

001035

**REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
Development Services Department

3. DATE:  
January 28, 2008

4. SUBJECT:  
Rancho Valley Farms

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)  
John S. Fisher, 446-5231

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)  
Mike Westlake, 446-5220

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

**8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT
	1317	1672	4038	420946		

9. ADDITIONAL INFORMATION / ESTIMATED COST:  
No cost to the City. All costs are recovered through a deposit account funded by the applicant.

**10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	1/28/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	
2	EAS	ALLISON SHERWOOD	1-28-08	9			1-29-08
3	ECOP EXEMPT. PER MEMO DATED 5/9/96			10	CITY ATTORNEY	Marianne Greene	2/25/08
4				11	ORIG. DEPT	MIKE WESTLAKE	1/25/08
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: _____	

11. PREPARATION OF:  RESOLUTIONS  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

- Council resolution certifying the information contained in Project No. 5029 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Mitigated Negative Declaration No. 5029 reflects the independent judgment of the City of San Diego as Lead Agency, stating for the record the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project, adopting the Mitigation Monitoring and Reporting Program.
- Council resolution approving Vesting Tentative Map No. 8295.
- Council resolution approving Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844.

11A. STAFF RECOMMENDATIONS:

**Adopt the Resolutions**

001036

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): I

COMMUNITY AREA(S): SUBAREA II

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS COMPLETED MITIGATED NEGATIVE DECLARATION NO. 5029, DATED JANUARY 19, 2008, AND MITIGATION, MONITORING, AND REPORTING PROGRAM COVERING THIS ACTIVITY.

HOUSING IMPACT: THE PROPOSE PROJECT WOULD CREATE TEN NEW HOUSING UNITS ON A CURRENTLY FALLOW AGRICULTURAL SITE.

INSTRUCTIONS TO THE CITY CLERK:

- 1 PUBLIC NOTICING IS REQUIRED.
- 2 RETURN COPIES OF EACH RESOLUTION AND PERMIT TO JOHN S. FISHER, MS 302.
- 3 COUNCIL ACTION REQUIRES A MAJORITY VOTE.
- 4 THE VESTING TENTATIVE MAP IS BEING PROCESSED IN ACCORDANCE WITH SDMC 125.0450, THE PDP IN ACCORDANCE WITH 126.0601, THE SDP IN ACCORD WITH 126.0501, THE NUP IN ACCORD WITH 126.0201 AND THE CDP IN ACCORD WITH 126.0701.

RECEIVED  
CITY CLERK'S OFFICE  
08 FEB 26 PM 2:44  
SAN DIEGO, CALIF.

CITY ATTORNEY  
08 JAN 29 PM 2:20  
CIVIL DIVISION

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

REPORT NO.: PC-08-03

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Rancho Valley Farms, PTS# 5029

COUNCIL DISTRICT(S): 1

STAFF CONTACT: John S. Fisher, 446-5231

REQUESTED ACTION:

Approve a subdivision and allow development of ten single family lots with ten single family homes and guest quarters on a 41.83 acre site located between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 zone in North City Future Urbanizing Area, Subarea II?

STAFF RECOMMENDATION:

1. **Certify** Mitigated Negative Declaration 5029, and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Approve** Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844.

EXECUTIVE SUMMARY:

The Progress Guide and General Plan designate the site for estate residential and open space uses. The site, located on a knoll overlooking the San Dieguito River basin, is adjacent to and north of the mouth of Gonzalez Canyon. The 41.83 acre site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road. The site has been in agricultural production for several decades yet is presently fallow.

The project proposes to subdivide and develop the site with thirteen lots; ten lots for construction of ten single family homes with the potential for guest quarters, four lots for a homeowners association and one lot for dedication to the City for open space. Of the 41.83 acres, the net area of the development would measure 5.42 acres while 33.45 acres would be preserved as open space. The open space lot, Lot "A," is entirely within the Multiple Habitat Preservation Area and would be dedicated in fee to the City of San Diego.

The project proposes two deviations from the required setbacks of the AR-1-1 Zone. The first deviation would allow a minimum front yard setback of fifteen feet where garages are turned towards the side yard and not facing the private driveway. In all other cases the minimum front yard setback would be twenty feet. The second deviation would allow the interior side yard setback to vary within prescribed limits. Based on the product types planned for the project, a range of possibilities exists for the plotting of the proposed homes.

A planned open space trail within Gonzales Canyon is anticipated to connect the future Coast-to-Crest Trail with the trail system in Pacific Highlands Ranch. The applicant proposes a trail across the site to serve multiple user groups. The proposed trail would cross the proposed open space and then be sited parallel to the proposed sidewalk within

the Old El Camino Real right-of-way to ultimately connect with the properties south and east of the site. From the right-of-way, the trail would follow the toe of the slope adjacent to Lots 6 through 10 and connect with an existing agricultural road within the proposed open space.

The trail segment in the right-of-way would be surfaced with an all-weather material suitable for all users, including horses, rather than concrete or asphalt. The trail would be separated from the Old El Camino Real right-of-way by a four foot wide concrete sidewalk with a six inch landscaped area between the sidewalk and trail. The Planning Commission recommendation included deleting this six inch landscape strip between the trail and the concrete sidewalk. Due to right-of-way constraints along Old El Camino Real where the sidewalk ends, approximately 30 feet from the south property line, the proposed trail would transition to within one foot of the curb.

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

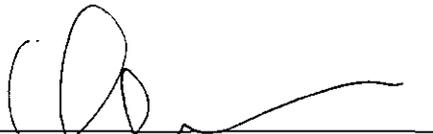
None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission recommended staff's recommendation by unanimous vote with one modification to the project; remove the six inch landscape strip between the concrete sidewalk and the all weather, engineered surface, multiple purpose trail proposed on the project plans in the public right-of-way adjacent to the project site. There is no officially recognized community planning group for Subarea II. For information purposes, plans for the proposed project were forwarded to the adjacent community planning group in Carmel Valley. The Carmel Valley Community Planning Board voted, on June 12, 2007, 10:0:0 to approve the proposed actions

KEY STAKEHOLDERS:

Pardee Homes



Kelly Broughton  
Director, Development Services Department



William Anderson  
Deputy Chief of Land Use and  
Economic Development

ATTACHMENTS:

1. Report to Planning Commission PC-08-03

NOTICE OF DETERMINATION

TO:  X  Recorder/County Clerk  
P.O. Box 1750, MS A33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2422

FROM: City of San Diego  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Project Number: 5029

State Clearinghouse Number: 2003101160

Permit Number: Site Development Permit 8292, Planned Development Permit 8294, Tentative Map 8295, Neighborhood Use Permit 411907, Coastal Development Permit 419844

Project Title: Rancho Valley Farms

Project Location: 1/3 Old El Camino Real, San Diego, CA 92014 Section 7, Township 14 South, Range 3 West on the U.S. Geological Survey (USGS) 7.5-Minute Del Mar quadrangle

Project Description: PLANNED DEVELOPMENT PERMIT (PDP), COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP), VESTING TENTATIVE MAP (VTM), AND NEIGHBORHOOD USE PERMIT (NUP) to create ten residential lots and construct 10 single-family homes on a 41.83-acre site located between Old El Camino Real and El Camino Real, south of the San Dieguito River in the City of San Diego, California (Figures 1 and 2). The site is zoned AR-1-1 (Agriculture Residential) and is located in Subarea II, within the Coastal Overlay Zone in the City and County of San Diego (Section 7, Township 14 South, Range 3 West on the U.S. Geological Survey (USGS) 7.5-Minute Del Mar quadrangle).

Project Applicant: Beth Fischer, Pardee Homes, 12626 High Bluff Drive Suite 100, San Diego, 92130, 858-794-2531, Point of Contact

This is to advise that the City of San Diego City Council on March 4, 2008 approved the above described project and made the following determinations:

1. The project in its approved form will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures were made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Phil Lizzi

Telephone: (619) 446-5159

Filed by: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Reference: California Public Resources Code, Sections 21108 and 21152.

RECEIVED

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, on April 7, 2003, Pardee Homes, Owner/Applicant submitted an application to the City of San Diego for a vesting tentative map, planned development permit/site development permit/coastal development permit/neighborhood use permit for the Rancho Valley Farms project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the issue was heard by the City Council on \_\_\_\_\_; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 5029; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 5029, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information

contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council of the City of San Diego..

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:js  
02/04/2008  
Or.Dept:DSD  
MMS #5858  
R-2008-642

## EXHIBIT A

## MITIGATION MONITORING AND REPORTING PROGRAM

PLANNED DEVELOPMENT PERMIT NO. 8294/ SITE DEVELOPMENT PERMIT NO. 8292/  
 COASTAL DEVELOPMENT PERMIT NO. 419844/  
 NEIGHBORHOOD USE PERMIT NO. 411907

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 5029) shall be made conditions of PLANNED DEVELOPMENT PERMIT NO. 8294, SITE DEVELOPMENT PERMIT NO. 8292, COASTAL DEVELOPMENT PERMIT NO. 419844 AND NEIGHBORHOOD USE PERMIT NO. 411907 as may be further described below.

## MITIGATION, MONITORING AND REPORTING PROGRAM:

General Measures which must be completed prior to any authorization to proceed:

1. Prior to issuance of any grading permits, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading, Environmental Requirements: "Rancho Valley Farms project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the environmental document MND (LDR No. 5029). The project is conditioned to include the monitoring of grading operations by a paleontologist."
2. The owner/permittee shall make arrangements to schedule a preconstruction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer (RE), the monitoring paleontologist and biologist, and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

## PALEONTOLOGICAL RESOURCES

## I. Prior to Permit Issuance

## A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

## B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and

the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

## **II. Prior to Start of Construction**

### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

## **III. During Construction**

### **A. Monitor Shall be Present During Grading/Excavation/Trenching**

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

#### B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

#### C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### IV. Night Work

- A. If night work is included in the contract
  1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the pre-con meeting.

2. The following procedures shall be followed.
  - a. No Discoveries
 

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVR and submit to MMC via fax by 8 AM of the next business day.
  - b. Discoveries
 

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
  - c. Potentially Significant Discoveries
 

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
  - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate; shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the Paleontological Resources Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum
 

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
  1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
  1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **HISTORICAL RESOURCES (ARCHAEOLOGY)**

- I. Prior to Permit Issuance
  - A. Land Development Review (LDR) Plan Check
    1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.
  - B. Letters of Qualification have been submitted to ADD
    1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
    2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
    3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.
- II. Prior to Start of Construction
  - A. Verification of Records Search
    1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored.
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. U Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are NOT Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D)

which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **BIOLOGICAL RESOURCES**

### Conveyance to the Multi-Habitat Planning Area

1. Prior to recordation of the first final map and/or issuance of any grading permits, the 33.45 acres of on-site MHPA shall be conveyed to the City's MSCP preserve through fee title to the City, a conservation easement or a covenant of easement granted in favor of the City and wildlife agencies. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes; these features shall have conservation easements recorded over them if accepted into the MHPA, with maintenance and management responsibilities retained by the Owner/Permittee, unless otherwise agreed to by the City.
2. To facilitate MHPA conveyance, any non-fee areas shall be lofted separately, have conservation easements placed over them if located in the MHPA, and be maintained in perpetuity by the Owner/Permittee/Applicant unless otherwise agreed to by the City. All other on-site areas shall be conveyed through any of the three above methods. A copy of the proposed/ final method of MHPA conveyance shall be submitted to DSD and MSCP.

### Avian Mitigation

The Rancho Valley Farms site could also result in adverse impacts to raptor foraging habitat. This measure shall be offset through the preservation of 100% of the natural vegetation onsite, located within the MHPA. This measure would reduce all impacts to a level that is less than significant.

To avoid any unnecessary construction-related direct and indirect impacts to possible raptors and California Gnatcatchers that might inhabit the MHPA prior to grading, and to the MHPA resources in general, the owner/permittee shall, using a qualified biologist, implement the following mitigation measures. A letter of verification to the Assistant Deputy Director of the Land Development Review Divisions stating that a qualified biologist has been retained to implement these measures shall be submitted prior to the granting of a grading permit.

- a) The qualified biologist shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans.
- b) The project biologist shall meet with the owner, permittee or designee, and the construction crew to conduct an onsite educational session regarding the need to avoid impacts outside of the approved development area.
- c) During grading activities, Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include, but may not be limited to, the following: the use of materials such as sandbags; sediment fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas, to prevent soil loss.
- d) All construction activities shall take place only inside the fenced area. Grading materials shall be stored either inside the fenced development area or in an area approved by the project biologist.
- e) If the site has a potential to support nests and nesting raptors are present during grading and/or construction activities, compliance with the Migratory Bird Treaty Act/ Section 3503 would preclude the potential for direct impacts.

If there is a potential for direct noise impacts to nesting raptors, prior to any grading or vegetation removal within the development area during the raptor breeding season (February 1 through September 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed within 300 or 500 feet of any identified nest(s) (depending on type of avian species) until the young had fledged. Should the biologist determine that raptors are nesting; an active nest shall not be removed until after the breeding season.

- f) Prior to the issuance of any grading permit the Assistant Deputy Director of the Land Development Review Division shall verify that the MHPA boundaries and the following project requirements regarding the Coastal California Gnatcatcher are shown on the construction plans.

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the Coastal California Gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager.

- A. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) recovery permit) shall survey those habitat areas within the MHPA that

would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the Coastal California Gnatcatcher. Surveys for the *Coastal California Gnatcatcher* shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
  - II. Between March 1 and August 15, no construction activities shall occur within any portion of the site, where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
  - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities shall not exceed 60 dB(A) hourly average at the edge of habitat occupied by the Coastal California Gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).
- B. If Coastal California Gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
- I. If this evidence indicates the potential is high for the Coastal California Gnatcatcher to be present based on historical records or site conditions, then condition A. III shall be adhered to as specified above.
  - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

#### Land Use Adjacency-MHPA

Drainage – All drainage from proposed roads and structures associated with the Rancho Valley Farms site shall flow into a storm drain system located in the proposed road, then to a detention structure located in the northeast corner of the development area. A pipe shall convey water from this detention structure to an existing natural drainage swale

where it shall be discharged. This will ensure that runoff from the project will not increase erosion, sedimentation or affect water quality.

Lighting – All lighting associated with the project shall be shielded and directed away from the urban/natural edge. Remnant night-lighting would not be a nuisance to surrounding wildlife. These remaining indirect effects are not considered significant, and no additional mitigation is required.

Human Intrusion – Barriers such as low fencing and trail markers shall be incorporated into the project design to limit and control public access into natural open space.

Invasive Plants – The landscape plant palate for the proposed graded areas adjacent to natural open space areas shall include only native and low fuel plant species. No invasive (non-native weedy) species shall be introduced adjacent to natural open space.

Brush Management – Brush Management Zone 2 is compatible with the biological objectives of maintaining the biological function of the natural open space. In this particular circumstance, it has been possible to locate all brush management, whether Zone 1 or 2, within the development area. No brush management shall be done within the MHPA.

\* Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

RESOLUTION NUMBER R- \_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, PARDEE HOMES, Owner/Subdivider, and LATITUDE 33, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 8295, for the subdivision of a undeveloped site, located between El Camino Real and Old El Camino Real, south of San Dieguito Road, and legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Base Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records in the AR-1-1 Zone in the North City Future Urbanizing Area Subarea II; and

WHEREAS, the map proposes the subdivision of a 41.83 acre site to create a 15-lot subdivision; ten lots for single family residential development, one open space lot dedicated in fee to the City of San Diego and one homeowners association lot for a private drive and three homeowners association lots for slopes and other improvements; and

WHEREAS, on January 24, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 8295, and pursuant to Resolution No. 4363 -PC voted to recommend City Council approval of the map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, on \_\_\_\_\_, 2008, the Council of the City of San Diego considered Vesting Tentative Map No. 8295, and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission 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 Vesting Tentative Map No. 8295:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (LDC section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of San Diego Municipal Code section 144.0240 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Subdivider's Expense.

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 8295, is hereby granted to Pardee Homes, Owner/Subdivider, Applicant and Latitude 33, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:js  
02/21/2008  
Or.Dept: DSD  
R-2008-649

CONDITIONS FOR VESTING TENTATIVE MAP NO. 8295

RANCHO VALLEY FARMS – PROJECT NO. 5029

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Vesting Tentative Map will expire \_\_\_\_\_.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the expiration of the Vesting Tentative Map.

**AFFORDABLE HOUSING**

4. Prior to recording the final map, the Subdivider shall pay a fee to the San Diego Housing Commission in conformance with the North City Future Urbanizing Area [NCFUA] Framework Plan requirements for affordable housing based on the current fee amount at that time. The current rate of the fee is equal to \$4,480 per market rate unit, and is subject to change. The payment of the fee may be deferred until the issuance of the first building permit provided that the Subdivider executes an agreement with the San Diego Housing Commission prior to recording the final map.

**ENGINEERING**

5. The final map shall comply with the provisions of Coastal Development Permit No. 419844/ Site Development Permit No. 8292/ Planned Development Permit No. 8294/Neighborhood Use Permit No.411907.
6. The Subdivider shall underground all proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
7. The Subdivider shall construct one 25-foot wide drive way at the project's entrance. The driveway curb opening shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
12. The Subdivider shall obtain a bonded engineering permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), 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 shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

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 this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

14. The Subdivider shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two feet.
15. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the brow ditch, located at the northerly end of the project, within the Old Camino Real right-of-way.
16. The Subdivider shall provide adequate sight distance on Old Camino Real and the proposed driveway. The subdivider shall grant sight visibility easements as required. No trees, slopes, landscape or any other object that would prohibit visibility will be permitted within the easement area or line of sight.

17. The Subdivider shall grant a storm water storage easement over the detention basin to the City of San Diego.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

### **MAPPING**

19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
20. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
21. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.
22. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**SEWER AND WATER**

23. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
24. The Subdivider shall design and construct all proposed public 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 private or re- designed.
25. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
26. The Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
27. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.
28. Prior to the approval of any public improvement drawings, the Subdivider shall provide acceptable water studies satisfactory to the Water Department Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area.
29. The Subdivider shall design and construct all public water facilities, as required in the accepted water studies, necessary to serve this development. Water facilities, as shown on the approved Vesting Tentative Map, will require modification based on the accepted water studies and to maintain redundancy throughout construction phasing at final engineering.
30. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance, meters, blow offs, valves, fire hydrants, et cetera, for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

32. The Subdivider shall design and construct new 8-inch water main in the private driveway within an adequate General Utility Easement from Old El Camino Real to the end of the private driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
33. The Subdivider shall design and construct new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
34. The Subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

### **GEÓLOGY**

35. Prior to the issuance of an engineering permit for grading, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports.

### **TRANSPORTATION**

36. The Subdivider shall construct Old El Camino Real as a two lane Collector Street along the project's development footprint frontage. The Subdivider shall dedicate sixty feet of right-of-way and shall provide forty feet of pavement curb to curb including curb, gutter and a four foot wide sidewalk, six inch landscape strip, and five foot trail within a ten foot curb to property line distance, satisfactory to the City Engineer.
37. The Subdivider shall provide a cul-de-sac with a 35-foot curb radius with curb, gutter and trail, satisfactory to the City Engineer.

### **PARKS AND OPEN SPACE**

38. Lot "A" shall be deeded to the city as open space and shall be free and clear of all private easements, private encroachments, private agreement and/or liens.
39. Lot "C" shall have a non-vehicular public access easement placed over the trail.

### **LANDSCAPE**

40. Prior to recording the final map, the Subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements, slope revegetation and hydroseeding of all disturbed

land in accordance with the Landscape Standards, Exhibit "A" and to the satisfaction of the City Manager.

41. Prior to issuance of any engineering permits for public improvements, the plans shall indicate the street trees, area and location in the Lots D and E. The Site Plan shall be submitted to the City Manager for approval. Plans shall provide for 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.
42. Prior to recording the final map, the Subdivider shall submit interim landscape/ erosion control and permanent irrigation (if applicable) construction documents for slope revegetation and hydroseeding of all disturbed land for all development area only, exclusive of Lot A in accordance with the Exhibit "A", the Landscape Standards and to the satisfaction of the City Manager.
43. Prior to issuance of any grading permit, to include slope restoration, the Owner/Permittee shall enter into a Landscape Establishment/Maintenance Agreement [LEMA] to assure long-term establishment and maintenance of the slope areas. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Subdivider posting a new bond to cover the terms of the agreement.
44. Construction Documents for grading shall include the following note: "Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department."

#### PLANNING

45. Prior to issuance of an engineering permit, the Subdivider shall indicate on the grading plans the grading and construction of a proposed five foot wide, all weather engineered surface as indicated on the Vesting Tentative Map, to the satisfaction of the City Engineer. The engineered surface shall be suitable for all users as determined by the Park and Recreation Department and City Engineer.

#### INFORMATION:

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider 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 USC Section 1531 et seq.).

- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. San Diego Municipal Code section 142.0607.

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for Planned Development Permit [PDP] No. 8294/Site Development Permit [SDP] No. 8292/Coastal Development Permit [CDP] No. 419844/Neighborhood Use Permit [NUP] No. 411907 to subdivide and develop ten single-family lots with ten single-family homes each with an option to include a guest quarters, one lot dedicated in fee to the City of San Diego for open space and one lot for a private drive to be owned by the homeowners association to be known as the Rancho Valley Farms project, located between El Camino Real and Old El Camino Real, south of San Dieguito Road and legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records, in the North City Future Urbanizing Area Subarea II area, in the AR-1-1 zone (previously referred to as the A-1-5 and A-1-10 zones); and

WHEREAS, on January 24, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 8294/Site Development Permit No. 8292/Coastal Development Permit No. 419844/ Neighborhood Use Permit No. 411907, and pursuant to Resolution No. 4363-PC voted to recommend City Council approval of the permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, 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 PDP No. 8294/ SDP No. 8292/ CDP No. 419844/ NUP No. 411907:

**A. PLANNED DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE [SDMC] - SECTION 126.0604**

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site is designated for Agriculture uses by the Progress Guide and General Plan and allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit, density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the City's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II which is identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the site south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the Multiple Habitat Planning Area [MHPA]. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Framework Plan, the regulations of the AR-1-1 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development includes the improvement of public right-of-way and contribution of its fair share cost towards construction of improvements in the Subarea II area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will construct a detention basin necessary to handle project storm runoff; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance; will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity; and will provide a geotechnical report in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports for the review and approval by the City Engineer. The development will also provide for the health, safety, and welfare of the residents by locating all brush management outside of the MHPA while increasing the setback of houses from the fuel sources. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, as allowed through the approval of a Planned Development Permit.

Deviations are approved with this project as follows: the minimum side yard setback shall be allowed to be 15 feet where 20 feet is required with the adjacent property to provide a fifteen foot side yard setback. The deviation from a twenty foot side yard setback to a fifteen side yard setback for interior lots has been approved elsewhere within agricultural zones in the North City Future Urbanizing Area. The variable side yard setback would maintain a twenty-five foot separation between structures with a ten foot minimum on one side and a corresponding fifteen feet on the other adjacent property. These deviations have been determined to result in a superior project which results in protection of the sensitive resources and contributes to the new housing stock of the City. The project does not propose any deviations to the Environmentally Sensitive Lands regulations.

In order to design a project which reflects the intended development pattern of Subarea II, deviations from the regulations of the Land Development Code are required at this unique site. The Progress Guide and General Plan goal of limiting disturbance of the natural open space and preserving the habitat value of the environment for the benefit of wildlife species encourages the use of creative solutions to those regulations of the Land Development Code. The proposed project includes architectural plans that have extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned development regulations; however, in order to implement the site plan and architecture at this site; to preserve the habitat and passive recreational values of the open space; and to maximize the density at the site to contribute to the housing stock of the City of San Diego, the proposed deviations are granted to

permit a minimum side yard setback of ten feet on one lot where the adjacent lot would have a minimum setback not less than fifteen feet.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The owner of the proposed development will dedicate in fee simple title 33.45 acres, or 79.96 percent of the site, of designated MHPA open space into the regional open space system to be owned by and for the City of San Diego. The project will apply a native seed mix in a hydroseed application to the 33.45 acres in the MHPA which were formerly used for active agriculture to accelerate the natural restoration process. The application of the hydroseed will speed the natural process of species establishment and ultimately result in an open space in a naturally vegetated condition. The restoration of this habitat will contribute to the preservation of the functions and values of natural open space upon and in the vicinity of the site. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and implement all necessary BMP's to meet the requirements of SWRCB Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The development will contribute to the region's housing supply by constructing ten residential units and will pay all applicable public facilities financing and schools fees. The development will comply with the requirements of the Inclusionary Housing Ordinance by paying into the affordable housing in-lieu fee as provided by and consistent with the regulations applicable in the North City Future Urbanizing Area. Furthermore, the architecture of the buildings has been designed so that the proposed development will compliment its location and surroundings. For these specific reasons, the proposed development, when considered as a whole, will be beneficial to the community.

Deviations are approved with this project as follows: the minimum side yard setback shall be allowed to be fifteen feet where twenty feet is required with the adjacent property to provide a fifteen foot side yard setback. The deviation from a twenty foot side yard setback to a fifteen side yard setback for interior lots has been approved elsewhere within agricultural zones in the North City Future Urbanizing Area. The variable side yard setback would maintain a twenty-five foot separation between structures with a ten foot minimum on one side and a corresponding fifteen feet on the other adjacent property. The project does not propose any deviations to the Environmentally Sensitive Lands regulations. These deviations have been determined to result in a superior project which results in protection of the sensitive resources, contributes to the new housing stock of the City and results in a superior design and greater utilization of land.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed deviations are consistent with the purpose and intent of SDMC section 126.0602(b)(1). In granting these specific deviations, as indicated above in Finding 3, the City will realize the benefit of ten additional ownership housing opportunities in this location and the dedication of 33.45 acres into the City-owned open space inventory. Utilizing the rural clustering approach to the site design results in the greater preservation of open space, protection and restoration of habitat areas from former agricultural activities, greater efficiency in the utilization of land and

limited resources, a more cohesive neighborhood identity, and the realization of the community plan goal for harmony with the natural environment consistent with the recommendations of the General Plan by reducing the effect of scale and using forms and materials in harmony with the texture, color and character of the site. The proposed deviations are consistent with the purpose and intent of Section 126.0602(b)(1), are appropriate for the location, and will result in greater benefits accruing to the City.

## **B. SUPPLEMENTAL FINDINGS--FUTURE URBANIZING AREA**

**1. The proposed development will assist in accomplishing the goal of permanently preserving lands designated in the Progress Guide and General Plan as part of the environmental tier through the provision of public and private open space easements or dedications.** The owner of the proposed development will preserve 33.45 acres or 79.96 percent of the site as open space within the MHPA through the dedication of this land in fee simple title to the City of San Diego. The Pacific Highlands Ranch Subarea III Plan and the San Dieguito River Park Coast to Crest Trail identify an open space trail through this property in the area designated as open space. The proposed project will design and construct the segment of this trail system which passes through the property. The proposed project will also restore the open space by applying a seed mix in a hydroseed application composed of native plant species to speed the natural revegetation of the land where former agricultural activities had removed all natural vegetation. The restoration of the land to a naturally vegetated condition, the dedication of 33.45 acres as open space within the MHPA and the design and construction of the trail segment through the site will all assist in accomplishing the goal of permanently preserving and enhancing these lands.

**2. The proposed development will not foreclose future decisions regarding the size of major primary arterials, expressways, or freeways that may traverse the property.** The site is located between two circulation routes within the planning area. El Camino Real is designated to be constructed as a four-lane major circulation element road and Old El Camino Real is designated as a two-lane collector circulation element road. The site is not within any long range planning efforts identified by the State of California Department of Transportation for future highways or freeways or those planning efforts by the City of San Diego Engineering and Capital Projects Transportation Engineering Design for an expressway or major arterial other than El Camino Real. The proposed development will not foreclose the future plans to widen El Camino Real. There are no plans by either the State of California Department of Transportation or City of San Diego Engineering and Capital Projects Transportation Engineering Design to traverse the site.

**3. The proposed development will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog development.** Presently water and sewer mains are located in the public right-of-way of Old El Camino Real and other necessary utilities are adjacent to the site. In this way approval of the project will not result in the haphazard, erratic or illogical development pattern described by the term "leapfrog development."

4. **The proposed development will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets.** The proposed development will pay all fees required by the City of San Diego as determined by the City Council adopted fee schedule for new development. Further, the costs to provide continued community services to new single-family development will be reimbursed through the payment of property taxes collected by the County Tax Assessor and Tax Collector. In these ways, through the payment of property taxes and development fees, the proposed development will be at least fiscally neutral thereby not imposing a burden upon the City's capital and operating budgets.

5. **The proposed development will provide housing on the property affordable to lower income families, as certified by the San Diego Housing Commission.** The project is eligible to pay a fee in-lieu of providing affordable housing because the project only contains ten dwelling units. The North City Future Urbanizing Area plan allows projects with ten or fewer dwelling units or projects with densities of less than one dwelling unit per acre [du/ac] to pay the in-lieu fee. The fee for Subarea II is presently equal to \$4,840 per market rate unit.

6. **The proposed development comprehensively addresses framework planning issues including land use, character, and scale of development; environmental resources; and public facilities and the increase in density will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II, which is identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the canyon south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the MHPA. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. The development of ten single-family structures clustered on 8.38 acres has been determined through the review process to be consistent with the land use, character and scale of the area. Other properties have developed with single-family 1- and 2-story structures, open space, habitat restoration and preservation. Through the preservation of 33.45 acres of open space the environmental resources of the site will be enhanced and preserved. With the dedication of 33.45 acres of the site being preserved as open space in the MHPA, the public facilities and the increase in density will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan and is consistent with the goals and objectives of the Multiple Species Conservation Program Subarea Plan.

The owner of the proposed development will dedicate in fee simple title 33.45 acres, or 79.96 percent of the site, of designated MHPA open space into the regional open space system to be owned by and for the City of San Diego. The project will apply a native seed mix in a hydroseed application to allow the restoration process to begin more rapidly than through natural means in the 33.45 acres within the MHPA which were formerly used for active agriculture. The application of the hydroseed mixture will speed the natural process of species establishment and ultimately result in an open space in a naturally vegetated condition. The restoration of this habitat will contribute to the preservation of the functions and values of natural open space upon and in the vicinity of the site. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and implement all necessary BMP's to meet the requirements of SWRCB Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. These project features will contribute to the goals and objectives of the Multiple Species Conservation Program Subarea Plan. The development will contribute to the region's housing supply by constructing ten residential units and will pay all applicable public facilities financing and schools fees. The development will comply with the requirements of the Inclusionary Housing Ordinance by paying into the affordable housing in-lieu fee as provided consistent with the regulations. Furthermore, the architecture of the buildings has been designed so that the proposed development will compliment its location and surroundings.

**7. Within the North City future urbanizing area, as designated in the Progress Guide and General Plan, the proposed development will be consistent with the approved subarea plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II. Subarea II is identified for a variety of low-density residential, agricultural and open space uses. The canyon south of El Camino Real within the site is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the MHPA. The proposed project is consistent with the land uses allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Framework Plan, the regulations of the AR-1-1 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

8. The applicant and property owner have agreed in a recorded document that in return for the present increase in density granted by the City Council, no future development rights shall remain on the property. No increase in density is requested nor any granted inconsistent with the general development regulations in the AR-1-1 zone. The open space area of the site will be dedicated in fee simple title for preservation as open space. This area represents fully three-fourths of the project site and is measured as being 33.45 acres. No development rights will exist on these 33.45 acres after the dedication of this land to the City in fee simple title as open space.

#### **C. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504**

1. The proposed development will not adversely affect the applicable land use plan. The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. See Planned Development Permit Finding No. 1 above for additional information.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will construct all necessary improvements in a manner to assure the project will not be a detriment to the public health, safety, and welfare. See Planned Development Permit Finding No. 2 above for additional information.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, except as allowed through the approval of a Planned Development Permit. See Planned Development Permit Finding No. 3 above for additional information.

#### **D. SUPPLEMENTAL FINDINGS--ENVIRONMENTALLY SENSITIVE LANDS**

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The North City Future Urbanizing Area Subarea II has been specifically planned through the Progress Guide and General Plan process for low-density residential, agricultural and open space uses. The site is zoned for residential uses consistent with the AR-1-1 zone regulations which allows for clustered development at a density of four dwelling units per acre in return for an area equal to three times the development area being preserved as open space. The site was planned and approved consistent with the City's adopted Multiple Species Conservation Program [MSCP] and will preserve 33.45 acres for the MHPA. The development footprint has been located on the area identified as being the least sensitive area of the site. The development site was used for agriculture for many decades and is disturbed agricultural land. Additionally, all brush management for this project has been located outside of the MHPA and within either Home Owners Association [HOA] or single owner properties, thus further preventing any impact to sensitive resources. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous

agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The proposed project was designed to minimize alterations to natural landforms and has resulted in achieving that goal. The site was previously disturbed through agricultural activities for several decades. The grading of the site will not create additional disturbance beyond those areas used earlier for agriculture and has minimized the alteration of the land form. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan. The project meets the City-wide applicable requirements related to storm water runoff and best management practices as related to storm water runoff. Specifically, the development area is located out of the floodway and on the higher portions of the property. All brush management will be located out of the MHPA resulting in increased building setbacks and reduced fire hazards. The project site is located within geologic hazard zones 31, 32, 52, and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 31 is characterized by a high potential for liquefaction-shallow groundwater, major drainages, and hydraulic fills. Zone 32 is characterized by low potential for liquefaction, fluctuating groundwater, and minor drainages. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk. The geotechnical report prepared for the project has been reviewed by professional geotechnical staff. Based on the results of that review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project has been sited on the higher ground and disturbed portion of the site, all of which was previously used for agricultural purposes. An increased brush management Zone One will be provided within the development area without any necessity for Zone Two which further eliminates impacts to adjacent environmentally sensitive lands. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development has been sited on the portions of the project site with minimal topographic relief, all of which has been disturbed through previous agricultural practices. As a result of the design of the project, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the City's land use plan for this area. The Framework Plan identifies various planning subareas. The project property is within Subarea II identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the canyon south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation through the dedication of 33.45 acres to the City of San Diego as open space within the MHPA. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. The development of ten single-family structures clustered on 8.38 acres has been determined through the review process to be consistent with the land use, character and scale of the area. Through the preservation of 33.45 acres of open space the environmental resources of the area will be preserved and be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project will include all necessary water quality measures and BMP's to assure downstream properties, wetlands, lagoons and public beaches will be protected. These measures will assure the public beaches and the shoreline sand supply will not be eroded or be negatively impacted as a result of the project. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and will implement all necessary BMP's to meet the requirements of SWRCB Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In these ways the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **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.** An initial study has been conducted for the proposed development on this site and concluded that a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program is appropriate. Through the Mitigation Monitoring and Reporting Program all environmental impacts associated with this project will be mitigated to a level below significance. In addition, all mitigation measures identified in the Mitigated Negative Declaration associated with this proposed development have been adopted and will be incorporated into the requirements of the development permits. Thus, all mitigation reasonably related to and calculated to alleviate any potentially negative impacts created by the proposed development have been incorporated into the conditions of the development permits.

**D. COASTAL DEVELOPMENT PERMIT - SDMC SECTION 126.0708**

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 41.83-acre site is located approximately three miles east of the Pacific Ocean. No physical accessway legally used by the public or proposed public accessway will be compromised or encroached upon with the approval of the project. No existing or proposed physical accessway exists or is designated on or across the site that is designated for public use in an identified Local Coastal Program land use plan. The coastal zone crosses a portion of the property along the northwestern area of the site. The project does not block or impede any legal or proposed accessway to the coast or other scenic coastal areas. The project protects and enhances views into the San Dieguito River Valley and the San Dieguito Lagoon. From the site along Old El Camino Real no public views to or along the ocean or other scenic coastal areas presently exist and none will be impacted from the approval of the project. In addition, views to the ocean or other scenic coastal areas do not exist and thus are not affected.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The project has been sited on the topographically elevated disturbed portion of the site, all of which was previously used for agricultural purposes. An increased brush management Zone One will be provided within the development area which further eliminates any future impacts to adjacent environmentally sensitive lands present on the property. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development has been sited on the portions of the project site with minimal topographic relief, all of which has been disturbed through previous agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The land use plan which applies to this site is the Progress Guide and General Plan. The North City Future Urbanizing Area Subarea II is the specific area of the project site. The development regulations applied to this site are those of the AR-1-1 zone. The proposed project complies with all relevant regulations of the AR-1-1 zone, as allowed through a Planned Development Permit, and the policies of the Progress Guide and General Plan and North City Future Urbanizing Area Subarea II.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The site along Old El Camino Real is not between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The site is located in the North City Future Urbanizing Area Subarea II area of Interstate 5. The development of a 10-lot single-family subdivision and ten single-family structures will have no affect upon the public's access to coastal resources or recreation policies of Chapter 3 of the Coastal Act. The site does not contain any existing or planned access routes to the sea or shoreline of any body of water within the Coastal Overlay Zone and will have no affect upon the recreation policies of Chapter 3 of the Coastal Act in that all necessary parking is provided on the site for residents and visitors. Being determined that the proposed project will have no affect upon the access or recreational policies of the Coastal Act, the proposed project is therefore in conformance with the policies of such act.

**E. NEIGHBORHOOD USE PERMIT - SDMC SECTION 126.0205**

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed single-family development on 8.38 acres of a 41.83-acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. See Planned Development Permit Finding No. 1 above for additional information.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development will construct all necessary improvements in a manner to assure the project will not be a detriment to the public health, safety, and welfare. See Planned Development Permit Finding No. 2 above for additional information.

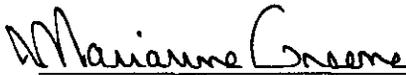
3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, except as allowed through the approval of a Planned Development Permit. See Planned Development Permit Finding No. 3 above for additional information.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 8294/Site Development Permit No. 8292/Coastal Development Permit No. 419844/Neighborhood Use Permit No. 411907 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: MICHAEL J. AGUIRRE, City Attorney

By



Marianne Greene  
Deputy City Attorney

MG:js

02/05/2008

Or.Dept:DSD

R-2008-653

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**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES DEPARTMENT  
 PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 420946

PLANNED DEVELOPMENT PERMIT NO. 8294/ SITE DEVELOPMENT PERMIT  
 NO. 8292/ COASTAL DEVELOPMENT PERMIT NO. 419844/  
 NEIGHBORHOOD USE PERMIT NO. 411907  
**RANCHO VALLEY FARMS [MMRP]**  
 City Council

This Planned Development Permit No. 8294/ Site Development Permit No. 8292/ Coastal Development Permit No. 419844/ Neighborhood Use Permit No. 411907 is granted by the Council of the City of San Diego to Pardee Homes, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0601, 126.0501, 126.0205 and 126.0708. The 41.83-acre site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 zone in the North City Future Urbanizing Area Subarea II. The project site is legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide and develop ten single-family lots with ten single-family homes, one lot dedicated in fee to the City of San Diego for open space, one lot for a private drive to be owned by the homeowners association and three lots for slopes to be owned by the homeowners association, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department.

The project shall include:

- a. The subdivision and development of ten single-family lots with ten single-family homes each with an option to include a guest quarters, one lot dedicated in fee to the City of San Diego for open space, one lot for a private drive to be owned by the homeowners association and three lots for slopes to be owned by the homeowners association;
- b. Deviations: Front yard setbacks are a minimum of 25 feet, except where garages are turned to the side and not facing the private driveway then a minimum of 15 feet is allowed. Interior side yard setbacks may vary as follows: A minimum of 30 feet shall be maintained between two adjacent 2-story structures on adjacent lots and 25 feet shall be maintained between two adjacent 1-story structures on adjacent lots. On lots where a 1-story structure is adjacent to lot with a 2-story structure the setback shall be no less than 15 feet on each lot. A minimum of 25 feet shall be maintained between structures in which one is a one story structure.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Accessory improvements determined by the Development Services Department 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 SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC 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 Owner/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 Owner/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 continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/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 Owner/Permittee by the City: (1) to grant Owner/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 Owner/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 Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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 proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 5029 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL / MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 5029 satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Paleontological
- Historical Resources (Archaeology)
- Biological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**ENGINEERING REQUIREMENTS:**

16. The Planned Development Permit/Site Development Permit/Coastal Development Permit/Neighborhood Use Permit shall comply with the conditions of Vesting Tentative Map No. 8295 for Rancho Valley Farms.

**LANDSCAPE REQUIREMENTS:**

17. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with Exhibit "A."

18. Installation of slope planting and erosion control including seeding of all disturbed land for all development area only, exclusive of Lot "A," consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control slope planting and the associated irrigation systems, both temporary and/or permanent, and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual, Landscape Standards.

19. Prior to issuance of any building permits, a single application of a hydroseed mixture composed of native plant species, mulch, binder, and any other material which is standard practice for hydroseed mixtures, shall be applied to all of Lot "A." Evidence of this single application of hydroseed mix shall be provided to the City Manager.

20. Prior to issuance of any building permits, complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A."

21. Prior to final inspection of any building permit, 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 shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

22. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. 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 thirty days of damage or a Final Landscape Inspection.

24. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

25. Prior to the release of the Landscape Establishment & Maintenance Bond an establishment period for slopes and revegetation for all development area only, exclusive of Lot "A," shall be a minimum of five years or as approved otherwise by the Mitigation Monitoring & Coordination Section of Development Services.

**BRUSH MANAGEMENT REQUIREMENTS:**

26. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."

27. 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."

28. Prior to 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 Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0101, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance No. O-9413).

29. The Brush Management Program shall consist of Zone One and Zone Two consistent with the Brush Management Regulations of the Land Development Code section 142.0412 and Exhibit "A."

30. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

31. The following note shall be provided 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.”

32. In Zone One, 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 Planning Department MSCP Section.

33. Prior to final inspection of any structure, the approved Brush Management Program shall be implemented.

34. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

**PLANNING/DESIGN REQUIREMENTS:**

35. No fewer than two off-street parking spaces per lot shall be maintained on each property at all times in the approximate locations shown on the approved Exhibit "A." On any lot which develops with a guest quarters, an additional parking space shall be provided on the lot in an appropriate location. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

36. A topographical survey conforming to the provisions of the SDMC 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 Owner/Permittee.

37. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

38. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

39. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

40. All exterior lighting shall be limited to low-level lights and utilize shields to minimize the amount of light entering any identified sensitive biological resource. All lighting shall adhere to SDMC/LDC Section 142.0740.

41. The guest quarters shall not contain a kitchen or facilities for the storage and preparation of food.

42. Architectural encroachments in required setbacks are not allowed, which include items such as eaves, awnings, patio covers, trellises, barbeques, self standing

fireplaces/chimneys, bay windows, guest units, and items identified in SDMC/LDC section 131.0461, architectural projections in residential zones.

43. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.
44. The Owner/Permittee shall make available to all prospective buyers information on energy efficient technologies available with new residential construction as well as offer a program to incorporate any additional energy efficient features and appliances into the structures as a construction option.
45. Required fencing between designated private use areas and common brush management and/or Multiple Habitat Planning Area [MHPA] /open space lots shall not be altered, removed or relocated.

**WASTEWATER REQUIREMENTS:**

46. The Owner/Permittee shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
48. 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.
49. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.
50. All on site sewer facilities shall be private.

**WATER REQUIREMENTS:**

51. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of an eight-inch water main in the private driveway within an adequate General Utility Easement from Old El Camino Real to the end of the private driveway, in a manner satisfactory to the Water Department Director and the City Engineer.

52. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.

53. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

54. The Owner/Permittee 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 Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

55. Prior to any final inspection, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Council of the City of San Diego on \_\_\_\_\_, by Resolution No. R- \_\_\_\_\_.

001092

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

PARDEE HOMES, a California Corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

WHEREAS, on April 7, 2003, Pardee Homes, Owner/Applicant, submitted an application to the Development Services Department for a Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and Neighborhood Use Permit; and

WHEREAS, the permit was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the Council of the City of San Diego on (to be completed); and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 5029; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 5029 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Council of the City of San Diego.

BE IT FURTHER RESOLVED that the Council of the City of San Diego finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Mitigated Negative Declaration is hereby approved.

APPROVED: MICHAEL AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley Edwards  
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

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Reviewed by John S. Fisher

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SECRET

(R-INSERT)

RESOLUTION NUMBER R-NUMBERADOPTED ON DATE

WHEREAS, PARDEE HOMES, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 8294, Site Development Permit No. 8292, Coastal Development Permit No. 419844 and Neighborhood Use Permit No. 411907 to subdivide and develop ten single family lots with ten single family homes each with an option to include a guest quarters, one lot dedicated in fee to the City of San Diego for open space and one lot for a private drive to be owned by the home owners association known as the Rancho Valley Farms project, located at between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 Zone in the North City Future Urbanizing Area Subarea II, and legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records, in the North City Future Urbanizing Area Subarea II area, in the AR-1-1 zone (previously referred to as the A-1-5 and A-1-10 zones); and

WHEREAS, on INSERT DATE, the Planning Commission of the City of San Diego considered Planned Development Permit No. 8294, Site Development Permit No. 8292, Coastal Development Permit No. 419844 and Neighborhood Use Permit No. 411907 [PDP/SDP/CDP/NUP], and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on DATE, 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 PDP No. 8294, SDP No. 8292, CDP No. 419844 and NUP No. 411907:

FINDINGS:

**Planned Development Permit - Section 126.0604**

**A. Findings for all Planned Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed single family development on 8.38 acres of a 41.83 acre site is designated for Agriculture uses by the Progress Guide and General Plan and allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II which is identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the site south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Framework Plan, the regulations of the AR-1-1 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development includes the improvement of public right-of-way and contribution of its fair share cost towards construction of improvements in the Subarea II area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will construct a detention basin necessary to handle project storm runoff; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity; and will provide a geotechnical report in

accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports for the review and approval by the City Engineer. The development will also provide for the health, safety, and welfare of the residents by locating all brush management outside of the MHPA while increasing the setback of houses from the fuel sources. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, as allowed through the approval of a Planned Development Permit.

Deviations are approved with this project as follows: the minimum side yard setback shall be allowed to be fifteen feet where twenty feet is required with the adjacent property to provide a fifteen foot side yard setback. The deviation from a twenty foot side yard setback to a fifteen side yard setback for interior lots has been approved elsewhere within agricultural zones in the North City Future Urbanizing Area. The variable side yard setback would maintain a twenty-five foot separation between structures with a ten foot minimum on one side and a corresponding fifteen feet on the other adjacent property. These deviations have been determined to result in a superior project which results in protection of the sensitive resources and contributes to the new housing stock of the City. The project does not propose any deviations to the Environmentally Sensitive Lands regulations.

In order to design a project which reflects the intended development pattern of Subarea II, deviations from the regulations of the Land Development Code are required at this unique site. The Progress Guide and General Plan goal of limiting disturbance of the natural open space and preserving the habitat value of the environment for the benefit of wildlife species encourages the use of creative solutions to those regulations of the Land Development Code. The proposed project includes architectural plans that have extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned development regulations; however, in order to implement the site plan and architecture at this site; to preserve the habitat and passive recreational values of the open space; and to maximize the density at the site to contribute to the housing stock of the City of San Diego, the proposed deviations are granted to permit a minimum side yard setback of ten feet on one lot where the adjacent lot would have a minimum setback not less than fifteen feet.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The owner of the proposed development will dedicate in fee simple title 33.45 acres, or 79.96 percent of the site, of designated MHPA open space into the regional open space system to be owned by and for the City of San Diego. The project will apply a native seed mix in a hydroseed application to the 33.45 acres in the MHPA which were formerly used for active agriculture to accelerate the natural restoration process. The application of the hydroseed will speed the natural process of species

establishment and ultimately result in an open space in a naturally vegetated condition. The restoration of this habitat will contribute to the preservation of the functions and values of natural open space upon and in the vicinity of the site. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and implement all necessary Best Management Practices to meet the requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The development will contribute to the region's housing supply by constructing ten residential units and will pay all applicable public facilities financing and schools fees. The development will comply with the requirements of the Inclusionary Housing Ordinance by paying into the affordable housing in-lieu fee as provided by and consistent with the regulations applicable in the North City Future Urbanizing Area. Furthermore, the architecture of the buildings has been designed so that the proposed development will compliment its location and surroundings. For these specific reasons, the proposed development, when considered as a whole, will be beneficial to the community.

Deviations are approved with this project as follows: the minimum side yard setback shall be allowed to be fifteen feet where twenty feet is required with the adjacent property to provide a fifteen foot side yard setback. The deviation from a twenty foot side yard setback to a fifteen side yard setback for interior lots has been approved elsewhere within agricultural zones in the North City Future Urbanizing Area. The variable side yard setback would maintain a twenty-five foot separation between structures with a ten foot minimum on one side and a corresponding fifteen feet on the other adjacent property. The project does not propose any deviations to the Environmentally Sensitive Lands regulations. These deviations have been determined to result in a superior project which results in protection of the sensitive resources, contributes to the new housing stock of the City and results in a superior design and greater utilization of land.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed deviations are consistent with the purpose and intent of Section 126.0602(b)(1). In granting these specific deviations, as indicated above in Finding 3, the City will realize the benefit of ten additional ownership housing opportunities in this location and the dedication of 33.45 acres into the City-owned open space inventory. Utilizing the rural clustering approach to the site design results in the greater preservation of open space, protection and restoration of habitat areas from former agricultural activities, greater efficiency in the utilization of land and limited resources, a more cohesive neighborhood identity, and the realization of the community plan goal for harmony with the natural environment consistent with the recommendations of the General Plan by reducing the effect of scale and using forms and materials in harmony with the texture, color and character of the site. The proposed deviations are consistent with the purpose and intent of Section 126.0602(b)(1), are appropriate for the location, and will result in greater benefits accruing to the City.

**B. Supplemental Findings--Future Urbanizing Area**

**1. The proposed development will assist in accomplishing the goal of permanently preserving lands designated in the Progress Guide and General Plan as part of the environmental tier through the provision of public and private open space easements or dedications.** The owner of the proposed development will preserve 33.45 acres or 79.96% of the site as open space within the Multiple Habitat Planning Area through the dedication of this land in fee simple title to the City of San Diego. The Pacific Highlands Ranch Subarea III Plan and the San Dieguito River Park Coast to Crest Trail identify an open space trail through this property in the area designated as open space. The proposed project will design and construct the segment of this trail system which passes through the property. The proposed project will also restore the open space by applying a seed mix in a hydroseed application composed of native plant species to speed the natural revegetation of the land where former agricultural activities had removed all natural vegetation. The restoration of the land to a naturally vegetated condition, the dedication of 33.45 acres as open space within the Multiple Habitat Planning Area and the design and construction of the trail segment through the site will all assist in accomplishing the goal of permanently preserving and enhancing these lands.

**2. The proposed development will not foreclose future decisions regarding the size of major primary arterials, expressways, or freeways that may traverse the property.** The site is located between two circulation routes within the planning area. El Camino Real is designated to be constructed as a four lane major circulation element road and Old El Camino Real is designated as a two lane collector circulation element road. The site is not within any long range planning efforts identified by the State of California Department of Transportation for future highways or freeways or those planning efforts by the City of San Diego Engineering and Capital Projects Transportation Engineering Design for an expressway or major arterial other than El Camino Real. The proposed development will not foreclose the future plans to widen El Camino Real. There are no plans by either the State of California Department of Transportation or City of San Diego Engineering and Capital Projects Transportation Engineering Design to traverse the site.

**3. The proposed development will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog development.** Presently water and sewer mains are located in the public right-of-way of Old El Camino Real and other necessary utilities are adjacent to the site. In this way approval of the project will not result in the haphazard, erratic or illogical development pattern described by the term "leapfrog development."

**4. The proposed development will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets.** The proposed development will pay all fees required by the City of San Diego as determined by the City Council adopted fee schedule for new development. Further, the costs to provide continued community services to new single family development will be reimbursed through the payment of property taxes collected by the County Tax Assessor and Tax Collector. In these ways, through the payment of property taxes and development fees,

the proposed development will be at least fiscally neutral thereby not imposing a burden upon the City's capital and operating budgets.

**5. The proposed development will provide housing on the property affordable to lower income families, as certified by the San Diego Housing Commission.** The project is eligible to pay a fee in-lieu of providing affordable housing because the project only contains ten dwelling units. The North City Future Urbanizing Area plan allows projects with ten or fewer dwelling units or projects with densities of less than one dwelling unit per acre to pay the in-lieu fee. The fee for Subarea II is presently equal to \$4,840 per market rate unit.

**6. The proposed development comprehensively addresses framework planning issues including land use, character, and scale of development; environmental resources; and public facilities and the increase in density will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan.** The proposed single family development on 8.38 acres of a 41.83 acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II, which is identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the canyon south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. The development of ten single family structures clustered on 8.38 acres has been determined through the review process to be consistent with the land use, character and scale of the area. Other properties have developed with single family one and two-story structures, open space, habitat restoration and preservation. Through the preservation of 33.45 acres of open space the environmental resources of the site will be enhanced and preserved. With the dedication of 33.45 acres of the site being preserved as open space in the MHPA, the public facilities and the increase in density will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan and is consistent with the goals and objectives of the Multiple Species Conservation Program Subarea Plan.

The owner of the proposed development will dedicate in fee simple title 33.45 acres, or 79.96 percent of the site, of designated MHPA open space into the regional open space system to be owned by and for the City of San Diego. The project will apply a native seed mix in a hydroseed application to allow the restoration process to begin more rapidly than through natural means in the 33.45 acres within the MHPA which were formerly used for active agriculture. The application of the hydroseed mixture will speed the

natural process of species establishment and ultimately result in an open space in a naturally vegetated condition. The restoration of this habitat will contribute to the preservation of the functions and values of natural open space upon and in the vicinity of the site. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and implement all necessary Best Management Practices to meet the requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. These project features will contribute to the goals and objectives of the Multiple Species Conservation Program Subarea Plan. The development will contribute to the region's housing supply by constructing ten residential units and will pay all applicable public facilities financing and schools fees. The development will comply with the requirements of the Inclusionary Housing Ordinance by paying into the affordable housing in-lieu fee as provided consistent with the regulations. Furthermore, the architecture of the buildings has been designed so that the proposed development will compliment its location and surroundings.

**7. Within the North City future urbanizing area, as designated in the Progress Guide and General Plan, the proposed development will be consistent with the approved subarea plan.** The proposed single family development on 8.38 acres of a 41.83 acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning subareas, and this property is within Subarea II. Subarea II is identified for a variety of low-density residential, agricultural and open space uses. The canyon south of El Camino Real within the site is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation and will dedicate 33.45 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The proposed project is consistent with the land uses allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Framework Plan, the regulations of the AR-1-1 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**8. The applicant and property owner have agreed in a recorded document that in return for the present increase in density granted by the City Council, no future development rights shall remain on the property.** No increase in density is requested nor any granted inconsistent with the general development regulations in the AR-1-1 Zone. The open space area of the site will be dedicated in fee simple title for preservation as open space. This area represents fully three fourths of the project site and is measured as being 33.45 acres. No development rights will exist on these 33.45 acres after the dedication of this land to the City in fee simple title as open space.

**Site Development Permit - Section 126.0504****A. Findings for all Site Development Permits**

- 1. The proposed development will not adversely affect the applicable land use plan.** The proposed single family development on 8.38 acres of a 41.83 acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. See Planned Development Permit Finding No. 1 above for additional information.
- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development will construct all necessary improvements in a manner to assure the project will not be a detriment to the public health, safety, and welfare. See Planned Development Permit Finding No. 2 above for additional information.
- 3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, except as allowed through the approval of a Planned Development Permit. See Planned Development Permit Finding No. 3 above for additional information.

**B. Supplemental Findings--Environmentally Sensitive Lands**

- 1. The site is physically suitable for the design and sitting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The North City Future Urbanizing Area Subarea II has been specifically planned through the Progress Guide and General Plan process for low-density residential, agricultural and open space uses. The site is zoned for residential uses consistent with the AR-1-1 Zone regulations which allows for clustered development at a density of four dwelling units per acre in return for an area equal to three times the development area being preserved as open space. The site was planned and approved consistent with the City's adopted MSCP and will preserve 33.45 acres for the MHPA. The development footprint has been located on the area identified as being the least sensitive area of the site. The development site was used for agriculture for many decades and is disturbed agricultural land. Additionally, all brush management for this project has been located outside of the MHPA and within either HOA or single owner properties, thus further preventing any impact to sensitive resources. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.
- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The proposed project was designed to minimize alterations to natural

landforms and has resulted in achieving that goal. The site was previously disturbed through agricultural activities for several decades. The grading of the site will not create additional disturbance beyond those areas used earlier for agriculture and has minimized the alteration of the land form. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the region-wide erosion control plan. The project meets the City-wide applicable requirements related to storm water runoff and best management practices as related to storm water runoff.

Specifically, the development area is located out of the floodway and on the higher portions of the property. All brush management will be located out of the MHPA resulting in increased building setbacks and reduced fire hazards. The project site is located within geologic hazard zones 31, 32, 52, and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 31 is characterized by a high potential for liquefaction-shallow groundwater, major drainages, and hydraulic fills. Zone 32 is characterized by low potential for liquefaction, fluctuating groundwater, and minor drainages. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. Zone 53 is characterized by level or sloping to steep terrain with unfavorable geologic structure, low to moderate risk. The geotechnical report prepare for the project has been reviewed by professional geotechnical staff. Based on the results of that review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project. As such the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project has been sited on the higher ground and disturbed portion of the site, all of which was previously used for agricultural purposes. An increased brush management Zone One will be provided within the development area without any necessity for Zone Two which further eliminates impacts to adjacent environmentally sensitive lands. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development has been sited on the portions of the project site with minimal topographic relief, all of which has been disturbed through previous agricultural practices. As a result of the design of the project, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed single family development on 8.38 acres of a 41.83 acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. Through a Planned Development Permit density may be requested as a rural cluster development to allow up to four units per acre. This property is subject to the policies of the North City Future Urbanizing Area Framework Plan, the city's land use plan for this area. The Framework Plan identifies various planning

subareas. The project property is within Subarea II identified for a variety of low-intensity residential, agricultural and open space uses. The portion of the canyon south of El Camino Real is designated by the Framework Plan as Environmental Tier and is intended ultimately for conservation as open space. The proposed project is consistent with this designation through the dedication of 33.45 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The proposed project is consistent with the land use allowed by the Framework Plan, the density allowed through a Planned Development Permit as a rural cluster and the preservation goals of the Environmental Tier. The development of ten single family structures clustered on 8.38 acres has been determined through the review process to be consistent with the land use, character and scale of the area. Through the preservation of 33.45 acres of open space the environmental resources of the area will be preserved and be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project will include all necessary water quality measures and best management practices to assure downstream properties, wetlands, lagoons and public beaches will be protected. These measures will assure the public beaches and the shoreline sand supply will not be eroded or be negatively impacted as a result of the project. The proposed development will provide for a detention basin within the development area capable of handling all project-related storm runoff and will implement all necessary Best Management Practices to meet the requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In these ways the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. 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.** An initial study has been conducted for the proposed development on this site and concluded that an Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program is appropriate. Through the Mitigation Monitoring and Reporting Program all environmental impacts associated with this project will be mitigated to a level below significance. In addition, all mitigation measures identified in the Mitigated Negative Declaration associated with this proposed development have been adopted and will be incorporated into the requirements of the development permits. Thus, all mitigation reasonably related to and calculated to alleviate any potentially negative impacts created by the proposed development have been incorporated into the conditions of the development permits.

Coastal Development Permit - Section 126.0708

## A.

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 41.83 acre site is located approximately three miles east of the Pacific Ocean. No physical accessway legally used by the public or proposed public accessway will be compromised or encroached upon with the approval of the project. No existing or proposed physical accessway exists or is designated on or across the site that is designated for public use in an identified Local Coastal Program land use plan. The coastal zone crosses a portion of the property along the northwestern area of the site. The project does not block or impede any legal or proposed accessway to the coast or other scenic coastal areas. The project protects and enhances views into the San Dieguito River Valley and the San Dieguito Lagoon. From the site along Old El Camino Real no public views to or along the ocean or other scenic coastal areas presently exist and none will be impacted from the approval of the project. In addition, views to the ocean or other scenic coastal areas do not exist and thus are not affected.
2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The project has been sited on the topographically elevated disturbed portion of the site, all of which was previously used for agricultural purposes. An increased brush management Zone One will be provided within the development area which further eliminates any future impacts to adjacent environmentally sensitive lands present on the property. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development has been sited on the portions of the project site with minimal topographic relief, all of which has been disturbed through previous agricultural practices. As a result, both grading and disturbance of sensitive habitat is minimized. No sensitive habitat will be impacted resulting from the construction of the project.
3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The land use plan which applies to this site is the Progress Guide and General Plan. The North City Future Urbanizing Area Subarea II is the specific area of the project site. The development regulations applied to this site are those of the AR-1-1 Zone. The proposed project complies with all relevant regulations of the AR-1-1 Zone, as allowed through a Planned Development Permit, and the policies of the Progress Guide and General Plan and North City Future Urbanizing Area Subarea II.
4. **For every Coastal Development Permit issued for any coastal development**

**between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The site along Old El Camino Real is not between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The site is located in the North City Future Urbanizing Area Subarea II area of Interstate 5. The development of a ten lot single family subdivision and ten single family structures will have no affect upon the public's access to coastal resources or recreation policies of Chapter 3 of the Coastal Act. The site does not contain any existing or planned access routes to the sea or shoreline of any body of water within the Coastal Overlay Zone and will have no affect upon the recreation policies of Chapter 3 of the Coastal Act in that all necessary parking is provided on the site for residents and visitors. Being determined that the proposed project will have no affect upon the access or recreational policies of the Coastal Act, the proposed project is therefore in conformance with the policies of such act.

**Neighborhood Use Permit - Section 126.0205**

- 1. The proposed development will not adversely affect the applicable land use plan.** The proposed single family development on 8.38 acres of a 41.83 acre site designated for Agriculture by the Progress Guide and General Plan allows residential development at the densities allowed by the existing AR-1-1 zone. See Planned Development Permit Finding No. 1 above for additional information.
- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development will construct all necessary improvements in a manner to assure the project will not be a detriment to the public health, safety, and welfare. See Planned Development Permit Finding No. 2 above for additional information.
- 3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the AR-1-1 zone and site-specific development regulations for the Rancho Valley Farms parcels, except as allowed through the approval of a Planned Development Permit. See Planned Development Permit Finding No. 3 above for additional information.

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 Planned Development Permit No. 8294, Site Development Permit No. 8292, Coastal Development Permit No. 419844 and Neighborhood Use Permit No. 411907 is granted

001107

to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley Edwards  
Deputy City Attorney

ATTY/SEC. INITIALS  
DATE  
Or.Dept:Clerk  
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Reviewed by John S. Fisher

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PLANNING COMMISSION RESOLUTION NO. V2 - RESO NO.  
VESTING TENTATIVE MAP NO. 8295  
**RANCHO VALLEY FARMS - PROJECT NO. 5029**  
**DRAFT**

WHEREAS, PARDEE HOMES, Owner/Subdivider, and LATITUDE 33, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 8295, for the subdivision of a undeveloped site. The project site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records in the AR-1-1 Zone in the North City Future Urbanizing Area Subarea II; and

WHEREAS, the Map proposes the subdivision of a 41.83 acre site to create a fifteen lot subdivision; ten lots for single family residential development, one open space lot dedicated in fee to the City of San Diego and one homeowners association lot for a private drive and three homeowners association lots for slopes and other improvements; and

WHEREAS, A Mitigated Negative Declaration No. 5029, has been prepared for the project in accordance with State of California Environmental Quality Act Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce to a level of insignificance, any potential impacts identified by the environmental review process; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on (date to be filled in), 2008, the Council of the City of San Diego considered Vesting Tentative Map No. 8295, and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission 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 Vesting Tentative Map No. 8295:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development

- Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
  3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
  4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
  5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
  6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
  7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
  8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
  9. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Subdivider's Expense.
  10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

Project No. 5029  
TM No. 8295  
XXXX, 2008

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 8295, is hereby granted to Pardee Homes, Owner/Subdivider, subject to the following conditions:

#### **GENERAL**

1. This Vesting Tentative Map will expire (date to be filled in), 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the expiration of the Vesting Tentative Map.

#### **AFFORDABLE HOUSING**

4. Prior to recording the final map, the Subdivider shall pay a fee to the San Diego Housing Commission in conformance with the NCFUA Framework Plan requirements for affordable housing based on the current fee amount at that time. The current rate of the fee is equal to \$4,480 per market rate unit, and is subject to change.

#### **ENGINEERING**

5. The final map shall comply with the provisions of Coastal Development Permit No. 419844, Site Development Permit No. 8292, Planned Development Permit No. 8294 and Neighborhood Use Permit No.411907.
6. The Subdivider shall underground all proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
7. The Subdivider shall construct one 25 foot wide drive way at the project's entrance. The driveway curb opening shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
12. The Subdivider shall obtain a bonded engineering permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), 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 shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

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 this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

14. The Subdivider shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two feet.
15. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the brow ditch, located at the northerly end of the project, within the Old Camino Real right-of-way.
16. The Subdivider shall provide adequate sight distance on Old Camino Real and the proposed driveway. The subdivider shall grant sight visibility easements as required. No trees, slopes, landscape or any other object that would prohibit visibility will be permitted within the easement area or line of sight.
17. The Subdivider shall grant a storm water storage easement over the detention basin to the City of San Diego.

18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

## MAPPING

19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
20. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
21. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.
22. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**SEWER AND WATER**

23. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
24. The Subdivider shall design and construct all proposed public 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 private or re- designed.
25. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
26. The Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
27. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.
28. Prior to the approval of any public improvement drawings, the Subdivider shall provide acceptable water studies satisfactory to the Water Department Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area.
29. The Subdivider shall design and construct all public water facilities, as required in the accepted water studies, necessary to serve this development. Water facilities, as shown on the approved Vesting Tentative Map, will require modification based on the accepted water studies and to maintain redundancy throughout construction phasing at final engineering.
30. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance, meters, blow offs, valves, fire hydrants, et cetera, for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

32. The Subdivider shall design and construct new eight inch water main in the private driveway within an adequate General Utility Easement from Old El Camino Real to the end of the private driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
33. The Subdivider shall design and construct new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
34. The Subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

## **GEOLOGY**

35. Prior to the issuance of an engineering permit for grading, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports.

## **TRANSPORTATION**

36. The Subdivider shall construct Old El Camino Real as a two lane Collector Street along the project's development footprint frontage. The Subdivider shall dedicate sixty feet of right-of-way and shall provide forty feet of pavement curb to curb including curb, gutter and a four foot wide sidewalk, six inch landscape strip, and five foot trail within a ten foot curb to property line distance, satisfactory to the City Engineer.
37. The Subdivider shall provide a cul-de-sac with a thirty-five foot curb radius with curb, gutter and trail, satisfactory to the City Engineer.

## **PARKS AND OPEN SPACE**

38. Lot "A" shall be deeded to the city as open space and shall be free and clear of all private easements, private encroachments, private agreement and/or liens.
39. Lot "C" shall have a non-vehicular public access easement placed over the trail.

## **LANDSCAPE**

40. Prior to recording the final map, the Subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the

Project No. 5029  
TM No. 8295  
XXXX, 2008

required right-of-way improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards, Exhibit A and to the satisfaction of the City Manager.

41. Prior to issuance of any engineering permits for public improvements, the plans shall indicate the street trees, area and location in the Lots D and E. The Site Plan shall be submitted to the City Manager for approval. Plans shall provide for a forty 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.
42. Prior to recording the final map, the Subdivider shall submit interim landscape/erosion control and permanent irrigation (if applicable) construction documents for slope revegetation and hydroseeding of all disturbed land for all development area only, exclusive of Lot A, in accordance with the Exhibit "A", the Landscape Standards and to the satisfaction of the City Manager.
43. Prior to issuance of any grading permit, to include slope restoration, the Owner/Permittee shall enter into a Landscape Establishment/Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of the slope areas. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Subdivider posting a new bond to cover the terms of the agreement.
44. Construction Documents for grading shall include the following note:  
"Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department."

## **PLANNING**

45. Prior to issuance of an engineering permit, the Subdivider shall indicate on the grading plans the grading and construction of a proposed five foot wide, all weather engineered surface as indicated on the Vesting Tentative Map, to the satisfaction of the City Engineer. The engineered surface shall be suitable for all users as determined by the Park and Recreation Department and City Engineer.

## **INFORMATION:**

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider 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 USC Section 1531 et seq.).
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

001118

Project No. 5029  
TM No. 8295  
XXXX, 2008

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON (to be filled in), 2008.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

\_\_\_\_\_  
Shirley Edwards  
Deputy City Attorney

Job Order No. 420946

## PLANNING COMMISSION RESOLUTION NO. 4363-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE PROPOSED  
 Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site  
 Development Permit No. 8292, Neighborhood Use Permit No. 411907 and  
 Coastal Development Permit No. 419844  
**RANCHO VALLEY FARMS, PTS# 5029**

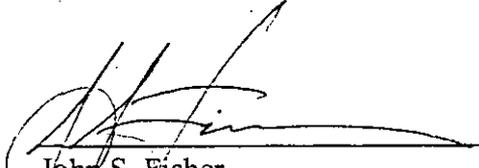
WHEREAS, on January 24, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval and adoption of Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844; and

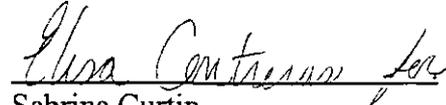
WHEREAS, PARDEE HOMES, Applicant requested Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844 for the purpose of subdividing and developing 5.42 acres of a 41.83 acre site with ten single family lots with ten single family homes and guest quarters and dedicate 33.45 acres to the City of San Diego as open space; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of The City of San Diego approval and adoption of the Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego hereby recommends to the Council of the City of San Diego approval and adoption of the Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844 and incorporate all other listed actions.

  
 John S. Fisher  
 Development Project Manager  
 Development Services

  
 Sabrina Curtin  
 Secretary to the Planning  
 Commission

Dated January 24, 2008  
 By a vote of: 7:0:0

08 JAN 25 11 15 13

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 420946

PLANNED DEVELOPMENT PERMIT NO. 8294, SITE DEVELOPMENT PERMIT NO. 8292,  
COASTAL DEVELOPMENT PERMIT NO. 419844 AND  
NEIGHBORHOOD USE PERMIT NO. 411907  
**RANCHO VALLEY FARMS [MMRP]**

City Council

**DRAFT**

This Planned Development Permit No. 8294, Site Development Permit No. 8292, Coastal Development Permit No. 419844 and Neighborhood Use Permit No. 411907 is granted by the Council of the City of San Diego to Pardee Homes, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0601, 126.0501, 126.0205 and 126.0708. The 41.83 acre site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 Zone in the North City Future Urbanizing Area Subarea II. The project site is legally described as that portion of the South Half of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, as described in Deed to Lorraine W. Conley, recorded March 11, 1965 as File/Page No. 36083 of Official Records of San Diego County, in the City of San Diego, County of San Diego, State of California. The above property is described as Parcel 5 on Certificate of Compliance, recorded May 23, 1997 as File No. 1997-02417997 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide and develop ten single family lots with ten single family homes, one lot dedicated in fee to the City of San Diego for open space, one lot for a private drive to be owned by the homeowners association and three lots for slopes to be owned by the homeowners association, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. The subdivision and development of ten single family lots with ten single family homes each with an option to include a guest quarters, one lot dedicated in fee to the City of

San Diego for open space, one lot for a private drive to be owned by the home owners association and three lots for slopes to be owned by the homeowners association;

- b. Deviations: Front yard setbacks are a minimum of 25 feet, except where garages are turned to the side and not facing the private driveway then a minimum of 15 feet is allowed. Interior side yard setbacks may vary as follows: A minimum of 30 feet shall be maintained between two adjacent two-story structures on adjacent lots and 25 feet shall be maintained between two adjacent one-story structures on adjacent lots. On lots where a one-story structure is adjacent to lot with a two-story structure the setback shall be no less than 15 feet on each lot. A minimum of 25 feet shall be maintained between structures in which one is a one story structure.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Accessory improvements determined by the Development Services Department 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 SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC 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 Owner/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 Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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 continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/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 Owner/Permittee by the City: (1) to grant Owner/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 Owner/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 Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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" conditions(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 proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing *de novo* and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 5029 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 5029 satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

PALEONTOLOGICAL  
HISTORICAL RESOURCES (ARCHAEOLOGY)  
BIOLOGICAL RESOURCES

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**ENGINEERING REQUIREMENTS:**

16. The Planned Development Permit, Site Development Permit, Coastal Development Permit and Neighborhood Use Permit shall comply with the conditions of the Vesting Tentative Map No.8295 Rancho Valley Farms.

**LANDSCAPE REQUIREMENTS:**

17. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A."
18. Installation of slope planting and erosion control including seeding of all disturbed land for all development area only, exclusive of Lot "A," consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control slope planting and the associated irrigation systems, both temporary and/or permanent, and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual, Landscape Standards.
19. Prior to issuance of any building permits, a single application of a hydroseed mixture composed of native plant species, mulch, binder, and any other material which is standard practice for hydroseed mixtures, shall be applied to all of Lot "A." Evidence of this single application of hydroseed mix shall be provided to the City Manager.
20. Prior to issuance of any building permits, complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A."
21. Prior to final inspection of any building permit, 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 shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
22. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
23. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, 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 a Final Landscape Inspection.
24. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

25. Prior to the release of the Landscape Establishment & Maintenance Bond an establishment period for slopes and revegetation for all development area only, exclusive of Lot "A," shall be a minimum of five years or as approved otherwise by the Mitigation Monitoring & Coordination Section of Development Services.

**BRUSH MANAGEMENT REQUIREMENTS:**

26. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."

27. 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."

28. Prior to 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 Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0101, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance 19413).

29. The Brush Management Program shall consist of Zone One and Zone Two consistent with the Brush Management Regulations of the Land Development Code section 142.0412 and Exhibit "A."

30. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

31. The following note shall be provided 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."

32. In Zone One, 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 Planning Department MSCP Section.

33. Prior to final inspection of any structure, the approved Brush Management Program shall be implemented.

34. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

**PLANNING/DESIGN REQUIREMENTS:**

31. No fewer than two off-street parking spaces per lot shall be maintained on each property at all times in the approximate locations shown on the approved Exhibit "A." On any lot which develops with a guest quarters, an additional parking space shall be provided on the lot in an appropriate location. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.
32. A topographical survey conforming to the provisions of the SDMC 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 Owner/Permittee.
33. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.
34. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.
35. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
36. All exterior lighting shall be limited to low-level lights and utilize shields to minimize the amount of light entering any identified sensitive biological resource. All lighting shall adhere to Section 142.0740.
37. The guest quarters shall not contain a kitchen or facilities for the storage and preparation of food.
38. Architectural encroachments in required setbacks are not allowed, which include items such as eaves, awnings, patio covers, trellises, barbeques, self standing fireplaces/chimneys, bay windows, guest units, and items identified in LDC, Section 131.0461, architectural projections in residential zones.
39. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.
40. The Owner/Permittee shall make available to all prospective buyers information on energy efficient technologies available with new residential construction as well as offer a program to incorporate any additional energy efficient features and appliances into the structures as a construction option.
41. Required fencing between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated.

**WASTEWATER REQUIREMENTS:**

55. The Owner/Permittee shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
56. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
57. 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.
58. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.
59. All on site sewer facilities shall be private.

**WATER REQUIREMENTS:**

56. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of an eight-inch water main in the private driveway within an adequate General Utility Easement from Old El Camino Real to the end of the private driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
57. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
58. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
59. The Owner/Permittee 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 Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.
60. Prior to any final inspection, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Council of the City of San Diego on [date and resolution number] .

001130

Permit Type/PTS Approval No.: PDP No. 8294,  
SDP No. 8292, NUP No. 411907 and CDP No.  
419844

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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John S. Fisher  
Development Project Manager

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

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

**Pardee Homes**  
Owner/Permittee

By \_\_\_\_\_  
Beth Fischer  
Vice President of New Development

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

Rev. 10/26/06.jsf

08 07/27/06 11:35 AM

*Item 9*

PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF REGULAR SCHEDULED MEETING OF  
JANUARY 24, 2008  
IN CITY COUNCIL CHAMBERS - 12<sup>TH</sup> FLOOR  
CITY ADMINISTRATION BUILDING

**CHRONOLOGY OF THE MEETING:**

Chairperson Schultz called the meeting to order at 9:11 a.m. Vice-Chairperson Garcia adjourned her last meeting at 12:45 p.m.

**ATTENDANCE DURING THE MEETING:**

Chairperson Barry Schultz - present  
Vice-Chairperson Kathleen Garcia - present  
Commissioner Robert Griswold - present  
Commissioner Gil Ontai - present (not present for items 1-5)  
Commissioner Dennis Otsuji - present  
Commissioner Eric Naslund - present  
Commissioner Mike Smiley - present

Staff

Andrea Dixon, City Attorney - present  
Cecilia Gallardo Planning Department - present  
Mike Westlake, Development Services Department - present  
Sabrina Curtin, Recorder - present  
Elisa Contreras, Recorder-present

001132

ITEM-7: *Continued from June 28, August 9, and September 20, 2007:*

**AMERICAN TOWER - AVIATION - PROJECT NO. 92076**

City Council District: 4 Plan Area: Skyline Paradise Hills

Staff: Karen Lynch-Ashcraft  
Speaker slip submitted in favor by Robert Jystad

**COMMISSION ACTION**

MOTION BY CHAIRPERSON SCHULTZ TO CONTINUED TO MARCH 20, 2008 TO ALLOW THE APPLICANT TIME TO PROVIDE A BETTER SOLUTION TO THE PROJECT AND TO INCLUDE ALL THE COMMENTS MADE BY THE COMMISSION. Second by Commissioner Naslund. Passed by a 6-0-1 with Commissioner Griswold recusing.

ITEM-8: **\*SDSU FRATERNITY HOUSE - PROJECT NO. 122509**

City Council District: 7; Plan Area: College

Staff: Paul Godwin

Speaker slips in favor by Elena Bolanos, Luis Tovan, Randal Jan Ehm, Tim Wolf, David Wilstol, and Marian Marum.

No one present to speak in opposition.

**COMMISSION ACTION**

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE CONDITIONAL USE PERMIT NO. 417271 AND PLANNED DEVELOPMENT PERMIT NO. 509941. CERTIFY MITIGATED NEGATIVE DECLARATION NO. 122509 AND ADOPT THE MITIGATION, MONITORING AND REPORTING PROGRAM. Second by Commissioner Griswold. Passed by a 6-0-1 vote with Commissioner Ontai not present.

ITEM-9: **\*RANCHO VALLEY FARMS - PROJECT NO. 92076**

City Council District: 1, Plan Area: Subarea II

Staff: John Fisher

Speaker slip submitted in favor by Ted Shaw.  
No one present to speak in opposition.

**COMMISSION ACTION**

MOTION BY COMMISSIONER NASLUND TO RECOMMEND TO THE CITY COUNCIL TO CERTIFY MITIGATED NEGATIVE DECLARATION 5029, AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM.

RECOMMEND TO THE CITY COUNCIL TO APPROVE VESTING TENTATIVE MAP NO. 8295, PLANNED DEVELOPMENT NO. 8294, SITE DEVELOPMENT NO. 8292, NEIGHBORHOOD USE PERMIT NO. 411907 AND COASTAL DEVELOPMENT NO. 419844;

WITH THE MODIFICATION THAT THE 6 ½ INCH LANDSCAPE STRIPE (BETWEEN PUBLIC SIDEWALK AND PUBLIC TRAIL) BE ELIMINATED FROM THE DESIGN. Second by Commissioner Otsuji. Passed by a 7-0 vote.

~~ITEM-10:      **4545 GEORGIA TENTATIVE MAP - PROJECT NO. 90780**  
City Council District: 3 Plan Area: Greater North Park~~

~~Staff:              Cherlyn Cac~~

~~Speaker slip submitted by Chris Christensen.  
No one present to speak in opposition.~~

~~**COMMISSION ACTION:**~~

~~MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 248946 AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES. Second by Commissioner Griswold. Passed 6-0-1 with Commissioner Ontai not present.~~

~~ITEM-11:      **MONTEZUMA COURT -COMMUNITY PLAN AMENDMENT  
INITIATION - PROJECT NO. 142082**~~