

<b>001693</b>		<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)		346 05/27	
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): DEVELOPMENT SERVICES		3. DATE: April 21, 2008			
4. SUBJECT: Crescent Heights, Project No. 152016							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Leslie Goossens (619) 446-5431				6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Mike Westlake (619) 446-5220		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>	
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:  No cost to the City. All costs are recovered through a deposit account funded by the applicant.		
DEPT.	1300						
ORGANIZATION	1671						
OBJECT ACCOUNT	4022						
JOB ORDER	430510						
C.I.P. NUMBER	N/A						
AMOUNT							
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	KELLY BROUGHTON <i>[Signature]</i>	4/29/08	8	DEPUTY CHIEF	WILLIAM ANDERSON <i>[Signature]</i>	5/2/08
2	EAS	<i>[Signature]</i>	4/29/08	9	COO		
3				10	CITY ATTORNEY	SHIRLEY EDWARDS <i>[Signature]</i>	5/5/08
4				11	ORIGINATING DEPARTMENT	MIKE WESTLAKE <i>[Signature]</i>	4/29/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT			
7				<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1) Council resolution stating for the record that the final EIR 99-0639 has been reviewed and considered prior to approving the project. 2) Council resolution approving the staying dates and periods of time for Project No. 1657, Crescent Heights approvals, Vesting Tentative Map No. 9691 and Planned Residential Development Permit No. 9693.							
11A. STAFF RECOMMENDATIONS: APPROVE RESOLUTIONS							
12. SPECIAL CONDITIONS:  <u>COUNCIL DISTRICT(S):</u> 5  <u>COMMUNITY AREA(S):</u> Mira Mesa  <u>ENVIRONMENTAL IMPACT:</u> This activity is covered under Project No. 1657, Crescent Heights. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section §15060(c)(3).  <u>CITY CLERK INSTRUCTIONS:</u> 1. Public noticing is required. 2. Return copies of each resolution to Leslie Goossens, MS-501. 3. Council action requires a majority vote.							

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

REPORT NO.:

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Crescent Heights, Project No. 152016

COUNCIL DISTRICT(S): 5

STAFF CONTACT: Leslie Goossens, [LGoossens@sanidiego.gov](mailto:LGoossens@sanidiego.gov), (619) 446-5431REQUESTED ACTION:

Request to stay (toll) the expiration date for the Crescent Heights project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Crescent Heights Project remains in effect.

STAFF RECOMMENDATION:

Approve a resolution to stay (toll) the expiration date for the Crescent Heights project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Crescent Heights Project remains in effect.

EXECUTIVE SUMMARY:

The Crescent Heights project for residential development in the Mira Mesa Community Planning area was approved by City Council on July 1, 2003. The project approvals consisted of Vesting Tentative Map No. 9691; Planned Residential Development Permit No. 9693; Coastal Development Permit No. 9694; amendments to the City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan; Rezone; and Multiple Habitat Planning Area Boundary Adjustment. The amendments to the Local Coastal Plan were unconditionally certified by the California State Coastal Commission on March 11, 2006; however, the Coastal Development Permit (CDP) was appealed to the State Coastal Commission. Because the City's CDP was set aside through the appeal process, the State Coastal Commission has coastal development permit jurisdiction over the entire development. The State Coastal Development Permit for the project was approved October 11, 2006.

Pardee Homes, the Owner/Permittee for the Crescent Heights project, has applied for the final maps, grading, and improvement plans for the aforementioned approvals; however, on October 13, 2006, United States District Court for the Southern District of California issued a Decision and Injunction in the case entitled, *Southwest Center for Biological Diversity, et al. vs. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et al.*, Case No. 98-CV-2234-B(JMA) (Attachment 1)

**[Injunction].** On January 31, 2008, the Development Services Department sent a letter to Pardee advising that the Crescent Heights Project was enjoined by the Injunction and the City would not accept any resubmittals or perform any reviews on the project (Attachment 2). As a result of the issuance of the Decision and Injunction, Pardee Homes' Crescent Heights Project, as well as other development projects that refer to or rely upon the City of San Diego's incidental take permit and related MSCP Subarea Plan for impacts to the vernal pool habitat and vernal pool species, have been precluded from obtaining further discretionary or ministerial approvals from the City.

Pardee Homes has requested that the City Council consider a resolution to stay (toll) the expiration date for the Crescent Heights project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Crescent Heights Project remains in effect.

The State Subdivision Map Act – Government Code Sections 66452.6 and 66452.12 authorizes the City to stay the running of the expiration date for the project approvals under these conditions (Attachment 3). Pardee Homes' request for a stay of the Crescent Heights project approvals is consistent with the Subdivision Map Act.

This resolution to stay (toll) the expiration date for the Crescent Heights Project No.1657 approvals is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section §15060(c)(3).

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None


COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pardee Homes, Owner

  
Kelly Broughon  
Director, Development Services Department

  
William Anderson  
Deputy Chief Operating Officer:  
Executive Director of City Planning  
and Development

ATTACHMENTS:

1. Southwest Center for Biological Diversity, et al. vs. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et al.,” Case No. 98-CV-2234-B (JMA).
2. Development Services Department letter, January 31, 2008
3. State Subdivision Map Act – Government Code Sections 66452.6 and 66452.12
4. Crescent Heights Approved Plans, Permit & Resolutions

001037

1 MICHAEL J. AGUIRRE, City Attorney  
2 GEORGE F. SCHAEFER, Deputy City Attorney  
3 California State Bar No. 139399  
SHIRLEY R. EDWARDS, Chief Deputy City Attorney  
4 California State Bar No. 151399  
Office of the City Attorney  
5 Civil Division  
1200 Third Avenue, Suite 1100  
6 San Diego, California 92101-4100  
Telephone: (619) 533-5800  
Facsimile: (619) 533-5856

7 Attorneys for Cross-Defendant  
8 City of San Diego

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 SOUTHWEST CENTER FOR  
12 BIOLOGICAL DIVERSITY, et al.,

13 Plaintiffs,

14 v.

15 JIM BARTEL, ANNE BAGLEY, and  
16 GALE NORTON,

17 Defendants,

18 BUILDING INDUSTRY LEGAL  
19 DEFENSE FOUNDATION, et al.,

20 Intervening Defendants.

21 BUILDING INDUSTRY LEGAL  
22 DEFENSE FOUNDATION, et al.,

23 Cross-Complainants,

24 UNITED STATES FISH AND  
25 WILDLIFE SERVICE; et al.,

26 Cross-Defendants,

27 and

28 SOUTHWEST CENTER FOR  
BIOLOGICAL DIVERSITY, et al.,

Intervening Defendants.

) Case No. 98-CV-2234-B (JMA)

) CITY OF SAN DIEGO'S NOTICE  
) OF COMPLIANCE WITH COURT'S  
) INJUNCTION

) Judge: Hon. Rudi M. Brewster  
) Courtroom No. 2

001608

**A. INTRODUCTION**

On October 13, 2006 this Court rendered a final decision and injunction. The City of San Diego ("City") gives notice to this Court and all parties of record of the City's compliance with the injunction.

This Court in October immediately enjoined the City's Incidental Take Permit (No. PRT-830241, dated July 18, 1997, issued by the United States Fish and Wildlife Service ("USFWS")) for those pending and future development projects that "take" any of the seven identified vernal pool species. Order at page 60, lines 1-15 ("60:1-15"). This Court stated in its Order:

Specifically, the Court enjoins (1) any and all pending applications for development of land containing vernal pool habitat; (2) those projects where the City has granted permission, but the development has not yet physically begun to destroy the vernal pool habitat; and (3) any further development where the permittee is presently engaged in the destruction of vernal pool habitat.

Order at 60:16-20. The Court ordered the City to serve a copy of the Order forthwith on all applicants and permittees affected by the injunction. Order at 60:20-22.

**B. INTERIM COMPLIANCE**

In compliance with the Court's injunction, the City conferred with USFWS officials who later produced a list entitled, "Review of City of San Diego Vernal Pool Projects/Permits in Relation to the City of San Diego MSCP Ruling." Assistant Deputy Director Robert J. Manis, Environmental Analysis Section, Land Development Review, Development Services Department, City of San Diego, reviewed this list and included additional projects. Exhibit A to this Compliance Notice includes a copy of the most recent version of this combined list.<sup>1</sup> A letter from the City was mailed thereafter to the agent for each project on the City's list by certified

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<sup>1</sup> Any party to this litigation who believes the list is incomplete should notify counsel for the City of the identity of other applicants or permittees who should have been included on the list. The City maintains a vernal pool site inventory comprising more than 2,500 sites within the City's jurisdiction that may assist in identifying additional projects affected by the Court's injunction. Because this file is too large to file with Court electronically, the City will make it available upon request of any party.

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1 United States mail. *See* Exhibit B to this Compliance Notice.<sup>2</sup>

2 Each letter sent to an applicant or permittee states, "To the extent that you believe your  
3 project falls outside the scope of this Court Order, please provide, in writing, any and all  
4 information supporting your position." Responses received are included at Exhibit C. The City  
5 will continue to identify other projects that also may be affected by this Court's injunction. As  
6 these projects are identified, the City will mail similar letters.

7 **C. FUTURE COMPLIANCE ISSUES**

8 The projects identified on the City's list are at various stages of development: (1) some  
9 may be at the application stage; (2) others may not have started development but received all  
10 necessary permits to proceed; and (3) others may have received all necessary permits to proceed  
11 and are beginning or completing development. It is believed these projects share the following  
12 characteristics: The projects are on property containing vernal pool habitat and have been issued,  
13 have applied for, or will be applying for, the issuance of a Section 7 biological opinion or Section  
14 10 permit from USFWS relating to vernal pool species.

15 Although the City's MSCP contains language relating to vernal pools and provides some  
16 mitigation for vernal pool habitat, the City has not used and does not use its MSCP to authorize  
17 the taking of vernal pool species. However, it is believed USFWS has, in some instances,  
18 incorporated by reference the City's MSCP into its Section 7 biological opinions, including  
19 MSCP references concerning vernal pool habitat or species. The projects identified on the  
20 USFWS's list were or are in the process of being issued biological opinions authorizing take  
21 under USFWS' biological opinion or permitting process. *See* Exhibit D. However, this Court has  
22 not enjoined USFWS from issuing any more Section 7 biological opinions for projects within the  
23 City. The Court also has not required USFWS to amend or revoke the Section 7 biological  
24 opinions it already has issued until such time as the City's MSCP is revised with respect to vernal  
25 pool species.

26  
27 <sup>2</sup> A few of the letters were returned unclaimed. Those letters were resent earlier this month.  
28 Letters were also sent earlier this month to representatives of projects that were only recently  
added to the list.

001700

1 The City regulates land development under the provisions of the City's Land  
2 Development Code (San Diego Municipal Code ["SDMC"], Chapters 11 – 14). For purposes of  
3 complying with this Court's injunction, the City relies upon definitions in the City's Land  
4 Development Code. Under the provisions of the Code, an "applicant" is defined as:

5 [A]ny person who has filed an application for a permit, map, or other matter and  
6 that is the record owner of the real property that is the subject of the permit, map,  
7 or other matter; the record owner's authorized agent; or any other person who can  
8 demonstrate a legal right, interest, or entitlement to the use of the real property  
9 subject to the application; including any person who has an approved and executed  
Disposition and Development Agreement with the Redevelopment Agency of the  
City of San Diego.

10 SDMC § 113.0102. An application is deemed complete, but not yet approved, when the City has  
11 determined the application includes all information, materials, fees and deposits required. SDMC  
12 § 113.0102. A "permit holder" is "an applicant who has been granted a permit, or the applicant's  
13 successor, or the person using the property that is subject to the permit." SDMC § 113.0102.

14 A "development" is defined in the Land Development Code as:

15 [T]he act, process, or result of dividing a parcel of land into two or more parcels;  
16 of erecting, placing, constructing, reconstructing, converting, establishing, altering,  
17 maintaining, relocating, demolishing, using, or enlarging any building, structure,  
18 improvement, lot, or premises; of clearing, grubbing, excavating, embanking,  
filling, managing brush, or agricultural clearing on public or private property  
including the construction of slopes and facilities incidental to such work; or of  
disturbing any existing vegetation.

19 SDMC § 113.0102.

20 A "development permit" is defined under the Land Development Code as:

21 [A] permit issued pursuant to Land Development Code Chapter 12, Article 6.  
22 Development permits include the following: Neighborhood Use Permits,  
23 Conditional Use Permits, Neighborhood Development Permits, Site Development  
24 Permits, Planned Development Permits, Coastal Development Permits, and  
Variances.

25 SDMC § 113.0102.

26 A "construction permit" is defined under the Land Development Code as:  
27  
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001701

1 [A] permit issued pursuant to Land Development Code Chapter 12, Article 9.  
2 Construction permits include the following: Building Permits, Electrical Permits,  
3 Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits,  
Public Right-of-Way Permits, and Sign Permits.

4 SDMC § 113.1020.

5 To comply with the Court's injunction, the City will do the following: For properties  
6 where vernal pool habitat or species are present, the City will refrain from processing and/or  
7 approving any applications for development, including, but not limited to, entitlements (e.g.,  
8 requests for rezoning) and permits (e.g., development permits, grading permits, construction  
9 permits). For example, this would mean that if a ten-acre parcel has a vernal pool habitat  
10 anywhere on site, no application will be processed and/or approved because a vernal pool habitat  
11 is somewhere on the parcel. In compliance with this Court's injunction (and consistent with  
12 California Government Code §§ 65944 and/or 64942(b)), an application will not be deemed  
13 complete until the applicant has obtained a Section 7 biological opinion or Section 10 Incidental  
14 Take Permit for vernal pool species from USFWS that does not refer back to the City's MSCP in  
15 relation to vernal pool habitat and vernal pool species.

16 For properties where vernal pool habitat or species are present, the City will continue to  
17 notify existing City permit holders by letter that they are affected by this Court's Order.  
18 Consistent with this Court's injunction, permits issued by the City will not be valid if they were  
19 issued in reliance upon the permit holder obtaining from USFWS a valid Section 7 biological  
20 opinion or Section 10 Incidental Take Permit and the biological opinion or Section 10 permit  
21 refers back to or relies upon the MSCP in relation to vernal pool species or habitat.

22 The Building Industry Defense Foundation, National Association of Home Builders,  
23 California Building Industry Association, Building Association of San Diego and Pardee  
24 Construction Company ("Builder Intervenor") recently indicated that they intend to file a motion  
25 to clarify the Court's injunction. (Doc. 272). The Builder Intervenor suggests that the City has  
26 misinterpreted this Court's Order. To the extent a permit holder believes that he or she is not  
27 subject to the Court's Order, the City hopes that the Builder Intervenor's motion for clarification  
28 will result in an Order of clarification that provides guidance. The City believes that its strict

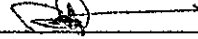
001702

1 interpretation of this Court's decision and injunction is consistent with the requirements of the  
2 Endangered Species Act.

3 This Court also remanded this case to the USFWS with instructions to re-initiate  
4 consultation toward revisions of the City of San Diego's Incidental Take Permit (at least on the  
5 seven vernal pool species), or for further action that is not inconsistent with the Court's decision.  
6 Order at 60:15-18. Formal consultation has not yet been initiated by the USFWS. Nevertheless,  
7 the City will continue to comply as detailed above until the City has revised, and the USFWS has  
8 approved, the City's MSCP consistent with this Court's ruling.

9 Dated: December 15, 2006

MICHAEL J. AGUIRRE, City Attorney

10  
11 By:   
12 Shirley Edwards  
13 Chief Deputy City Attorney  
14 E-mail: SEdwards@sandiego.gov

15 By: s/ George F. Schaefer  
16 George F. Schaefer  
17 Deputy City Attorney  
18 E-mail: GSchaefer@sandiego.gov

19 Attorneys for City of San Diego  
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001703

**DECLARATION OF SERVICE**

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; and that I served the following document(s):

- **CITY OF SAN DIEGO'S NOTICE OF COMPLIANCE WITH COURT'S INJUNCTION**
- **EXHIBITS A-D TO CITY OF SAN DIEGO'S NOTICE OF COMPLIANCE WITH COURT'S INJUNCTION**

on the individuals listed below in the manner indicated.

**Electronic Mail**

I served the following by electronic mail at the e-mail addresses listed below:

- **Marco Antonio Gonzalez**  
marco@coastlawgroup.com
- **William E Halle**  
bhalle@hewittoneil.com lpuzio@hewittoneil.com
- **Neil Levine**  
nlevine@earthjustice.org llovett@earthjustice.org
- **Thomas C Stahl**  
Thomas.Stahl@usdoj.gov efile.dkt.civ@usdoj.gov
- **U S Attorney CV**  
Efile.dkt.civ@usdoj.gov

**United States Mail**

I served the following by placing a copy in a sealed envelope and placing it for collection and mailing with the United States Postal Service this same day, at my address shown above, following ordinary business practices, at the addresses listed below:

**Jane P Davenport**  
Wildlife and Marine Resources Section  
Environment and National Resources Divis  
U S Department of Justice  
Ben Franklin Station P O Box 7369  
Washington DC, 20044-7369

001704

1 **Stephen M Macfarlane**  
United States Department of Justice  
2 Environmental Natural Resource Division  
3 501 I Street  
Suite 9-700  
4 Sacramento, CA 95814-2322

5 **Martin McDermott**  
Us Department of Justice  
6 Environmental Defense Section  
PO Box 23986  
7 Washington, DC 20026-3986

8 **Keith W Rizzardi**  
9 Wildlife and Marine Resources Section  
Environment and National Resources Divis  
10 U S Department of Justice  
Ben Franklin Station P O Box 7369  
11 Washington DC, 20044-7369

12 **Daniel J Rohlf**  
13 Pacific Environmental Advocacy Center  
10015 South West Terwilliger Boulevard  
14 Portland, OR 97219

15 Executed: December 15, 2006 at San Diego, California.

17 s/ George F. Schaefer  
**GEORGE F. SCHAEFER**  
18 E-mail: GSchaefer@sandiego.gov  
19  
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001705

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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
9

10 **SOUTHWEST CENTER FOR**  
11 **BIOLOGICAL DIVERSITY, et al.,**  
12 **Plaintiffs,**  
13 **vs.**  
14 **JIM BARTEL, ANNE BADGLEY, and**  
15 **DIRK KEMPTHORNE,**  
16 **Defendants,**  
17 **and**  
18 **BUILDING INDUSTRY LEGAL**  
19 **DEFENSE FOUNDATION, et al.,**  
20 **Intervening Defendants.**  
21 **and related cross complaint.**

**CASE NO. 98-CV-2234-B(JMA)**  
**ORDER DENYING**  
**INTERVENING DEFENDANTS'**  
**MOTION TO CLARIFY SCOPE**  
**OF INJUNCTION**  
**[Doc. No. 277]**

22 Now before the Court is the Intervening Defendants' motion to clarify the scope of the  
23 injunction in this Endangered Species Act case. The Court ordered the motion submitted  
24 without oral argument. Civil Local R. 7.1. The Court has carefully considered the various  
25 issues raised by the parties, and now **DENIES** the motion to clarify.


26 The Intervening Defendants seek exceptions for specific construction projects because  
27 they contend that the City of San Diego is construing the injunction expansively and broader  
28 than the Court intended it to be applied. The Court's injunction was specific and carefully  
worded to enjoin any further destruction of vernal pool species or their habitat. Am. Dec. &

001706

1 Inj. at 55. The Court discerns no error in the City's interpretation of the injunction or  
2 application to projects that may adversely affect vernal pool species or their habitat. The  
3 seven vernal pool species are protected by the prohibition against take under Endangered  
4 Species Act and the governing regulations. The Court had invalidated the Incidental Take  
5 Permit as to those seven species for specific flaws in the analysis of the Fish and Wildlife  
6 Service.

7 Consequently, the Court also denies the ex parte application for "crateo indication."<sup>1</sup>

8 DATED: March 15, 2007

9   
10 Hon. Rudi M. Brewster  
11 United States Senior District Judge  
12

13 cc: all parties  
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21

22 <sup>1</sup>Intervening Defendants filed a notice of appeal to the original order, and an amended  
23 notice of appeal to the amended decision. Ordinarily, the filing of a notice of appeal divests  
24 the district court of jurisdiction over the substance of a case. Because the Court has not  
25 altered the scope of the original injunction, this Court is not taking any action that would  
26 disrupt the appellate process. *See Kern Oil & Refining Co. v. Tenneco Oil Co.*, 840 F.2d 730,  
27 734 (9th Cir. 1988).

28 Plaintiffs challenge the nature of the motion and whether it is timely; however,  
because it lacks merit the Court need not discuss the proper characterization of the motion.  
*Miller v. Transamerican Press, Inc.*, 709 F.2d 524, 527 (9th Cir. 1983).

Federal Defendants' raise another jurisdictional issue when they contend that the case  
will be moot. Their description of the potential mootness should certain acts occur in the  
future demonstrates that the case is not, at this time, moot. *E.g., United States v. W.T. Grant*  
*Co.*, 345 U.S. 629, 632 (1953).

001707



Attachment 2

THE CITY OF SAN DIEGO

January 31, 2008

Ms. Carlene Matchniff  
Pardee Homes  
12626 High Bluff Drive, Suite 100  
San Diego, CA 92131


Dear Ms. Carlene Matchniff:

RE: Crescent Heights, Sunset Terrace and Sunset Ridge Projects in the Mira Mesa

Please be advised that until further notice by the City Attorney's Office, the Development Services Department (DSD) will not be accepting any resubmittals or performing any reviews for projects involving sites containing vernal pool resources. This action is a result of the recent decision by the United States District Court regarding Case No. 98-CV-2234-B(JMA), also known as the "Brewster Decision". The injunction forbids any City action on enjoined projects, and as such affects the ministerial and/or discretionary projects listed on the attached sheet that are currently in review with DSD.

If you have any questions regarding this determination, you may contact the City Attorney's Office directly and request to speak with either Deputy City Attorney Shirley Edwards (619-533-5826) or Deputy City Attorney Christine Fitzgerald (619-533-6392).

Sincerely,

  
Myra Herrmann  
Senior Planner

Enclosure

cc: Shirley Edwards, Deputy City Attorney  
Christine Fitzgerald, Deputy City Attorney  
George Schaefer, Deputy City Attorney  
Kelly Broughton, Director, Development Services Department  
Afsaneh Ahmadi, Deputy Director, Development Services Department  
Jeanne Krosch, Senior Planner, City Planning & Community Investment-MSCP  
Discretionary Project File (# 1657)  
Development Services Department Reviewing Staff  
Beth Fischler, Pardee Homes  
Mr. John Ponder, Sheppard, Mullin, Richter & Hampton LLP (Via email)



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155  
Tel (619) 446-5460

001708

List of Projects:

- [-] Projects
  - [+] [1557 Crescent Heights] Closed
  - [+] 88530 Crescent Heights SCR [Closed]
  - [+] 121944 Crescent Hgts U1 Consv Esmt [In Review]
  - [+] 122973 Crescent Hgts U2 Consv Esmt [In Review]
  - [+] 122974 Crescent Hgts U3 Consv Esmt [In Review]
  - [+] 123143 Crescent Hgts U1 G & PI [In Review]
  - [+] 125328 Sunset Terrace U2 G/PI [In Review]
  - [+] 125330 Sunset Ridge U3 G/PI [In Review]
  - [+] 129182 Calle Cristobal PI [In Review]
  - [+] 129187 Camino Santa Fe PI [In Review]
  - [+] 137594 Crescent Heights unit 4 FM [In Review]
  - [+] 140349 Crescent Heights Unit 1 Walls [In Review]
  - [+] 140877 CRESCENT HTS U 1 FM/EAB [In Review]
  - [+] 140884 SUNSET TERRACE U2 FM/EAB [In Review]
  - [+] 140885 SUNSET RIDGE U3 FM/EAB [In Review]
  - [+] 140955 Sunset Terrace Unit #2 Walls [In Review]
  - [+] 140970 Sunset Terrace Unit#3 Walls [In Review]
  - [+] 144896 Sunset Terrace Condominiums [Closed]
  - [+] 145085 Sunset Terrace Condo Bldgs [In Review]
  - [+] 145268 Sunset Ridge Condo Bldgs [In Review]
- [-] Invoices

**001709**CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 66452-66452.13

66452. (a) A tentative map shall be filed with the clerk of the advisory agency or, if there is no advisory agency, with the clerk of the legislative body, or with any other officer or employee of the local agency as may be designated by local ordinance.

(b) A vesting tentative map shall be filed and processed in the same manner as a tentative map except as otherwise provided by this division or by a local ordinance adopted pursuant to this division.

(c) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

66452.1. (a) If the advisory agency is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, it shall make its written report on the tentative map to the legislative body within 50 days after the filing thereof with its clerk.

(b) If the advisory agency is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, it shall take that action within 50 days after the filing thereof with its clerk and report its action to the subdivider.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. The time periods specified in subdivisions (a) and (b) shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

66452.2. (a) If there is an advisory agency which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report with it, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the legislative body shall approve, conditionally approve, or disapprove the tentative map within that 30-day period.

(b) If there is no advisory agency, the clerk of the legislative body shall submit the tentative map to the legislative body at its next regular meeting which shall approve, conditionally approve or disapprove that map within 50 days thereafter.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. The time periods specified in subdivisions (a) and (b) shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

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66452.3. Any report or recommendation on a tentative map by the staff of the local agency to the advisory agency or legislative body shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on such map by such advisory agency or legislative body. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

66452.4. (a) If no action is taken upon a tentative map by an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map or by the legislative body within the time limits specified in this chapter or any authorized extension thereof, the tentative map as filed, shall be deemed to be approved, insofar as it complies with other applicable requirements of this division and any local ordinances, and it shall be the duty of the clerk of the legislative body to certify or state his or her approval.

(b) Once a tentative map is deemed approved pursuant to subdivision (a), a subdivider shall be entitled, upon request of the local agency or the legislative body, to receive a written certification of approval.

66452.5. (a) (1) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

(2) The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.

(3) Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 30 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

(b) (1) The subdivider, any tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, or the advisory agency may appeal from the action of the appeal board to the legislative body. The appeal shall be filed in writing with the clerk of the legislative body within 10 days after the action of the appeal board from which the appeal is being taken.

(2) After the filing of an appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of the request filed by the subdivider or the

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appellant. If there is no regular meeting of the legislative body within the next 30 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal.

(c) (1) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b) of this section. If no further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it shall be the duty of the clerk of the legislative body to certify or state that approval, or if the advisory agency is one which is not authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

(2) If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify or state that approval.

(d) (1) Any interested person adversely affected by a decision of the advisory agency or appeal board may file an appeal with the legislative body concerning any decision of the advisory agency or appeal board. The appeal shall be filed with the clerk of the legislative body within 10 days after the action of the advisory agency or appeal board that is the subject of the appeal. Upon the filing of the appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 30 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. The hearing may be a public hearing for which notice shall be given in the time and manner provided.

(2) Upon conclusion of the hearing, the legislative body shall, within 10 days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. The legislative body may sustain, modify, reject, or overrule any recommendations or rulings of the advisory board or the appeal board and may make any findings that are not inconsistent with the provisions of this chapter or any local ordinance adopted pursuant to this chapter.

(e) Each decision made pursuant to this section shall be supported by findings that are consistent with the provisions of this division and any local ordinance adopted pursuant to this division.

(f) Notice of each hearing provided for in this section shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to the hearing. The notice requirement of this subdivision shall be deemed satisfied if

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the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2, fees may be collected from the subdivider or from persons appealing or filing an appeal for expenses incurred under this section.

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend one hundred seventy-eight thousand dollars (\$178,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2005, and each calendar year thereafter, the amount of one hundred seventy-eight thousand dollars (\$178,000) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency which approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

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(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of five years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property

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interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency which owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency which owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency which owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

66452.8. (a) Commencing at a date not less than 60 days prior to the filing of a tentative map pursuant to Section 66452, the subdivider or his or her agent shall give notice of the filing, in the form outlined in subdivision (b), to each person applying after that date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

(b) The notice shall be as follows:

"To the prospective occupant(s) of

\_\_\_\_\_  
(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the (city, county, or city and county) and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the **Government Code**, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(dated)

I have received this notice on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(prospective tenant's

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signature)"

(c) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to the notice, and who does not purchase his or her unit pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed one thousand one hundred dollars (\$1,100).

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed one thousand one hundred dollars (\$1,100).

(d) The requirements of subdivision (c) constitute a minimum state standard. However, nothing in that subdivision shall be construed to prohibit any city, county, or city and county from requiring, by ordinance or charter provision, a subdivider to compensate any tenant, whose tenancy is terminated as the result of a condominium, community apartment project, or stock cooperative conversion, in amounts or by services which exceed those set forth in paragraphs (1) and (2) of that subdivision. If that requirement is imposed by any city, county, or city and county, a subdivider who meets the compensation requirements of the local ordinance or charter provision shall be deemed to satisfy the requirements of subdivision (c).

66452.9. (a) Pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give notice 60 days prior to the filing of a tentative map pursuant to Section 66452 in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of

\_\_\_\_\_  
(address)

The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the **Government Code**, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(date)"

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

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66452.10. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code, shall not be converted to a condominium, as defined in Section 783 of the Civil Code, unless the required number of (1) owners and (2) trustees or beneficiaries of each recorded deed of trust and mortgagees of each recorded mortgage in the cooperative or project, as specified in the bylaws, or other organizational documents, have voted in favor of the conversion. If the bylaws or other organizational documents do not expressly specify the number of votes required to approve the conversion, a majority vote of the (1) owners and (2) trustees or beneficiaries of each recorded deed of trust and mortgagees of each recorded mortgage in the cooperative or project shall be required. Upon approval of the conversion as set forth above and in compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the cooperative or project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances or other documents, a majority of owners in the cooperative or project shall be required to execute the conveyances and other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the cooperative or project. The provisions of Section 66499.31 shall not apply to a violation of this section.

66452.11. (a) The expiration date of any tentative subdivision map or parcel map for which a tentative map has been approved that has not expired on the date that the act that adds this section becomes effective shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6 or 66463.5.

(c) Any legislative, administrative, or other approval by any agency of the State of California that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that adds this section becomes effective.

66452.11. (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of

\_\_\_\_\_  
(address)

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The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner's intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium, community apartment, or stock cooperative project) was approved by the City on \_\_\_\_\_. If the City approves a final map, you may be required to vacate the premises, but that cannot happen for at least 180 days from the date this notice was served upon you.

Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(date)"

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

66452.12. (a) Any permit issued by a local agency in conjunction with a tentative subdivision map for a planned unit development shall expire pursuant to Section 65863.9.

(b) Conditions or requirements for the issuance of a building permit or equivalent permit may be imposed pursuant to Section 65961.

66452.12. (a) Pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice within five days after receipt of the subdivision public report to each tenant of his or her exclusive right for at least 90 days after issuance of the subdivision public report to contract for the purchase of his or her respective unit in the form outlined in subdivision (b).

(b) The notice shall be as follows:

"To the occupant(s) of \_\_\_\_\_:

\_\_\_\_\_  
(address)

The owner(s) of this building, at (address), have received the final subdivision report on the proposed conversion of this building to a (condominium, community apartment, or stock cooperative project). Commencing on the date of issuance of the subdivision public report, you have the exclusive right for 90 days to contract for the purchase of your rental unit upon the same or more favorable terms and conditions than the unit will initially be offered to the general public.

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(signature of owner or owner's  
agent)

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(date)"

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

66452.13. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, that has not expired on or before the date the act that adds this section becomes effective shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.11, 66452.6, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that adds this section becomes effective. This extension shall be in addition to any extension provided for in Section 66452.11.

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Attachment 4 consists of:

Crescent Heights permit, resolutions, and approved plans.

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DOC # 2003-1180364

Attachment 4

SEP 25, 2003 11:26 AM

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

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: \$85.00

78 P  
26 P  
1/2001

WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A



Job Order No. 99-0639

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 9693/  
COASTAL DEVELOPMENT PERMIT NO. 9694/MULTIPLE HABITAT  
PRESERVATION AREA BOUNDARY LINE ADJUSTMENT  
CRESCENT HEIGHTS  
City Council

This Planned Residential Development Permit No. 9693/Coastal Development Permit No. 9694 [PRDP/CDP] and Multiple Habitat Preservation Area [MHPA] boundary line adjustment is granted by the Council of the City of San Diego to Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, a California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0920, 101.0454, and 105.0200. The 185.2-acre site is located north and south of Calle Cristobal, east and west of Camino Santa Fe, in the AR-1-1 zone (previously referred to as A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5, and OC-1-1 zones of the Mira Mesa Community Plan. The project site is legally described as a Portion of Section 34, Township 14 South, Range 3 West, Section 35, Township 14 South, Range 3 West, West half and Portion of Northeast quarter, Portion of Section 34, Township 14 South, Range 3 West, Northeast quarter of Northeast quarter, Section 27, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the City of San Diego, County of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to subdivide a 185.2-acre site and develop 128 single-family dwellings and 144 multi-family dwellings, public improvements and landscaping on approximately 35.2 acres of the site, dedication of 129.18 acres of open space to the City for conservation and twenty-eight other lots for open space and homeowner association ownership, described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department. The facility shall include:

- a. Development and construction of 128 single-family dwellings and 144 multi-family dwellings, public improvements and landscaping on approximately 35.2 acres of the

**ORIGINAL**

185.2-acre project site, dedication of 129.18 acres of open space to the City for conservation and twenty-eight other lots for open space and homeowner association ownership;

- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the 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 Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the 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. 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.

8. The Owner/Permittee shall secure all necessary building permits. The applicant 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. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated July 1, 2003, on file in the Development Services Department. 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. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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 Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

12. Rezoning of the subject property shall become effective with recordation of the corresponding final map for the project site only after certification of the Local Coastal Program by the California Coastal Commission.

13. 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," dated July 1, 2003, on file in the Development Services Department.

14. Prior to the issuance of any building permit for the single family lots or the multi-family units in VTM Unit 2, lot 134, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at the intersection of Calle Cristobal and Street "A," satisfactory to the City Engineer.

**MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:**

15. Third Party Beneficiary Status:

The issuance of this Permit by the City of San Diego does not authorize the 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 [EAS] and any amendments thereto (16 U.S.C. § 1531, et seq.).

In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 1.7 of the City of San Diego Implementing Agreement [IA], executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA.

If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

16. Multiple Habitat Planning Area Land Use Adjacency Guidelines:

The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Environmental Documentation for the "Crescent Heights and Sunset Pointe Project" (LDR Nos. 99-0639 and 40-0329, SCH No. 99091107), satisfactory to the City Manager and the City Engineer, for the following issues areas to ensure compliance with the MSCP Land Use Adjacency Guidelines: Land Use, Biological Resources and Hydrology/Water Quality. Additionally, the following conditions shall apply:

A. Prior to recording the first final map and/or issuance of any grading permits, to restrict access to the MHPA, the Owner/Permittee shall assure construction of fencing ranging from five to six feet (combination of tubular steel, block wall/tubular steel, or block wall and tubular steel on retaining wall or any other design acceptable to Parks & Recreation, Open Space Division) along all areas adjacent to the MHPA, satisfactory to the City Manager, City Engineer and Parks & Recreation, Open Space Division, including vernal pool Lots 136 and 138. All private fencing shall be located on private property, and not on any portion of Unit 2, Lots 136 and 138. Any necessary future fence repairs shall be the responsibility of the property owner and be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement. For the vernal pool sites, Unit 2, Lots 136 and 138, fencing shall be erected and maintained along Calle Cristobal satisfactory to the City Manager, City Engineer and the Park & Recreation, Open Space Division.

B. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA area(s) shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement or covenant of easement, which is then recorded on the property. For areas in the MHPA within brush management zone two and proposed revegetation areas, a conservation easement or covenant of easement would be appropriate. All other areas could be conveyed through any of the three above methods. Management of the on-site preserved MHPA and revegetation areas shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

17. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Environmental Impact Report, Project No. 99-0639,

satisfactory to the City Manager and City Engineer. Prior to issuance of the any grading permits and/or building permits, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use
- Landform Alteration/Visual Quality
- Biology
- Geology/Soils
- Hydrology/Water Quality
- Transportation
- Noise
- Air Quality
- Cultural Resources
- Paleontological Resources

**WASTEWATER REQUIREMENTS:**

18. 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.
19. The Owner/Permittee agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
20. The Owner/Permittee shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot/condominium 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/ownership.
21. 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.

**WATER REQUIREMENTS:**

22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of appropriate public water facilities as identified in the accepted water study, necessary to serve this development, in a manner satisfactory to the Director of the Water Department and the City Engineer, extending to the subdivision boundary and maintaining redundancy throughout phasing of construction. Parallel water mains shall have a minimum separation of twenty feet.

23. The Owner/Permittee shall install encroachment water services, to serve each building with less than 40 feet of frontage on public water facilities or less than 10 feet curb to property line distance, in a manner satisfactory to the Director of the Water Department and the City Engineer. All water meters shall be installed behind full height curb and outside of sidewalks or any vehicular travel way including driveways.
24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of the Water Department and the City Engineer. If reclaimed water is not yet available, then the irrigation systems shall be designed in such a manner as to accept reclaimed water when available and avoid any potential cross connections.
25. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department, will require modification based on standards and final engineering.
26. Prior to the issuance of any building permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable encroachments of structures, enhanced paving, private utilities or landscaping into any easement containing public water facilities. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
27. If on site water facilities are to be public and if it is a gated community, then prior to the issuance of any building permits, the Owner/Permittee shall provide keyed access to the Water Operations Division in a manner satisfactory to the Director of the Water Department. The City will not be held responsible for any issues that may arise relative to the availability of keys.
28. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer.
29. 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. Facilities as shown on approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department, will require modification at final engineering to comply with standards.

30. Prior to the issuance of any final inspections or certificates of occupancy, the public water facilities, necessary to serve this development, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

31. Within the multi-family lots 134 and 139, no fewer than 169 and 120 off-street parking spaces, respectively, and within the single family lots no fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated July 1, 2003, on file in the Development Services Department. 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.

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

33. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

34. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

35. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

36. No merchandise, material or equipment shall be stored on the roof of any building.

37. Prior to the issuance of building permits for any multi-family dwelling, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC Chapter 14, Article 2, Division 8) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated July 1, 2003, on file in the Development Services Department.

38. Prior to issuance of any grading permit, a fee shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot

for all areas graded. The enhancement fee shall be computed by the applicant and verified by Development Services.

39. Prior to issuance of any building permit, a fee shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of all impervious surfaces at the rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by Development Services.

40. Prior to issuance of any building permits, the Owner/Permittee shall submit for review an acoustical study to assure that interior noise levels will not exceed CNEL 45, to the satisfaction of the Development Services Department.

41. The subject site is located within the 60-65 CNEL for MCAS Miramar. For all property transactions, the Owner/Permittee shall provide appropriate legal notice to all purchasers, lessees and/or renters of property which clearly describe the potential for noise associated from airport operations. Notice will also be provided as required on the state Real Estate Disclosure Form.

#### LANDSCAPE REQUIREMENTS:

42. Prior to issuance of any building permits, complete landscape construction documents consistent with the Landscape Technical Manual, including plans, details and specifications shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated July 1, 2003, on file in the Development Services Department.

43. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Landscape construction documents shall identify a 40 square foot water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "planting area for street tree." Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

44. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to final inspection for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated July 1, 2003, on file in the Development Services Department.

45. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be

submitted in accordance with the Landscape Technical Manual Section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to the Landscape Exhibit "A," dated July 1, 2003, on file in the Development Services Department.

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

47. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

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

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

50. 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 prior to final inspection.

#### **BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

51. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated July 1, 2003, on file in the Development Services Department:

- A. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated July 1, 2003, on file in the Development Services Department.
- B. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated July 1, 2003, on file in the Development Services Department, and shall comply with the Uniform Fire Code, M.C. 55.0889.0201 and Section Six of the Landscape Technical Manual (document number RR-274506) on file at the office of the City Clerk.
- C. The Brush Management Zone Depths shall be shown as approved on Exhibit "A," dated July 1, 2003, on file in the Development Services Department.

Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

Within Zone Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

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

- D. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.
- E. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

52. The Owner/Permittee shall be required to monitor all revegetation of manufactured slopes for a five year period to assure an 80 percent successful establishment of all plant material.

Should 80 percent success criteria not be achieved by the end of the five year period additional monitoring periods of five years each shall commence until the success criteria is achieved.

**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.

APPROVED by the Council of the City of San Diego on July 1, 2003.

AUTHENTICATED BY THE CITY MANAGER

By



Gary Halbert  
Assistant Director  
Development Services  
for the City Manager

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.

PLUMBERS AND PIPEFITTERS  
WELFARE EDUCATION FUND AND  
PLUMBERS AND PIPEFITTERS  
PENSION FUND, LOCAL 562, Owner

By Marcia A. Forster as Attorney -  
In-Fact for the Trustees

PARDEE HOMES, a California  
Corporation, Permittee

By Eulene Matkoff  
VICE President

NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180, et seq.  
99-0639/1657

**ORIGINAL**

C01734

13475

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego

} ss.

On SEPTEMBER 11, 2003, before me, Phillip D. Hill, Notary Public

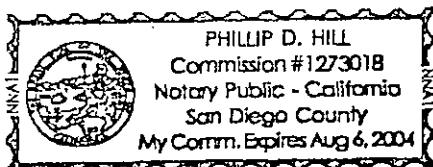
Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

GARY HALBERT

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Place Notary Seal Above

Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**Title or Type of Document: PRD 9693 / CDP 9694 / MULTIPLE HABITAT BOUNDARY LINE ADJUSTMENT - CRESCENT HTS. - PRESERVATION AREADocument Date: JULY 1, 2003 Number of Pages: 13

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
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C01735

13476

STATE OF CALIFORNIA )

COUNTY OF Orange )

SS

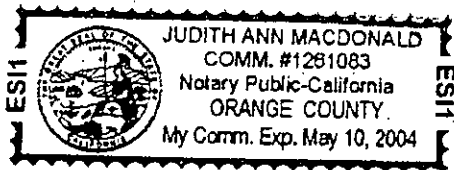
On August 21 2003, before me, JUDITH ANN MACDONALD,  
personally appeared MARCIA A. FORSYTH

personally known to me (or proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s)  
acted, executed the instrument.

Witness my hand and official seal.

Judith Ann Macdonald  
Notary Public

[SEAL]



## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

} ss.

On Aug 27, 2003, before me, Barbara J. Graham, Notary Public

Date

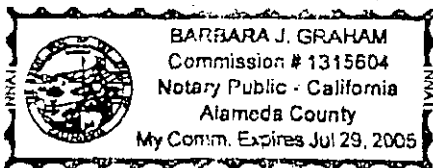
Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared Carlene Matchniff

Name(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Barbara J. Graham  
 Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

## Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

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## RESOLUTION NUMBER R-298153

ADOPTED ON JULY 1, 2003

WHEREAS, Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, Permittee, filed an application with the City of San Diego for a Planned Residential Development Permit/Coastal Development Permit [PRDP/CDP] and a Multiple Habitat Planning Area [MHPA] boundary line adjustment to construct a single and multi-family unit residential development known as the Crescent Heights project, located north and south of Calle Cristobal, east and west of Camino Santa Fe, and legally described as a Portion of Section 34, Township 14 South, Range 3 West, Section 35, Township 14 South, Range 3 West, West half and Portion of Northeast quarter, Portion of Section 34, Township 14 South, Range 3 West Northeast quarter of Northeast quarter, Section 27, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the Mira Mesa Community Plan area, in the City of San Diego, County of San Diego, California, in the AR-1-1 zone (previously referred to as A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5 and OC-1-1 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered PRD Permit No. 9693/CDP No. 9694, and MHPA boundary line adjustment, and voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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 PRD Permit No. 9693/CDP No. 9694, and MHPA boundary line adjustment:

**PLANNED RESIDENTIAL DEVELOPMENT**

1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan. The proposed project would provide significant benefits to the City of San Diego by realizing the preservation and dedication of 145.08 acres of land into the Multiple Habitat Preservation Area [MHPA] and by the development of 40.12 acres of additional residential development providing a mixture of housing at various prices; 128 single-family units and 144 multi-family units in the Mira Mesa community.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. All slopes adjacent to open space areas will be revegetated with native plants capable of providing deep rooting characteristics for added slope stability and will include low profile, spreading varieties to provide erosion control and protection. The planting and continued maintenance of these slopes, and all slopes within the project, will prevent soil erosion, silting of lower areas or geologic instability which would affect health, safety and general welfare by covering the manufactured slopes with living, deep rooted, trees and low spreading shrubs. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

Plantings proposed for the project are common in the region and immediate area. The plant species selected for the project would be viable for this site, require a minimum of irrigation and care, and would thrive in the intended locations. All proposed landscape plant species approved for the project would be common throughout the area and have no known diseases or associated pests.

The proposed project conforms with the City's Open Space Element and would be consistent with the Open Space designation as described in the proposed Mira Mesa Community Plan amendment. The site is zoned for residential development and open space. Dedication of open space is proposed within the subdivision to preserve sensitive areas, retain the unique visual assets of the land area and to increase the area within the Multiple Habitat Preservation Area established by the Multiple Species Conservation Program [MSCP]. This open space then being deeded in fee to the City of San Diego would continue to be preserved in perpetuity and would not be further impacted by development.

The proposed project would be consistent with the Mira Meas Community Plan by means of the community plan amendment proposed for adoption. The proposed project would be consistent with the Progress Guide and General Plan and would not cause adverse affects to these policy documents or to the City of San Diego. Revisions to the project have been incorporated into the design to create consistency with the requirements of the Hillside Review Overlay Zone and Hillside Design and Development Guidelines by blending manufactured slopes to the existing topography, by orienting the street and development pattern to be compatible with the natural topography of the land and by significantly reducing the boundaries of the proposed development. The revised design of the project would create a development which works with the site topographic conditions and the site's visually prominent location rather than against it. In these ways the proposed project would fulfill a community need for additional housing products at a variety of market prices and would not adversely affect the policies of the City of San Diego.

**2. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.** The permit controlling the development and continued use of the single-family and multi-family development proposed for this site contains conditions addressing the project compliance with the City's regulations and policies and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Compliance with these relevant regulations would result in a project which does not adversely affect other properties in the vicinity.

Geotechnical studies performed for the proposed project indicate the site is physically suitable for the proposed grading design and building locations as shown on the proposed plans. Due to the conditions of approval which require contoured landform grading, revegetation of all slopes, and the sensitive placement of buildings, the proposed design of the project will result in the least possible disturbance to the site. Although a greater area is graded to accomplish the landform contour grading, the resultant visual blending of the proposed slopes would create a project that is consistent with the surrounding landform and development patterns. All biologically sensitive areas disturbed by the proposed development would be mitigated by complying with the adopted Mitigation Monitoring and Reporting Program [MMRP] which would require the dedication of land to the City's MHPA. This would include 4.48-acres of coastal sage scrub, 16.59 acres of chaparral and 1.29 acres of non-native grassland along with additional habitat areas for a total of 145.08 acres of dedicated land. These mitigation requirements would be consistent with the City's adopted Biological Guidelines. The proposed development would not impact identified vernal pools located on the site and disturbances to other habitats would be considered fully mitigated by measures described in the MMRP to be adopted for the project.

The proposed development would retain the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The proposed roads of the site plan and tentative map follow the natural topography of the site in a curvilinear manner while utilizing changes in vertical alignment to minimize the disturbance to the site and to be parallel to the natural grade. The location of these proposed roads also reduces the grading necessary to provide the desired housing opportunities. The grading plan proposes slopes, both in cut and fill,

which utilize contoured, landform grading techniques to achieve a blend between the natural undisturbed slopes and the proposed manufactured slopes.

The landscape concept plan uses as its theme the indigenous natural plant materials of the inland region. Manufactured slopes will be revegetated with native species to achieve a seamless visual blend of these slopes with the immediately adjacent natural slopes.

Architectural designs present roof lines and building articulation sympathetic to the site location in an effort to allow development while eliminating the visual impact of roof planes and elevations dominating the skyline. Lots located along natural open space areas require buildings to be set back a minimum of 30 feet from the top of slopes or natural area to reduce the visual impact of the project from near and distant views. This setback area is also required to reduce risks from wild fires which might occur in the open space areas. This architectural sensitivity allows for development of the site while retaining the visual quality by integrating the structures with the site rather than the site being completely altered to fit the structures.

Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. Conditions of approval address lighting, the generation of noise, the appearance of landscaping, placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm water quality would be addressed through conditions of approval which require implementation of Best Management Practices [BMP] during and post construction. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity.

As described in the Environmental Impact Report, the proposed project would have adequate levels of essential public services available for health, safety and general welfare of persons residing or working in the area. The nearest fire station would have a response time 5.4 minutes and the nearest police station would have a response time of 7.6 minutes in accordance with the required levels. The addition of the Crescent Heights project would not impact these response times. Other vital services, such as schools, libraries, public parks, electricity, water and sewer would be adequate for the proposed project.

3. **The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.** Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Development of the single-family lots and multi-family developments shall meet the requirements, respectively, of the RX-1-2 and RM-2-5 development criteria with regard to setbacks and floor area ratio, as allowed through a Planned Residential Development permit. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines." By incorporating the proposed landform contour grading; by revegetation sensitive slopes with native plant species; by siting single-family structures away

from visually sensitive natural edges; by the architectural elements of roof planes facing the open space and stepping back of second story elevations; and by planting the manufactured slopes with the appropriate vegetation capable of preventing erosion, the design of the proposed project conforms to the qualitative guidelines and criteria established in Document No. RR-262129. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

### COASTAL DEVELOPMENT

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The proposed site does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas. The proposed site is not identified in the Mira Meas Community Plan or Local Coastal Program Land Use Plan as a proposed accessway to be utilized by the general public for providing access to the ocean or other scenic coastal area. The project site is approximately eight and one half miles east of the Pacific Ocean and the beaches and bluffs located there. The geographic location of the site will not obstruct views to and along the ocean and other scenic coastal areas as no such views are possible to these resources from the site. The adjacent Lopez Canyon may be considered a scenic coastal resource; however, the proposed project would be developed in a manner to minimize impacts to public views into and from the Lopez Canyon by lowering the elevation of building pads, minimizing grading and consolidating the development onto fewer parcels.

2. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources. Environmental review of the proposed project did not identify any potential for impacts to marine resources, archaeology or paleontology. Site investigations and research revealed the project site does not contain nor would the proposed development adversely affect these resources. Significant impacts to biological resources would be mitigated to a level below significance through conditions contained in the MMRP. The Owner/Permittee has agreed to all conditions in the MMRP and the City will monitor compliance with these conditions.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter 10, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom. The proposed project is specifically excluded from the Resource Protection Ordinance as described in the SDMC section 101.0462(E)(2). Therefore, the proposed project is consistent with the requirements of the Resource Protection Ordinance which provides the exclusion by virtue of the site being within the Calle Cristobal Assessment District. The Owner/Permittee has provided and continues to provide funds and support for the improvements of the aforementioned assessment district. Therefore, the proposed project is exempt from the requirements of the Resource Protection Ordinance by its terms.

4. **The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.** The proposed residential development will not adversely affect facilities serving the recreational needs of the community or facilities serving the needs of the visiting public in connection with coastal resources. The two proposed multi-family developments will provide recreational facilities which would be utilized by the residents of those development units. The site is not located adjacent to identified recreational or visitor-serving facilities or coastal scenic resources. The proposed development will provide dedication of open space lands to the City of San Diego, Parks and Recreation Department Open Space Division and the Multiple Species Conservation Program's Multiple Habitat Preservation Area.

5. **The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.** Park and recreational areas do not exist adjacent to this site, although there are regional open space preserves planned adjacent to the site in the Lopez Canyon. The proposed development will not impact environmentally sensitive habitats and scenic resources located in any parks within the community. Buffer areas are provided to protect resources in the Lopez Canyon from the proposed project in that the project area has been reduced significantly to limit impacts from the proposed project to environmentally sensitive habitats and scenic resources located in and adjacent to Lopez Canyon.

6. **The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.** The project proposes mass grading of the site in a manner consistent with the Hillside Review Ordinance and Hillside Review and Design Guidelines. The amount of grading necessary to develop the project has been reduced to limit the impact of development to the adjacent Lopez Canyon. The proposed grading plans indicate the site will be graded in a manner consistent with the general existing topography. The plans indicate landform contouring of manufactured slopes adjacent to undisturbed tributary canyons to create the visual blending required by the Hillside Review Ordinance and Hillside Review and Design Guidelines in a manner consistent with the existing canyon topography. This landform contouring requires more area be graded than by conventional engineering methods, yet will yield a result compatible with the natural topographic signature of the site. The proposed project will not result in potential risks from geologic forces based on the review of geotechnical reports provided by the geotechnical consultant. Additional geotechnical review would be provided with the construction documents for the improvement of the site. Undue risks from erosional forces on manufactured slopes will be reduced and eventually eliminated by planting of trees, shrubs and ground covers as indicated by the Landscape Concept Plan. These plantings will be included in the grading operations during the development of the site. Undue risks from flood hazards will be not be present since the proposed site is not within any mapped floodway or flood channel. The site elevations are approximately 208 to 112 feet above the canyon bottom of the adjacent Lopez Canyon and approximately 200 feet or more above the canyon bottom of Los Penasquitos Canyon. Undue risks from fire hazards will be reduced through the implementation of the Brush

Management Plan proposed in connection with the development of the site. The Brush Management Plan establishes three zones to reduce the potential of wildfires reaching the proposed development consistent with the Landscape Technical Manual adopted by the City of San Diego. All brush management would be conducted in a manner consistent with the Landscape Technical Manual.

7. **The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas.** The project proposes mass grading of the site in a manner consistent with the Hillside Review Ordinance and Hillside Review and Design Guidelines. The amount of grading necessary to develop a project has been reduced to limit the impact of development to the adjacent Lopez Canyon. The proposed grading plans indicate the site will be graded in a manner consistent with the general existing topography. The plans indicate landform contouring of manufactured slopes adjacent to undisturbed tributary canyons site to create the visual blending required by the Hillside Review Ordinance and Hillside Review and Design Guidelines in a manner consistent with the existing canyon topography. This landform contouring requires more area be graded than by conventional engineering methods, yet will yield a result compatible with the natural topographic signature of the site. In this manner, the proposed project would be visually compatible with the surrounding undisturbed environment and topography. The two types of proposed housing developments would be compatible with surrounding existing housing developments in the immediate area in bulk and scale, setbacks from property lines, architectural detail, and development pattern.

8. **The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site.** With the adoption of the proposed Community Plan amendment and Local Coastal Program amendment, the proposed development would be consistent with the Mira Mesa Community Plan, Progress Guide, and General Plan each of which identifies these sites for residential development. As described below, the project would implement the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community by providing 128 additional single-family and 144 multi-family housing units while minimizing the environmental impacts of the development.

The proposed project would be developed with a combination of residential and open space zoning in accordance with the Community Plan, as amended by the amendment thereto, which contemplate two types of zoning for the proposed project area. To implement the goals and policies of the Community Plan approximately 40.12 acres would be rezoned from AR-1-1 to RM-2-5 and RX-1-2 and approximately 145.08 acres to OC-1-1. The dual zoning would allow the clustering of residential development while preserving a significant amount of open space. The proposed project would be consistent the land use designations of the Community Plan by providing nine open space lots and 272 residential dwelling units at a density of 2.1 dwelling units per acre. This residential density is within the Community Plan's density range of 0-4 dwelling units per acre.

The propose project would implement the intent of the Sensitive Resources and Open Space System Elements of the Community Plan by incorporating sensitive resource preservation and enhancement and by mitigating impacts to on-site biological resources to below a level of significance, as described in the Environmental Impact Report. The natural drainage systems, flood plains and recreational opportunities would remain intact in the proposed and existing open space preserve areas as required by the Community Plan. The proposed project would comply with the relevant policies and purposes of the Community Plan, the Local Coastal Program Land Use Plan and the Progress Guide and General Plan by dedicating more than seventy-five percent of the project area to open space, by avoiding encroachment into the vernal pools located on site, by minimizing impacts to other habitat areas, by providing appropriate mitigation and by restoring 4.61 acres of manufactured slopes with coastal sage scrub immediately adjacent to the Multiple Habitat Preservation Area.

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

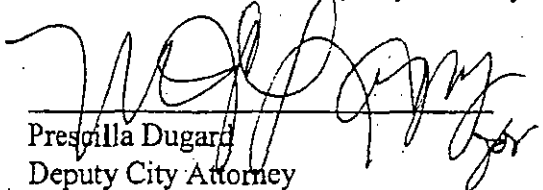
BE IT RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Residential Development Permit No. 9693/Coastal Development Permit No. 9694, and a MHPA boundary line adjustment is granted to Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on

 is approved.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:dm

7/07/03

Or.Dept.Dev.Svcs.

R-2004-10

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Reviewed by John Fisher

001745

13486

Passed and adopted by the Council of San Diego on July 01, 2003, by the following vote:

**YEAS: PETERS, ZUCCHET, ATKINS, LEWIS, MAIENSCHIN, FRYE, MADAFFER, INZUNZA, MAYOR MURPHY**

**NAYS: NONE**

**NOT PRESENT: NONE**

**AUTHENTICATED BY:**

**DICK MURPHY**

*Mayor of The City of San Diego, California*

**CHARLES G. ABDELNOUR**

*City Clerk of The City of San Diego, California*

(SEAL)

By: Manuel E. Ketcham, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. R-298153 passed and adopted by the Council of The City of San Diego,  
California on July 01, 2003.

**CHARLES G. ABDELNOUR**

*City Clerk of The City of San Diego, California*

(SEAL)

By: Manuel E. Ketcham, Deputy

**ORIGINAL**

DOCUMENT - PRD 9693/CDP 9694

FILED - September 22, 2003

OWNER/PERMITTEE: Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, Permittee.

To construct a single and multi-family unit residential development known as the Crescent Heights project, located north and south of Calle Cristobal, east and west of Camino Santa Fe, and legally described as a Portion of Section 34, Township 14 South, Range 3 West, Section 35, Township 14 South, Range 3 West, West half and Portion of Northeast Quarter, Portion of Section 34, Township 14 South, Range 3 West Northeast Quarter of Northeast Quarter, Section 27, Township 14 South, Range 3 West, San Bernardino Base and Meridian.

CC: Permit Intake Services,  
MS #501  
(For distribution)

C01747

(R-2004-1)

RESOLUTION NUMBER R- 298150ADOPTED ON JUL 01 2003

WHEREAS, on July 16, 1999, Pardee Homes submitted an application to the City of San Diego for amendments to the City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan; a Rezone; Planned Residential Development Permit, Coastal Development Permit, Site Development Permit, and Multiple Habitat Planning Area Boundary Adjustment; and Vesting Tentative Map for the Crescent Heights 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, the issue was heard by the City Council on July 1, 2003; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report LDR No. 99-0639; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report LDR No. 99-0639, 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 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 this Council in connection with the approval of the land use actions for Crescent Heights project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

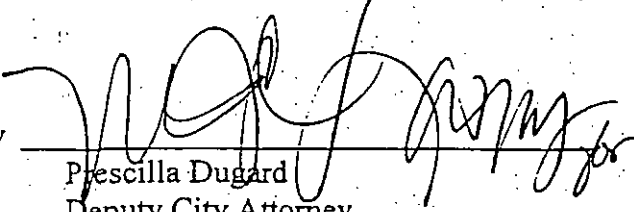
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibits A-1 and A-2, and incorporated herein by reference.

001749

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: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:dm

6/4/03

Or.Dept:Dev.Svcs.

R-2004-1

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## EXHIBIT A-1

## MITIGATION MONITORING AND REPORTING PROGRAM

Crescent Heights

VTM/PRD/CDP

LDR NO. 99-0639, Project No. 1657

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 Environmental Impact Report LDR No. 99-0639, Project No. 1657, shall be made conditions of the Vesting Tentative Map No. 9691, Planned Residential Development Permit No. 9693 and Coastal Development Permit No. 9694 as may be further described below.

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The mitigation monitoring and reporting program for the Crescent Heights tentative map is under the jurisdiction of the City of San Diego and other agencies as specified below. The following is a description of the mitigation monitoring and reporting program to be completed for the project.

**General**

The mitigation monitoring and reporting program will require a \$450.00 fee to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

**Land Use**

Implementation of the mitigation measures described in Chapter 4.B., Landform Alteration/Visual Quality would reduce the impact associated with the project's compliance with the Design Criteria Element of the Mira Mesa Community Plan. Mitigation Measure 4C-2(3) in Chapter 4.C., Biological Resources of this EIR details specific mitigation measures regarding the MHPA Adjacency Guidelines. These measures

would ensure compliance with the MSCP issues such as drainage, toxics, lighting, noise, barriers, invasive plants, and brush management for fire hazards.

### **Landform Alteration**

As a condition of the Crescent Heights tentative map approval and prior to the issuance of a grading permit, the City Manager shall verify that the grading plans provide contour grading of all manufactured slopes. Field inspectors with the City of San Diego's Development Services shall inspect the grading to ensure conformance with approved grading plans. In addition, landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create an undulated slope appearance.

Measures have been incorporated into the Crescent Heights project design that would reduce the project's direct aesthetic impact. These include contouring and revegetating manufactured slopes adjacent to open space to provide a natural look to the slopes and reduce the visibility of the residential units.

### **Hydrology/Water Quality**

Municipalities in the San Diego region, including the City of San Diego, must comply with the SWRCB's Order 2001-01 and U.S. Environmental Protection Agency Permit No. CA0108758, which consists of waste discharge requirements for stormwater and urban runoff. Implementation of appropriate BMPs would reduce the Crescent Heights project's short-term direct impacts during construction to a level below significant. Implementation of BMPs would also reduce both project's contribution to the cumulative water quality impacts, but not to a level below significant.

The following measures shall be incorporated as conditions of the Crescent Heights project approval:

1. The project areas shall comply with all requirements of State Water Resources Control Board Order No. 99-08-DWQ (NPDES General Permit in No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. In accordance with said permits, a SWPPP and a Monitoring Program Plan shall be developed prior to the issuance of grading permits, and a complete and accurate 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 both of the projects shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the construction permit number for the projects shall be filed with the City of San Diego when received. Best Management Practices shall be included in the SWPPP and shall be designed in accordance with the Engineering Department's standard for SWPPPs to the satisfaction of the City Engineer. The

SWPPP shall be approved by the City Stormwater Administrator prior to issuance of grading permits.

2. Prior to the issuance of building permits, the project shall install a filtering system. Installation and operation of the filtering devices shall be verified by a City field inspector prior to the issuance of building permits. The filtering system shall significantly reduce contaminated fine sediments, sands, petroleum products and other settleable/floatable contaminants. The filtering system shall be maintained by the projects Master Homeowners' Association. The Crescent Heights project shall also incorporate the current Best Management Practices and Best Available Technologies (BMPs and BATs) available at that time for pollution control and erosion/siltation control. Examples of BMPs and BATs include but are not limited to:

- energy dissipation structures and rip-rap at stormwater discharge points to stabilize flow and reduce velocities;
- desilting basins for pollutant and siltation control during construction, resource based if possible;
- mulching cleared or freshly seeded area for erosion/sedimentation control;
- geotextiles and mats for erosion control during construction;
- storm drain inlet/outlet protection for siltation control;
- slope drains for erosion control;
- silt fences/sand bag barriers for siltation control during construction;
- the use of low-water requirement vegetation in landscaping;
- selection of slope planting species with low fertilization requirements; and
- requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.

Design and implementation measures shall be designed according to the City Engineering Department's standards for Urban Stormwater Management.

Design and implementation of all above measures shall be to the satisfaction of the City Engineer.

#### Noise

1. To reduce significant direct noise impacts to receiver pad locations 1 through 3, 57, and 114 through 128, the project proponent shall, prior to occupancy, construct three-foot-high noise barriers along the edges of the pads, will result in noise levels for ground-floor exterior usable areas below 65 CNEL (see Figure 4G-2 of EIR). With construction of the proposed barriers, ground floor noise levels throughout the single-family portion of the project site will be at or below 65 CNEL.
2. To reduce significant direct noise impacts resulting from predicted first- and second-floor exterior noise levels that could exceed 60 CNEL on residential units

on Pads 1 through 3, 27 through 29, 49 through 57, and 114 through 128, the project proponent shall submit a detailed acoustical analysis at the time that building plans are available for these units, and prior to the issuance of building permits, substantiating that project construction materials are sufficient to reduce interior noise levels to an acceptable 45 CNEL or below.

Additionally, second-floor exterior noise levels are projected to exceed 60 CNEL for the residential units on Pads 22 through 24 and 44 through 48. To reduce significant direct noise impacts for these pads the project proponent shall submit a detailed acoustical analysis at the time that building plans are available for these units, and prior to the issuance of building permits. For the residential units on these pads, the City assumes that typical light-frame construction will provide 15 decibels of noise reduction. If exterior levels are above 60 CNEL, therefore, the interior level may exceed the City's 45 CNEL standard. However, since the plan lies within the 60 CNEL contour for MCAS Miramar, a detailed acoustical analysis will be required for all the pads.

3. To reduce significant direct noise impacts to Building 1 and along the recreation site adjacent to Calle Cristobal, and along the pool site adjacent to Camino Santa Fe, the project proponent shall, prior to occupancy, construct three-foot-high noise barriers. With construction of the proposed barriers, ground floor noise levels throughout the usable exterior areas of the multi-family project site will be at or below 65 CNEL (see Figures 4G-2 and 4G-3 of EIR).
4. To reduce significant direct noise impacts resulting from predicted first- and second-floor exterior noise levels that could exceed 60 CNEL at the first and second floors of Buildings 1, 2, and 8 adjacent to Calle Cristobal, and the second-floor exterior noise levels at Buildings 4 and 7 adjacent to Calle Cristobal, the project proponent shall submit a detailed acoustical analysis at the time that building plans are available for these units, and prior to the issuance of building permits to ensure that interior noise levels due to exterior sources will be below the 45 CNEL standard. However, since the plan lies within the 60 CNEL contour for MCAS Miramar, a detailed acoustical analysis will be required for all the pads.
5. A detailed acoustical analysis will be required for all the pads since both the Crescent Heights and Sunset Pointe project sites are located within the 60 CNEL contour for MCAS Miramar.

### Biological Resources

1. Prior to the issuance of a grading permit, mitigation for the on-site impacts shall occur via preservation within the MHPA to the satisfaction of the City ERM:

- a. A total of 19.26 acres of Tier I habitats, 4.61 acres of Tier II habitat, and 0.07 acre of Tier IIIB habitats shall be preserved off-site in perpetuity.
2. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through C):
  - a. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
  - b. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit "A."
  - c. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit "A." The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit "A." All unauthorized encroachments shall be reported and mitigated in accordance with the City's Biological Review References (November 2000), to the satisfaction of the ERM.
3. Prior to the issuance of any grading permits, the owner/permittee shall submit to the ERM of LDR evidence of compliance with Sections 401 and 404 of the federal Clean Water Act and Section 1600 of the California Fish and Game Code. Evidence shall include either copies of the permits issued, letters of resolution issued by the responsible agencies documenting compliance, or other evidence which demonstrates that the required permit has been obtained.

### **Geology and Soils**

Implementation of the recommendations described in the geotechnical investigation (see Appendix C-1) would reduce potentially significant impacts to below a level of significance.

These measures include the following:

1. Compressible topsoil and alluvial deposits and undocumented fill will require complete removal and recompaction in areas where development is planned.
2. Highly expansive soils should be placed in deeper fill areas such that they do not adversely impact foundations and/or other settlement sensitive improvements.

3. Subdrains should be placed in the proposed canyon fill areas to mitigate the potential for hydrostatic buildup and perched groundwater.
4. Prior to commencing grading, a pre-construction conference should be held at the site with the owner or developer, grading contractor, civil engineer, and geotechnical engineer to discuss special soil handling and/or grading plans.
5. Site preparation should begin with the removal of all deleterious material and vegetation such that the materials exposed in cut areas or soils to be used as fills are relatively free of trash and organic matter. Material generated during stripping should be transported from the site.
6. After removal of unsuitable soil, the exposed subgrade should be scarified to a depth of 12 inches, moisture conditioned as necessary, and recompact.
7. The site should be brought to final subgrade elevations with structural fill compacted in layers no thicker than will allow for adequate bonding and compaction (up to at least 90 percent of maximum dry density at or slightly above optimum moisture content).
8. The upper 3 feet of building pads and 12 inches in the pavement areas be composed of properly compacted fill or undisturbed formational materials with "very low" to "low" expansion characteristics.
9. The cut portion of cut/fill transition building pads should be undercut at least 3 feet and replaced with properly compacted low expansive fill soils to reduce the potential for differential settlement.
10. Oversized rock should be placed at least 5 feet below finish grade or 3 feet below the deepest utility, whichever is greater.
11. All cut slopes should be observed during grading by an engineering geologist to verify that the soil and geologic conditions do not differ significantly from those anticipated and to determine if adverse bedding, fractures or joints exist.
12. The outer 15 feet of fill slopes should be composed of properly compacted granular "soil" fill to reduce the potential for surface sloughing. All fill slopes should be overbuilt at least 3 feet horizontally, and cut to the design finish grade.
13. All slopes should be planted, drained, and properly maintained to reduce erosion.
14. Retaining walls not restrained at the top and having a level backfill surface should be designed for an active soil pressure equivalent to the pressure exerted by a fluid density of 30 pounds per cubic foot.

15. All retaining walls should be provided with a drainage system adequate to prevent the buildup of hydrostatic forces and should be waterproofed as required by the project architect. The use of drainage openings through the base of the wall (weep holes, etc.) is not recommended.
16. Wall foundations having a minimum depth and width of one foot may be designed for an allowable soil-bearing pressure of 2,000 pounds per square foot (psf) provided the soil within 3 feet below the base of the wall has an Expansion Index of less than 90.
17. An allowable passive earth pressure equivalent to a fluid density of 30 psf is recommended for footings or shear keys poured neat against properly compacted granular fill soils or undisturbed natural soils for resistance to lateral load.
18. To reduce the potential for slope instability, it is recommended that
  - (a) disturbed/loosened surficial soils be either removed or properly recompacted,
  - (b) irrigation systems be periodically inspected and maintained to eliminate leaks and excessive irrigation, and
  - (c) surface drains on and adjacent to slopes be periodically maintained to preclude ponding or erosion.
19. Positive measures should be taken to properly finish grade the building pads after structures and other improvements are in place, so that drainage water from the building pads and adjacent properties is directed to streets away from foundation and tops of slopes.

The geotechnical engineer and engineering geologist should review the grading plans prior to finalization to verify their compliance with the recommendations of the geotechnical report and determine the necessity for additional comments, recommendations, and/or analysis.

20. Prior to the issuance of any grading permits, a subsurface investigation shall be completed to confirm the existence, and/or non-existence of two landslide deposits, and any other geotechnical features that may require stabilization. Any environmental impacts from subsurface investigation or for any required geotechnical remediation beyond those anticipated in this EIR shall be mitigated to the satisfaction of the ERM. The geotechnical report shall be prepared in accordance with the City's "Technical Guidelines for Geotechnical Reports." The report shall be submitted to the City's Environmental Analysis and Geology Sections of the Land Development Review (LDR) Division with the first grading plan check for a grading permit. In addition, a complete geotechnical investigation shall be conducted which must be approved by the City Engineer prior to the issuance of a grading permit. The detailed geotechnical report shall develop soil parameters, stability calculations, and grading recommendations.

21. Prior to grading permit issuance for proposed on-site roadways and lot development, a site-specific erosion control and landscaping plan shall be submitted to and approved by the ERM of LDR. This plan shall include short-term measures to be implemented during and immediately following construction to mitigate soil erosion and transport consistent with implementation of NPDES construction permit requirements. The landscaping plan shall also include short- and long-term landscaping to control erosion from manufactured slopes and installation of erosion-resistant ground cover for graded areas. Planting material shall be installed within 30 days of the completion of grading or prior to final inspection and approval of grading, whichever comes first.

### **Paleontological Resources**

1. Prior to issuance of the first grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff of LDR at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the paleontological monitoring of this project.
2. Prior to the issuance of any grading permits, the ERM of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
3. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction manager or grading contractor, resident engineer (RE), and MMC staff. The qualified paleontologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17 inches) that identifies areas to be monitored. The paleontologist shall also submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.
4. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City RE shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principle investigator level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.

5. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
6. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
7. Prior to the release of the grading bond, two copies of the monitoring results report which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR. A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.

#### Air Quality

1. Prior to approval of grading permits, an accelerated construction dust abatement management program shall be reviewed and approved by the City Engineer. The dust abatement management program should consist of but not be limited to:
  - soil stabilizers
  - truck wash stations
  - use of tarpaulins or covers on haul trucks
  - site watering, which shall increase if wind speeds exceed 25 mph
  - uncovered soils being stockpiled shall be watered twice daily or shall be bound or covered
  - off-road construction equipment shall have 90-day low NOx tune-ups
  - construction vehicles shall be parked off traveled roadways
  - access points should be washed and/or swept daily

The dust abatement program shall be made a condition of the grading permit and included as notes on the plans. The program shall be monitored by the City through periodic inspection during grading. If the City's Inspection Services field inspector finds that the accelerated construction dust abatement program is not being complied with, a "stop work" order shall be issued until compliance is obtained.

001759

JUL 01 2003

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Zucchet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles L. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Inzunza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

DICK MURPHY

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Marnell E. Ketchum, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-298150  
Number \_\_\_\_\_Adopted JUL 01 2003

001761

(R-2004-2)

RESOLUTION NUMBER R- 298151ADOPTED ON JUL 01 2003

WHEREAS, on July 16, 1999, Pardee Homes submitted an application to the City of San Diego for amendments to the City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan; a Rezone; Planned Residential Development Permit, Coastal Development Permit, and Multiple Habitat Planning Area Boundary Adjustment; and Vesting Tentative Map, for the land use actions for the Crescent Heights project; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed specific and community plans in order to retain consistency between said plans; and

WHEREAS, on May 29, 2003, the Planning Commission held a public hearing for the purpose of considering the amendments to the plans for the Project and recommended to the City Council approval of the proposed amendments; and

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

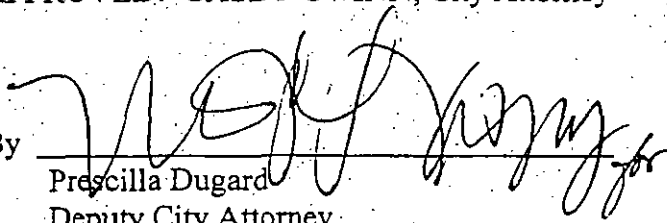
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the amendments to the Mira Mesa Community Plan and Local Coastal Plan No. 10747, and the Progress Guide and General Plan are adopted and a copy of the amendments is on file in the office of the City Clerk as Document No. RR- 298151.

2. That this resolution shall not become effective until such time as the California Coastal Commission effectively certifies these actions as Local Coastal Program amendments as to the areas of the City within the Coastal Overlay Zone.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:dm  
6/04/03  
Or.Dept:Dev.Svcs.  
R-2004-2  
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001763

JUL 01 2003

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Zucchet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles L. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Inzunza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

DICK MURPHY

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Manuel E. Kitchan, Deputy.

Office of the City Clerk, San Diego, California

03 JUL 11 11 31 AM '03

Resolution Number R-298151 Adopted JUL 01 2003

(R-2004-5)

## RESOLUTION NUMBER R-298152

ADOPTED ON JULY 1, 2003

WHEREAS, Pardee Homes, Applicant, and Rick Engineering Company, Engineer, submitted by an application to the City of San Diego for a 155-lot vesting tentative map (Vesting Tentative Map No. 9691 for the Crescent Heights project), located at the southeast corner of Camino Santa Fe and Calle Cristobal, and described as the North Half of Section 34, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5, and OC-1-1 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 9691, voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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 Vesting Tentative Map No. 9691:

1. The map proposes the subdivision of a 185.2-acre site into 155 lots (128 residential, two multi-family, sixteen Home Owners Association [HOA] and nine open space) for residential development. This type of development is consistent with the General Plan and the Mira Mesa Community Plan, which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the RX-1-2, RM-2-5 and OC-1-1 zones in that:

- a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Coastal Development and Planned Residential Development [CDP/PRDP] Permit.
- b. All lots meet the minimum dimension requirements of the RX-1-2, RM-2-5 and OC-1-1 zones, as allowed under a CDP/PRDP.
- c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a CDP/PRDP.
- d. Development of the site is controlled by PRD Permit No. 9693 and CD Permit No. 9694.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 and San Diego Municipal Code section 125.0440(g) regarding the design of the subdivision for future passive or natural heating or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (LDR No. 99-0639) to reduce the significant and unmitigated impacts to land use, visual quality/landform alteration (direct), hydrology/water quality (cumulative), and air quality (cumulative).

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems, in as much as needed public services and facilities are available/or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision, as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

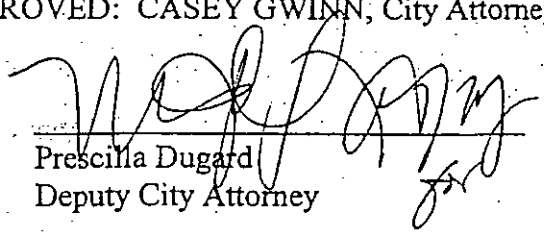
10. Lot 134 and lot 139 are condominium projects as defined in Section 1350, et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 144.

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 accepted, and Vesting Tentative Map No. 9691 is granted to Pardee Homes, Applicant, subject to the attached conditions which are made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By:

  
Prescilla Dugard  
Deputy City Attorney

PD:dm

6/10/03

Or.Dept:Dev.Svcs.

R-2004-5

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Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 9691  
CRESCENT HEIGHTS  
ADOPTED BY RESOLUTION NO. R-298152 ON JULY 1, 2003

This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. Should the rezone be denied then this vesting tentative map shall be deemed denied.

1. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
2. 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.
3. The final maps shall conform to the provisions of Planned Residential Development Permit [PRDP] No. 9693 and Coastal Development Permit [CDP] No. 9694.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the 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.

5. "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).
6. "California Coordinate System" means the coordinate system as defined in Sections 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."
7. Every 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.
8. The approval of this tentative map by 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 § 1531, et seq.).
9. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
10. The subdivider shall file four final maps. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
11. The subdivider shall obtain a bonded grading 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.
12. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
13. The geotechnical report provided by the subdivider's consultant has been reviewed. Based on that review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project for the purpose of environmental review. Additional information will not be required by LDR Geology with regards to the TM/PRDP/RZ/CDP. However, additional geotechnical review will be required as final improvement and grading plans are developed for the project.
14. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code.

15. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities
16. Calle Cristobal is classified as a 4-lane major street. The subdivider shall provide 64 feet of pavement, a median, curb and gutter, and 5-foot wide contiguous sidewalks within a 10-foot curb to property line distance.
17. Camino Sante Fe is classified as a 4-lane major. The subdivider shall provide 64 feet of pavement, curb and gutter, and 5-foot wide contiguous sidewalks within a 10-foot curb to property line distance.
18. Streets "A" through "E" are classified as residential streets. The subdivider shall dedicate 54-foot wide rights-of-way and provide 34 feet of pavement, curb, gutter, and 5-foot wide sidewalks within a 10-foot curb to property line distance.
19. The cul-de-sac for Streets "A" and "E" shall have a 50-foot curb radius with a 60-foot right-of-way radius. Street "B" shall have a 35-foot curb radius with a 45-foot right-of-way radius.
20. Where non-contiguous sidewalks are implemented the subdivider shall grant 5-foot wide general utility easements adjacent to the right-of-way on both sides of the street and the grade within the easement shall be at a 2 percent fall towards the street.
21. All driveways shall be constructed per Standard Drawing G-14a, G-16, and SDG-100.
22. The subdivider shall provide and maintain a minimum parking inner clear-area dimensions within all single-car, side-by-side two-car, and tandem two-car garages of 9.5 feet by 19 feet, 18 feet by 19 feet, and 9.5 feet by 36 feet respectively.
23. The subdivider shall construct a standard 25-foot wide two-way driveway, accessing the proposed development on the west side of Camino Santa Fe.
24. The subdivider shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at the intersection of Calle Cristobal and Street "A," satisfactory to the City Engineer.
25. The subdivider shall assure the project access along Camino Santa Fe shall be right-in and right out only. A full-width median shall be maintained along Camino Santa Fe fronting the westerly portion of the subject project.

26. The subdivider shall grant the City and maintain an adequate sight distance for the access points of the north multi-residential development, the west multi-residential development, and both the westerly and northerly street access points of the single-family development onto Camino Santa Fe and Calle Cristobal, respectively.
27. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141).
28. This project proposes to export 360,800 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
29. Drainage systems not located within a public street are private and will be privately maintained. The drainage system proposed with this development shall be private and is subject to approval by the City Engineer.
30. 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.

31. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance.

32. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
33. 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, consistent with the approved Water Quality Technical Report.
34. LANDSCAPE REQUIREMENTS:
  - a. 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 Technical Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, on file in the Office of the Development Services Department. The subdivider shall assure by permit and bond the installation of landscaping per the landscape construction documents.
  - b. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A." The approved bonded Landscape Maintenance Agreement shall be recorded prior to recordation of the final map.
  - c. The subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the Non-title sheet to identify the hatched areas: "Indicates fire hazard reduction zone per Section 6 of the City of San Diego 'Landscape Technical Manual' approved by the Planning Commission on March 16, 1989, as Resolution No. 0480-PC, and approved by the City Council on October 3, 1989, as Resolution No. 274506, and any other building code regulations."
35. MSCP REQUIREMENTS:
  - a. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Environmental Documentation for the "Crescent Heights and Sunset Pointe Project" (LDR Nos. 99-0639 and 40-0329, SCH No. 99091107), satisfactory to the City Manager and the City Engineer, for

the following issues areas to ensure compliance with the Multiple Habitat Planning Conservation Program [MSCP] Land Use Adjacency Guidelines: Land Use, Biological Resources and Hydrology/Water Quality. Additionally, the following conditions shall apply:

- b. Prior to recordation of the first final map and/or issuance of any grading permits, the subdivider shall assure construction of fencing ranging from five to six feet (combination of tubular steel, block wall/tubular steel, or block wall and tubular steel on retaining wall) along areas adjacent to the Multiple Habitat Planning Area [MHPA], including vernal pool Lots 136 and 138, satisfactory to the City Manager and the City Engineer, to restrict access to the MHPA. Any necessary future fence repairs shall be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement. For vernal pool Lots 136 and 138, fencing shall be erected and maintained along Calle Cristobal satisfactory to the City Manager and the City Engineer.
- c. *Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA area(s) shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement OR covenant of easement, which is then recorded on the property. For areas in the MHPA within brush management zone two and proposed revegetation areas, a conservation easement or covenant of easement would be appropriate. All other areas could be conveyed through any of the three above methods. Management of the on-site preserved MHPA and revegetation areas shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.*

### 36. WATER REQUIREMENTS:

- a. Prior to the approval of any public improvement drawings, the subdivider shall provide an acceptable water study satisfactory to the Director of the Water Department. The study shall plan the pressure zone(s) and water facilities necessary to serve this development. Minimum water main size to serve attached multi-family development is 12-inches in diameter.
- b. The subdivider shall design and construct all public water facilities, as required in the accepted water study, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study and to maintain redundancy throughout construction phasing.

- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Director of the Water Department.
- d. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department. Easements shall be located within single lots.
- e. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 20 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Easements or lack thereof, as shown on the approved tentative map, will require modification based on standards at final engineering. Easements shall cover entire drive aisles, especially driveway curb cuts.
- f. The subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, private utilities or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
- g. The subdivider shall design and construct all irrigations systems to utilize reclaimed water in a manner satisfactory to the Director of the Water Department.
- h. The subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot or dwelling unit.
- i. If on site water facilities are to be public and it is a gated development, then the subdivider shall provide keyed access to the Water Operations Division in a manner satisfactory to the Director of the Water Department. The City will not be held responsible for any issues that may arise relative to the availability of keys.
- j. The subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements, 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.

Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or redesigned.

37. WASTEWATER REQUIREMENTS:

- a. Prior to the submittal of any public improvement drawings, including grading plans, the subdivider shall provide evidence of an accepted sewer study satisfactory to the Director of the Metropolitan Wastewater Department, for the sizing, grade and alignment of proposed public and private gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies and adjacent areas that cannot gravity sewer to an existing sewer system.
- b. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development and extending to the subdivision boundary. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- c. 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.
- d. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Minimum easement width for sewer mains with manholes - 20 feet. The easements shall be located within single lots.
- e. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24-foot wide and paved full width. An additional 5 feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than 10 feet deep, two feet of additional easement width for each foot of depth over 10 feet shall be required.
- f. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

- g. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
- h. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- i. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot/condominium 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/ownership.

38. OPEN SPACE REQUIREMENTS:

- a. All lots granted to the City or encumbered by a conservation easement shall be free and clear of all private easements, private encroachments, and private agreements or liens.
- b. Lots 129, 130, and 155 shall have building restricted easements.
- c. Lots 131, 133, 135, 137, 140, 144, 145, 146, 148, 149, 150, 151, and 153 shall have Open Space Easements and be owned and maintained by the Home Owners Association.
- d. No landscaping easements were shown and none are approved. Any landscaping easements as well as all landscaping and irrigation within those easements must be approved by the Maintenance Assessment District section of Park and Recreation.
- e. Prior to recording the first final map and/or issuance of any grading permit, a conservation easement, in favor of the City of San Diego, with USFWS and CDF&G named as third party beneficiaries, shall be recorded over lots 136, 138, 141, 142, 143, 147, 152 and 154.
- f. The Subdivider shall dedicate in fee to the City of San Diego, at no cost, with the first final map and/or grading permit, lot 132 consisting of approximately 28.73 acres as mitigation for specific development project impacts.

- g. A portion of the following lots are in excess of the mitigation requirements for specific development impacts ("Excess Mitigation Area"):

<u>Lot Number</u>	<u>Area in acres</u>
142	3.99
143	22.35
147	16.46
152	9.14
154	6.49

The Subdivider may use the Excess Mitigation Area as mitigation for the Subdivider's subsequent Development projects or it may be "banked" and may be used to provide mitigation for future development projects of other owners within the MSCP area consistent with applicable USFWS and CDF&G conservation banking policies and the MSCP Implementing Agreement.

- h. Prior to recording the first final map and/or issuance of any grading permit the Subdivider shall enter into an agreement with the City Manager to implement the use of the Excess Mitigation Area lots for mitigation. The agreement shall contain provisions for the permanent protection of the Excess Mitigation Area by a conservation easement or covenant of easement. The agreement shall require the preparation of a general biological survey report identifying the location, extent, type and quality of vegetation, habitat and sensitive species and a method for accounting for the use of the Excess Mitigation Area for mitigation. Biological surveys conducted as part of the Multiple Species Conservation Plan or previous environmental impact reports may be used where the Subdivider and the City Manager agree the data adequately reflects the vegetation, habitat and sensitive species in the Excess Mitigation Area.
- i. No later than July 1, 2008, unless otherwise extended by the Deputy Director of the Open Space Division of Park and Recreation and the City Manager, lots 136, 138, 141, 142, 143, 147, 152 and 154 shall be granted in fee to the City of San Diego, at no cost to the City, for Open Space.

39. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan

area, in a manner satisfactory to the Development Services Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

40. The subdivider shall install a traffic signal and appropriate interconnect at the intersection of Calle Cristobal and Street "A," satisfactory to the City Engineer.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code. This property is also subject to a building park fee in accordance with San Diego Municipal Code.
- 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.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.

C01779

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

JUL 01 2003

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Zucchet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles L. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Inzunza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

DICK MURPHY

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Mamuel E. Kitchin, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-298152 Adopted JUL 01 2003  
Number \_\_\_\_\_

C01781

(R-2004-10)

## RESOLUTION NUMBER R-298153

ADOPTED ON JULY 1, 2003

WHEREAS, Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, Permittee, filed an application with the City of San Diego for a Planned Residential Development Permit/Coastal Development Permit [PRDP/CDP] and a Multiple Habitat Planning Area [MHPA] boundary line adjustment to construct a single and multi-family unit residential development known as the Crescent Heights project, located north and south of Calle Cristobal, east and west of Camino Santa Fe, and legally described as a Portion of Section 34, Township 14 South, Range 3 West, Section 35, Township 14 South, Range 3 West, West half and Portion of Northeast quarter, Portion of Section 34, Township 14 South, Range 3 West Northeast quarter of Northeast quarter, Section 27, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the Mira Mesa Community Plan area, in the City of San Diego, County of San Diego, California, in the AR-1-1 zone (previously referred to as A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5 and OC-1-1 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered PRD Permit No. 9693/CDP No. 9694, and MHPA boundary line adjustment, and voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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 PRD Permit No. 9693/CDP No. 9694, and MHPA boundary line adjustment:

**PLANNED RESIDENTIAL DEVELOPMENT**

1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan. The proposed project would provide significant benefits to the City of San Diego by realizing the preservation and dedication of 145.08 acres of land into the Multiple Habitat Preservation Area [MHPA] and by the development of 40.12 acres of additional residential development providing a mixture of housing at various prices; 128 single-family units and 144 multi-family units in the Mira Mesa community.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. All slopes adjacent to open space areas will be revegetated with native plants capable of providing deep rooting characteristics for added slope stability and will include low profile, spreading varieties to provide erosion control and protection. The planting and continued maintenance of these slopes, and all slopes within the project, will prevent soil erosion, silting of lower areas or geologic instability which would affect health, safety and general welfare by covering the manufactured slopes with living, deep rooted, trees and low spreading shrubs. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

Plantings proposed for the project are common in the region and immediate area. The plant species selected for the project would be viable for this site, require a minimum of irrigation and care, and would thrive in the intended locations. All proposed landscape plant species approved for the project would be common throughout the area and have no known diseases or associated pests.

The proposed project conforms with the City's Open Space Element and would be consistent with the Open Space designation as described in the proposed Mira Mesa Community Plan amendment. The site is zoned for residential development and open space. Dedication of open space is proposed within the subdivision to preserve sensitive areas, retain the unique visual assets of the land area and to increase the area within the Multiple Habitat Preservation Area established by the Multiple Species Conservation Program [MSCP]. This open space then being deeded in fee to the City of San Diego would continue to be preserved in perpetuity and would not be further impacted by development.

The proposed project would be consistent with the Mira Meas Community Plan by means of the community plan amendment proposed for adoption. The proposed project would be consistent with the Progress Guide and General Plan and would not cause adverse affects to these policy documents or to the City of San Diego. Revisions to the project have been incorporated into the design to create consistency with the requirements of the Hillside Review Overlay Zone and Hillside Design and Development Guidelines by blending manufactured slopes to the existing topography, by orienting the street and development pattern to be compatible with the natural topography of the land and by significantly reducing the boundaries of the proposed development. The revised design of the project would create a development which works with the site topographic conditions and the site's visually prominent location rather than against it. In these ways the proposed project would fulfill a community need for additional housing products at a variety of market prices and would not adversely affect the policies of the City of San Diego.

2. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity. The permit controlling the development and continued use of the single-family and multi-family development proposed for this site contains conditions addressing the project compliance with the City's regulations and policies and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Compliance with these relevant regulations would result in a project which does not adversely affect other properties in the vicinity.

Geotechnical studies performed for the proposed project indicate the site is physically suitable for the proposed grading design and building locations as shown on the proposed plans. Due to the conditions of approval which require contoured landform grading, revegetation of all slopes, and the sensitive placement of buildings, the proposed design of the project will result in the least possible disturbance to the site. Although a greater area is graded to accomplish the landform contour grading, the resultant visual blending of the proposed slopes would create a project that is consistent with the surrounding landform and development patterns. All biologically sensitive areas disturbed by the proposed development would be mitigated by complying with the adopted Mitigation Monitoring and Reporting Program [MMRP] which would require the dedication of land to the City's MHPA. This would include 4.48-acres of coastal sage scrub, 16.59 acres of chaparral and 1.29 acres of non-native grassland along with additional habitat areas for a total of 145.08 acres of dedicated land. These mitigation requirements would be consistent with the City's adopted Biological Guidelines. The proposed development would not impact identified vernal pools located on the site and disturbances to other habitats would be considered fully mitigated by measures described in the MMRP to be adopted for the project.

The proposed development would retain the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The proposed roads of the site plan and tentative map follow the natural topography of the site in a curvilinear manner while utilizing changes in vertical alignment to minimize the disturbance to the site and to be parallel to the natural grade. The location of these proposed roads also reduces the grading necessary to provide the desired housing opportunities. The grading plan proposes slopes, both in cut and fill,

which utilize contoured, landform grading techniques to achieve a blend between the natural undisturbed slopes and the proposed manufactured slopes.

The landscape concept plan uses as its theme the indigenous natural plant materials of the inland region. Manufactured slopes will be revegetated with native species to achieve a seamless visual blend of these slopes with the immediately adjacent natural slopes.

Architectural designs present roof lines and building articulation sympathetic to the site location in an effort to allow development while eliminating the visual impact of roof planes and elevations dominating the skyline. Lots located along natural open space areas require buildings to be set back a minimum of 30 feet from the top of slopes or natural area to reduce the visual impact of the project from near and distant views. This setback area is also required to reduce risks from wild fires which might occur in the open space areas. This architectural sensitivity allows for development of the site while retaining the visual quality by integrating the structures with the site rather than the site being completely altered to fit the structures.

Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. Conditions of approval address lighting, the generation of noise, the appearance of landscaping, placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm water quality would be addressed through conditions of approval which require implementation of Best Management Practices [BMP] during and post construction. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity.

As described in the Environmental Impact Report, the proposed project would have adequate levels of essential public services available for health, safety and general welfare of persons residing or working in the area. The nearest fire station would have a response time 5.4 minutes and the nearest police station would have a response time of 7.6 minutes in accordance with the required levels. The addition of the Crescent Heights project would not impact these response times. Other vital services, such as schools, libraries, public parks, electricity, water and sewer would be adequate for the proposed project.

3. **The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.** Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Development of the single-family lots and multi-family developments shall meet the requirements, respectively, of the RX-1-2 and RM-2-5 development criteria with regard to setbacks and floor area ratio, as allowed through a Planned Residential Development permit. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines." By incorporating the proposed landform contour grading; by revegetation sensitive slopes with native plant species; by siting single-family structures away

from visually sensitive natural edges; by the architectural elements of roof planes facing the open space and stepping back of second story elevations; and by planting the manufactured slopes with the appropriate vegetation capable of preventing erosion, the design of the proposed project conforms to the qualitative guidelines and criteria established in Document No. RR-262129. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

### **COASTAL DEVELOPMENT**

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The proposed site does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas. The proposed site is not identified in the Mira Meas Community Plan or Local Coastal Program Land Use Plan as a proposed accessway to be utilized by the general public for providing access to the ocean or other scenic coastal area. The project site is approximately eight and one half miles east of the Pacific Ocean and the beaches and bluffs located there. The geographic location of the site will not obstruct views to and along the ocean and other scenic coastal areas as no such views are possible to these resources from the site. The adjacent Lopez Canyon may be considered a scenic coastal resource; however, the proposed project would be developed in a manner to minimize impacts to public views into and from the Lopez Canyon by lowering the elevation of building pads, minimizing grading and consolidating the development onto fewer parcels.

2. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources. Environmental review of the proposed project did not identify any potential for impacts to marine resources, archaeology or paleontology. Site investigations and research revealed the project site does not contain nor would the proposed development adversely affect these resources. Significant impacts to biological resources would be mitigated to a level below significance through conditions contained in the MMRP. The Owner/Permittee has agreed to all conditions in the MMRP and the City will monitor compliance with these conditions.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter 10, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom. The proposed project is specifically excluded from the Resource Protection Ordinance as described in the SDMC section 101.0462(E)(2). Therefore, the proposed project is consistent with the requirements of the Resource Protection Ordinance which provides the exclusion by virtue of the site being within the Calle Cristobal Assessment District. The Owner/Permittee has provided and continues to provide funds and support for the improvements of the aforementioned assessment district. Therefore, the proposed project is exempt from the requirements of the Resource Protection Ordinance by its terms.

4. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources. The proposed residential development will not adversely affect facilities serving the recreational needs of the community or facilities serving the needs of the visiting public in connection with coastal resources. The two proposed multi-family developments will provide recreational facilities which would be utilized by the residents of those development units. The site is not located adjacent to identified recreational or visitor-serving facilities or coastal scenic resources. The proposed development will provide dedication of open space lands to the City of San Diego, Parks and Recreation Department Open Space Division and the Multiple Species Conservation Program's Multiple Habitat Preservation Area.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources. Park and recreational areas do not exist adjacent to this site, although there are regional open space preserves planned adjacent to the site in the Lopez Canyon. The proposed development will not impact environmentally sensitive habitats and scenic resources located in any parks within the community. Buffer areas are provided to protect resources in the Lopez Canyon from the proposed project in that the project area has been reduced significantly to limit impacts from the proposed project to environmentally sensitive habitats and scenic resources located in and adjacent to Lopez Canyon.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The project proposes mass grading of the site in a manner consistent with the Hillside Review Ordinance and Hillside Review and Design Guidelines. The amount of grading necessary to develop the project has been reduced to limit the impact of development to the adjacent Lopez Canyon. The proposed grading plans indicate the site will be graded in a manner consistent with the general existing topography. The plans indicate landform contouring of manufactured slopes adjacent to undisturbed tributary canyons to create the visual blending required by the Hillside Review Ordinance and Hillside Review and Design Guidelines in a manner consistent with the existing canyon topography. This landform contouring requires more area be graded than by conventional engineering methods, yet will yield a result compatible with the natural topographic signature of the site. The proposed project will not result in potential risks from geologic forces based on the review of geotechnical reports provided by the geotechnical consultant. Additional geotechnical review would be provided with the construction documents for the improvement of the site. Undue risks from erosional forces on manufactured slopes will be reduced and eventually eliminated by planting of trees, shrubs and ground covers as indicated by the Landscape Concept Plan. These plantings will be included in the grading operations during the development of the site. Undue risks from flood hazards will be not be present since the proposed site is not within any mapped floodway or flood channel. The site elevations are approximately 208 to 112 feet above the canyon bottom of the adjacent Lopez Canyon and approximately 200 feet or more above the canyon bottom of Los Penasquitos Canyon. Undue risks from fire hazards will be reduced through the implementation of the Brush

Management Plan proposed in connection with the development of the site. The Brush Management Plan establishes three zones to reduce the potential of wildfires reaching the proposed development consistent with the Landscape Technical Manual adopted by the City of San Diego. All brush management would be conducted in a manner consistent with the Landscape Technical Manual.

7. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas. The project proposes mass grading of the site in a manner consistent with the Hillside Review Ordinance and Hillside Review and Design Guidelines. The amount of grading necessary to develop a project has been reduced to limit the impact of development to the adjacent Lopez Canyon. The proposed grading plans indicate the site will be graded in a manner consistent with the general existing topography. The plans indicate landform contouring of manufactured slopes adjacent to undisturbed tributary canyons site to create the visual blending required by the Hillside Review Ordinance and Hillside Review and Design Guidelines in a manner consistent with the existing canyon topography. This landform contouring requires more area be graded than by conventional engineering methods, yet will yield a result compatible with the natural topographic signature of the site. In this manner, the proposed project would be visually compatible with the surrounding undisturbed environment and topography. The two types of proposed housing developments would be compatible with surrounding existing housing developments in the immediate area in bulk and scale, setbacks from property lines, architectural detail, and development pattern.

8. The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site. With the adoption of the proposed Community Plan amendment and Local Coastal Program amendment, the proposed development would be consistent with the Mira Mesa Community Plan, Progress Guide, and General Plan each of which identifies these sites for residential development. As described below, the project would implement the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community by providing 128 additional single-family and 144 multi-family housing units while minimizing the environmental impacts of the development.

The proposed project would be developed with a combination of residential and open space zoning in accordance with the Community Plan, as amended by the amendment thereto, which contemplate two types of zoning for the proposed project area. To implement the goals and policies of the Community Plan approximately 40.12 acres would be rezoned from AR-1-1 to RM-2-5 and RX-1-2 and approximately 145.08 acres to OC-1-1. The dual zoning would allow the clustering of residential development while preserving a significant amount of open space. The proposed project would be consistent the land use designations of the Community Plan by providing nine open space lots and 272 residential dwelling units at a density of 2.1 dwelling units per acre. This residential density is within the Community Plan's density range of 0-4 dwelling units per acre.

The propose project would implement the intent of the Sensitive Resources and Open Space System Elements of the Community Plan by incorporating sensitive resource preservation and enhancement and by mitigating impacts to on-site biological resources to below a level of significance, as described in the Environmental Impact Report. The natural drainage systems, flood plains and recreational opportunities would remain intact in the proposed and existing open space preserve areas as required by the Community Plan. The proposed project would comply with the relevant policies and purposes of the Community Plan, the Local Coastal Program Land Use Plan and the Progress Guide and General Plan by dedicating more than seventy-five percent of the project area to open space, by avoiding encroachment into the vernal pools located on site, by minimizing impacts to other habitat areas, by providing appropriate mitigation and by restoring 4.61 acres of manufactured slopes with coastal sage scrub immediately adjacent to the Multiple Habitat Preservation Area.

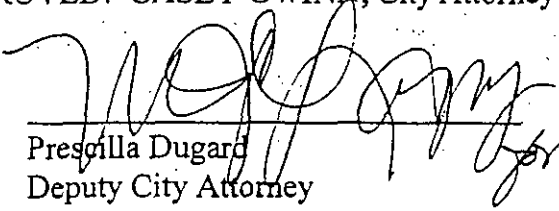
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Residential Development Permit No. 9693/Coastal Development Permit No. 9694, and a MHPA boundary line adjustment is granted to Plumbers and Pipefitters Welfare Education Fund and Plumbers and Pipefitters Pension Fund, Local 562, Owner, and Pardee Homes, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on Vesting Tentative Map No. 9691, is approved.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:dm

7/07/03

Or.Dept:Dev.Svcs.

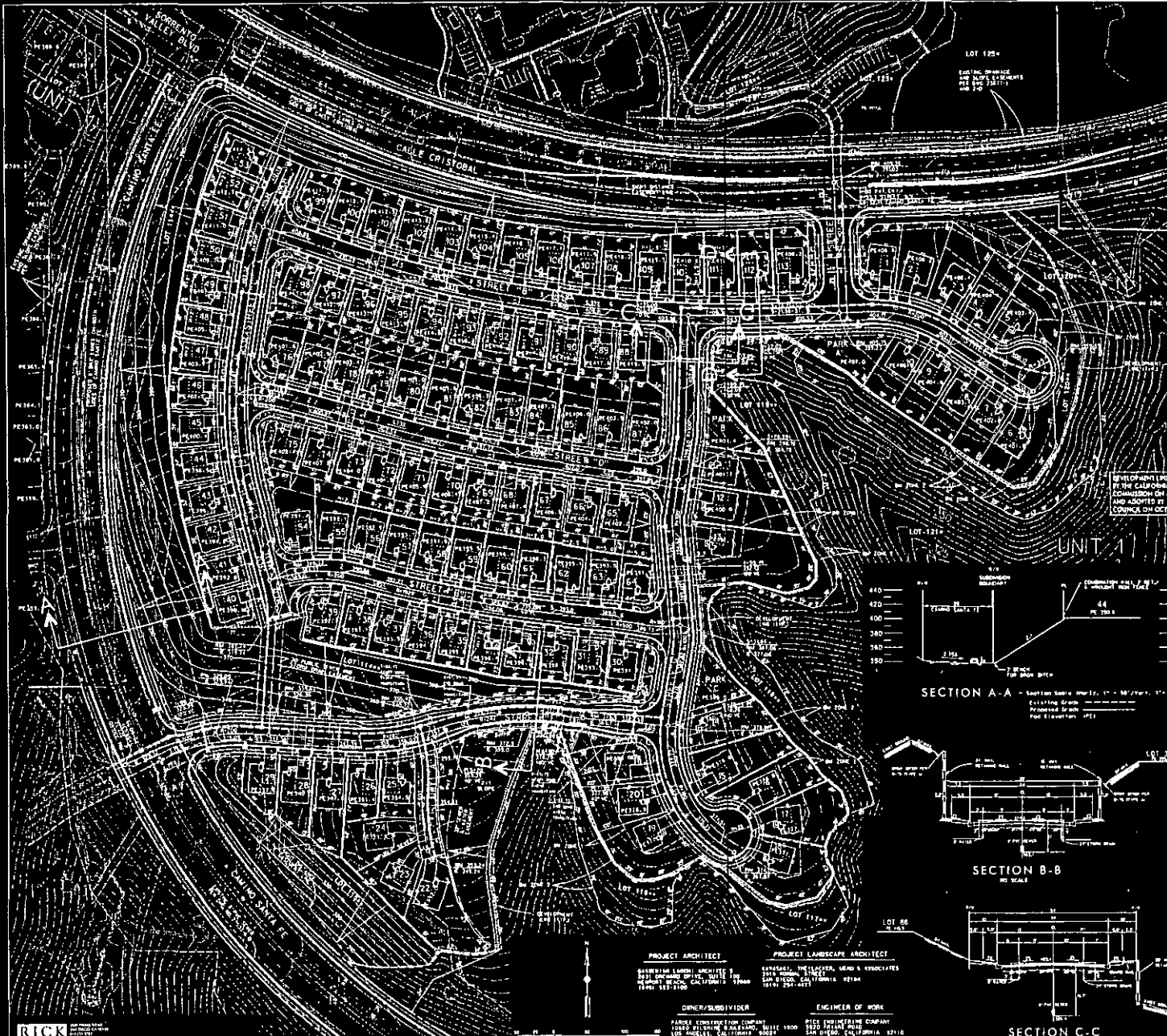
R-2004-10

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Reviewed by John Fisher







# DEVELOPMENT SUMMARY

1. SUMMARY OF REQUEST  
Development of residential units on the site of the former Santa Anita Detention Camp, San Antonio, California. The site is located on the south side of the city, bounded by the San Antonio River to the east and the city limits to the west. The site is approximately 100 acres in size and is currently zoned for agricultural use. The proposed development consists of 1,000 residential units, including single-family homes, townhomes, and multi-family units. The development is expected to be completed in 2025.
2. SITE DATA  
Total Site Area: 100.00 Acres  
Total Building Footprint: 1,000,000 sq. ft.  
Total Parking Spaces: 1,000  
Total Units: 1,000  
Total Cost: \$100,000,000  
Total Revenue: \$100,000,000  
Total Profit: \$0  
Total Return: 0%
3. DEVELOPMENT  
The development is located on the south side of the city, bounded by the San Antonio River to the east and the city limits to the west. The site is approximately 100 acres in size and is currently zoned for agricultural use. The proposed development consists of 1,000 residential units, including single-family homes, townhomes, and multi-family units. The development is expected to be completed in 2025.
4. PROJECT DESCRIPTION  
The project is a residential development consisting of 1,000 units. The units are arranged in a grid pattern, with streets running north-south and east-west. The units are located on the south side of the city, bounded by the San Antonio River to the east and the city limits to the west. The site is approximately 100 acres in size and is currently zoned for agricultural use. The proposed development consists of 1,000 residential units, including single-family homes, townhomes, and multi-family units. The development is expected to be completed in 2025.
5. FINANCIAL SUMMARY  
Total Cost: \$100,000,000  
Total Revenue: \$100,000,000  
Total Profit: \$0  
Total Return: 0%

DEVELOPMENT LINE AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION ON MARCH 17, 2003 AND ADOPTED BY THE CITY COUNCIL ON OCTOBER 11, 2005



## SUBSTANTIAL CONFORMITY REVIEW



REVISION	DATE	BY	CHKD
1	10/11/05	J. L. L.	J. L. L.
2	10/11/05	J. L. L.	J. L. L.
3	10/11/05	J. L. L.	J. L. L.
4	10/11/05	J. L. L.	J. L. L.
5	10/11/05	J. L. L.	J. L. L.
6	10/11/05	J. L. L.	J. L. L.
7	10/11/05	J. L. L.	J. L. L.
8	10/11/05	J. L. L.	J. L. L.
9	10/11/05	J. L. L.	J. L. L.
10	10/11/05	J. L. L.	J. L. L.
11	10/11/05	J. L. L.	J. L. L.
12	10/11/05	J. L. L.	J. L. L.
13	10/11/05	J. L. L.	J. L. L.
14	10/11/05	J. L. L.	J. L. L.
15	10/11/05	J. L. L.	J. L. L.
16	10/11/05	J. L. L.	J. L. L.
17	10/11/05	J. L. L.	J. L. L.
18	10/11/05	J. L. L.	J. L. L.
19	10/11/05	J. L. L.	J. L. L.
20	10/11/05	J. L. L.	J. L. L.
21	10/11/05	J. L. L.	J. L. L.
22	10/11/05	J. L. L.	J. L. L.
23	10/11/05	J. L. L.	J. L. L.
24	10/11/05	J. L. L.	J. L. L.
25	10/11/05	J. L. L.	J. L. L.
26	10/11/05	J. L. L.	J. L. L.
27	10/11/05	J. L. L.	J. L. L.
28	10/11/05	J. L. L.	J. L. L.
29	10/11/05	J. L. L.	J. L. L.
30	10/11/05	J. L. L.	J. L. L.
31	10/11/05	J. L. L.	J. L. L.
32	10/11/05	J. L. L.	J. L. L.
33	10/11/05	J. L. L.	J. L. L.
34	10/11/05	J. L. L.	J. L. L.
35	10/11/05	J. L. L.	J. L. L.
36	10/11/05	J. L. L.	J. L. L.
37	10/11/05	J. L. L.	J. L. L.
38	10/11/05	J. L. L.	J. L. L.
39	10/11/05	J. L. L.	J. L. L.
40	10/11/05	J. L. L.	J. L. L.
41	10/11/05	J. L. L.	J. L. L.
42	10/11/05	J. L. L.	J. L. L.
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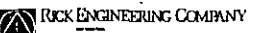
PROJECT ARCHITECT  
BARRINGTON LAMOND ARCHITECTS  
2010 DOWNEY BLVD., SUITE 100  
SAN ANTONIO, TEXAS 78204  
TEL: 214-343-1100

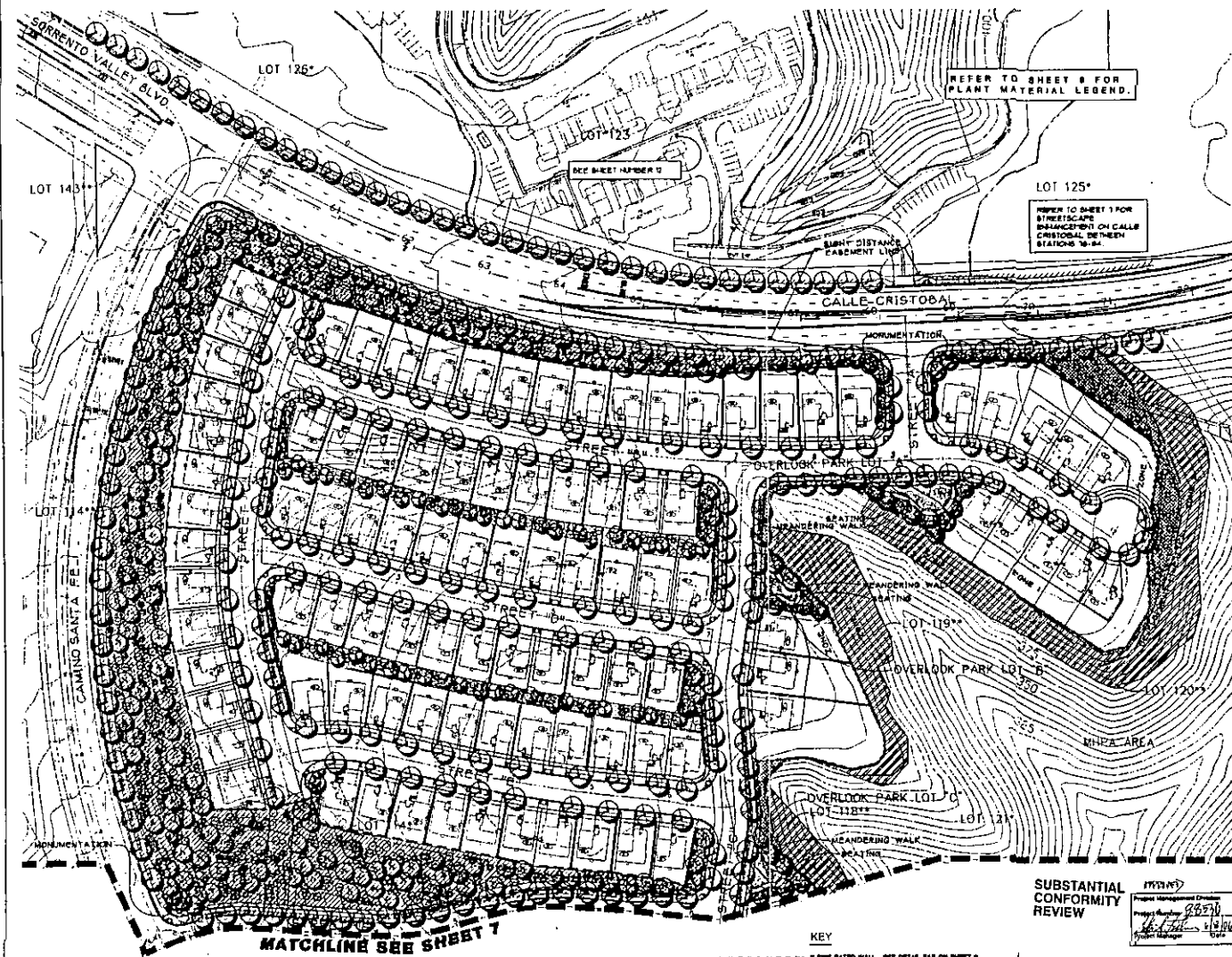
ENGINEER OF WORK  
BICK ENGINEERING COMPANY  
10000 DOWNEY BLVD., SUITE 1000  
SAN ANTONIO, TEXAS 78204  
TEL: 214-343-1100

SECTION C-C

88530







## LANDSCAPE DESIGN CONCEPT

THE LANDSCAPE DESIGN CONCEPT IS INTENDED TO FINANCE AND COMPLEMENT THE NEIGHBORHOOD HARBOR BUILDINGS INTO THE SURROUNDING BUILT AND NATURAL ENVIRONMENT. IT IS ALSO THE INTENT TO RETURN THE DISTURBED AREAS TO A NATURAL, FUNCTIONAL, AND AESTHETIC STATE. THE DESIGN CONTROL METHODS OF THE PLANT MATERIALS FOR THE RETAINING PROJECT HAVE BEEN SELECTED TO BE COMPATIBLE WITH THE PREVIOUS SPECIFIC PLANS FOR THE SURROUNDING AREA. AS SELECTION HAS BEEN BASED ON PLANT PERFORMANCE, HARVEST, WATER CONSERVATION, PEST RESISTANCE AND ATTRACTIVENESS. ALL PLANTING AREAS SHALL BE MAINTAINED FREE OF DEADWOOD AND LITTER. ALL PLANTS SHALL BE FURNISHED IN HEALTHY CONDITION. PLANTS THAT ARE DEAD OR DISEASED SHALL BE TREATED OR REPLACED PER CONDITIONS OF THE PERMIT.

ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE TECHNICAL MANUAL AND ALL OTHER CITY AND REGIONAL STANDARDS FOR LANDSCAPE INSTALLATION AND MAINTENANCE.

ALL BRUSH MANAGEMENT SHALL CONFORM TO GUIDELINES IN THE SAN DIEGO TECHNICAL MANUAL FOR BRUSH MANAGEMENT REGULATIONS.

### IRRIGATION SYSTEM

ALL PLANTING AREAS WILL BE IRRIGATED ACCORDING TO PLANT TYPE AND ENVIRONMENTAL EXPOSURE AND WILL RECEIVE COMPLETE WATER COVERAGE BY MEANS OF A STATE-OF-THE-ART, AUTOMATICALLY CONTROLLED, ELECTRICALLY OPERATED, UNDERGROUND PIPED SPRINKLER SYSTEM. IRRIGATION MAINLINE PIPING SHALL BE PVC PLASTIC (TYPE 1210) SCHEDULE 40 OR CLASS 315 AND CLASS 320 OR CLASS 315 LATERAL LINES. LINES WILL BE INSTALLED AT 16" DEEP FOR PRESSURE LINES AND 12" DEEP FOR LATERAL LINES.







## MAINTENANCE

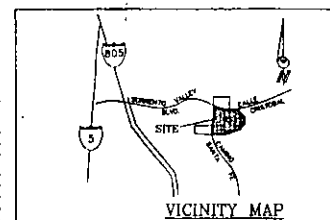
ALL LANDSCAPING AND PARAPETS AND SLOPES ON ARTERIAL STREETS SHALL BE MAINTAINED BY THE MAINTENANCE DEPARTMENT DISTRICT 1402. REAR AND / OR SIDE YARDS OF INDIVIDUAL LOTS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER, EXCEPT WHERE THE MASTER HOMEOWNERS ASSOCIATION WILL MAINTAIN THE HIGHLY VISIBLE BACKYARD SLOPES. THE PHOA WILL ALSO MAINTAIN THE BRUSH MANAGEMENT AREAS, PASSIVE AND OVERLOOK PARKS, AS WELL AS THE MONUMENTATION CORNERS.

MINIMUM TREE SEPARATION DISTANCE

IMPROVEMENT / MINIMUM DISTANCE TO STREET TREE  
TRAFFIC SIGNALS (STOP BAR) - 30 FEET  
UNDERGROUND UTILITY LINES EXCLUDING SANITARY SEWER - 5 FEET  
UNDERGROUND SANITARY OTHER LINES - 10 FEET INCLUDING SHROUS OVER 3 IN)  
ABOVE GROUND UTILITY STRUCTURES - 10 FEET  
DRIVEWAY (ENTRANCE) - 10 FEET  
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET

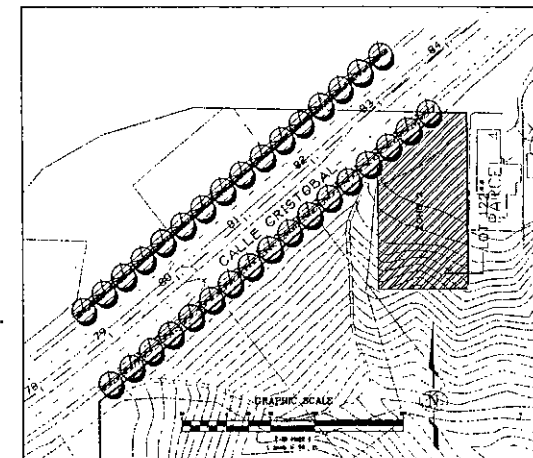
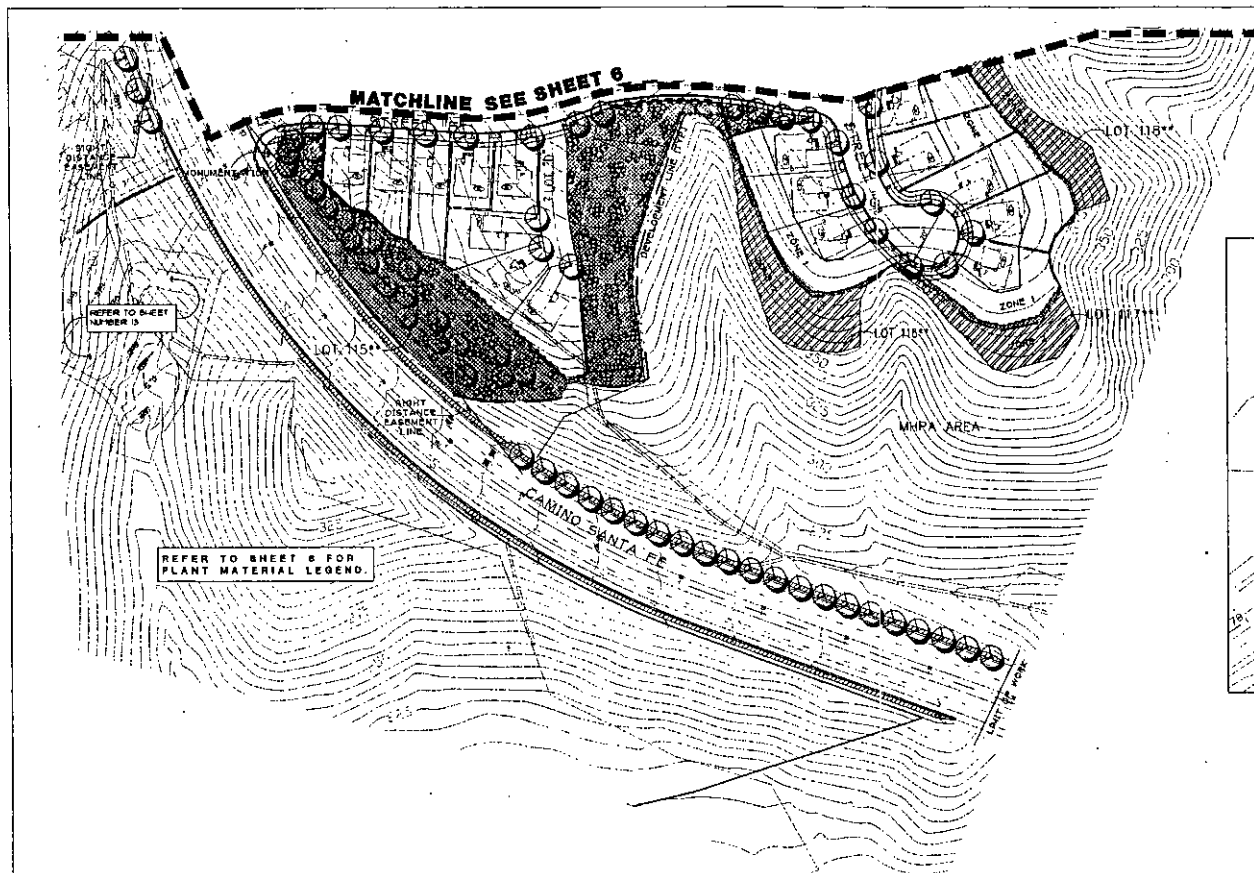
### LEGEND

- 
 MASONRY ATTACHMENT WALL: PROPOSED 8" BLOCK WALL FENCE  
 - SEE DETAIL A ON SHEET 8  

 PERFORATION WALL: PROPOSED TUBULAR STEEL FENCE  
 - SEE DETAIL B ON SHEET 8  

 RETAINING WALL - SEE CIVILS PLANS  

 COMBINATION WALL: TUBULAR STEEL FENCE ON RETAINING WALL  
 - SEE DETAIL C ON SHEET 8  

 8" BLOCK / 8" TUBULAR STEEL FENCE - SEE DETAIL D ON SHEET  
 GUARD RAIL - SEE CIVILS PLANS  

 FIVE RATED CONCRETE WALL / 8" BLOCK / 8" CERAMIC GLASS  
 FENCE DETAIL E ON SHEET 8

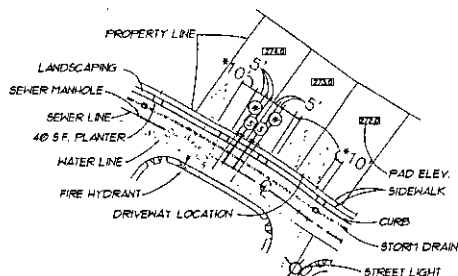


**Figure 1**

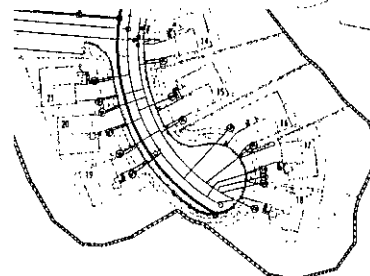
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Address	LANDSCAPE ARCHITECTS & PLANNERS	Revision 2
City	LOS ANGELES, CALIF. 90005	Revision 3
State	UNION PACIFIC RAIL	Revision 4
Phone	213-681-0171	Revision 5
		Revision 6
		Revision 7
		Revision 8
		Revision 9
		Revision 10
Project address		Revision 11
	WESTGATE CORNER OF CAMINO SANTA FE	Revision 12
	JANE DAVIS CHRISTIAN	Revision 13
	8411 SANTA FE AVENUE	Revision 14
		Revision 15
		Revision 16
		Revision 17
		Revision 18
		Revision 19
		Revision 20
Project Name		Revision 21
	ORIENTAL HEIGHTS	Revision 22
		Revision 23
		Revision 24
		Revision 25
		Revision 26
		Revision 27
		Revision 28
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		Revision 146
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# CALLE CRISTOBAL STREETSCAPE ENHANCEMENT STATIONS 78-84



TYPICAL SEWER AND WATER  
LATERAL LOCATION  
NO SCALE



## CROSS REFERENCES

- \* REFER TO SHEET 6 FOR GENERAL NOTES & WALL LEGEND.
- \* REFER TO SHEET 8 FOR FENCE & WALL DETAIL.
- \* REFER TO SHEET 8 FOR PLANT MATERIAL LEGEND.
- \* REFER TO SHEETS 8-9 FOR BRUSH MANAGEMENT PLAN.

SUBSTANTIAL  
CONFORMITY  
REVIEW



## KEY

- 6 FIRE RATED WALL - SEE DETAIL EXP ON SHEET 8
- DEVELOPMENT LINE
- BRUSH MANAGEMENT ZONES
- BOUNDARY



Prepared By: KIVA  
 Address: 300 N. 10TH ST., SUITE 100, SAN ANTONIO, TX 78207  
 Phone: 214.241.1111

Project Address: SOUTHEAST CORNER OF CAMINO SANTA FE AND CALLE CRISTOBAL, SAN ANTONIO, TX 78207

Project Name: CUL-DE-SAC

Original Date: 11/24/20

Sheet Title: PRELIMINARY LAYOUT CONCEPT PLAN

Submittal: SUBMITTAL CONFORMITY REVIEW

Revision 14	11/24/20
Revision 13	11/24/20
Revision 12	11/24/20
Revision 11	11/24/20
Revision 10	11/24/20
Revision 9	11/24/20
Revision 8	11/24/20
Revision 7	11/24/20
Revision 6	11/24/20
Revision 5	11/24/20
Revision 4	11/24/20
Revision 3	11/24/20
Revision 2	11/24/20
Revision 1	11/24/20

Sheet 3 of 3

Project No: 2020-001

# PLANT MATERIALS

## STREETSCAPE EVERGREEN AND DECIDUOUS BROAD-LEAVED TREES WITH 10' - 15' DBH

- PLATANUS ACEROLIA LONDON PLANE TREE
- PTILIS CALIFORNICA LONDON PLANE TREE
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## ACCENT TREES AT MONUMENTS AND PARKS WITH 10' - 15' DBH

- PTILIS CALIFORNICA LONDON PLANE TREE
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## TALL EVERGREEN BLOOM TREES WITH 10' - 15' DBH

- PTILIS CALIFORNICA LONDON PLANE TREE
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## SMALL TO MEDIUM TEXTURALLY RICH EVERGREEN BLOOM TREES WITH 10' - 15' DBH

- PTILIS CALIFORNICA LONDON PLANE TREE
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## LARGE / MEDIUM LIGNUM EVERGREEN BLOOM TREES WITH 10' - 15' DBH

- PTILIS CALIFORNICA LONDON PLANE TREE
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## SMALL / MEDIUM LIGNUM EVERGREEN BLOOM TREES WITH 10' - 15' DBH

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## FAST GROWING ORNAMENTAL FLOWERING BLOOM TREES WITH 10' - 15' DBH

- PTILIS CALIFORNICA LONDON PLANE TREE
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## LOW PROFILE NATIVE AND NATURALIZED OPEN SPACE HYDRANGEA MIX AND SHRUBS

- PTILIS CALIFORNICA LONDON PLANE TREE
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## LOW PROFILE NATIVE AND NATURALIZED OPEN SPACE HYDRANGEA MIX AND SHRUBS

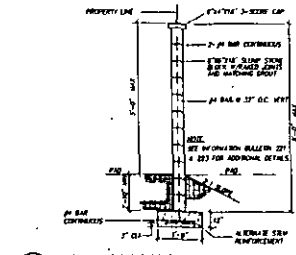
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## LOW PROFILE NATIVE AND NATURALIZED OPEN SPACE HYDRANGEA MIX AND SHRUBS

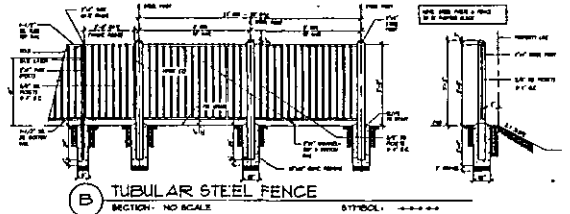
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## LOW PROFILE NATIVE AND NATURALIZED OPEN SPACE HYDRANGEA MIX AND SHRUBS

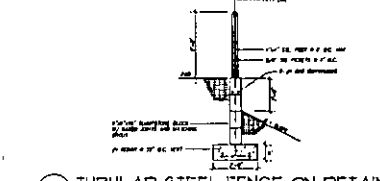
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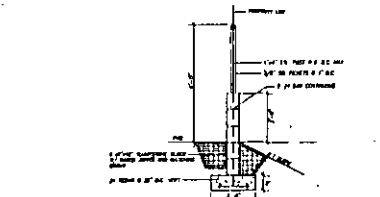
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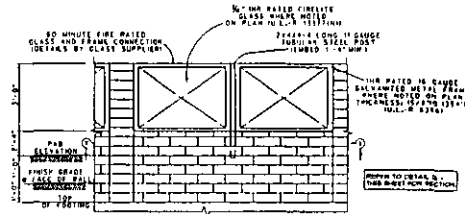
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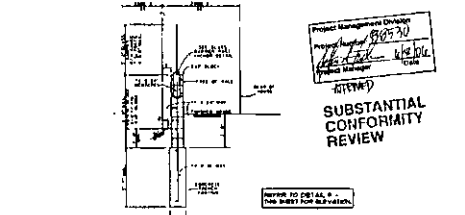
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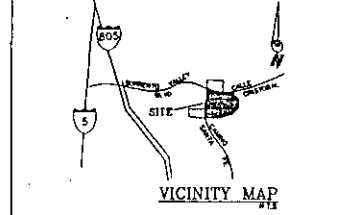
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SECTION: NO SCALE



F FIRE ATTENUATION WALL  
SECTION: NO SCALE



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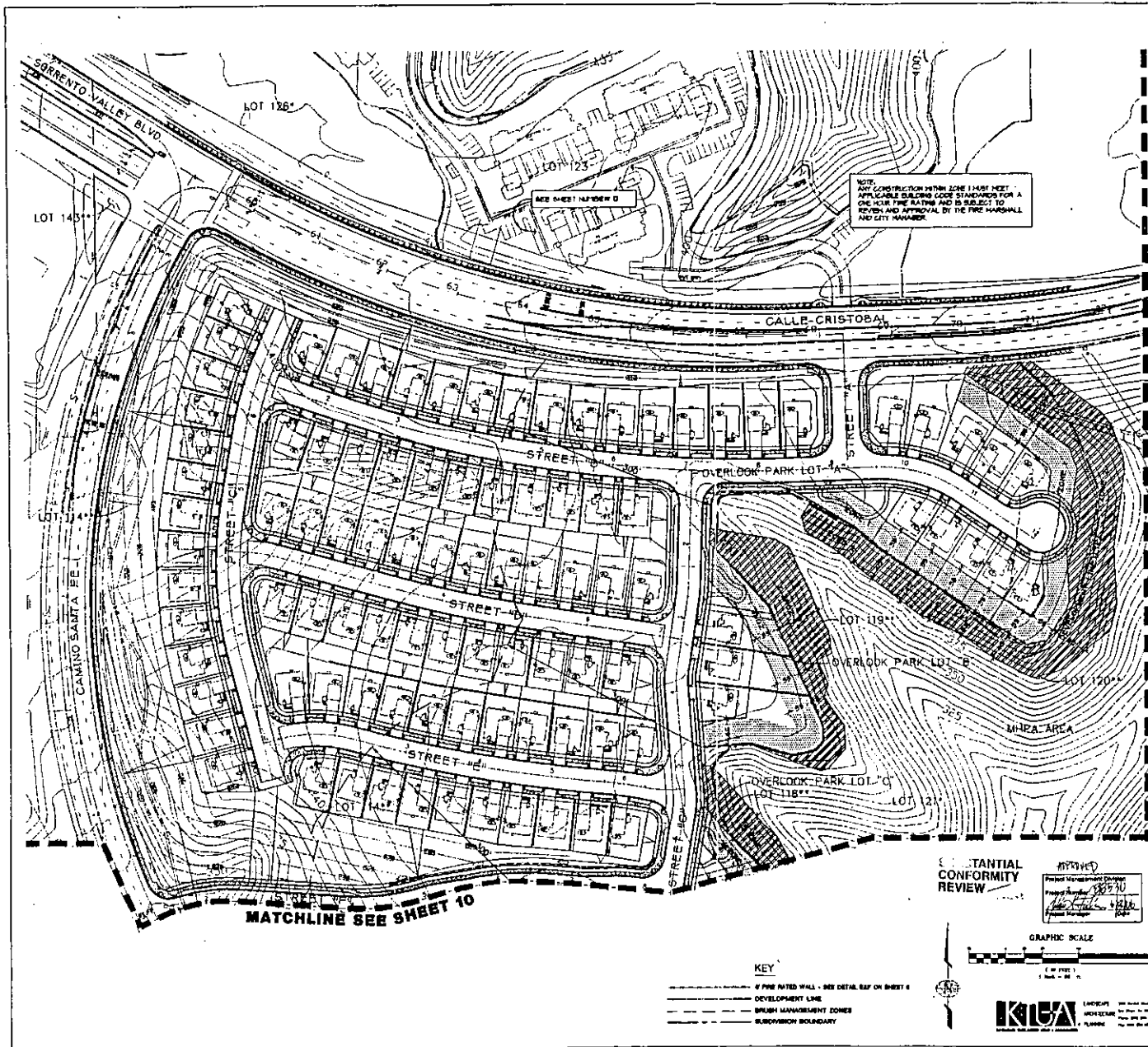
Prepared By:	EDNA	Revision 14
Checked By:	EDNA	Revision 13
Approved By:	EDNA	Revision 12
Project Address:	EDNA	Revision 11
Project Name:	EDNA	Revision 10
Project Date:	EDNA	Revision 9
Project Location:	EDNA	Revision 8
Project Owner:	EDNA	Revision 7
Project Manager:	EDNA	Revision 6
Project Engineer:	EDNA	Revision 5
Project Designer:	EDNA	Revision 4
Project Draftsman:	EDNA	Revision 3
Project Checker:	EDNA	Revision 2
Project Approver:	EDNA	Revision 1

### CROSS REFERENCES

- REFER TO SHEET 4 FOR GENERAL NOTES & WALL LEGEND.
- REFER TO SHEET 7 FOR UTILITY AND CUL-DE-SAC LAYOUT DETAILS.
- REFER TO SHEETS 3-6 FOR BRUSH MANAGEMENT PLAN.



UNIVERSITY OF CALIFORNIA  
KUBA  
BRUSH MANAGEMENT PLAN



# BRUSH MANAGEMENT

ALL BRUSH MANAGEMENT PLANTING SHALL CONFORM TO SCHEDULES IN THE SAN DIEGO MUNICIPAL CODE-LAND DEVELOPMENT CODE

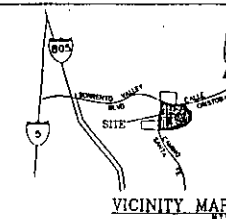
## BRUSH MANAGEMENT ZONE DEPTH

ZONE	DEPTH
1	25'
2	65'

## BRUSH MANAGEMENT ZONE 1 REQUIREMENTS

- THE REQUIRED ZONE 1 DEPTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.
- ZONE 1 SHALL CONTAIN NO HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES. STRUCTURES SUCH AS FENCES, WALLS, PALAPAS, PLAY STRUCTURES AND NONHABITABLE BUILDINGS THAT ARE LOCATED WITHIN BRUSH MANAGEMENT ZONE 1 SHALL BE OF NONCOMBUSTIBLE CONSTRUCTION.
- PLANTS WITHIN ZONE 1 SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 8 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE RESISTIVE.
- TREES WITHIN ZONE 1 SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURE TO THE DRIP LINE OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.
- PERMANENT IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS WITHIN ZONE ONE EXCEPT AS FOLLOWS:
  - WATER PLANTING AREAS CONTAIN ONLY SPECIES THAT DO NOT GROW TALLER THAN 24 INCHES IN HEIGHT, OR
  - WATER PLANTING AREAS CONTAIN ONLY NATIVE OR NATURALIZED SPECIES THAT ARE NOT SUMMER-DORMANT AND HAVE A MAXIMUM HEIGHT AT PLANT MATURITY OF LESS THAN 24 INCHES.
- ZONE ONE IRRIGATION OVER SPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.
- ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.
- BRUSH MANAGEMENT ZONE ONE SHALL NOT BE ON SLOPES WITH A GRADIENT GREATER THAN 4:1 (HORIZONTAL FEET TO 1 VERTICAL FOOT).

BRUSH MANAGEMENT NOTES CONTINUED ON SHEET 10



STANTIAL  
CONFORMITY  
REVIEW



GRAPHIC SCALE

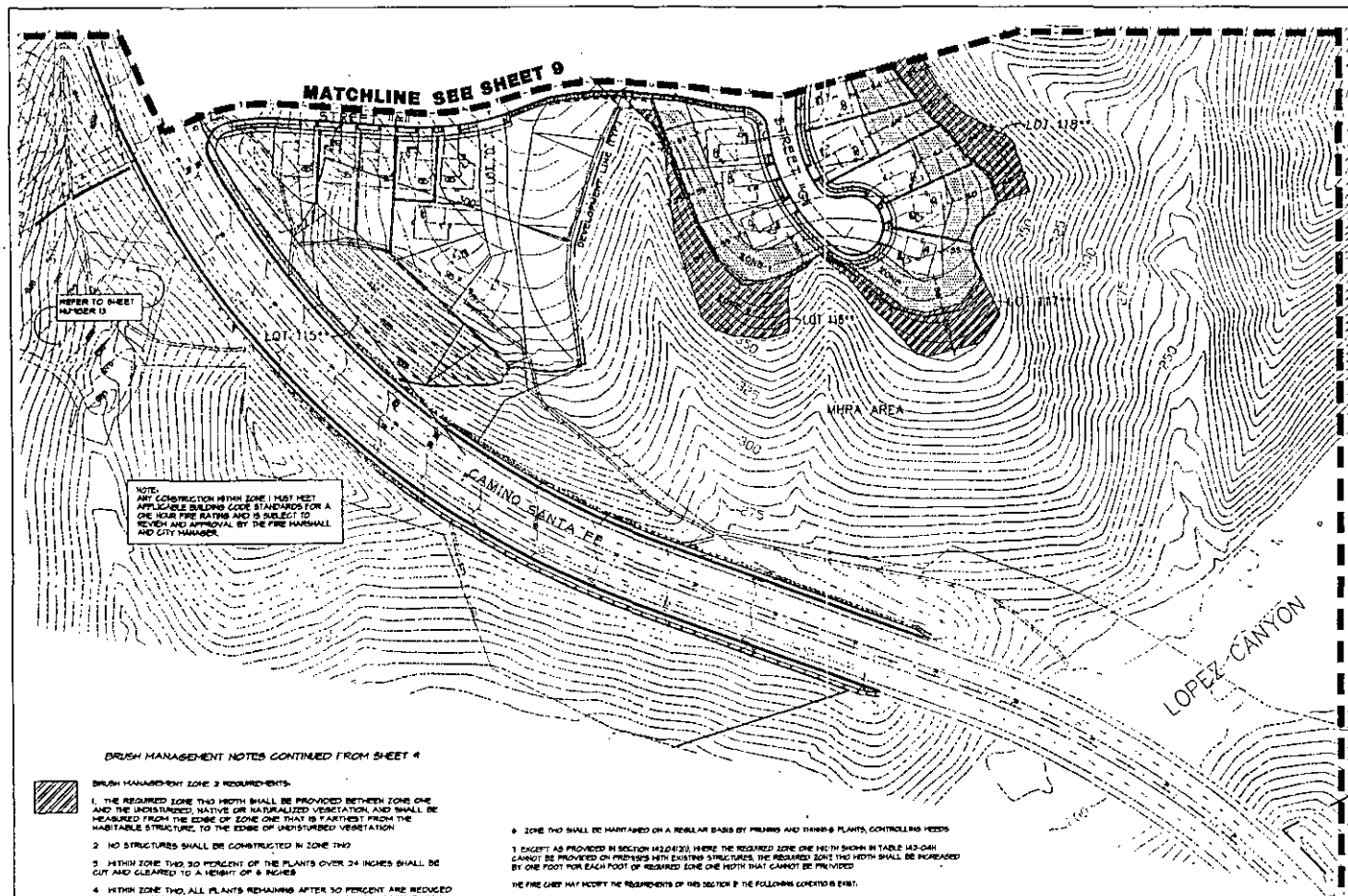
## KEY

- 8" FIRE RATED WALL - SEE DETAIL BAY ON SHEET 6
- DEVELOPMENT LINE
- BRUSH MANAGEMENT ZONES
- SUBDIVISION BOUNDARY



Prepared By: EDDY A. VILLALBA, PLS	Revision 14
Checked By: JAMES L. BROWN, PLS	Revision 13
Drawn By: JAMES L. BROWN, PLS	Revision 12
Project Address: 10000 KAY AVE. SUITE 100, SAN DIEGO, CA 92121	Revision 11
Project Name: CRESCENT HEIGHTS	Revision 10
Project Number: 05/18/08	Revision 9
Project Date: 05/18/08	Revision 8
Project Date: 05/18/08	Revision 7
Project Date: 05/18/08	Revision 6
Project Date: 05/18/08	Revision 5
Project Date: 05/18/08	Revision 4
Project Date: 05/18/08	Revision 3
Project Date: 05/18/08	Revision 2
Project Date: 05/18/08	Revision 1

Sheet Title: CRESCENT HEIGHTS  
SUBDIVISION CONFORMITY REVIEW  
Date: 05/18/08  
Scale: 1" = 100'  
P15 88530



BRUSH MANAGEMENT NOTES CONTINUED FROM SHEET 4



BRUSH MANAGEMENT ZONE 2 REQUIREMENTS

1. THE REQUIRED ZONE TWO WIDTH SHALL BE PROVIDED BETWEEN ZONE ONE AND THE UNDISTURBED NATIVE OR NATURALIZED VEGETATION, AND SHALL BE MEASURED FROM THE EDGE OF ZONE ONE THAT IS FARTHEST FROM THE HABITABLE STRUCTURE, TO THE EDGE OF UNDISTURBED VEGETATION.
2. NO STRUCTURES SHALL BE CONSTRUCTED IN ZONE TWO.
3. WITHIN ZONE TWO, 30 PERCENT OF THE PLANTS OVER 24 INCHES SHALL BE CUT AND CLEARED TO A HEIGHT OF 6 INCHES.
4. WITHIN ZONE TWO, ALL PLANTS REMAINING AFTER 30 PERCENT ARE REMOVED IN HEIGHT, SHALL BE PRUNED TO REDUCE FUEL LOADING IN ACCORDANCE WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL. NON-NATIVE PLANTS SHALL BE PRUNED BEFORE NATIVE PLANTS ARE PRUNED.
5. THE FOLLOWING STANDARDS SHALL BE USED WHERE ZONE TWO IS IN AN AREA PROBABLY BRANDED AS PART OF LEGAL DEVELOPMENT ACTIVITY AND IS PROPOSED TO BE PLANTED WITH NEW PLANT MATERIAL, INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION.
  - A. ALL NEW PLANT MATERIAL FOR ZONE TWO SHALL BE NATIVE NON-INVASIVE, LOW-FUEL, AND FIRE-RESISTIVE. NO NON-NATIVE PLANT MATERIAL MAY BE PLANTED IN ZONE TWO EITHER INSIDE THE MAPA OR IN THE COASTAL OVERLAY ZONE, ADJACENT TO AREAS CONTAINING SENSITIVE BIOLOGICAL RESOURCES.
  - B. NEW PLANTS SHALL BE LOW-BROWNS WITH A MAXIMUM HEIGHT AT MATURITY OF 24 INCHES. SINGLE SPECIMENS OF NATIVE TREES AND TREE FORM SHRUBS MAY EXCEED THIS LIMITATION IF THEY ARE LOCATED TO REDUCE THE CHANCE OF TRANSMITTING FIRE FROM NATIVE OR NATURALIZED VEGETATION TO HABITABLE STRUCTURES AND IF THE VERTICAL DISTANCE BETWEEN THE LOWEST BRANCHES OF THE TREES AND THE TOP OF ADJACENT PLANTS ARE THREE TIMES THE HEIGHT OF THE ADJACENT PLANTS TO REDUCE THE SPREAD OF FIRE THROUGH LAIDERS BELLS.
  - C. ALL NEW ZONE TWO PLANTINGS SHALL BE TEMPORARILY IRIGATED UNTIL ESTABLISHED TO THE SATISFACTION OF THE CITY MANAGER. ONLY LOW-FUEL LOW-BROWNS WITH SPREAD HEADS MAY BE USED IN ZONE TWO OVERSHADY AND REMOVED FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION. TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON APPROVED ESTABLISHMENT OF THE PLANTINGS. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.
  - D. WHERE ZONE TWO IS BEING REVEGETATED AS A REQUIREMENT OF SECTION 143.04(I)(A), REVEGETATION SHALL COMPLY WITH THE SPACING STANDARDS IN THE LAND DEVELOPMENT MANUAL. FIFTY PERCENT OF THE PLANTING AREA SHALL BE PLANTED WITH MATERIAL THAT DOES NOT BURN FASTER THAN 24 INCHES. THE REMAINING PLANTING AREA MAY BE PLANTED WITH TALLER MATERIAL, BUT THIS MATERIAL SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS FOR EXISTING PLANT MATERIAL IN ZONE TWO.

ZONE TWO SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS

1. EXCEPT AS PROVIDED IN SECTION 143.04(I)(3), WHERE THE REQUIRED ZONE ONE WIDTH SHOWN IN TABLE 143.04(I) CANNOT BE PROVIDED ON PREMISES WITH EXISTING STRUCTURES, THE REQUIRED ZONE TWO WIDTH SHALL BE INCREASED BY ONE FOOT FOR EACH FOOT OF REQUIRED ZONE ONE WIDTH THAT CANNOT BE PROVIDED.

THE FIRE CHIEF MAY MODIFY THE REQUIREMENTS OF THIS SECTION IF THE FOLLOWING CONDITIONS EXIST:

1. IN THE WRITTEN OPINION OF THE FIRE CHIEF, BASED UPON A FIRE FUEL LOAD ANALYSIS REPORT CONDUCTED BY A CERTIFIED FIRE BEHAVIOR ANALYST, THE REQUIREMENTS OF SECTION 143.04(I)(2) FAIL TO ACHIEVE THE LEVEL OF FIRE PROTECTION INTENDED BY THE APPLICATION OF ZONES ONE AND TWO, AND
2. THE MODIFICATION TO THE REQUIREMENTS ACHIEVES AN EQUIVALENT LEVEL OF FIRE PROTECTION AS PROVIDED BY SECTION 143.04(I)(2) AND OTHER REVISIONS OF THE LAND DEVELOPMENT CODE AND THE HAZARD STANDARDS CONTAINED IN THE LAND DEVELOPMENT MANUAL, AND
3. THE MODIFICATION TO THE REQUIREMENTS IS NOT DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA.

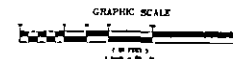
IF THE FIRE CHIEF APPROVES A MODIFIED PLAN IN ACCORDANCE WITH THIS SECTION AS PART OF THE CITY'S APPROVAL OF A DEVELOPMENT PERMIT, THE MODIFICATIONS SHALL BE RECORDED WITH THE APPROVED PERMIT CONDITIONS.

FOR EXISTING STRUCTURES, THE FIRE CHIEF MAY REQUIRE BRUSH MANAGEMENT IN COMPLIANCE WITH THIS SECTION FOR ANY AREA, INDEPENDENT OF SIZE, LOCATION, OR CONDITION IF IT IS DETERMINED THAT AN IMPROVED FIRE HAZARD EXISTS.

BRUSH MANAGEMENT FOR EXISTING STRUCTURES SHALL BE PERFORMED BY THE OWNER OF THE PROPERTY THAT CONTAINS THE NATIVE AND NATURALIZED VEGETATION. THIS REQUIREMENT IS INDEPENDENT OF WHETHER THE STRUCTURE BEING PROTECTED BY BRUSH MANAGEMENT IS OWNED BY THE PROPERTY OWNER SUBJECT TO THESE REQUIREMENTS OR IS ON NEIGHBORING PROPERTY.

KEY

- FIRE RATED WALL - SEE DETAIL SHOWN ON SHEET 8
- DEVELOPMENT LINE
- BRUSH MANAGEMENT ZONES
- SURVEYOR BOUNDARY



**MAINTENANCE**  
REGULAR INSPECTION AND LANDSCAPE MAINTENANCE IS NECESSARY TO MINIMIZE THE POTENTIAL DAMAGE OR LOSS OF PROPERTY FROM BRUSH FIRES AND OTHER NATURAL HAZARDS SUCH AS EROSION AND SLOPE FAILURES. BECAUSE EACH PROPERTY IS UNIQUE, ESTABLISHING A PRECISE MAINTENANCE SCHEDULE IS NOT FEASIBLE. HOWEVER, FOR EFFECTIVE FIRE AND HAZARD MANAGEMENT, PROPERTY OWNERS SHOULD EXPECT TO PROVIDE MAINTENANCE ACCORDING TO EACH BRUSH MANAGEMENT ZONE.

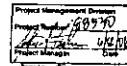
ZONE ONE AND TWO YEAR-ROUND MAINTENANCE

BRUSH MANAGEMENT ZONE ONE

THIS IS THE MOST CRITICAL AREA FOR FIRE AND HAZARD SAFETY. ALL ORNAMENTAL PLANTINGS SHOULD BE KEPT WELL WATERED AND ALL IRRIGATION WATER SHOULD DRAIN TOWARD THE STREET. RAIN BUTTERS AND DRAINAGE PIPES SHOULD BE CLEANED REGULARLY AND ALL LEAVES REMOVED FROM THE ROOF BEFORE THE FIRE SEASON BEGINS. ALL PLANTINGS, PARTICULARLY NON-REHABILITATED NATIVES AND LARGE TREES SHOULD BE REGULARLY PRUNED TO ELIMINATE DEAD FUEL, TO REDUCE EXCESSIVE FUEL, AND TO PROVIDE ADEQUATE SPACE BETWEEN PLANTS AND STRUCTURES.

BRUSH MANAGEMENT ZONE TWO

THIS ZONE SHOULD INCLUDE REMOVAL OF DEAD WOODY PLANTS, ERADICATION OF WEEDY SPECIES AND PERIODIC PRUNING AND THINNING OF TREES AND SHRUBS. REMOVAL OF WEEDS SHOULD NOT BE DONE WITH HAND TOOLS SUCH AS HOES AS THIS REMOVES VALUABLE SOIL. THE USE OF REED TRIMMERS OR OTHER TOOLS WHICH REPAIR SHORT STEDS THAT PROTECTS THE SOIL IS RECOMMENDED. NATIVE SHRUBS SHOULD BE PRUNED IN THE SUMMER AFTER THE MAJOR PLANT GROWTH OCCURS. WELL PRUNED NATIVE SHRUBS SHOULD TYPICALLY REQUIRE SEVERAL YEARS TO BUILD UP EXCESSIVE LIVE AND DEAD FUEL. ON SLOPES, EROSION-CONTROL DEVICES MUST BE KEPT CLEAR. RESPECT AFTER EACH MAJOR STORM SINCE HIGH SOIL SALTS CAN PLUG DRAINS. VARIOUS BRUSH-CUTTING TOOLS (E.G., MOW) SHOULD BE PERIODICALLY SHARPENED AND THATCH REMOVED. BRAMBLES AND SOME ICE PLANT, CLOVER, AND DEAD WOOD SHOULD BE PRUNED FROM TREES AND SHRUBS. FERTILIZING TREES AND SHRUBS IS NOT TYPICALLY RECOMMENDED AS THIS MAY STIMULATE EXCESSIVE GROWTH. HOWEVER, A LIGHT APPLICATION OF BALANCED FERTILIZER MAY BE BENEFICIAL IN PRODUCING NEW GROWTH WHICH DEVELOPELY PRUNED OLD SHRUBS AND WOODY BRANCHED TREES.



ATTACHED  
**SUBSTANTIAL CONFORMITY REVIEW**

**VICINITY MAP**

Prepared By: DEVIL Revision 14

Name: DEVIL Revision 14

Address: DEVIL Revision 12

Phone: DEVIL Revision 11

Project Address: DEVIL Revision 10

Project Name: DEVIL Revision 9

Project Number: DEVIL Revision 8

Project Date: DEVIL Revision 7

Project Location: DEVIL Revision 6

Project Status: DEVIL Revision 5

Project Owner: DEVIL Revision 4

Project Manager: DEVIL Revision 3

Project Engineer: DEVIL Revision 2

Project Designer: DEVIL Revision 1

Project Checker: DEVIL Revision 1

Project Approver: DEVIL Revision 1

Project Date: DEVIL Revision 1

Project Location: DEVIL Revision 1

Project Status: DEVIL Revision 1

Project Owner: DEVIL Revision 1

Project Manager: DEVIL Revision 1

Project Engineer: DEVIL Revision 1

Project Designer: DEVIL Revision 1

Project Checker: DEVIL Revision 1

Project Approver: DEVIL Revision 1

Project Date: DEVIL Revision 1

Project Location: DEVIL Revision 1

Project Status: DEVIL Revision 1

Project Owner: DEVIL Revision 1

Project Manager: DEVIL Revision 1

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Project Manager: DEVIL Revision 1

Project Engineer: DEVIL Revision 1

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Project Approver: DEVIL Revision 1

Project Date: DEVIL Revision 1

Project Location: DEVIL Revision 1

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Project Checker: DEVIL Revision 1

Project Approver: DEVIL Revision 1

Project Date: DEVIL Revision 1

Project Location: DEVIL Revision 1

Project Status: DEVIL Revision 1

Project Owner: DEVIL Revision 1

Project Manager: DEVIL Revision 1

Project Engineer: DEVIL Revision 1

Project Designer: DEVIL Revision 1

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Project Checker: DEVIL Revision 1

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Project Date: DEVIL Revision 1

Project Location: DEVIL Revision 1

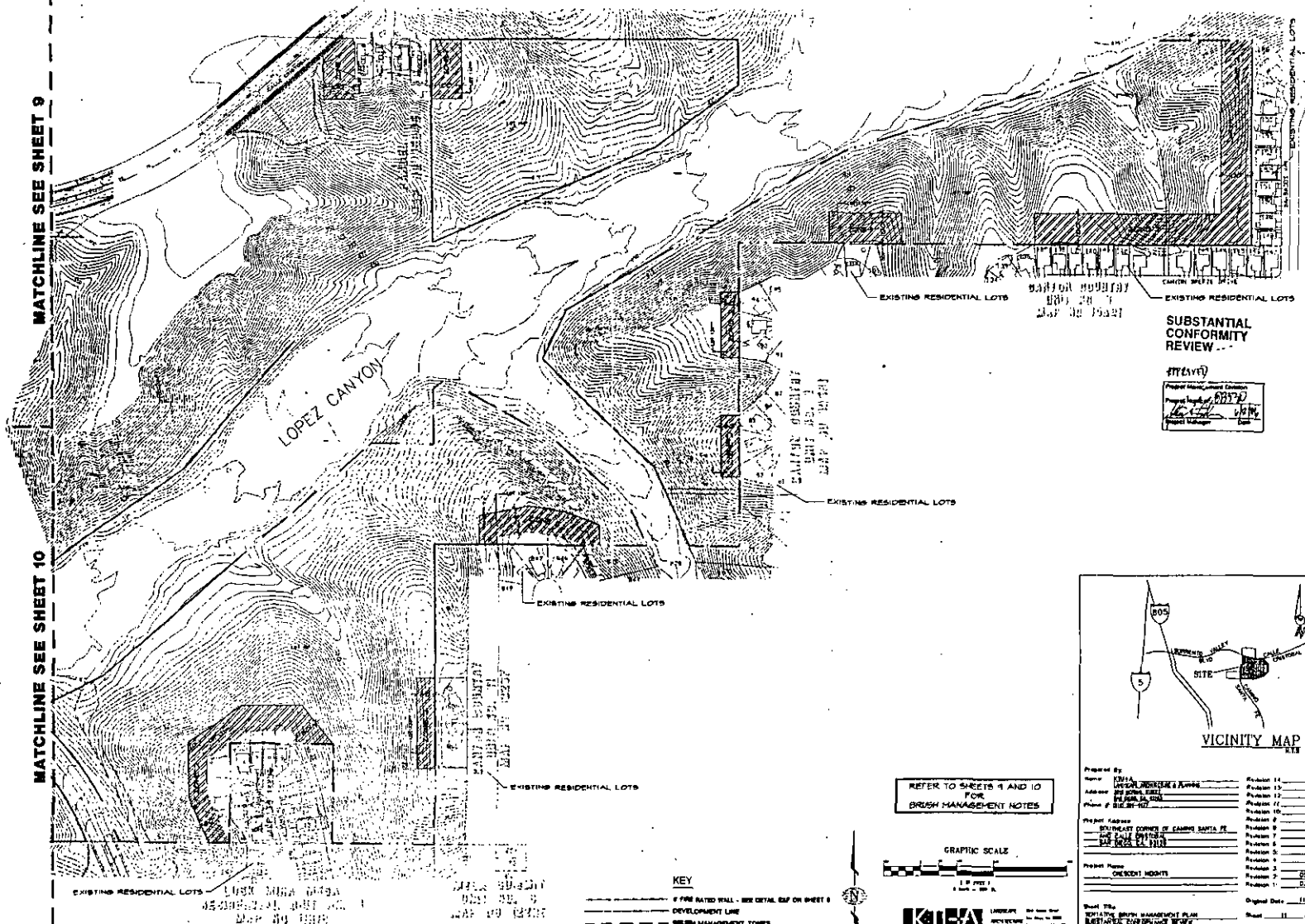
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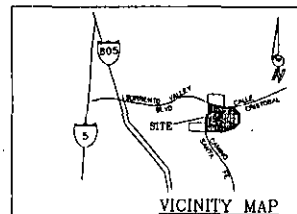
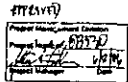
ROAD NUMBER 8008  
UNIT NO. 9  
MAP NO. 1221

MATCHLINE SEE SHEET 9

MATCHLINE SEE SHEET 10

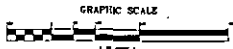


SUBSTANTIAL  
CONFORMITY  
REVIEW



VICINITY MAP

REFER TO SHEETS 9 AND 10  
FOR  
BRUSH MANAGEMENT NOTES



KEY

- 4' FIRE RATED WALL - SEE DETAIL C&P ON SHEET 9
- DEVELOPMENT LINE
- BRUSH MANAGEMENT ZONES
- SUBDIVISION BOUNDARY

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Project Number:	Revision 8
Project Date:	Revision 7
Project Name:	Revision 6
Project Number:	Revision 5
Project Date:	Revision 4
Project Name:	Revision 3
Project Number:	Revision 2
Project Date:	Revision 1
Original Date:	11/15/05
Sheet Title:	BRUSH MANAGEMENT PLAN
Sheet Number:	11 of 11
Project Name:	BRUSH MANAGEMENT PLAN
Project Number:	1111
Project Date:	11/15/05

# PLANTING LEGEND

## STREET TREES

1" FOR TREES FOR STREET USE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

1

## ACCIDENT STREET TREES

1" FOR TREES FOR ACCIDENT STREET USE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

2

## MIXED COMMON AREA TREES

1" FOR TREES FOR MIXED COMMON AREA USE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

3

## VEHICULAR USE AREA TREES

1" FOR TREES FOR VEHICULAR USE AREA LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

4

## BLUPE TREES

1" FOR TREES FOR BLUPE USE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

5

## RECREATION AREA ACCIDENT TREE

1" FOR TREES FOR RECREATION AREA ACCIDENT TREE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

6

## SMALL ACCIDENT TREES - 1" HIGH

1" FOR TREES FOR SMALL ACCIDENT TREES LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

# FOUNDATION AND BACKGROUND TREES

1" FOR TREES FOR FOUNDATION AND BACKGROUND USE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

7

# LAWN AREAS - OPEN PLAY

1" FOR TREES FOR LAWN AREAS - OPEN PLAY LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

# LOW PROFILE NATIVE AND NATURALIZED OPEN SPACE HYDRANGEA AND BURNING

1" FOR TREES FOR LOW PROFILE NATIVE AND NATURALIZED OPEN SPACE HYDRANGEA AND BURNING LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

# CITY OF SAN DIEGO LANDSCAPE REGULATIONS

1" FOR TREES FOR CITY OF SAN DIEGO LANDSCAPE REGULATIONS LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## IRRIGATION AND MAINTENANCE

1" FOR TREES FOR IRRIGATION AND MAINTENANCE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## LANDSCAPE REQUIREMENTS

1" FOR TREES FOR LANDSCAPE REQUIREMENTS LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## IRRIGATION

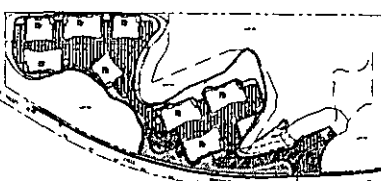
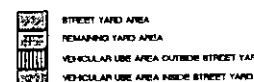
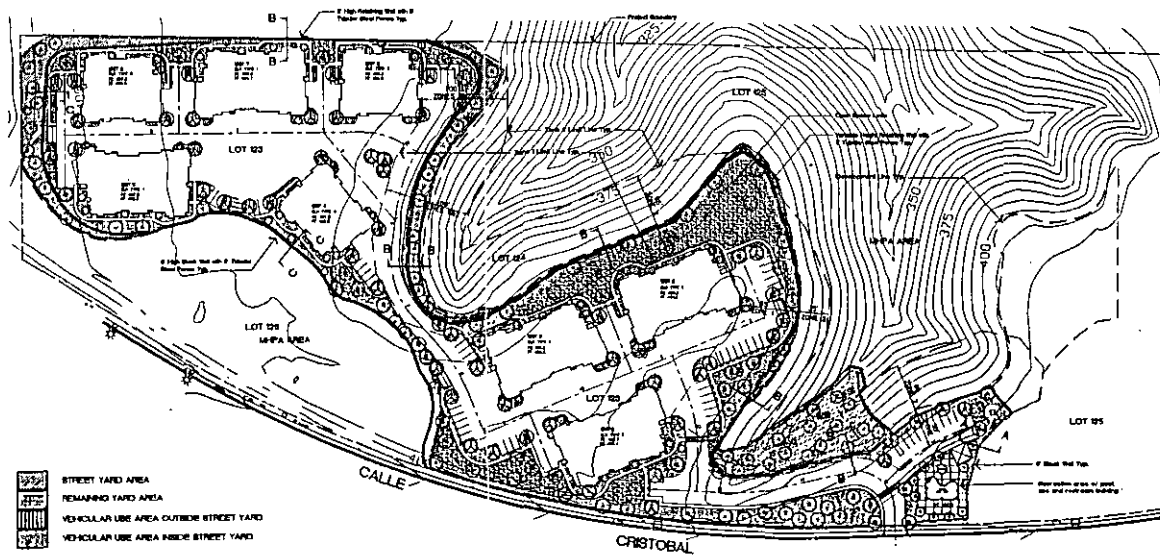
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## MAINTENANCE

1" FOR TREES FOR MAINTENANCE LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## IMPROVEMENTS

1" FOR TREES FOR IMPROVEMENTS LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)



LANDSCAPE SUMMARY DIAGRAM

# LANDSCAPE SUMMARY NOTES

## STREET YARD AREA

1" FOR TREES FOR STREET YARD AREA LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## REMAINING YARD AREA

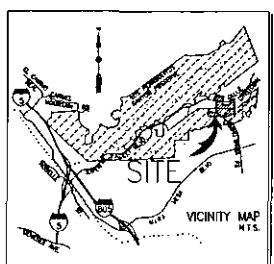
1" FOR TREES FOR REMAINING YARD AREA LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## VEHICULAR USE AREA (10,000 +/-)

1" FOR TREES FOR VEHICULAR USE AREA LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

## VEHICULAR USE AREA (10,000 +/-)

1" FOR TREES FOR VEHICULAR USE AREA LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)



RICK ENGINEERING COMPANY



ALHAMBRA GROUP  
LANDSCAPE ARCHITECTURE  
10000 WILSON AVENUE  
SUITE 1000  
DALLAS, TEXAS 75243  
(214) 415-1234

# LANDSCAPE DESIGN STATEMENT

THE LANDSCAPE DESIGN STATEMENT IS A STATEMENT OF THE LANDSCAPE DESIGNER'S INTENT TO PROVIDE A LANDSCAPE DESIGN THAT IS IN ACCORDANCE WITH THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS AND THE LANDSCAPE PLAN. THE LANDSCAPE DESIGNER SHALL PROVIDE A LANDSCAPE DESIGN THAT IS IN ACCORDANCE WITH THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS AND THE LANDSCAPE PLAN.

# OWNER / DEVELOPER

PARADE CONSTRUCTION COMPANY

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SUITE 1000

LOT 10000, CARLSBAD, CA 92008

(619) 475-1234

# SUBSTANTIAL CONFORMANCE REVIEW LANDSCAPE CONCEPT PLAN

# SUBSTANTIAL CONFORMANCE REVIEW

1" FOR TREES FOR SUBSTANTIAL CONFORMANCE REVIEW LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

1" FOR TREES FOR SUBSTANTIAL CONFORMANCE REVIEW LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

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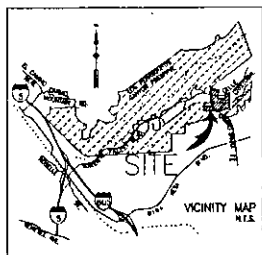
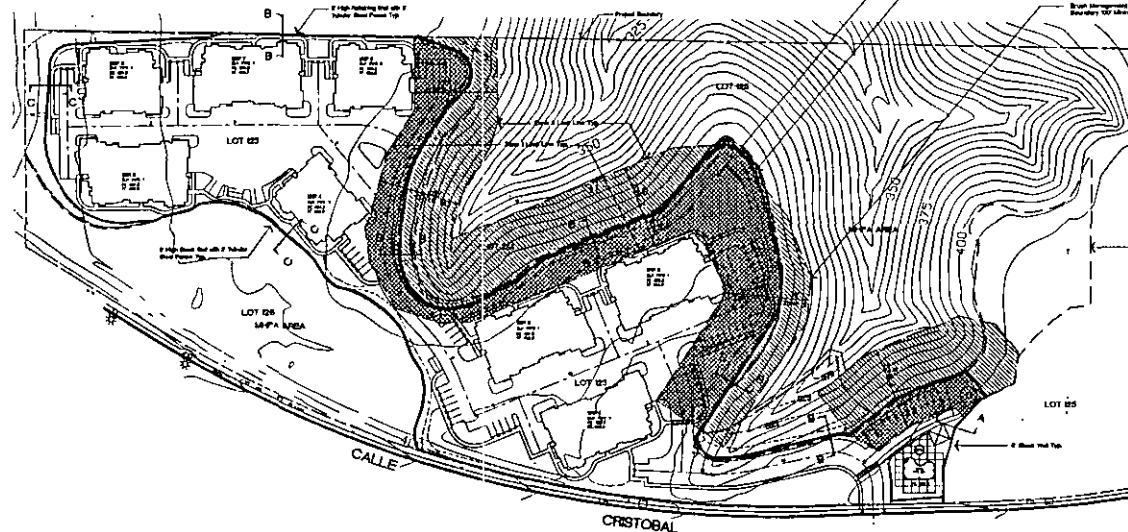
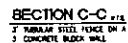
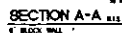
1" FOR TREES FOR SUBSTANTIAL CONFORMANCE REVIEW LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)

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1" FOR TREES FOR SUBSTANTIAL CONFORMANCE REVIEW LOCATED IN THE PUBLIC RIGHT-OF-WAY. (SEE LANDSCAPE PLAN FOR SPECIFICATIONS)



### LEGEND



**BUSH MANAGEMENT ZONE 1 - VARIOUS**  
 (SHRUBS), PLANTS AND BRUSH - OFF BRUSH  
 MANAGEMENT ZONE 1 - VARIOUS



**BRUSH MANAGEMENT ZONE 1 - VARIOUS** NO. 1000000000  
 Supply all plants as required. See brush management notes.

IMAGE	Comments	Photograph Label
ZONE I	MEADOWS IN N. WETLANDS SECTION (NEEDS E.E.) PLANTING IN LANDSCAPE	SW PT. SOUTH OF INTER- SECTION, LAND ZONE
ZONE II	MEADOWS IN S. WETLANDS SECTION (NEEDS E.E.) LOW WETLAND PLANTING OF SELECTIVE TREES	SW PT.

**BRUSH MANAGEMENT NOTES**  
SEE BRUSH MANAGEMENT NOTES AND COMMENTS ON SHEET 19 OF 27

**SUBSTANTIAL  
CONFORMITY  
REVIEW .**

APPROVED

Project Management Director

Project Number 88720

Project Manager

GRAPHIC SCALE 1" = 50'

Prepared By

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Project Address  
Architect name of Corporate Admin. Bldg  
and Cash Compound  
Park Plaza Ln 7112E

Project Name

Ground Broken

School ID#

Joint Development Plan

Revision 14

Revision 12

Revision 11

Revision 10

Revision 9

Revision 8

Revision 7

Revision 6

Revision 5

Revision 4

Revision 3


Revision 2

Revision 1     11/11/99  
                     02/11/99

Original Date    11/11/99

Sheet 13          of 21

PTS #      85550


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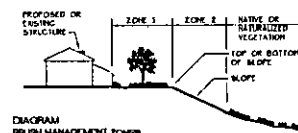
ALHAMBRA CIRCUIT  
LANDSCAPE ARCHITECTURE  
Landscape Design 1911  
GREENHOUSE DESIGN PLANNING  
THE ALHAMBRA CIRCUIT, INC.

OWNER / DEVELOPER:  
PARADISE CONSTRUCTION COMPANY  
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SUBSTANTIAL CONFORMANCE REVIEW  
BRUSH MANAGEMENT PROGRAM

## BRUSH MANAGEMENT ZONES

WHERE BRUSH MANAGEMENT IS REQUIRED, A COMPREHENSIVE PROGRAM SHALL BE IMPLEMENTED THAT REDUCES FIRE HAZARDS AROUND STRUCTURES BY PROMOVING AN EFFECTIVE FIRE BREAK BETWEEN ALL STRUCTURES AND CONTIGUOUS AREAS OF NATIVE OR NATURALIZED VEGETATION. THIS BREAK SHALL CONSIST OF TWO DISTINT BRUSH MANAGEMENT AREAS CALLED "ZONE ONE" AND "ZONE TWO" AS SHOWN IN DIAGRAM BELOW.



### ZONE 1 REQUIREMENTS

- [illegible]

### ZONE 2 REQUIREMENTS

1. THE REQUIRED EONE TWO WITHIN MUST BE PROVIDED BETWEEN EONE ONE AND THE UNDERPINNED NATIVE OR NATURALIZED VEGETATION TO PROVIDE A SUFFICIENTLY OPEN SPACE FOR THE EONE TWO PLANTS TO GROW UNHINDERED FROM THE HARBORABLE STRUCTURE TO THE EDGE OF THE UNDERPINNED NATIVE OR NATURALIZED VEGETATION.
2. NO STRUCTURES SHALL BE CONSTRUCTED IN EONE TWO.
3. WITHIN EONE TWO 20 PERCENT OF THE PLANTS OVER 4 INCHES IN HEIGHT SHALL BE REMOVED TO PROVIDE OPEN SPACE FOR THE EONE TWO PLANTS.
4. WITHIN EONE TWO ALL PLANTS REMAINING AFTER 20 PERCENT ARE REMOVED IN HEIGHT, SHALL BE PRUNED TO REDUCE FUEL LOADING IN DEVELOPMENT PHASES. NON-HARBORABLE PLANTS SHALL BE PRUNED TO 10 FEET MAXIMUM HEIGHT.
5. THE FOLLOWING STANDARDS SHALL BE USED WITHIN EONE TWO IN AN AREA PREVIOUSLY GRADED AS PART OF A LEGAL DEVELOPMENT PROJECT TO PREVENT PLANTS FROM BEING PLANTED WITHIN EONE TWO INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION.
6. (A) ALL NEW PLANT MATERIAL FOR EONE TWO SHALL BE NATIVE PLANTS AND LOW-LYING PLANTS. PLANTS OVER 4 INCHES IN HEIGHT SHALL BE REMOVED. NON-HARBORABLE PLANTS MAY BE PLANTED IN EONE TWO TO EITHER REDUCE THE IMPACT OR IN THE COASTAL OVERLAY ZONE TO PREVENT AN INCONGRUOUS APPEARANCE OF THE DEVELOPMENT RESTORATION.
7. (B) NO PLANTS SHALL BE PLANTED WITHIN A PROPOSED NEIGHBORHOOD OF 4 INCHES, INCLUDING DECIDUOUS OR NATIVE TREES AND TREE FORMS WHICH MAY CAUSE FIRE INFLAMMATION OR BE LOCATED IN AN AREA OF NATURALIZED VEGETATION OR NATURALIZED VEGETATION TO HARBORABLE PLANTS. IF ANY PLANTS ARE PLANTED, THEY SHALL BE THE LOWEST BRANCHES OF THE TREES AND THE TOP OF THE TRUNKS OF THE PLANTS SHALL BE REMOVED TO PREVENT THE SPREAD OF THE THICK LOWER

- [illegible]

## SECTION III: BRUSH MANAGEMENT

### 3-1 BRUSH MANAGEMENT - DESCRIPTION

FIRE SAFETY IN THE LANDSCAPE IS ACHIEVED BY REDUCING THE READY FLAMMABLE FUEL ADJACENT TO STRUCTURES. THIS CAN BE ACHIEVED BY REPLACING AN OPEN THREADED PINE OR SPRUCE NATURALIZED VEGETATION, REVEGETATION WITH LOW FUEL VOLUME PLANTINGS OR A COMBINATION OF THE TWO. IMPLEMENTING BURNMANAGEMENT IN AN ENVIRONMENTALLY APPROPRIATE MANNER REQUIRES A REDUCTION IN THE AMOUNT AND CONTINUITY OF HIGHLY FLAMMABLE FUEL WHILE MAINTAINING PLANT COVERAGE FOR SOIL PROTECTION. SUCH A TRANSITION WILL IMPROVE THE USUAL BIOLOGICAL AND EROSION EFFECTS WHILE REDUCING THE RISKS OF WILDLAND FIRES.

### 3-2 BRUSH MANAGEMENT - REQUIREMENTS

## 3.2-1 BASIC REQUIREMENTS + ALL ZONE

- 3.2-101 FOR 20CM TWO PLANTS SHALL NOT BE CUT BELOW 6 CMHTR.
- 3.2-102 BRNCHS AND TRIPPING, PRODUCED BY TRIPPING AND PRUNING SHALL BE REMOVED FROM THE SITE OR IF LEFT, SHALL BE CONVERTED INTO MULCH BY A CHIPPING MACHINE AND POPLY DEPOSITED, NON-DEGRADED, TO A MINIMUM DEPTH OF 6 CMHTR.
- 3.2-103 TREES AND LARGE TREE FORM SHRUBS (e.g. OAKS, JACARAS, JODICA) WHICH ARE BEING RETAINED SHALL BE PRUNED TO PROVIDE CLEARANCE TO THREE TIMES THE HEIGHT OF THE LOWER STORY PLANT MATERIAL OR 5 METRES WHICHEVER IS GREATER. STAGNANT, DEAD AND EXPOSED BRANCHES THROUGHT EXCESSIVE SHALL ALSO BE REMOVED.



**FIGURE 3-1**  
**PRUNING TREES TO PROVIDE CLEARANCE FOR BRUSH MANAGEMENT**

- 3-2-10A ALL PLANTS OF PLANT GROUPS DESIGNATED CACTS, SAGUAROS, TREES AND TREE-LIKE SHRUBS SHOULD BE NOTICED AND MEASURED TO THE HEIGHT OF THE ALLEST ADJACENT PLANT SPECIES.
- 3-2-10B MEASUREMENTS OF PLANT HEIGHTS (EXCEPT FOR BATED TREES) SHALL NOT APPLY TO OBVIOUSLY NON-TREE SPECIES SUCH AS: CACTUSES, PALMS, BURNING BUSHES, AND FLOWERS.
- 3-2-20K 1. REQUIREMENTS - ALL STRUCTURES
- 3-2-20K 2. DO NOT USE, AND REMOVE IF NECESSARY, HAZARDOUS MATERIALS FROM THE SITE. THE APPROXIMATE 100
- 3-2-20K 3. TREES SHOULD NOT BE LOCATED ANY CLOSER TO A STRUCTURE THAN 10 FEET (3M) DISTANCE.
- 3-2-20K 4. TREES IN HAZARDOUS SITUATION
- 3-2-20K 5. PLANT SPECIES ALL PLANTS IN A SAGUARO ENVIRONMENT
- 3-2-20K 6. NON-DESIGNED PLANT GROUPS OTHER THAN SAGUAROS IN HEIGHT THAT EXCEED 10 FEET (3M) SHOULD NOT EXCEED 100 SQUARE FEET (9.3M<sup>2</sup>) AREA AND THEIR COVERED GROUND SHOULD NOT EXCEED 50 PERCENT OF THE TOTAL SITE AREA.
- 3-2-20K 7. REQUIREMENTS - ALL STRUCTURES
- 3-2-20K 8. REPAIRING NON-DESIGNED PLANT GROUPS OTHER THAN SAGUAROS IN HEIGHT THAT EXCEED 10 FEET (3M) SHOULD NOT EXCEED 400 SQUARE FEET (37.2M<sup>2</sup>) AREA AND THEIR COVERED GROUND SHOULD NOT EXCEED 25 PERCENT OF THE TOTAL SITE AREA.

### ZONE 2 REDUCTION

THE ZONE TWO WIDTH MAY BE DECREASED BY 1 3/2 FEET FOR EACH FOOT OF INCREASE IN ZONE ONE WIDTH UP TO A MAXIMUM REDUCTION OF 30 FEET OF ZONE TWO WIDTH.

## \* MAINTENANCE

REGULAR INSPECTIONS AND LANDSCAPE MAINTENANCE ARE NECESSARY TO MINIMIZE THE POTENTIAL DAMAGE OR LOSS OF PROPERTY FROM DRYING FIRES AND OTHER NATURAL HAZARDS SUCH AS EROSION AND SLOPE FAILURE. BECAUSE EACH PROPERTY IS UNIQUE, ESTABLISHING APECHCE MAINTENANCE SCHEDULE IS NOT FEASIBLE. HOWEVER, FOR EFFECTIVE FIRE AND WATERSHED MANAGEMENT, PROPERTY OWNERS SHOULD EXPECT TO PROVIDE MAINTENANCE ACCORDING TO EACH BRUSH MANAGEMENT ZONE: ZONE 1: YEAR-ROUND MAINTENANCE.

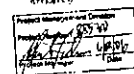
## BUSH MANAGEMENT ZONE I

THIS IS THE MOST CRITICAL AREA FOR FIRE AND WATER-RELATED SAFETY. ALL ORNAMENTAL PLANTINGS SHOULD BE KEPT WELL WATERED AND ALL IRRIGATION WATER SHOULD DRAIN TOWARD THE STREET. RAIN GUTTERS AND DRAINAGE PIPES SHOULD BE CLEANED REGULARLY AND ALL LEAVES REMOVED FROM THE ROOF BEFORE FIRE SEASON BEGINS. ALL PLANTING, PARTICULARLY NON-NATIVE TREES AND LARGE TREES SHOULD BE REGULARLY PRUNED TO ELIMINATE DEAD BRANCHES, TO REDUCE EXCESSIVE FUEL AND TO PROVIDE ADEQUATE SPACE BETWEEN PLANTS AND STRUCTURES.

## BRUSH MANAGEMENT ZONE 2

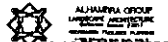
SEASONAL MAINTENANCE IN THIS ZONE SHOULD INCLUDE REMOVAL OF DEAD WOOD PLANTS, ERADICATION OF WEEDY SPECIES AND PERIODIC PRUNING AND TRIMMING OF TREES AND SHRUBS. REMOVAL OF DEAD WOOD SHOULD BE DONE IN A MANNER THAT DOES NOT EXPOSE ANY REMAINING VALUABLE LOGS. THE USE OF WEED THERMOPHORS OR OTHER TOOLS WHICH REAR HEAT SHOCKS STEADILY THAT PROCEEDS TO THE ROOTS OF WEEDS IS THE MOST EFFECTIVE METHOD. PRUNING IN THE SUMMER AFTER THE MAJOR PLANT GROWTH OCCURS, WILL PREPARED HEALTHY SHRUBS SHOULD SPECIFICALLY REQUIRE REMOVAL OF WEEDS TO THE ROOTS. PRUNING SHOULD BE DONE OF SHRUBS ALL DAMAGE DEVICES MUST BE KEPT CLEAR. RE-INSPECT AFTER EACH MAJOR STORM SINCE HORNED SOIL SIPS CAN BLOCK DRAINAGE AND CAUSE ROOTS TO BE EXPOSED. WEEDS SHOULD BE SHEARED AND TRATCH RECORDED, DISCARDED AND DEAD WOOD SHOULD BE PRUNED FROM TREES. FERTILIZING TREES AND SHRUBS IS NOT USUALLY RECOMMENDED AS THIS WILL SUPPLANT EXISTING GROWTH.

SUBSTANTIAL  
CONFORMITY  
REVIEW.



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and South Street  
from South St. to 1434  
 Project Name: \_\_\_\_\_  
Central Bridge  
 Sheet Title \_\_\_\_\_  
South & Northbound Drive  
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 PTH # 888-312

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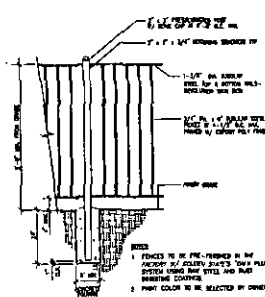


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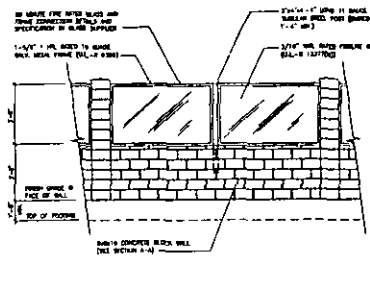
## SUBSTANTIAL CONFORMANCE REVIEW

# BRUSH MANAGEMENT NOTES

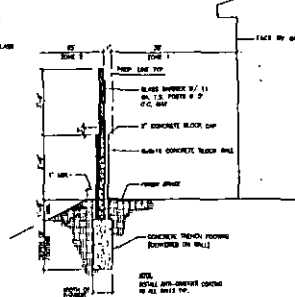




SECTION B-B  
2' x 1' x 1/2' CONCRETE BLOCK WALL  
ONLY PLAN REVELATION



WALL ELEVATION  
2' HIGH BLOCK WALL WITH  
2' CONCRETE BLOCK WALL



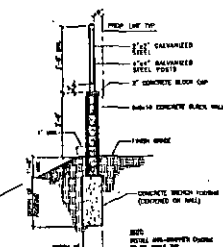
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2' CONCRETE BLOCK WALL

# LEGEND

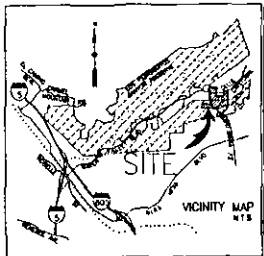
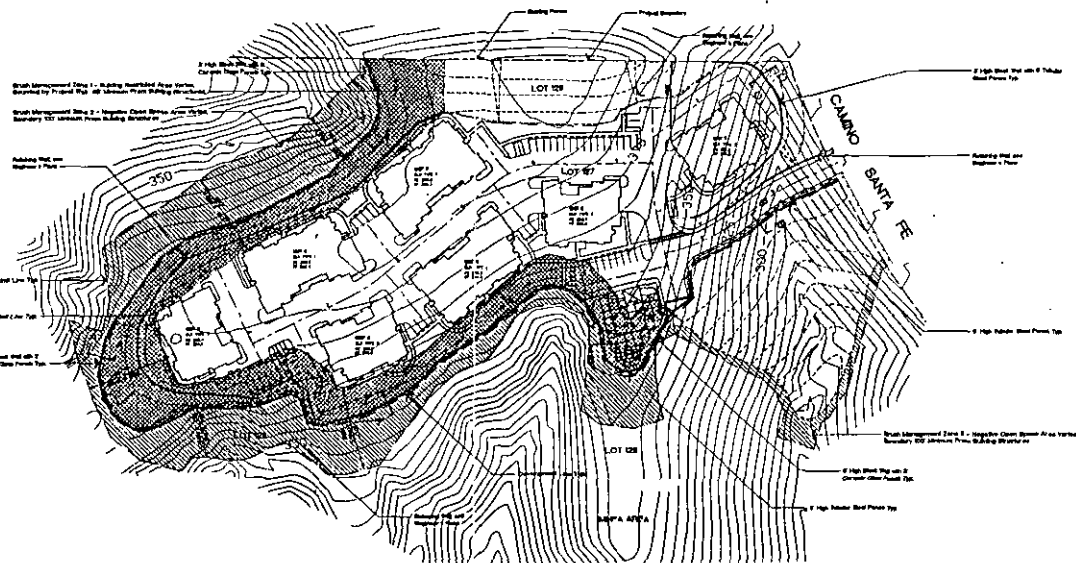
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BRUSH MANAGEMENT ZONE III - VARIETIES

ZONE	BRUSH MANAGEMENT ZONE I - VARIETIES	BRUSH MANAGEMENT ZONE II - VARIETIES	BRUSH MANAGEMENT ZONE III - VARIETIES
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BRUSH MANAGEMENT NOTES  
SEE BRUSH MANAGEMENT NOTES AND COMMENTS ON SHEET 10 OF 11



SECTION C-C  
2' x 1' x 1/2' CONCRETE BLOCK WALL  
ONLY PLAN REVELATION



## SUBSTANTIAL CONFORMANCE REVIEW

STAFF  
SUBSTANTIAL CONFORMANCE REVIEW  
DATE: 11/11/11  
BY: [Signature]

GRAPHIC SCALE 1" = 50'

Prepared By:	Reviewed By:
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Project Name:	Reviewed By:
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Project Status:	Reviewed By:
Project Title:	Reviewed By:
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Project Date:	Reviewed By:
Project Status:	Reviewed By:
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Project Status:	Reviewed By:

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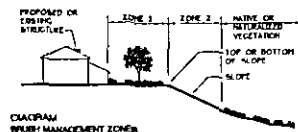
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## SUBSTANTIAL CONFORMANCE REVIEW BRUSH MANAGEMENT PROGRAM

## BRUSH MANAGEMENT NOTES

### BURSH MANAGEMENT ZONES

WHERE BURN MANAGEMENT IS REQUIRED, A COMPREHENSIVE PROGRAM SHALL BE IMPLEMENTED THAT REDUCES FIRE HAZARDS AROUND STRUCTURES BY PROVIDING AN EFFECTIVE FIRE BREAK BETWEEN ALL STRUCTURES AND CONTIGUOUS AREAS OF NATIVE OR NATURALIZED VEGETATION. THIS BREAK SHALL CONSIST OF TWO DISTINGUISH MANAGEMENT AREAS CALLED 'ZONE ONE' AND 'ZONE TWO' AS SHOWN IN DIAGRAM BELOW



### ZONE 1 RECLAMEMENT

3. THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN PAIRS OF NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MAINTAINED PERMANENTLY OPEN TO THE VEGETATION.
4. ZONE TWO SHALL CONTAIN NO REMAINING STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO REMAINING STRUCTURES, OR OTHER CONSIDERABLE CONSTRUCTION THAT PROVIDES A MEANS FOR THE PROTECTION OF REMAINING STRUCTURES. SUCH STRUCTURES SHALL BE SUCH AS FENCES, WALLS, PORCHES, PLAY STRUCTURES, AND GARAGES.
5. THE REQUIRED ZONE TWO WIDTH SHALL BE MAINTAINED BY THE LAND MANAGEMENT ZONE ONE SHALL BE OF HOMOGENEOUS VEGETATION.
6. PLANTS WITH ZONE ONE SHALL BE PERMANENT LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES.
7. TREES WITH ZONE TWO SHALL BE PERMANENT TREES WITH A DBH OF LESS THAN 4 INCHES.
8. TREES WITH ZONE ONE SHALL BE LOCATED AT LEAST 10 FEET FROM THE STRUCTURE TO BE REMOVED. TREES WITH ZONE TWO SHALL BE LOCATED FROM THE STRUCTURE TO THE LBP LINE OF THE TREE AT THIRTY FEET.
9. THE REQUIRED ZONE TWO WIDTH SHALL BE MAINTAINED TO THE LAND DEVELOPMENT PLAN.
10. PERMANENT FORESTLAND IS REQUIRED FOR ALL PLANTING AREAS WITHIN THE REQUIRED ZONE TWO WIDTH.
11. (A) WHEN PLANTING AREAS CONTAIN ONE (1) SPECIES THAT DO NOT EXCEED TALLER THAN 24 INCHES IN HEIGHT, OR
12. (B) WHEN PLANTING AREAS CONTAIN TWO (2) SPECIES OF NATURALIZED TREES THAT ARE NOT SUPPORT-GROWING AND HAVE MAXIMUM TRUNK PLANT HEIGHTS OF LESS THAN 24 INCHES
13. ZONE ONE VEGETATION OR PLANTING SHALL BE MAINTAINED AND BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.
14. ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND REMOVING PLANTS, CONTROLLING WEEDS, AND MAINTAINING

## ZONE 2 REQUIREMENTS

3. THE REQUIRED EDGE TWO INCH WITHIN SHALL BE PROVIDED BETWEEN LOGS AND THE EXISTING NATIVE OR NON-NATIVE PLANT MATERIALS.
4. ALL LOGS SHALL BE PLACED FROM THE EDGE OF THE LOT OR TRAIL TO THE FURTHEST FROM THE HAZARDOUS SUBSTANCE, TO THE EDGE OF THE LOT OR TRAIL.
5. NO STRUCTURES SHALL BE CONSTRUCTED IN EDGE TWO INCH.
6. WITHIN EDGE TWO INCH PERCENT OF THE PLANTS OVER 24 INCHES IN HEIGHT SHALL BE MAINTAINED.
7. WITHIN EDGE TWO INCH ALL PLANTS REMAINING AFTER 20 PERCENT ARE REMOVED IN PLANT SHALL BE PRUNED TO REDUCE PLANT LOADING IN DEVELOPMENT PHASES. NON-NATIVE PLANTS SHALL BE PRUNED TO MAINTAIN PLANT HEALTH.
8. THE FOLLOWING STRATEGIES SHALL BE USED WITHIN EDGE TWO INCH TO MAINTAIN PLANT HEALTH AND REDUCE PLANT LOADING IN DEVELOPMENT PHASES: (A) PLANTS SHALL BE PRUNED TO MAINTAIN DEVELOPMENT ACTIVITY AND (B) BE PROPOSED TO BE REPLANTED WITH PLANT MATERIALS INSTEAD OF CLEARING EXISTING NATIVE OR NON-NATIVE PLANT MATERIALS.
9. (A) ALL VEGETATION MATERIAL FROM PLANTS SHALL BE NATIVE OR NON-NATIVE PLANT MATERIAL. (B) PLANTS SHALL BE NATIVE OR NON-NATIVE PLANT MATERIAL MAY BE PLANTED IN EDGE TWO INCH OTHER THAN THE AREA OF THE IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (C) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL.
10. (A) PLANTS SHALL BE LOW-GROWING WITH A MAXIMUM HEIGHT AT PLANTING OF 24 INCHES. (B) MAXIMUM HEIGHT OF PLANTS SHALL BE 24 INCHES. (C) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (D) IF THEY ARE LOCATED TO REDUCE TRANSPORTING THE FROM NATURALIZED VEGETATION MATERIALS IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (E) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (F) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (G) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (H) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (I) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (J) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (K) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (L) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (M) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (N) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (O) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (P) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (Q) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (R) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (S) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (T) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (U) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (V) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (W) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (X) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (Y) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL. (Z) PLANTS SHALL BE PLANTED IN THE EXISTING ORAL EDGE TWO INCH OF THE LOT OR TRAIL.

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## SECTION 15 BRUSH MANAGEMENT

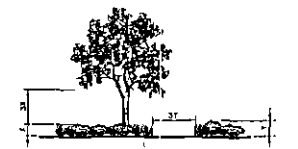
### 2-1 DEBRUSH MANAGEMENT - DESCRIPTION

FIRE SAFETY IN THE LANDSCAPE IS IMPROVED BY REDUCING THE READY FLAMMABLE FUEL AVAILABLE TO STRUCTURES. THIS CAN BE ACCOMPLISHED BY REMOVING AND THINNING OF NATIVE AND NATURALIZED VEGETATION REVEGETATION WITH LOW FUEL VOLUME PLANTINGS ON A COMPOUND OF THE TWO. FLYINGCHONG BUSH MANAGEMENT IN AN ENVIRONMENTALLY APPROPRIATE MANNER REQUIRES A REDUCTION IN THE AMOUNT AND DENSITY OF HIGHLY FLAMMABLE FUEL WHILE MAINTAINING PLANT COVERAGE FOR SOIL PROTECTION. SUCH A TRANSITION WILL PROTECT THE VISUAL, BIOLOGICAL, AND EROSION IMPACTS WHILE REDUCING THE RISKS OF WILDLAND FIRE.

### 3-2 ETHNIC MANAGEMENT - RECRUITMENTS

### 3.2-1 BASIC REQUIREMENTS - ALL ZONES

- 3.1-1.01 FOR ZONE TWO, PLANTS SHALL NOT BE CUT BELOW 6 INCHES.
- 3.2-1.01 BRUSH AND TRIMMING PRODUCED BY THINNING AND PRUNING SHALL BE REMOVED FROM THE SITE ON OR IF LEFT, SHALL BE CONFINED INTO PILES BY A CONTAINING FENCE OR BARRIER. BRUSH SHALL BE NON-FRAGMENTED, TO A MAXIMUM DEPTH OF 6 INCHES.
- 3.3-1.03 TREES AND LARGE TREE FORMS SHALL (e.g., OAKS, SYPRES, TYPICALS) WHICH ARE BEING RETAINED SHALL BE PRUNED TO PROVIDE CLEARANCE TO THREE TIMES THE HEIGHT OF THE UNDER STORY PLANT MATERIAL OR 6 FEET WHICHEVER IS GREATER (FIGURE 3-15). DEAD AND DISEASED TWIGGY BRANCHES SHALL ALSO BE REMOVED.



**FIGURE 3-1**  
**PRUNING TREES TO PROVIDE CLEARANCE FOR BRUSH MANAGEMENT**

- 33-1.04 ALL PLANTS OF THE PLANT GROUPINGS EXCEPT CACTI, SUCCESSIONAL TREES AND TREE-CLIMBING SHRUBS SHALL BE INTEGRATED INTO THE PLANTING DESIGN. TREES THE HEIGHT OF THE TALLEST ADJACENT PLANTS (TABLES 3-1, 3-2)
- 33-1.05 PLANTING COVERAGE AND AREA ESTABLISHING AS STATED HEREIN SHALL NOT APPLY TO INDIVIDUALS WHOSE TREES SPECIES ARE PLANTING ORIGINALLY PLANTED. (MULCH AND FERTILIZER)
- 33-2 ZONE 1 REQUIREMENTS - ALL STRUCTURES
- 33-2.01 DO NOT USE, AND REMOVE IF NECESSARY, HOURLY PLANTABLE PLANTS (SEE TABLE 3-1)
- 33-2.02 TREES SHOULD NOT BE LOCATED ANYWHERE CLOSER TO A STRUCTURE THAN THE DISTANCE EQUAL TO THE TREE'S MATURE SPREAD
- 33-2.03 PLANTING ALL PLANTINGS IN A SUCCESSIONAL CONCEPT
- 33-2.04 NON-IRREGATED PLANT GROUPINGS OTHER THAN TREES OF HEIGHT THAT ARE 10 FEET OR GREATER SHALL NOT EXCEED 10% BORAGE FEET IN AREA AND THEIR COVERAGE SHALL NOT EXCEED 50 PERCENT OF THE TOTAL LAND AREA.
- 33-3 ZONE 3 REQUIREMENTS - ALL STRUCTURES
- 33-3.01 NONMULCH NON-IRREGATED PLANT GROUPINGS OTHER THAN TREES OF HEIGHT 10 FEET OR GREATER SHALL NOT EXCEED 10% BORAGE FEET IN AREA AND THEIR COVERAGE SHALL NOT EXCEED 50 PERCENT OF THE TOTAL LAND AREA.

### ZONE 2 REDUCTION

THE ZONE TWO WIDTH MAY BE DECREASED BY 1 1/2 FEET FOR EACH FOOT OF INCREASE IN ZONE ONE WIDTH UP TO A MAXIMUM REDUCTION OF 30 FEET OF ZONE TWO WIDTH.

## MAINTENANCE

REGULAR INSPECTIONS AND LANDSCAPE MAINTENANCE ARE NECESSARY TO PREVENT THE POTENTIAL DAMAGE OR LOSS OF PROPERTY FROM BUSHY TREES AND OTHER NATURAL HAZARDS SUCH AS EROSION AND SOIL FAILURES. BECAUSE EACH PROPERTY IS UNIQUE, SITESPECIFIC MAINTENANCE SCHEDULES ARE NOT FEASIBLE. HOWEVER, FOR EFFECTIVE FIRE AND WATERSHED MANAGEMENT, PROPERTY OWNERS SHOULD EXPECT TO PROVIDE MAINTENANCE ACCORDING TO EACH BUSHY MAINTENANCE ZONE: ZONE 1: YEAR-ROUND MAINTENANCE, ZONE 2: SEASONAL MAINTENANCE.

#### RELAY MANAGEMENT ZONE 1

THIS IS THE MOST CRITICAL AREA FOR FIRE AND WATERSHED SAFETY. ALL ORNAMENTAL PLANTINGS SHOULD BE KEPT WELL WATERED AND ALL IRRIGATION WATER SHOULD DRAIN TOWARD THE STREET. RAIN GUTTERS AND DRAINAGE PIPES SHOULD BE CLEANED REGULARLY AND ALL LEAVES REMOVED FROM THE ROOF BEFORE EACH SEASON BEGINS. ALL PLANTING, PARTICULARLY NON-IRRIGATED MATINGS AND LARGE TREES SHOULD BE REGULARLY PRUNED TO ELIMINATE DEAD FIELDS, TO REDUCE EXCESSIVE FUEL AND TO PROVIDE ADEQUATE SPACE BETWEEN PLANTS AND STRUCTURES.

**BIRTHDAY MANAGEMENT ZONE 2**

SEASONAL MAINTENANCE IN THIS ZONE SHOULD INCLUDE REMOVAL OF DEAD WOODY PLANTS, ERADICATION OF WEEDY SPECIES AND EXCESSIVE PRUNING AND THINNING OF TREES AND SHRUBS. REMOVAL OF DEAD WOODY PLANTS SHOULD BE DONE IN THE WINTER MONTHS AS THIS REMOVES VALUABLE SOIL. THE USE OF WEED THERMERS OR OTHER TOOLS WHICH REMOVE SHEDDING STEELING THAT WOULD BE REQUIRED TO REMOVE THE PLANTS SHOULD BE AVOIDED. THE FUEL IN THE SUFFER AFTER THE MAJOR PLANT GROWTH OCCURS WILL PROVIDE HEALTHY SHRUBS SHOULD THEY REALLY REQUIRE.

MAINTENANCE OF THE OPEN AREAS SHOULD BE DONE IN THE WINTER MONTHS AS DEAD WOODS MUST BE KEPT CLEAR OF PROXIMITY AFTER EACH MAJOR STORM SINCE PINE SOILS CAN BE CRACKED AND THE WINDS CAN BE VERY DANGEROUS. THE MAJOR PLANT GROWTH SHOULD BE MAINTAINED AND THINNING REQUIRED, RELEASED AND DEAD WOOD SHOULD BE PRUNED FROM TREES. EXCESSIVE TREES AND SHRUBS IN THIS ZONE ARE NOT RECOMMENDED AS THEY MAY STRENGTHEN EXCESSIVE GROWTH.

**SUBSTANTIAL  
CONFORMITY  
REVIEW**

APPROVED

Project Management Division  
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Project Manager

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Project Name: Greenbelt Bridge

Sheet Title: \_\_\_\_\_

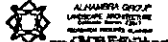
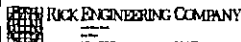
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Revision: 10 \_\_\_\_\_  
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Revision: 30 \_\_\_\_\_

Drawn Date: 11/29/04

Week: 17 of 21

PTS # PA530



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## SUBSTANTIAL CONFORMANCE REVIEW BRUSH MANAGEMENT NOTES



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**SUBSTANTIAL  
CONFORMITY  
REVIEW**  
**APPROVED**

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Project Number: **885724**  
*[Signature]* 6/8/88  
Project Manager Date

[illegible][illegible][illegible][illegible]

Project Management Division  
Project Number: 5057-0  
Project Manager: [Signature] Date: 6/8/04

ATTN: (1111)  
SUBSTANTIAL  
CONFORMITY  
REVIEW

[illegible]

001791

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

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

WHEREAS, the City Council by Resolution No. R-298150, adopted on July 1, 2003, certified Environmental Impact Report No. 99-0639, a copy of which is on file in the Development Services Department; and

WHEREAS, in connection with the previous consideration and approval of Vesting Tentative Map No. 9691, Planned Residential Development Permit No. 9693, and Multi-Habitat Boundary Line Adjustment for the Crescent Heights Project [Crescent Heights Project Approvals], the City Council considered the issues discussed in Environmental Impact Report No. 99-0639; 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, stating for the record that the approval of staying the Crescent Heights Project Approvals is a subsequent discretionary approval of the Project addressed in the Environmental Impact Report and therefore not a separate project under CEQA Guideline sections 15060(c)(3).

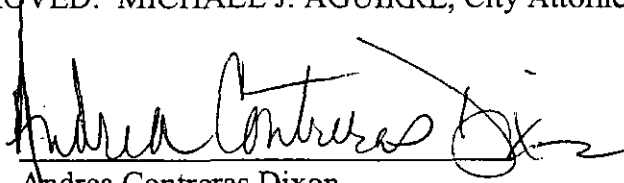
BE IT FURTHER RESOLVED, by the Council of the City of San Diego, stating for the record that the information contained in the Environmental Impact Report, including any comments received during the public review process, has been previously reviewed and

001792

considered by this Council and it is determined that this subsequent discretionary approval of staying the Crescent Heights Project Approvals does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

A handwritten signature in black ink, appearing to read "Andrea Contreras Dixon", written over a horizontal line.

Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
05/07/08  
Or.Dept:DSD  
R-2008-1034  
MMS #6205

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

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

WHEREAS, on July 1, 2003, the Council of the City of San Diego approved (1) Vesting Tentative Map No. 9691 [VTM] per Resolution No. 298152; (2) Planned Residential Development Permit No. 9693 [PRD] and Coastal Development Permit No. 9694 [CDP], and a MHPA boundary line adjustment per Resolution No. 298153; (3) certification of EIR LDR No. 99-0639 per Resolution No. 298150; and (4) Amendments to City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan No. 10747 per Resolution No. 298151 for the Crescent Heights Project, a residential development in the Mira Mesa Community Plan area within the City of San Diego [City]. Pardee Homes, a California corporation [Pardee], is the Owner/Permittee of the Project; and

WHEREAS, on October 24, 2005, the Council of the City of San Diego [City Council] approved Ordinance No. O-19427 (New Series) rezoning the Project parcels; and

WHEREAS, on March 11, 2006, the Coastal Commission certified the local coastal program amendment for the rezone; and

WHEREAS, the VTM No. 9691 approval became effective on the effective date of the rezone and such approval shall remain effective for three years and will expire March 11, 2009, absent further authorized extensions; and

WHEREAS, PRD No. 9693 and CDP 9694 were conditioned to expire three years following all appeals of the City Council approval pursuant to PRD/CDP Standard Requirement 1; and

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WHEREAS, the Project is located in the Coastal Zone's appealable area and the Coastal Commission commenced appeal of the City Council's approval of CDP No. 9694; and

WHEREAS, the City's CDP was set aside through the appeal process and the Coastal Development Permit jurisdiction became the responsibility of the Coastal Commission; and

WHEREAS, the Coastal Commission's appeal of the City Council approval was resolved on October 11, 2006 and therefore the PRD will expire October 11, 2009, absent further authorized extensions; and

WHEREAS, on October 13, 2006, United States District Judge Rudi M. Brewster in the Southern District of California issued a Decision and Injunction in the case entitled, *Southwest Center for Biological Diversity, et. al. v. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et. al.*, Case No. 98-CV-2234-B (JMA) [the Injunction] enjoining the City of San Diego's Incidental Take Permit as applied to the San Diego fairy shrimp and six other vernal pool species; and

WHEREAS, the Injunction immediately enjoined the City of San Diego's incidental take permit dated July 18, 1997, issued by the United States Fish and Wildlife Service [USFWS] as to (1) any and all pending applications for development of land containing vernal pool habitat; (2) those projects where the City has granted permission, but the development has not yet physically begun to destroy the vernal pool habitat; and (3) any further development where the permittee is presently engaged in the destruction of vernal pool habitat; and

WHEREAS, on January 31, 2008, the Development Services Department sent a letter to Pardee advising that the Project was enjoined by the Injunction dated October 13, 2006 and the City would not accept any resubmittals or perform any reviews of the Project; and

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WHEREAS, as a result of the issuance of the Injunction and the letter from the Development Services Department, Pardee is prevented from proceeding with the Project and has been unable to obtain from City a grading permit or final map for the Project; and

WHEREAS, as a consequence, on March 11, 2008, Pardee applied to the City for a stay of the expiration of the Crescent Heights Approvals pursuant to the provisions of Sections 125.0461 and 126.0111 of the City's Land Development Code and pertinent provisions of the California Subdivision Map Act (Sections 66452.6, 66452.12 and 65863.9 of the California Government Code); and

WHEREAS, it is likely that the Injunction will not be "lifted" in the near future; and

WHEREAS, the Crescent Heights Approvals granted by the City include dates and periods of time within which a final map must be recorded and permits acted upon; and

WHEREAS, Pardee timely filed an application with the City requesting approval of a stay on the running of periods of time within which a final map must be recorded and permits acted upon as set forth in the Crescent Heights Approvals; 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; and

WHEREAS, City approval of such a request is consistent with the Injunction, Sections 66452.6, 66452.12 and 65863.9 of the California Government Code, and authorized by the Subdivision Map Act of the State of California; and

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WHEREAS, pursuant to pertinent provisions of the California Subdivision Map Act (Govt. Code sections 66452.6 (b) and (f)), the Injunction qualifies as a "development moratorium" tolling the expiration of Vesting Tentative Map No. 9691 for up to five years or until the Injunction is lifted, whichever is shorter; and

WHEREAS, the expiration dates for the Project's VTM and PRD shall be tolled under the same conditions as this resolution (i.e. starting on October 13, 2006 and resuming their remaining time periods five years later or upon termination of the Injunction, whichever occurs first); and

WHEREAS, Pardee seeks confirmation from the City that the expiration of the Project's VTM and PRD were and are tolled as of the time the development moratorium was imposed by the Injunction, October 13, 2006, for up to five years or the duration of the Injunction, whichever occurs first; and

WHEREAS, the City Council may determine that no further resolution is necessary to permit the City to process discretionary or ministerial permits or approvals for the Project, including, but not limited to, the Project's final map and grading permit upon confirmation by the Director of the Development Services Department that the Injunction has been lifted as it pertains to the Project as a result of the terms of a settlement agreement, dissolution of the Injunction, action of the United States District Court, or reversal of the Injunction by the Ninth Circuit Court of Appeals [collectively "Release of Injunction"]; and

WHEREAS, the approval of this resolution will cause the VTM to expire 2 years 149 days after the Injunction is lifted, the CDP will expire 1 year 363 days after the Injunction is lifted, the PRD will expire 2 years 363 days after the Injunction is lifted, and Condition 38(i) of the CDP and PDP relating to the timing for the City's acceptance of certain open space lots must

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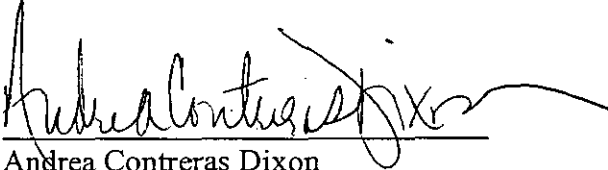
be satisfied 1 year and 261 days after the Injunction is lifted, absent further authorized extensions; NOW, THEREFORE,

BE IT RESOLVED by the City Council that the City Council acknowledges that the Injunction has imposed a "development moratorium" on the Project, and that pursuant to California Government Code sections 66452.6, 66452.12 and 65863.9, the City stays the expiration of the Crescent Heights Approvals for five years or until the Injunction is lifted on the Project, whichever is sooner.

BE IT FURTHER RESOLVED that no further City Council action is necessary to permit the City to lift this stay of expiration of the Crescent Heights Approvals and to process discretionary or ministerial permits or approvals for the Project, including, but not limited to, the Project's final map and grading permit upon confirmation by the City Attorney and the Director of the Development Services Department of the Release of Injunction.

BE IT FURTHER RESOLVED that upon the Effective Date of the lifting of this stay of expiration, the VTM will expire 2 years 149 days after the Injunction is lifted, and the PRD will expire 2 years 363 days after the Injunction is lifted, and Condition 38(i) of the VTM must be satisfied 1 year 261 days after the Injunction is lifted, absent further authorized extensions.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
05/01/08  
Or.Dept:DSD  
R-2008-1007  
MMS #6205

5/27/08  
# 346

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**From:** Jorgen Lejbolle [lejbolle@gmail.com]  
**Sent:** Tuesday, May 20, 2008 8:08 PM  
**To:** CLK Hearings1  
**Subject:** Project #152016 Crescent Heights project (Pardee Homes)-Attn: City Clerk

Dear Mayor and City Council:

We are against the approval of a permit (#9693) for the planned development located north and south of Calle Cristobal, east and west of Camino Santa Fe, in the Mira Mesa Community Plan. Thus, we are opposed to any request that supports or facilitates the approval of the development. We are against the development for the following reasons:

- ☒ **Declining housing prices in Mira Mesa** due to increased inventory in an already saturated, slow real estate market (including the increased number of foreclosures)
- ☒ **Encroachment on wildlife by continuing to invade the canyon habitat**
- ☒ **Increased fire danger due to increased residence on the canyon**

Please consider our opposition as part of the proceedings.

Thank you.

Jorgen and Cheryl Lejbolle

7166 Canyon Hill Pl.  
San Diego, CA 92126

5/21/2008