

RESOLUTION NUMBER R-296295

ADOPTED ON APRIL 9, 2002

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a permit to construct eighty-nine detached, single-family residences known as the Point Carmel project on a 31.9-acre site located east of Dunham Way, north of Del Mar Heights Road, south of Lansdale Drive and west of Winstanley Way legally described as portions of the Northeast Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 1, Township 14 South, Range 3 West, San Bernardino Base Meridian and Parcel Map No. 11734, in the SF1, SF3, and OS zones of the Carmel Valley Community Plan; and

WHEREAS, on December 20, 2001, the Planning Commission of the City of San Diego considered Carmel Valley Planned District Development Permit/Resource Protection Ordinance [CVPDDP/RPO] Permit No. 99-0606, and pursuant to Resolution No.3211-PC voted to recommend approval of the project; and

WHEREAS, the matter was set for public hearing on April 9, 2002, 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 it adopts the following findings with respect to CVPDDP/RPO Permit No. 99-0606:

A. RESOURCE PROTECTION ORDINANCE FINDINGS:

1. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan. The proposed development, a mix of residential and open space, is consistent with the land use recommendations of the adopted Progress Guide and General Plan, which also designates the property for residential and open space land uses. The proposed development complies with the adopted housing, open space and public facility elements of the Progress Guide and General Plan by providing single-family housing stock, open space and

public facility infrastructure as anticipated by the Carmel Valley Community Plan and Neighborhoods 4A and 7 Precise Plans. Development of the site with eighty-nine single-family dwelling units while preserving 7.3 acres of open space within the project for scenic and visual enjoyment demonstrates project consistency with these plans.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances. Approximately 26.4 acres of the site was left undesignated by the City Council when the Neighborhood 4A Precise Plan was adopted on October 26, 1987, because the property owners at that time were undecided on the development of the site. The remaining approximately 5.5 acres of the site are located within Neighborhood 7 and are designated for residential development at five dwelling units per acre and open space. Proposed development will conform to the existing character and development pattern of the surrounding neighborhood and with the amended Neighborhoods 4A and 7 Precise Plans for the area and all other applicable plans, policies and ordinances. The project has a net density of approximately 3.3 dwelling units per acre, which is comparable to existing 3.2 - 5.0 dwelling units per acre on adjacent developments. Also being provided is 7.3 acres of dedicated open space which is approximately 27 percent of the net site. The type of land use proposed (single family residential and open space) and the density of development proposed are consistent with the recommendations of the adopted Carmel Valley Community Plan which designates this property for residential development and open space.

3. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands. In order to develop the Point Carmel project in a manner consistent with City Council policy, the Progress Guide and General Plan and the Carmel Valley Community Plan, conflicts between these policies and the City's Resource Protection Ordinance will result. As designed, the project is consistent City Council policy, the Progress Guide and General Plan and the Carmel Valley Community Plan and will require the decision maker to approve alternative compliance findings. Alternative compliance findings are discussed later.

The site is physically suitable for the design and siting of the proposed residential use and open space. The site is located adjacent to three previously approved and constructed single-family residential developments on the south, west, north and east. The proposed project design is compatible with these surrounding land uses and will serve as an extension of the adjacent residential development while preserving open space for scenic and visual enjoyment as specified in the Carmel Valley Community Plan. The project site is located outside of the City's Multiple Habitat Planning Area [MHPA] and will provide adequate mitigation for on-site impacts. Based upon these factors, the project was designed to minimize impacts to environmentally sensitive lands while maintaining the development character of the area.

4. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public space-open space areas and will provide adequate buffer areas to protect such resources. The project is located outside of the MHPA, is not adjacent to any park and is separated from connective open space systems by Lansdale Drive. The site represents the continuation of the single family residential development pattern already established in the area.

While the site is located outside the boundaries of the MHPA, 7.3 acres (27 percent of the project area) are proposed to be designated open space.

5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. The project has been designed to locate the development on the ridge top and in the canyon bottom while preserving the intervening slope ratios and slope rounding. The grading plan minimizes the undue risk of geologic and erosional forces. The project also includes drainage and brush management plans to minimize the undue risk of flooding and fire.

6. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric or historic site or resource have been provided by the applicant. Based upon the studies prepared as part of the environmental review process, it was determined that the site does not contain any historical, architectural, archaeological or culturally significant features. However, the project includes the provision of on-site monitoring during the construction phase for archaeologically or culturally significant prehistoric or historic features.

B. ALTERNATIVE COMPLIANCE FINDINGS--HILLSIDES:

1. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan. The proposed development, a mix of residential use and open space, is consistent with the land use recommendations of the adopted Progress Guide and General Plan, which also designates the property for residential and open space land uses. As indicated earlier, the proposed development complies with the adopted housing, open space and public facility elements of the Progress Guide and General Plan. Development of the site with eighty-nine single-family dwelling units while preserving 7.3 acres of open space within the project for scenic and visual enjoyment demonstrates the project's consistency with these plans.

2. The proposed development will conform to the adopted community plan of the area. The site was left undesignated by the City Council when the Neighborhood 4A Precise Plan was adopted on October 26, 1987, because the property owners at that time were undecided on the future development of the site. The proposed Point Carmel project will conform to the existing character and existing type of development of the surrounding area. The Point Carmel project is also consistent with the Community Plan, applicable City policies and ordinances. The project has a net density of approximately 3.3 dwelling units per acre and includes 7.3 acres of open space which is approximately 27 percent of the net site. The type of land use proposed (single-family residential and open space) and the density of development proposed are consistent with the recommendations of the adopted Carmel Valley Community Plan which designates this property for residential development and open space. The density and open space for Point Carmel is also consistent with other approved residential development existing in the immediate area (3.2 - 5.0 dwelling units per acre).

3. There are no other feasible measures that can be taken to further minimize the potential adverse effect on environmentally sensitive lands and still avoid conflict with the substantially applicable provisions of City Council Policy. Eighteen percent (5.76 acres) of the site is in steep slope. Steep slope areas on site are scattered and unconnected. As such, they have less aesthetic value than larger area slopes or slopes that have connectivity to regional open space systems. Lansdale Drive is located at the northerly boundary of the project site and is the street which connects the site to the surrounding area; however, the elevation and grade of Lansdale Drive is significantly higher than the majority of the Point Carmel site. Dunham Way, located along the western boundary of the Point Carmel site, is also at an elevation that is substantially higher than the majority of the Point Carmel site. Dunham Way, located along the western boundary of the Point Carmel site, is also at an elevation that is substantially higher than the majority of the Point Carmel site. Street access to Point Carmel is dictated by the existing elevations of Dunham Way and Lansdale Drive, with these streets framing the entrances to Point Carmel. The site is cut off from Del Mar Heights Road by another ownership. Therefore, Landsdale Drive and Dunham Way are required vehicle access points to Point Carmel. The site's topography slopes toward the middle of the southern half of the property. The gradient of some of these slopes exceeds the 20 percent maximum grade specified in the City's Street Design Manual. The existing public streets and compliance with the City's Street Design manual create significant engineering constraints on site development. The project site contains approximately 5.76 acres of slopes that are equal to or greater than 25 percent; however, these slopes are scattered throughout the property rather than located in one particular area.

Given the dispersed nature of the on-site area constraints, "steep slopes," and the grade and elevation of the abutting public rights of way, the project's grading has been designed to incorporate all feasible measures to minimize intrusion into "steep slopes." Specifically, as designed, public rights of way and utilities impact 7 percent of the "steep slopes" and 53 percent are impacted by development. The project design includes variable slope gradients within the open space to mimic the existing natural slopes and to comply with the Neighborhoods 4A and 7 Precise Plans, the Carmel Valley Community Plan and the City's Progress Guide and General Plan. There are no additional feasible measures that can further minimize the potential adverse effect to this sensitive resource.

C. IMPACTS TO SENSITIVE BIOLOGICAL RESOURCES:

1. The proposed development will not adversely affect the applicable land use plan. The proposed development, a mix of residential use and open space, is consistent with the land use recommendations of the adopted Carmel Valley Community Plan, which designates the property for residential (low and very low density, up to ten dwelling units per acre) and open space land uses. The type of land use proposed (residential and open) and the density of development proposed (3.3 dwelling units per acre) are consistent with the goals and objectives of the adopted Carmel Valley Community Plan and consistent with the pattern of land use already established in the area (3.2 - 5.0 dwelling units per acre).

2. The proposed development will not be detrimental to the public health, safety and welfare. The proposed development, a mix of residential use and open space, will not be detrimental to the public health, safety and welfare because the project design includes: (a) the provision of a circulation system that accommodates appropriate fire and safety vehicles access; and (b) the provision of brush management zones that separate residential structures from potential fire hazards assures that proper health, safety and welfare issues have been addressed. The project is consistent with all applicable plans, policies and ordinances.

3. The proposed development will comply with the applicable regulations of the San Diego Municipal Code. The project is consistent with the Neighborhoods 4A and 7 Precise Plan amendments for the project site which established zoning regulations and standards, as well as design requirements, for the project. These regulations, standards and requirements either meet or exceed the otherwise applicable provisions of the Municipal Code and the project design meets or exceeds the minimum requirements of the regulations, standards and guidelines.

4. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to sensitive biological resources. The site is physically suitable for the design and siting of the proposed residential use and open space. The site is located adjacent to three previously approved and constructed single-family residential developments on the south, west, north and east. The proposed project design is compatible and comparable with these surrounding land uses and will serve as an extension of the adjacent residential development while preserving open space for scenic and visual enjoyment as specified in the Carmel Valley Community Plan. The project site is located outside of the City's MHPA and will provide adequate mitigation.

5. The proposed development will be sited and designed to prevent adverse impacts on any adjacent sensitive biological resources. The site represents the continuation of single-family residential development already approved and constructed on surrounding properties. The project site is located outside the boundaries of the MHPA; however, 7.3 acres of open space will be provided on site.

6. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The proposed development consistent with the City of San Diego's MSCP Subarea Plan. The City's MSCP identifies a MHPA for preservation of core biological resource areas and corridors. The project site is located outside of the MHPA and is not designated a preserve area by the MSCP.

7. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Prior to the issuance of a grading permit, a total of 19.26 acres of Tier I habitat, 4.61 acres of Tier II habitat, and 0.07 acres of Tier IIIB habitat shall be preserved in perpetuity. Also, the Owner/Permittee shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division, Development Services Department, stating that a qualified biologist has been retained to implement measures to avoid construction related impacts.

These measures include: (a) a qualified biologist supervising the placement of orange construction fencing (or equivalent) along the boundary of the development; (b) the qualified biologist conducting an on-site educational session with construction crews; (c) Best Management Practices for erosion control shall be implemented and monitored; (d) all construction activities shall take place only inside the fenced area; and (e) prior to the release of the grading bond, a letter report shall be submitted to the Environmental Review Manager, by the project biologist, assessing any construction related impacts. Should any construction related impacts exceed allowed amounts, these impacts shall be mitigated to the satisfaction of the City Manager.

**D. DEVIATIONS FROM SENSITIVE BIOLOGICAL RESOURCES REGULATIONS
- WETLANDS**

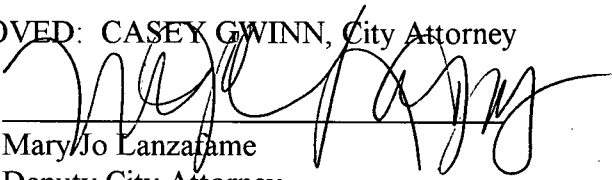
1. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources. Two small patches of wetland habitat (less than 1,000 square feet) occur on site. The total acreage is approximately 0.02 acres. While once a blue-line stream, due to existing development impacts in the area, water related vegetation in these two wetland areas is now supported by runoff from adjacent roadways. The Point Carmel project limits impact to the wetland habitat to 0.0034 acres. This impact does not exceed the threshold established by the City's Biological Review References and is not considered a significant impact.

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. 99-0606 is granted to Pardee Homes, 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


Mary Jo Lanzafame
Deputy City Attorney

MJL:dr:pev
6/13/02
Or.Dept:Clerk
R-2002-1442
Form=permitr.frm
Reviewed by Patricia Grabski

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
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 NO. 96-0606 (MMRP)
POINT CARMEL
CITY COUNCIL**

This Permit is granted by the City Council of the City of San Diego to Pardee Homes, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 103.0600. The 31.9 acre site is located east of Dunham Way, north of Del Mar Heights Road, south of Lansdale Drive and west of Winstanley Way in the A-1-10, SF3, and OS zones of the Carmel Valley Community Plan. The project site is legally described as portions of the Northeast Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 1, Township 14 South, Range 3 West, San Bernardino Base Meridian and Parcel Map No. 11734.

Subject to the terms and conditions set forth in this permit, permission is granted to Pardee Homes, Owner/Permittee to construct eighty-five detached single-family homes, associated streets and landscaping described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated April 9, 2002, on file in the office of the Development Services Department. The facility shall include:

- a. Eighty-five detached single-family homes;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of the associated rezoning. 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/Land Development 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 the Development Services Department; 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 April 9, 2002, on file in the office of the Development Services Department. 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.).

12. 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 Endangered Species Act [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.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Environmental Impact Report, LDR No. 99-0606, satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading permits or building permit, all mitigation measures as specifically in the MMRP shall be implemented for Land Use, Landform Alteration/Visual Quality, Hydrology/ Water Quality, Noise, Biological Resources, Geology/Soils, Historical Resources and Paleontological Resources.

14. This Permit shall conform to Tentative Map No. 99-0606.

PLANNING/DESIGN REQUIREMENTS:

15. All lots shall provide a minimum driveway depth of 20 feet (measured from the face of the garage to property line), if roll up garage doors are utilized 18 feet of depth may be used.

16. All retaining walls over 3 feet in height and visible from the public right-of-way shall not have a single plane exceeding 120 square feet. The plane may be defined by horizontal or vertical elements of a minimum reveal of 4 inches and a minimum width of 12 inches.

17. Recordation of the final map shall occur prior to the issuance of any building permit.

18. A block wall or combination retaining wall and fencing on lots or portions of lots abutting Lansdale Drive, as shown on Exhibit "A," dated April 9, 2002, on file in the Development Services Department, shall not exceed a sum total of 6 feet in height.

19. 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.

20. 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.

21. A topographical survey conforming to the provisions of the Municipal/Land Development 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

22. 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.

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

LANDSCAPE REQUIREMENTS:

24. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

25. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated April 9, 2002, on file in the Development Services Department.

26. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated April 9, 2002, on file in the Development Services Department.

27. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydro seeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual Section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 99-0606 (including environmental conditions) and Exhibit "A," dated April 9, 2002, on file in the Development Services Department.

28. Installation of slope planting and erosion control, including seeding of all disturbed land (slopes and pads), consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

29. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

30. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

31. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

32. If any required landscape, including existing or new plantings, hardscape, landscape features, etc., indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM:

33. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of Moderate. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management

Program/Landscape Concept Plan, dated April 9, 2002, on file in the Development Services Department:

- a. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated April 9, 2002, on file with the Development Services Department.
 - b. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated April 9, 2002, on file with the Development Services Department, and shall comply with the Uniform Fire Code (SDMC § 55.0889.020), and Section 6 of the Landscape Technical Manual (Document No. RR-274506) on file at the Office of the City Clerk.
 - c. The Brush Management Zone Depths shall be as shown on Exhibit "A," dated April 9, 2002, on file with the Development Services Department.
 - d. Within Zone One combustible accessory structures with less than a one-hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc.) while 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 Fire Marshall and the City Manager's approval.
 - e. In Zones One, Two, and Three, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section of the Development Services Department.
 - f. 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 Development Services Department to discuss and outline the implementation of the Brush Management Program."
34. Prior to final inspection and the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.
35. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

WATER AND SEWER REQUIREMENTS:

36. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of all public water facilities as required in the accepted Water Study, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, including the extension of public water facilities to the subdivision boundary where appropriate and practical.

37. If any grading for the subdivision is located within the easement for the Del Mar Heights Pipeline [DMHPL] located adjacent to the southerly subdivision boundary, then, prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of the relocated DMHPL into the Del Mar Heights Road right-of-way, in a manner satisfactory to the Water Department Director and the City Engineer.

38. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the installation of fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

39. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego's Water Design Guide and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards shall be private or redesigned. Existing public water facilities to which this development proposes connections to must be brought up to current standards.

40. Prior to the issuance of any building permits, the developer shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director. Minimum easement widths for water mains with services or fire hydrants is 24 feet and fully paved. Meters and fire hydrants shall be installed behind full height curb. The easements shall be located within single lots. No structures or landscaping shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any easement utilized for access.

41. Providing water to this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If they have not been constructed when required for this development, then, prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of certain portions of these previously approved water facilities necessary to adequately serve this development, as required by the City Engineer.

42. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of certain sewer facilities, identified in accepted studies, necessary to provide sewer services to the proposed development in a manner satisfactory to the Metropolitan Wastewater Department Director.

43. Prior to the issuance of any building permits, the applicant shall provide evidence satisfactory to the Metropolitan Wastewater Department Director, indicating that each dwelling unit will have its own sewer lateral or provide Covenants, Conditions and Restrictions [CC&R's] for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

44. The developer shall design all proposed public or private sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be re-designed, satisfactory to the Metropolitan Wastewater Department Director.

45. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

OPEN SPACE REQUIREMENTS:

46. Lots 86, 87, and 88 shall have open space easements and be owned and maintained by the Home Owner's Association.

47. The pedestrian trail across the open space Lot 86 and 88 shall be a 10-foot wide Non-motor Pedestrian vehicle right-of-way with an improved 8-foot wide trail.

48. No landscaping easements are permitted. All landscaping easements must be approved by the Maintenance Assessment District of the Park and Recreation Department.

49. The developer shall construct a continuation of the trail system proposed within the Point Carmel (Lot 86) project across the "sliver" parcel to connect with Del Mar Heights Road. The developer shall be responsible to maintain the trail, clear debris, litter, and trash from the "sliver" parcel; provided the City of San Diego and the owner of the "sliver" parcel cooperate and consent, at no cost to the applicant, to Pardee's entry and activities upon the "sliver" parcel.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition

within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on April 9, 2002, by Resolution No. R-296295.

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.

PARDEE HOMES
Owner/Permittee

By _____

By _____

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