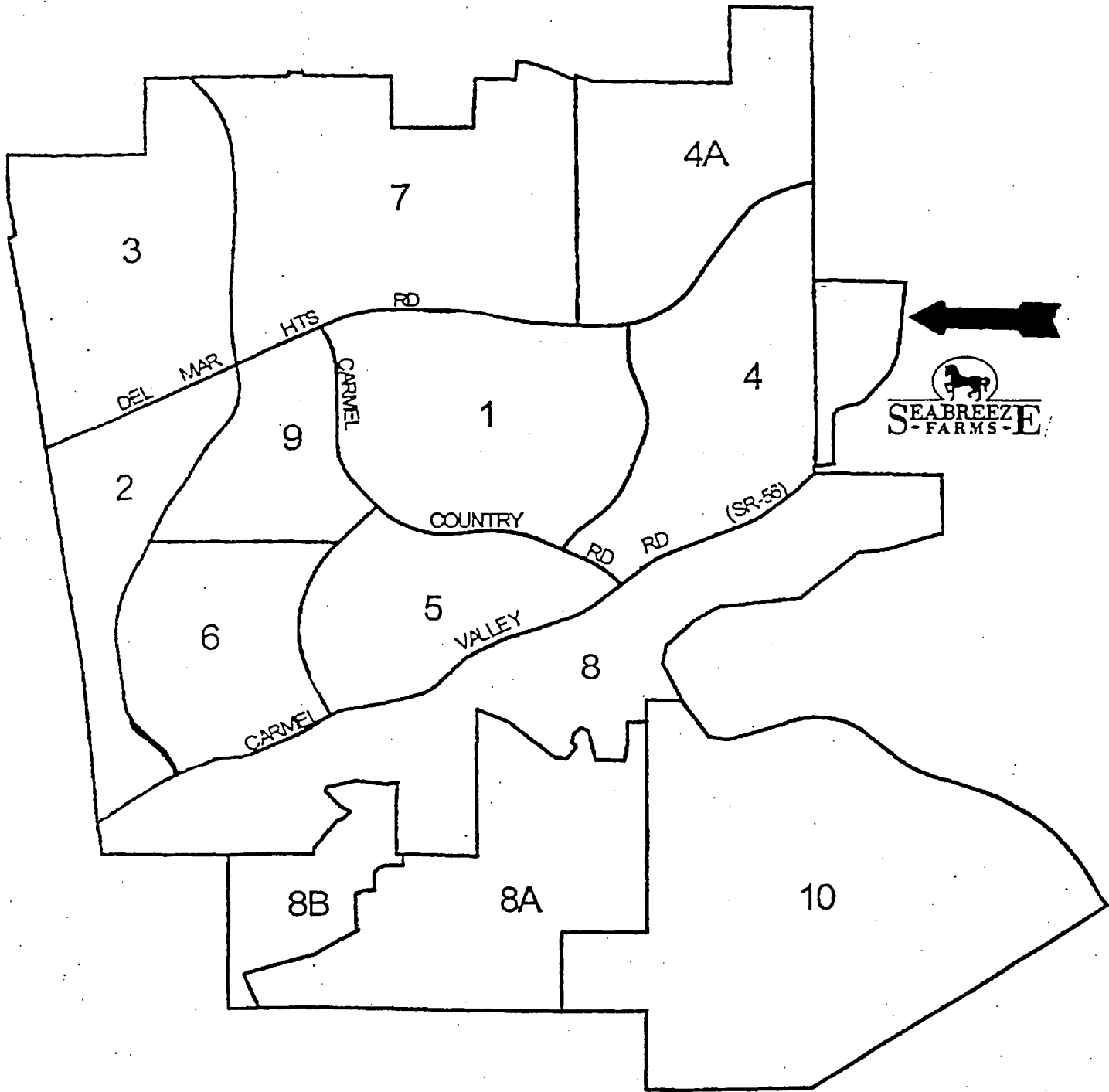
Security for the Timely Provision of Affordable Housing Project:

Del Mar Land Management (DMLM) will be required, prior to recordation of the first final map, to execute an Affordable Housing Agreement and to post security in the form of a bond to cover construction costs of the affordable housing project. Further, DMLM shall provide a deed of trust in favor of the Housing Commission, recorded against the affordable housing site assuring the timely performance of this agreement. The deed of trust may be subordinated to construction deeds of trust and/or permanent financing deeds of trust in favor of institutional lenders, as approved by the Executive Director of the Housing Authority.

Declaration of Covenants, Conditions and Restrictions:

The on-site affordable housing project and site must have recorded against it, in first priority, a declaration of Covenants, Conditions and Restrictions (CC&R's) restriction the occupancy and affordability of the affordable housing project for a period of 55 years from the date of completion of the affordable project. All affordable units shall be for occupancy by and at rates affordable to families earning no more than 65 percent of the Area Median Income, as adjusted for family size.

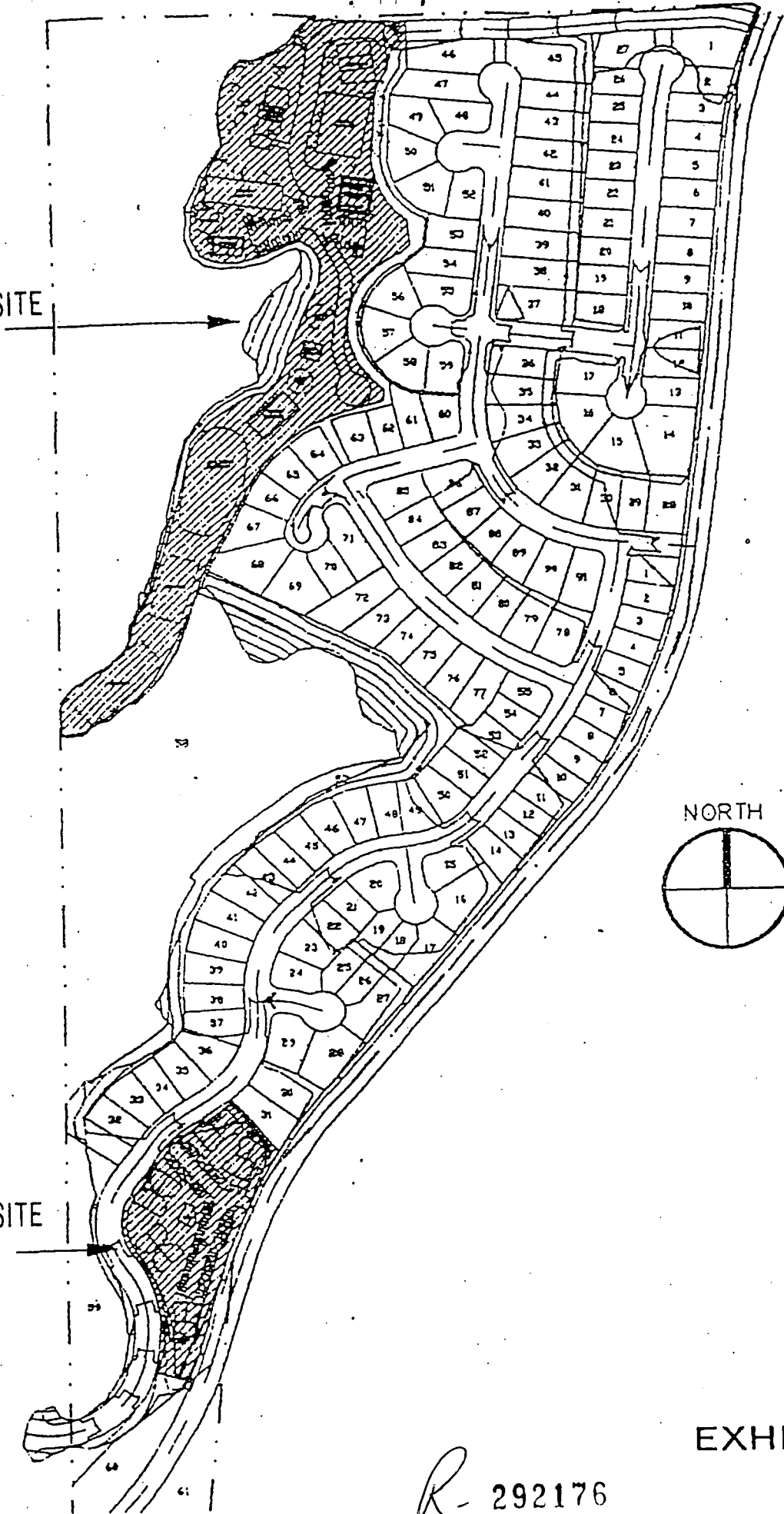
CARMEL VALLEY



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EXHIBIT A

JESTRIAN VILLAGE SITE



MULTI-FAMILY SITE

NORTH

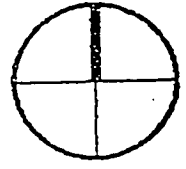
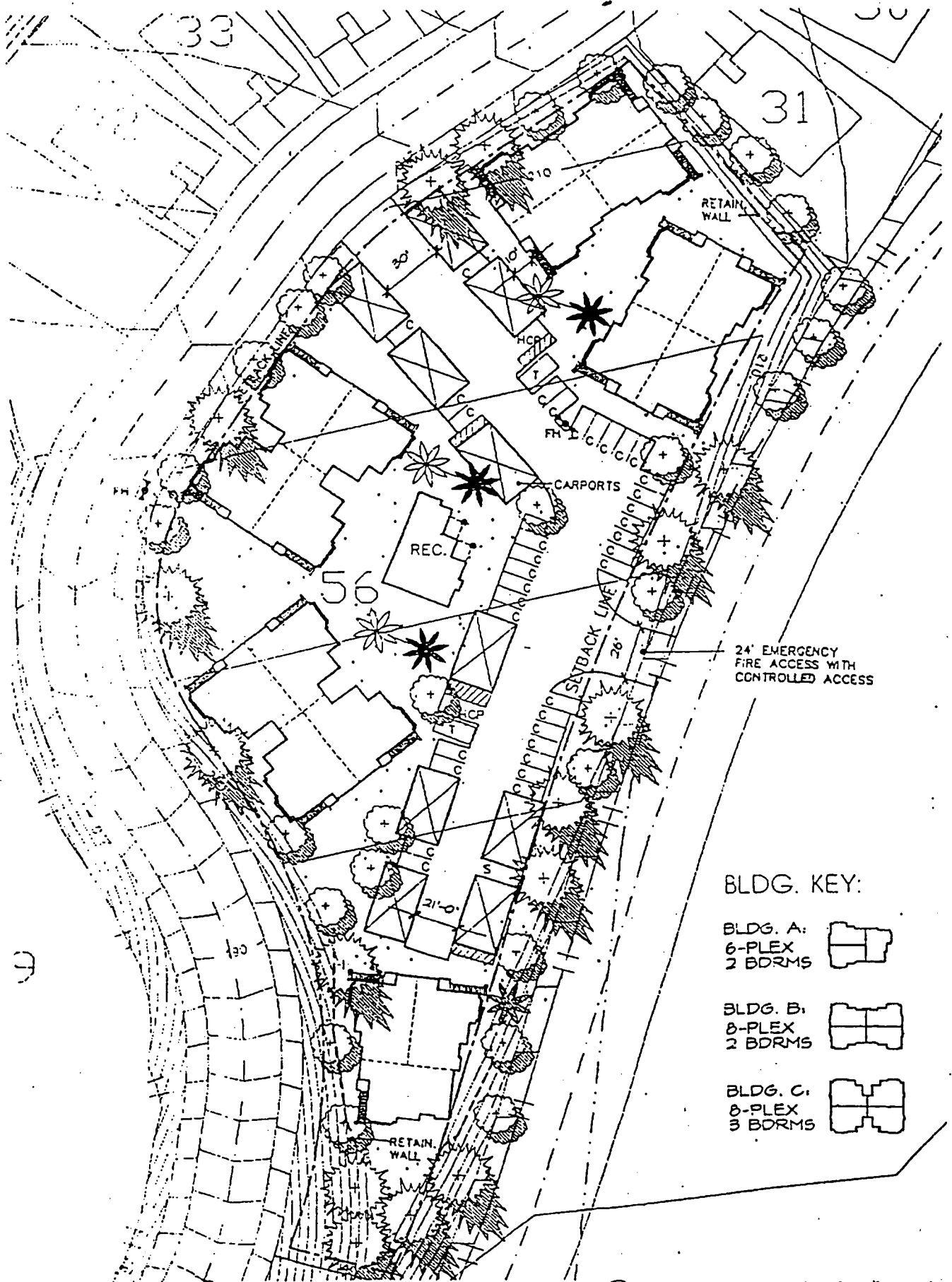


EXHIBIT B

R- 292176

MULTI-FAMILY HOUSING VILLAGE



BLDG. KEY:

- BLDG. A:
6-PLEX
2 BDRMS
- BLDG. B:
8-PLEX
2 BDRMS
- BLDG. C:
8-PLEX
3 BDRMS

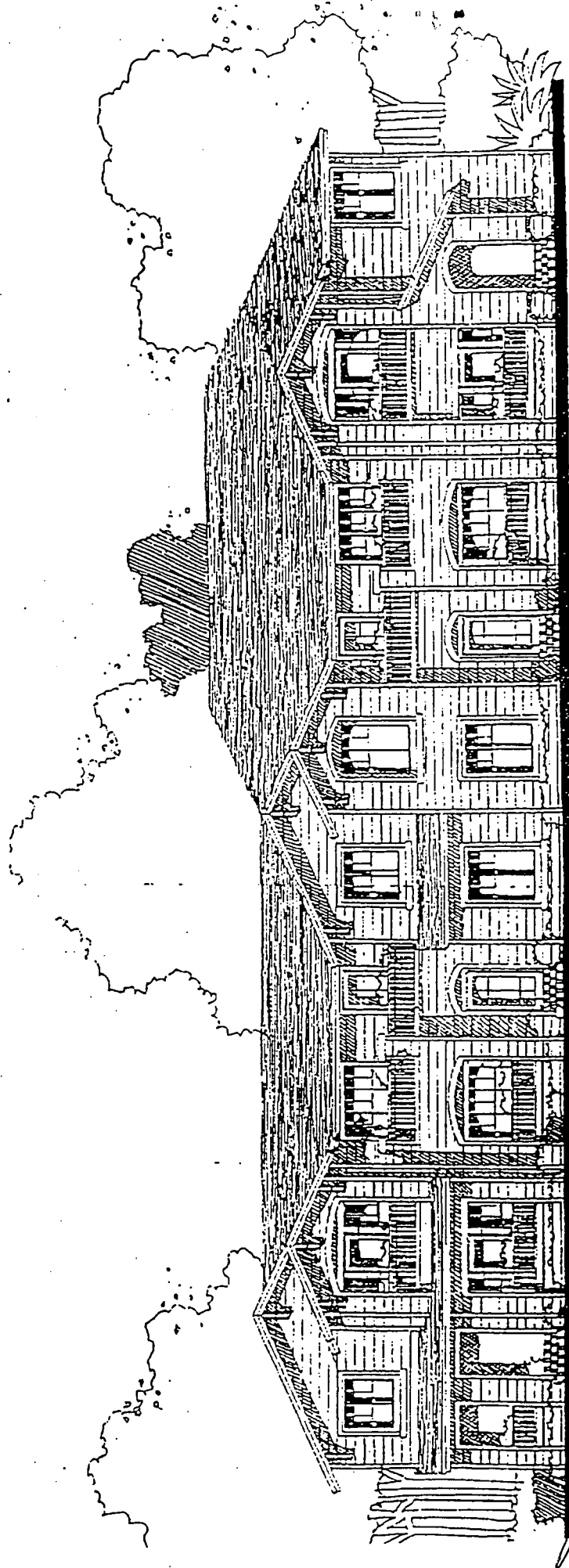
RODRIGUEZ+SIMON DESIGN ASSOC.
ARCHITECTS & PLANNERS

2365 LAUREL AVENUE, SUITE 300 SAN DIEGO, CALIFORNIA 92101 619 / 544-3961 619 / 544-8941 FAX

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SCALE: 1" = 40'

EXHIBIT C



APARTMENT BUILDING 'B'

EXHIBIT D

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