

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

May 7, 2009

REPORT NO. PC-09-041

ATTENTION:

Planning Commission, Agenda of May 21, 2009

SUBJECT:

EXTENSION OF TIME FOR THE SILBERBERGER

DEVELOPMENT PROJECT - PROJECT NO. 157256.

PROCESS 4.

OWNER/

Ernie Silberberger,

APPLICANT:

Project Design Consultants

SUMMARY

Issue(s) – Should the Planning Commission approve or deny an Extension of Time for a Tentative Map, Planned Development Permit and Site Development Permit for a ten lot, subdivision including 9 residential lots and 1 open space lot on a ten acre site located north and south of Mesa Norte Drive and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Community Plan?

Staff Recommendation

1. APPROVE an Extension of Time for Tentative Map No. 10114, Planned Development Permit No. 10115, and Site Development Permit No.10116.

Community Planning Group Recommendation - On June 12, 2008 the Del Mar Mesa Community Planning Board conditionally approved the extension of time. It was requested of the applicant that when grading on the site commences in the future, that the concrete sidewalk which was installed by the neighboring project on the north side of Mesa Norte Drive and which is not in compliance with the types of public improvements allowed in the Del Mar Mesa Community Plan, be removed and replaced with a DG Trail, per condition 29 of the TM. The property owners are aware of and agree to the condition.

Environmental Review - The Del Mar Mesa Specific Plan Master EIR (MEIR No. 95-0353) and the companion Mitigation, Monitoring and Reporting Program (MMRP) prepared for the original project remain in effect for the proposed development. There are no changes to the project scope and the request for an Extension of Time would not result in any additional environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c) (3) and 15378(c).

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



Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would provide nine market-rate housing units. The Del Mar Mesa Specific Plan permits density of up to one dwelling unit per acre, which allows up to ten dwelling units within this parcel. The North City Future Urbanizing Area (NCFUA) Framework Plan and the Del Mar Mesa Specific Plan also require new development provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Authority. The applicant has chosen the option of paying an in-lieu fee to the Housing Authority to meet their affordable housing requirement rather than provide dwelling units. The Del Mar Mesa Specific Plan allows an in-lieu fee option in the amount of money equivalent to the cost of achieving affordability levels established for housing programs within the NCFUA.

BACKGROUND

The ten acre project site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan (Attachment 1). The Del Mar Mesa Specific Plan identifies this site for estate residential development. Mesa Norte Drive bisects the site separating the proposed open space lot from the proposed residential development. Mesa Norte Drive has been constructed by the Mesa Norte project developer.

On May 26, 2005, the Planning Commission approved Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116 entitling the property owner to subdivide and develop the 10.0 acre site with nine single-family residences and one open space lot. The discretionary entitlements were approved for a period of three years. On May 22, 2008, prior to the expiration of the Tentative Map, the Planned Development Permit and the Site Development Permit, and in accordance with the Land Development Code (LDC), the applicant filed an application for an Extension of Time.

DISCUSSION

Project Description

The Extension of Time would extend the Tentative Map and both Development Permits for 36 months pursuant to the Municipal Code and the Subdivision Map Act. This would allow the owner/developer an additional three years to develop the property in accordance with the previously approved tentative map and permit conditions. There are no further extensions of time allowed for the Planned Development Permit or Site Development Permit per LCD Section 126.0111(a), however the tentative map could be extended an additional three years in conformance with (LCD) Section 125.0461 (a).

An Extension of Time application limits the City's ability to modify or apply new conditions unless specifically required to comply with state or federal law or as necessary to protect the health and safety of the immediate community. Staff has determined that neither of these circumstances applies to the Silberberger project and further finds that the MMRP and specific conditions of the previously approved project are consistent with current land use policies and regulatory standards. However, staff has added the City's indemnification conditions to the extension of time for the map and the development permits which is now a standard requirement on all new discretionary entitlements.

CONCLUSION

The approval of the Extension of Time would allow the owner/developer an additional three years to implement the previously approved project. Staff has determined that the required findings can be supported and recommends the Planning Commission approve a three year extension for the Tentative Map, Planned Development Permit and Site Development Permit.

ALTERNATIVES

1. Deny the Extension of Time for Tentative Map No. 10114, Planned Development Permit No. 10115, and Site Development Permit No.10116, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake Program Manager

Development Services Department

Patrick Hooper

Development Project Manager
Development Services Department

WESTLAKE/JPH

Attachments: 1. Planning Commission Report No. PC-05-100 (including the 17 original attachments)

- 18. Approved Tentative Map Resolution
- 19. Copy of Recorded Development Permits
- 20. Draft Extension of Time Tentative Map Resolution
- 21. Draft Extension of Time Permit
- 22. Draft Extension of Time Permit Resolution
- 23. Community Planning Group Recommendation
- 24. Ownership Disclosure Statement



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

April 14, 2005

REPORT NO. P-05-100

ATTENTION:

Planning Commission, Agenda of April 21, 2005

SUBJECT:

SILBERBERGER, Project No. 1641. PROCESS 4.

REFERENCE:

Municipal Code Sections 125.0430, 126.0601 and 126.0501.

OWNER/

APPLICANT:

Ernest Silberberger and Marc D. Silberberger

SUMMARY

<u>Issue(s)</u> - Should the Planning Commission approve the Silberberger project to allow the subdivision of a ten acre site into nine lots for single family development and one lot for preservation as open space?

Staff Recommendation -

- 1. CERTIFY the Findings to Master EIR No. 95-0353 and ADOPT the Mitigation Monitoring and Reporting Program; and
- 2. APPROVE Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116.

<u>Community Planning Group Recommendation</u> - The Del Mar Mesa Community Planning Board, on November 13, 2003, voted 12:0:0 to recommend approval of the proposed project with conditions. See Discussion section of this report for a full discussion of their recommendation.

<u>Environmental Impact</u> - Findings to a Master EIR No. 95-0353, LDR No. 41-0347, have been prepared for the project in accordance with State CEQA Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified by the environmental review process.

<u>Fiscal Impact</u> - All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.



Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would provide nine market-rate housing units. The Del Mar Mesa Specific Plan permits density of up to one dwelling unit per acre, which allows up to ten dwelling units within this parcel. The North City Future Urbanizing Area (NCFUA) Framework Plan and the Del Mar Mesa Specific Plan also require new development provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Authority. The applicant has chosen the option of paying an in-lieu fee to the Housing Authority to meet their affordable housing requirement rather than provide dwelling units. The Del Mar Mesa Specific Plan allows an in-lieu fee option in the amount of money equivalent to the cost of achieving affordability levels established for housing programs within the NCFUA.

BACKGROUND

The ten acre project site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan (Attachment 1). The Del Mar Mesa Specific Plan identifies this site for estate residential development. Mesa Norte Drive bisects the site separating proposed open space from proposed development. Mesa Norte Drive has been constructed by the Mesa Norte project developer.

The Silberberger project is located approximately twenty miles north of downtown San Diego and approximately five miles east of the Pacific Ocean in the Del Mar Mesa Specific Plan area in the City of San Diego (Attachment 2). The project site is generally located east of Interstate 5 and Shaw Valley and north of Los Peñasquitos Canyon Preserve. Del Mar Mesa is bordered on the north and west by the Carmel Valley, Pacific Highlands Ranch on the north, Torrey Highlands and Rancho Peñasquitos on the northeast, and the Los Peñasquitos Canyon Preserve on the south. Regional access to the Silberberger site would be from SR-56 and Carmel Country Road.

The Silberberger property consists of one, ten-acre parcel. Existing or approved housing developments are located to the west in Carmel Valley and approved projects to the north; Meadows Del Mar; Hollywood & Vine; Arroyos Del Mar and Duck Pond Ranch. The sloping property is located on a topographic feature known as Del Mar Mesa. The property also contains two small canyons draining to Los Peñasquitos Canyon on the east and south and to Shaw Valley on the west. The elevations on the property range from approximately 394 feet above mean sea level (MSL) to the lowest point on the property at 265 feet MSL. The site is currently zoned AR-1-2. The AR-1-2 zone allows residential development. The Del Mar Mesa Specific Plan allows two to five dwelling units per acre at this site.

The City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan was approved in March 1997. A primary goal of the MSCP is to conserve sensitive species and

regional biodiversity while allowing for reasonable economic growth. One of the MSCP's primary objectives is to identify and maintain a preserve system to provide habitat for both local and regional animal and plant species. This preserve system is a network composed of biological core resource areas linked by wildlife corridors. The MSCP identifies "core biological resource areas" as large blocks of native habitat having the ability to support a diversity of plant and animal life. Corridors are planned between these core areas to provide wildlife the ability to move freely within the preserve. The MSCP identifies a 56,831-acre Multiple Habitat Planning Area (MHPA) in the City for preservation of core biological resource areas and corridors targeted for preservation. Approximately 3.06 acres of the Silberberger project site are designated for preservation within the northern area of the MHPA. The northern area consists primarily of wildlife corridors providing links to the core areas of Del Mar Mesa at the eastern portion of the community, Los Peñasquitos Canyon Preserve, Los Peñasquitos Lagoon, Torrey Pines State Park, the proposed San Dieguito River Valley Regional Park, and the Black Mountain area.

DISCUSSION

Specific Plan Analysis

The Silberberger project, within a portion of the North City Future Urbanizing Area Subarea V, is subject to the land use policies and regulations of the Del Mar Mesa Specific Plan. Subarea V remains part of the future urbanizing area and the allowable development density within the subarea is subject to the provisions of the AR-1-1 and AR-1-2 agricultural zones. The Del Mar Mesa Specific Plan (Specific Plan) was adopted in 1997 to guide development of Subarea V with the overall goal that development be clustered to preserve the MSCP core resource area within the eastern portion of the community. The Specific Plan also contains community design guidelines and regulations to implement large-lot developments with a semi-rural character.

The Specific Plan designates the area within the vesting tentative map for Estate Residential development and Resource-based Open Space (Attachment 1). For parcels designated Estate Residential within the AR-1-2 zone, the Specific Plan establishes the residential density as that permitted by the zone, which is one dwelling unit per acre. The ten-acre site could accommodate up to ten residential units if developed at the maximum permitted density. With approximately one-half of the parcel being designated for conservation as open space, the reduction in the maximum allowed density is supported by staff. The proposed nine unit subdivision clusters development to preserve areas designated as open space and is consistent with the density and land use objectives of the Specific Plan.

The Specific Plan's Community Design Guidelines are intended to maintain Del Mar Mesa's rural character and include standards for grading, landscaping, fencing, lighting, and lot size, in addition to the development standards of the agricultural zones. The proposed subdivision and associated design guidelines incorporate these standards.

The Specific Plan's grading objectives recommend development be sited on flatter areas to

preserve steep slopes and preserve canyon landforms. Generally, large quantities and large areas of grading are to be avoided. Where grading is necessary, daylight grading toward the edges of the open space is preferred, and any new slopes should be contoured to blend with natural landforms. The proposed project design incorporates these goals.

For this site, residential development is permitted within the ridge landform that bisects the property. The tributary canyons on either side of the ridge are designated as open space. Daylight grading adjacent to designated open space is not practical without a significant amount of export from the site. The grading plan proposes export of approximately ten percent of the fill material to achieve the nine development pads. The largest fill slopes are proposed within the canyon landform located on the western portion of the property. Staff has worked with the applicant to reduce the height and appearance of proposed fill slopes at the open space boundary by incorporating vertical separation within each interior lot. These fill slopes would be contoured to mimic and replicate natural landforms to meet the objectives of the Specific Plan.

The project proposes a boundary adjustment to the Multi-Habitat Preservation Area (MHPA). The boundary adjustment was evaluated with respect to steep slope impacts within the preserve as well as MHPA biological criteria. The proposed preserve boundary conserves an equivalent amount of 25 percent slope area as the development footprint and MHPA boundary approved with the Specific Plan.

Multi-Habitat Preservation Area Boundary Line Adjustment

The project is proposing a Multi-Habitat Preservation Area (MHPA) Boundary Line Adjustment (BLA) which would remove 0.64 acre from the MHPA. The proposed BLA would result in a net removal of 0.34 acre of coastal sage scrub (Tier II) and 0.30 acre of mixed chaparral (Tier IIIA). In accordance with the MSCP Subarea Plan, boundary line adjustments may occur where the new MHPA boundary results in an area of equivalent or higher biological value.

The proposal was evaluated by City MSCP staff and the wildlife agencies; the Department of Fish and Game and the U.S. Fish and Wildlife Service. It was determined that an on-site boundary line adjustment would not be acceptable due to the location of the proposed addition area adjacent to Mesa Norte Road. Therefore, in lieu of an on-site boundary adjustment, it was agreed the applicant would be allowed to pay into the City's Habitat Acquisition Fund (HAF) at a 4:1 ratio for the 0.64 acres of Tier II/IIIA habitat that would be removed from the MHPA. This would result in the addition of 2.56 of land within East Elliot which has been identified as a MSCP core biological area. Additionally, the proposed BLA would result in the preservation of higher quality native habitat, increased conservation of MSCP covered species as well as increased connectivity and regional wildlife movement. The BLA was approved by the wildlife agencies on August 11, 2004.

Project Description

The Silberberger Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116 proposes to subdivide and develop a ten acre site in Del Mar Mesa with nine lots for single family estate development and one lot for dedication to the City of San Diego (Attachment 3) for inclusion into the MHPA. The project also involves a boundary line adjustment to the MHPA. The single family estate lots would require the processing of a substantial conformance review to assure consistency with the Silberberger Design Guidelines Subarea V prior to applying for any building permits.

Design Guidelines

The Silberberger Design Guidelines Subarea V (Guidelines) would guide the development of the project. The Guidelines (Attachment 4) addresses the follow categories: an Introduction; Development Standards; Site Planning; Landscape Design; and Architectural Guidelines. The Introduction section addresses Setting; Design Concept; Purpose and Intent; and Implementation Enforcement. The Development Standards section of the Guidelines includes Base Zone Requirements and Planned Development Permit Deviations. The project's proposed deviations will be discussed further in this report. The Site Planning section outlines Grading; Site Drainage; and Driveways. The Landscape Design section includes Purpose and Intent; Streetscape; Exterior Lighting; Fencing and Walls; Brush Management and Open Space; and Maintenance Responsibilities. The Architectural Guidelines section addresses Building Scale and Massing; Building Envelopes and Setbacks; Building Materials and Features; and Color and Materials Palette. Development Services and Planning Departments staff have reviewed and provided editorial comment to guide the development of the Guidelines. City staff supports the use of these Guidelines for the proposed project.

Planned Residential Development and Proposed Deviations

The proposed development complies with the Del Mar Mesa Specific Plan (Plan) and the Municipal Code, with the following four deviations (Attachment 5). In order to design a project which reflects the Plan's desired development pattern, four deviations are required and can be allowed through the Planned Residential Development application, review and approval process. The four deviations from the development regulations of the AR-1-2 zone allowed in the Del Mar Mesa Precise Plan are as follows:

- 1) Reduced minimum lot depth less than 150 feet.
- 2) Reduced minimum street frontage less than 100
- 3) Reduced lot size from 1-acre to .5-acre.
- 4) Maximum lot coverage maximum for 1-story at 40 percent and 2-story at 30 percent, where 20 percent is allowed.

The Land Development Code specifies a minimum lot depth of one hundred fifty feet and a

minimum street frontage of one hundred feet. Strict compliance with this requirement would force a standard subdivision design where the site constraints, the Del Mar Mesa Precise Plan and other applicable regulations encourage a design at this site consistent with the proposed project. The project proposes lots with less than one hundred fifty feet of lot depth and less than one hundred feet of street frontage, deviations one and two. The Del Mar Mesa Specific Plan goal of limiting disturbance of the natural open space encourages the use of lots smaller than envisioned by the agricultural zones of the Municipal Code. The project proposed would create lots smaller than the minimum one acre of the AR-1-2 zone, deviation three. The fourth, and last, deviation for the project proposes to allow a greater coverage ratio than allowed by the Land Development Code. The maximum coverage allowed by the regulations would be twenty percent. The maximum coverage proposed for one story structures would be forty percent while two story structures would be thirty percent. The Development Services and Planning Departments staff have considered and support the requested deviations to allow for greater flexibility and creativity in the siting of future structures within the guidelines of the project and the Del Mar Mesa Specific Plan. Several projects have been previously approved with similar deviations consistent with the Precise Plan.

Project Grading

The Silberberger Tentative Map would grade 5.7 acres, or 57 percent, of the ten acre site (Attachment 3). The areas of most sensitivity and habitat value would be avoided and preserved in the MHPA. The grading design implements contour grading techniques by contouring manufactured slopes in a curvilinear design and daylight cutting rather than creating slopes where feasible. The overall lot pattern terraces from the high point of the site in the southeast corner to the lower elevations in the northwest corner. Establishing grade differences between the pad elevations of the proposed lots, creating curvilinear manufactured slopes and daylight cutting at the edges of the development contribute to maximize a subdivision design which will allow for development yet retain an essential characteristic of the land.

The proposed grading will involve 38,100 cubic yards of excavation, 34,100 cubic yards of embankment. Approximately 4, 100 cubic yards of excavation will be exported to a legal disposal site. The maximum excavated slope will be eighteen feet in height and the maximum embankment slope will be fifty-five feet in height. Walls will also be used to create the new landform. The total length of all walls equals 225 feet with the maximum height being eight feet. The average wall height is between four and seven feet high. All walls are interior to the development pads, are not visible from the open space or public right-of-way, and have been utilized to create a larger pad area by being placed at the toe of proposed manufactured slopes.

Mesa Norte Drive has been constructed in conformance with the approved Mesa Norte Tentative Map. The slopes along the east side of Mesa Norte Drive have been constructed by the developer of the Mesa Norte project. Del Vino Court has been constructed by the developer of the Mesa Verde Estates project. Embankment slopes onto the Silberberger property at the eastern property boundary will remain as constructed by the developer of the Mesa Verde Estates project.

Landscape Design

The landscape design for the Silberberger project utilizes both native California and ornamental plant species (Attachment 6). The street trees proposed for the project are all native California species: Quercus agrifolia, Coast Live Oak; Populus fremontii, Western Cottonwood; Platanus racemosa, California Sycamore. The understory to be planted beneath these trees is also composed of native California species: Ceanothus; Arctostaphylos; Zauschneria; and Salvia species.

Manufactured slopes adjacent to the undisturbed open space will be revegetated with native species. Trees selected for these areas will be native species and ornamental species similar in form, color, texture, or habit to the indigenous native species. The Strawberry Tree and Brisbane Box will not be used in Brush Management areas or within 100 feet of undisturbed open space. Manufactured slopes interior to the project will be planted with a mixture of native and nonnative ornamental species appropriate for slope erosion control and stabilization purposes. All graded pads will be hydroseeded with a native seed mix.

Brush management will employ the two zone approach to lessen the possibility of wildfires from adversely impacting the new development (Attachment 7). All Zone One and Two areas will be located within private ownerships or on adjacent parcels where easements specifically for brush management are granted.

Community Planning Group Recommendation

The Del Mar Mesa Community Planning Board, on November 13, 2003, voted 12:0:0 to recommend approval of the proposed project with conditions (Attachment 8). The four conditions are as follows:

1. Approval by Board is conditioned on City findings that the project is in compliance with the required environmental regulations, and in conformance with the Specific Plan.

City staff have determined through their review of the proposed project plans and Guidelines that the project complies with all environmental regulations and with the Del Mar Mesa Specific Plan regulations and policies. City staff has prepared Findings to Master Environmental Impact Report MEIR No. 95-0353 in accordance with all California Environmental Quality Act regulations, CEQA Guidelines and City regulations for the preparation of the environmental document. The findings required to approve the Tentative Map and permits are prepared and presented as attachments 9 and 10.

2. Approval by Board is conditioned on Development conforming to current wall and fence guidelines along public thoroughfares as detailed in the Specific Plan and recent Board actions.

City staff has confirmed the Guidelines submitted for the project indicate all walls and fences constructed within the project will be consistent with the regulations and policies of the Specific Plan.

3. Approval by Board is conditioned on development allowing horse keeping on all lots that conform to horse keeping ordinance of the City and as detailed in Specific Plan and recent Board actions.

The proposed project does not preclude any property owner from maintaining equestrian facilities and horses on individual properties. Individual property owners wanting to keep horses on their properties must meet the requirements of the City's regulations and the Del Mar Mesa Specific Plan. The keeping of horses and their facilities must meet the provisions of the San Diego Municipal Code §44.0308. City staff have included a requirement for the developer to disclose to each perspective buyer that horse keeping may be allowed if in accordance with City regulations, see Attachment 10, condition 33.

4. Approval by Board is conditioned on the trail element being built concurrently with pad and road construction and to remain open and useable for users during construction of homes.

The eight foot wide trail is within the public right-of-way of Del Norte Drive. Del Norte Drive has been constructed by Mesa Norte developer. The grading of the Silberberger site and construction of homes there will not impact Del Norte Drive or the trail located there.

Water Quality

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No.92-08-DWQ (NPDES General Permit No. CAS0000002).

During construction, this project will comply with Best Management Practices (BMP's) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the adjacent canyons.

The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected and conveyed by public and private drainage systems, incorporating a combination of catch baskets with filtration devices for inlets, water quality basins, grass swales and hydrodynamic separator devices.

The post-construction BMP's detailed in the Water Quality Technical Report have been

evaluated and approved by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

CONCLUSION

The Silberberger project conforms to the land use designations and design recommendations of the Del Mar Mesa Specific Plan, the goals and policies of the Progress Guide and General Plan and the regulations of the Land Development Code. The proposed design of the project would create a development which meets all the guidelines and regulations relevant for this site. All issues identified as a result of the staff review of the project have been resolved in a manner consistent with the regulations and policies of the City of San Diego. The proposed project would fulfill a community need for additional housing. Further, the proposed project meets the density allowed by the Del Mar Mesa Specific Plan while conserving a significant amount of open space in the Multiple Habitat Preservation Area. No public correspondence was received regarding the proposed project. Draft conditions of approval have been prepared for the project (Attachments 9 & 10). Draft findings of approval have been prepared for the project (Attachments 9 and 11).

ALTERNATIVES

- 1. Approve Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116, with modifications.
- 2. Deny Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116, if the findings required to approve the project cannot be affirmed.

Respectfully submitted

Marcela Escobar-Eck

Deputy Director, Project Management Division

Development Services Department

John S. Fisher

Development Project Manager

Development Services Department

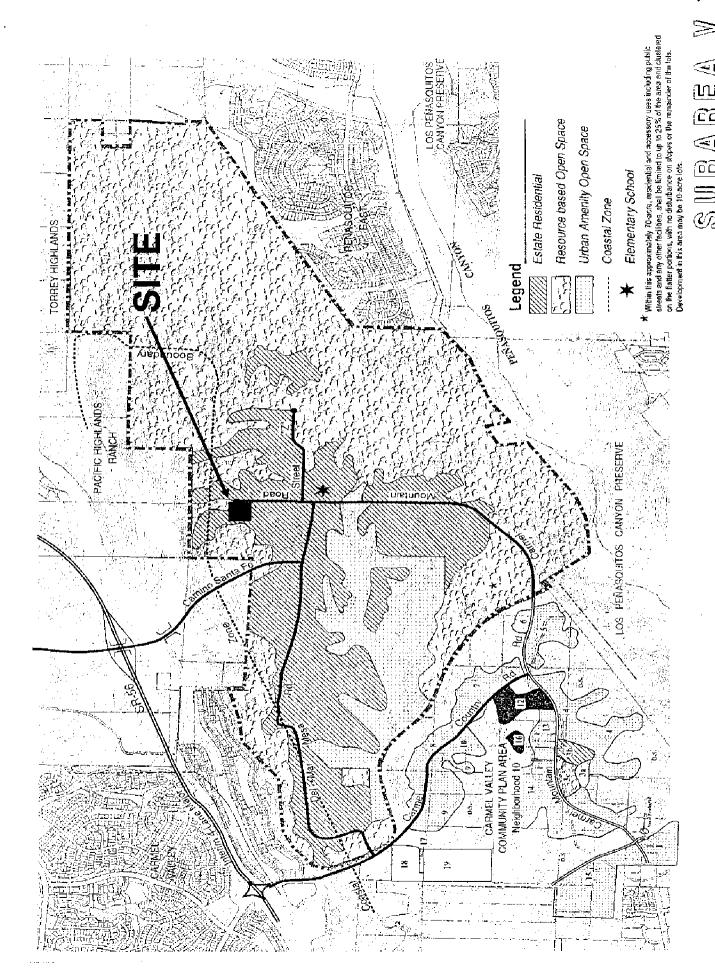
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ATTACHMENTS:

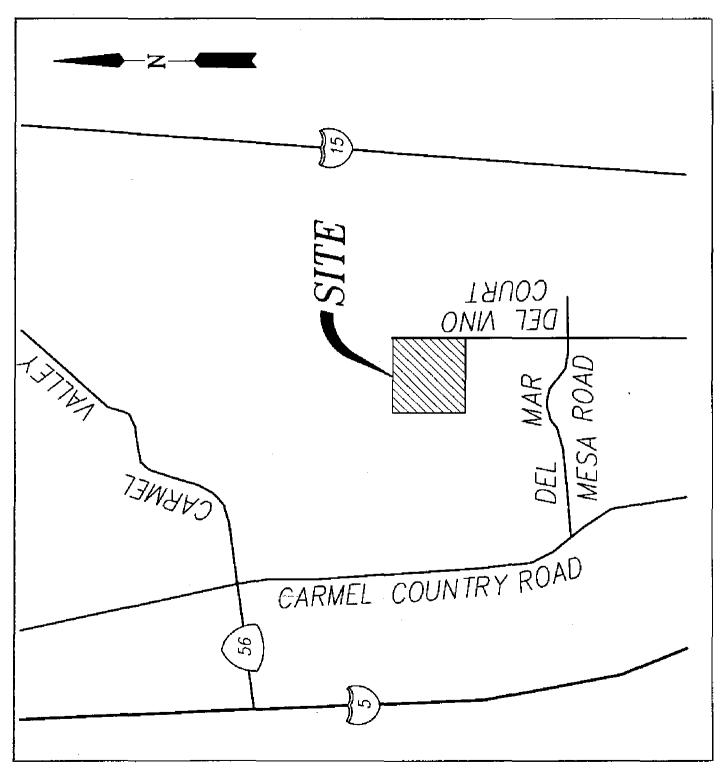
- 1. Del Mar Mesa Precise Plan Land Use Map
- 2. Project Vicinity Map
- 3. Tentative Map

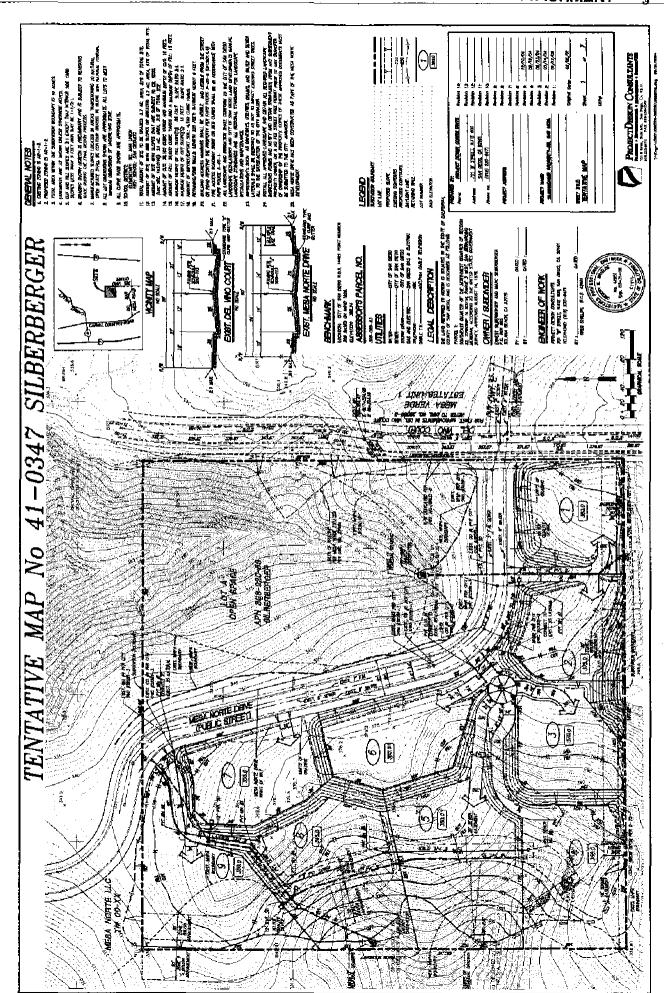
- 4. Silberberger Design Guidelines Subarea V (under separate cover)
- 5. Site Development Plan
- 6. Landscape Development Plan
- 7. Brush Management Plan
- 8. Community Planning Group Recommendation
- 9. Draft Tentative Map Resolution
- 10. Draft Permit
- 11. Draft Permit Resolution
- 12. Site Sections
- 13. Environmentally Sensitive Lands Analysis
- 14. Steep Slope/Hillside Review Analysis
- 15. Ownership Disclosure Statement
- 16. Project Chronology
- 17. Project Data Sheet

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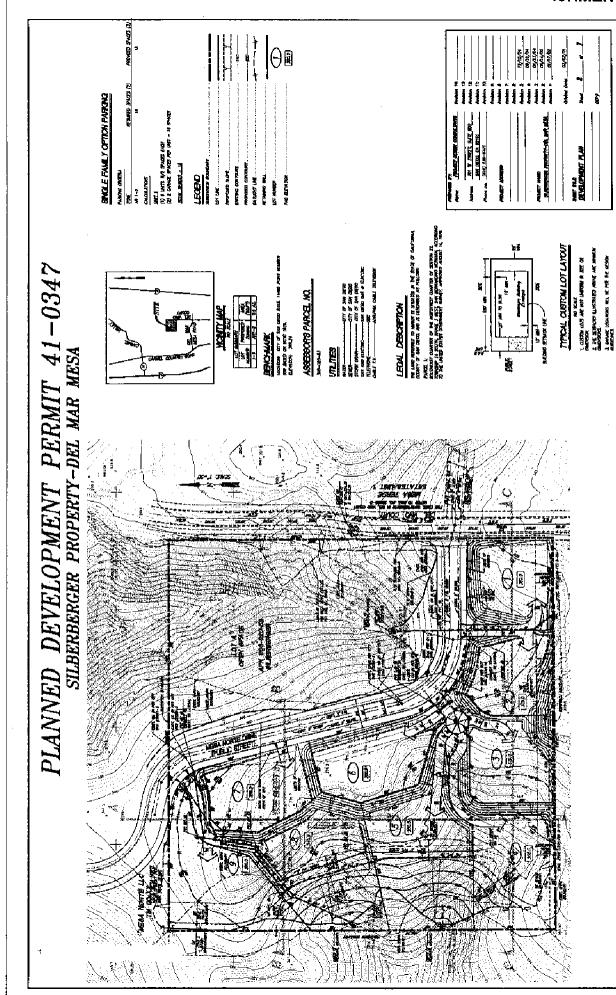
Silberberger Design Guidelines Subarea V

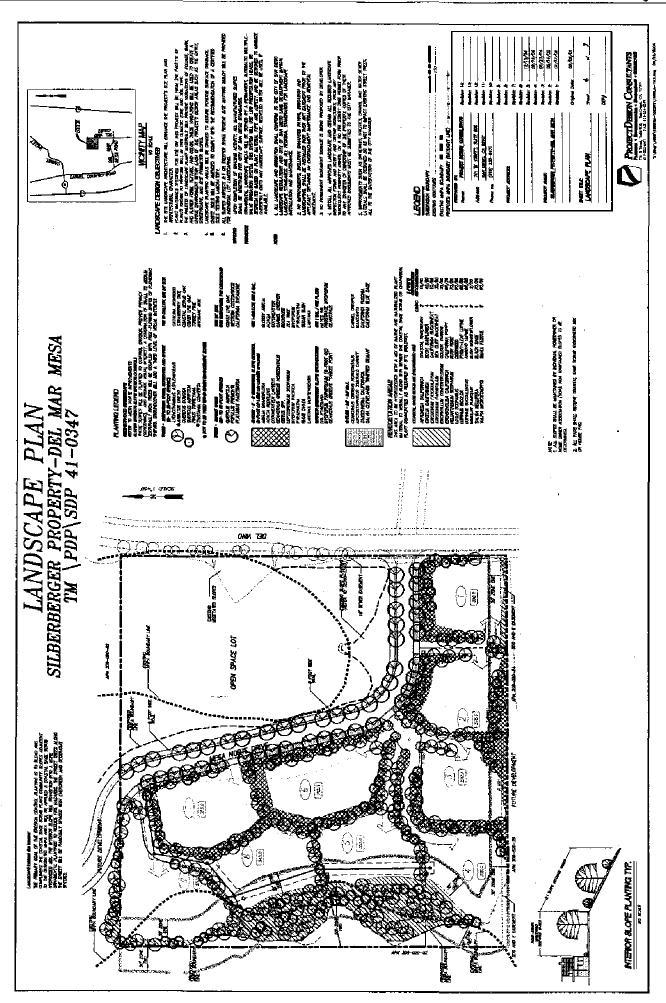
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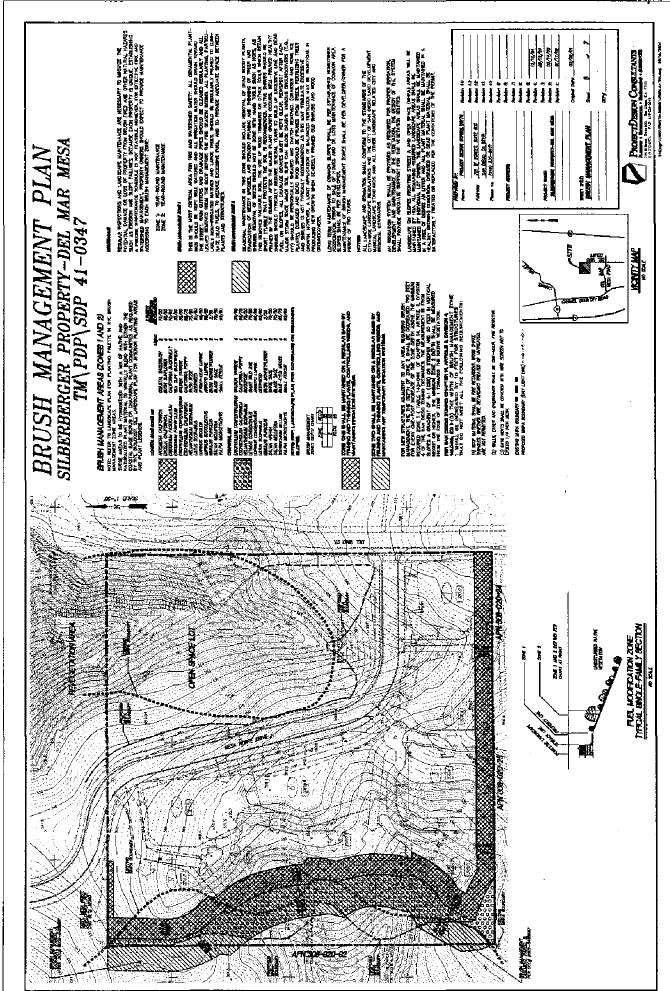
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Del Mar Mesa Community Planning Board

5681 Bellevue Avenue, La Jolla, California 92037

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e-mail Pmdevcon@sbcglobal.net

January 23, 2004

Mr. John Fisher Development Project Manager City of San Diego 1222 First Avenue, MS #302 San Diego, California 92101

Re:

Silberberger Tentative Map No. 41-0347

Dear John:

The above referenced project was approved by our Board on November 13, 2003 by a vote of 12 yes, 0 no, with the following conditions as the attached motion indicates.

- 1. Approval by Board is conditioned on City findings that the project is in compliance with the required environmental regulations, and in conformance with the Specific Plan.
- 2. Approval by Board is conditioned on Development conforming to current wall and fence guidelines along public thoroughfares as detailed in the Specific Plan and recent Board actions.
- Approval by Board is conditioned on development allowing horse keeping on all
 lots that conform to horse keeping ordinance of the City and as detailed in
 Specific Plan and recent Board actions.
- 4. Approval by Board is conditioned on the trail element being built concurrently with pad and road construction and to remain open and useable for users during construction of homes.

If you have any questions please contact me at your earliest convenience.

Yours truly,

Paul Metcalf, Chair

Cc: Ernie Silberberger

April 21, 2005 Attachment 9

Planning Commission RESOLUTION NO. (PC-05-to be filled in) TENTATIVE MAP NO. 10114 SILBERBERGER - PROJECT NO. 1641

WHEREAS, ERNEST SILBERBERGER and MARC D. SILBERBERGER, Applicant/Subdivider, and PROJECT DESIGN CONSULTANTS, Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 10114, for the subdivision of a ten acre site into nine residential lots and one open space lot. The project site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Community Plan and is legally described as Southeast Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego; and

WHEREAS, the Map proposes the subdivision of a ten acre site into nine residential lots and one open space lot; and

WHEREAS, Findings to Master Environmental Impact Report No. 95-0353 have been prepared and reflects the independent judgment of the City of San Diego as Lead Agency; and

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

WHEREAS, on April 14, 2005, the Planning Commission of the City of San Diego considered Tentative Map No. 10114, and pursuant to §125.0440 and §144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 10114:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
- 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

- 3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440,c and State Map Act Sections 66474(c) and 66474(d)).
- 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
- 5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
- 6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
- 7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
- 8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
- 9. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.
- 10. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 10.0404 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.
- 11. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 10114 is hereby granted to ERNEST SILBERBERGER and MARC D. SILBERBERGER, Applicant/Subdivider, subject to the following conditions:

GENERAL

- 1. This Tentative Map will expire April 21, 2008.
- 2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
- 3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
- 4. The Final Map shall conform to the provisions of Planned Development Permit No. 10115 and Site Development Permit No. 10116.
- 5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

- 6. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code §10.0404 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Subdividers Expense.
- 7. Prior to issuance of any engineering permits, the Subdivider shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
- 8. Prior to the recordation of the first final map, subdivider provide evidence shared access agreements for lots 1, 2, 3, 4, 5, 8 and 9.
- 9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

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

MAPPING

10. "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).

11. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

12. 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.
- 13. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

- 14. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end main then the Subdivider shall design and construct a redundant public water system in a manner satisfactory to the Water Department Director and the City Engineer.
- 15. 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 Water Department Director. Easements shall be located within single lots.
- 16. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves 15 feet; water mains with services or

fire hydrants - 30 feet with 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs shall have protective posts per SDW-102. Easements, as shown on the approved tentative map, will require modification based on standards at final engineering.

- 17. The Subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
- 18. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City San Diego Water Facility Design Guidelines and regulations, standards, and practices pertaining thereto. Water facilities, as shown on the approved tentative map, shall be modified at final engineering to conform to standards.
- 19. The Subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot will have its own water service or provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot.
- 20. All on-site sewer facilities will be private.
- 21. The Subdivider shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
- 22. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
- 23. 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.
- 24. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.

25. The developer shall construct the Carmel Valley Trunk Sewer and enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.

GEOLOGY

- 26. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."
- 27. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

TRANSPORTATION

- 28. Prior to recording any final map, the Subdivider shall indicate on the final map a shared access easement between Lots 1 & 2, between Lots 3, 4, 5 & 6 and between Lots 8 & 9.
- 29. The Subdivider shall construct Mesa Norte Drive with a minimum pavement width of 28' within a 50' of right-of-way, including an eight foot multi-use trail, satisfactory to the City Engineer.
- 30. The Subdivider shall provide a single twenty foot wide driveway for Lots 1 and 2; Lots 3, 4, 5 and 6; and Lots 8 and 9, to the satisfaction of the City Engineer.

MSCP

31. Prior to recording any final map, all lands within the Multiple Habitat Planning Area (MHPA) shall be dedicated in fee to the City, OR placed in a conservation easement OR covenant of easement which is then recorded on the property.

PLANNING

32. Prior to the recordation of the first final map, payment of the affordable housing in-lieu fee shall be made to the Housing Commission and evidence of such payment shall be provided to the Development Services Department pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON APRIL 21, 2005.

John S. Fisher

Development Project Manager

Development Services Department

Job Order No. 41-0347

Updated: April 30, 2004

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

WHEN RECORDED MAIL TO PERMIT INTAKE MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 41-0347

Planned Development Permit No. 10115 and Site Development Permit No. 10116 SILBERBERGER - PTS# 1641 (MMRP) Planning Commission

This Permit is granted by the Planning Commission of the City of San Diego to ERNEST SILBERBERGER and MARC D. SILBERBERGER, Individuals, Owner/Permittee pursuant to Sections 126.0601 and 126.0501 of the Municipal Code of the City of San Diego. The ten acre site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Community Plan. The project site is legally described as Southeast Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, 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 Owners/Permittee to subdivide a property into ten lots, nine lots for single family development with design guidelines and one lot for open space described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated (to be filled in) on file in the Office of the Development Services Department. The facility shall include:

- a. A ten lot subdivision, nine for residential development and one for open space.
- b. Development of nine single family structures through and by the implementation of Design Guidelines;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. A minimum of two off-street parking spaces per residential lot;
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
- 1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals.

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Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

- 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department;
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
- 3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
- 4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
- 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
- 6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
- 7. In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.
- 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/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
- 9. 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 Section 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

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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.

- 10. Prior to the issuance of the grading permit, Lot A shall be dedicated in fee to the City OR placed in a conservation easement OR covenant of easement which is then recorded on the property. A copy of the recorded easement or deed to the City shall be provided to the Planning Department, MSCP prior to issuance of the grading permit.
- 11. Prior to the issuance of the grading permit, as a requirement of the MHPA Boundary Line Adjustment, the Owner/Permittee shall pay \$64,000 (2.56 acres multiply by \$25,000/acre equals value) into the City's Habitat Acquisition Fund, Fund Number 10571.
- 12. Prior to the issuance of the grading permit, that applicant shall comply with all MSCP mitigation measures as outlined in the Mitigation, Monitoring, and Reporting Program for environmental document No. 1641.
- 13. 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 (to be filled in), on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
- 14. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Del Mar Mesa Specific Plan Master EIR (MEIR No. 95-0353), satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the Master EIR MMRP and Findings to Master EIR (Project No. 1641) shall be implemented for the following issue areas:

General
Biological Resources
Landform Alteration/Visual Character
Paleontological Resources
Public Facilities and Services
Safety

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

PLANNING/DESIGN REQUIREMENTS:

- 17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions, the design guidelines and the exhibits (including, but not limited to, elevations and cross sections).
- 18. No fewer than two off-street parking spaces per lot shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A" on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
- 19. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
- 20. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
- 21. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
- 22. The Owner/Permittee shall post a copy of the approved Planned Development Permit No. 10115/Site Development Permit No. 10116 and Vesting Tentative Map in the sales office for consideration by each prospective buyer and be included in final escrow papers.
- 23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC and the Del Mar Mesa Specific Plan.
- 24. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
- 25. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

- 26. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or 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.
- 27. No merchandise, material or equipment shall be stored on the roof of any building.
- 28. Prior to submitting an application for a building permit on any lot, the Owner/Permittee shall submit an application for a Substantial Conformance Review for each lot to determine conformance with this permit and Silberberger Design Guidelines Subarea V, print dated June 2004, the approved Exhibit "A", the Community Design Guidelines and all other relevant development requirements of the Del Mar Mesa Specific Plan.
- 29. All structures in excess of three feet in height shall observe the setbacks established on the Exhibit "A". The established minimum building setbacks on Exhibit "A" are: front yards at twenty-five feet; side yards at twenty feet; street side yards at twenty feet; and rear yards at twenty-five feet; or as established per LDC §131.0334. Interior side setbacks may be reduced to fifteen feet for any lot developed with a single-story home.
- 30. Maximum structure height shall be thirty feet, unless construction plans demonstrate compliance with LDC §131.0344 for a height deviation to allow a maximum height of thirty-five feet.
- 31. Maximum lot coverage for each lot shall be thirty percent for two-story structures and forty percent for single-story structures.
- 32. The location of each garage shall be subordinate to the main home and whenever possible shall use alternative garage orientation. For lots using alternative garage orientation, only 50% of the garage floor area shall be counted toward overall lot coverage.
- 33. Disclosure shall be made to all future buyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property subject to horse-keeping provisions of the San Diego Municipal Code §44.0308.
- 34. Fencing shall adhere to the stamped and approved Exhibit "A", Silberberger Design Guidelines Subarea V, dated June 2004.
- 35. Future requests for any Guest Quarters shall require approval of a Neighborhood Use Permit. At no time shall Guest Quarters contain kitchen facilities, or areas for the storage and/or preparation of foods.
- 36. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.
- 37. Required fencing between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated.

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38. Prior to issuance of any grading permit, grading design shall utilize contour grading techniques for fill slopes, including variable slope ratios and rounding the tops and toes of slopes, as generally depicted on the Exhibit "A". Retaining walls shall not be approved adjacent to open space lots.

TRANSPORTATION REQUIREMENTS:

39. Prior to issuance of any building permits, the project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

LANDSCAPE REQUIREMENTS:

- 40. Arbutus unedo, Strawberry Tree and Tristania conferta, Brisbane Box shall not be used in Brush Management areas or within 100 feet of undisturbed open space.
- 41. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
- 42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved development plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days.
- 43. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.
- 44. 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. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
- 45. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system and brush management construction documents, shall be submitted for approval to the shall be submitted to the Development Services Department, Development, the Fire Marshall and Environmental Planning Division for approval. The construction documents shall be in substantial conformance with the Exhibit "A," on file with the Development Services Department and shall comply with the Uniform Fire Code and the Landscape Standards section of the Municipal Code.
- 46. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
- 47. Prior to final inspection for any structure, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

- 48. Prior to any grading the Owner/Permittee shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.
- 49. The Brush Management Program shall substantially conform to the Exhibit "A" and all requirements of Land Development Code §142.0412. Lots 4,5,8, and 9 must provide a minimum Brush Management Zone One depth of 35 feet and a minimum Brush Management Zone Two depth of 50 feet. Lots 1,2, and 3 must provide a minimum interim Brush Management Zone One depth of 30 feet.
- 50. All Brush Management Zone Two shall be maintained by the property owner in conformance with the practices for zone two maintenance adopted by the City of San Diego.

WATER REQUIREMENTS:

- 51. Prior to the issuance of any building permits, the public water improvements, as shown on improvement drawing number 29589-D, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
- 52. Prior to the issuance of any building permits, the public water pump station and associated piping, necessary to provide redundant service to this development, shall be complete and operational in a manner satisfactory to the Water Department Director and the City, Engineer.
- 53. Prior to any final inspection for any building permit, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. Fire hydrants, within travel ways having no curbs, shall have protective posts per SDW-102.
- 54. Prior to any final inspection for any building permit, all public water facilities, necessary to serve this development, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
- 55. 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. Parallel potable water mains shall have a minimum separation of ten feet and be located a minimum of four feet from face of curb to outside edge of pipe. Water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

- 56. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
- 57. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

- 58. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one lot.
- 59. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement, no private sewer facilities shall be installed in or over any public right of way.
- 60. 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.

GEOLOGY REQUIREMENTS:

- 61. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.
- 62. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

ENGINEERING REQUIREMENTS:

- 63. Prior to the issuance of any permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer, referred to as an engineering permit, for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 64. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 65. This project proposes to export 4,100 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.
- 66. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division I (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
- 67. Prior to the issuance of any construction permits, the Owner/Permittee shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

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- 68. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
- 69. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
- 70. All drainage facilities within this development and outside of the public right-of-way shall be private and privately maintained.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit or tentative map, may protest the imposition within 90 days of the approval of this development permit or tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Planning Commission of the City of San Diego on (to be filled in).

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document Date of Approval

STATE OF CALIFO COUNTY OF SAN			
	Joh	ın S. Fisher, Develo	pment Project Manager
City of San Diego, p within instrument an	ersonally known to me id acknowledged to me instrument the person,	to be the person whether that he executed the	y Public), personally appeared tent Services Department of the tose name is subscribed to the esame in his capacity, and that by shalf of which the person acted,
WITNESS my hand	and official seal		
Signature			
	ALL-PURP	OSE CERTIFICA	TE
OWNER(S)/PERMI	TTEE(S) SIGNATUR		
TO EACH AND EV	ERY CONDITION OF	F THIS PERMIT AN	CCUTION THEREOF, AGREES ND PROMISES TO PERFORM ITEE(S) THEREUNDER.
Signed		Signed	
Typed Name		Typed Name	······································
STATE OF			
On	before me,basis of satisfactory ev hin instrument and ack rized capacity(ies), and	idence) to be the per nowledged to me th that by his/her/their	(Name of Notary Public), personally known to me (or rson(s) whose name(s) is/are at he/she/they executed the same signature(s) on the instrument cted, executed the instrument.
WITNESS my hand	and official seal.		
Signature			

PLANNING COMMISSION RESOLUTION NO. Planned Development Permit No. 10115 and Site Development Permit No. 10116

SILBERBERGER - PTS# 1641

WHEREAS, ERNEST SILBERBERGER and MARC D. SILBERBERGER, Owner/Permittee, filed an application with the City of San Diego for a permit to create a nine lot subdivision (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 10115 and 10116), on portions of a ten acre site;

WHEREAS, the project site is located at north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan;

WHEREAS, the project site is legally described as the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego;

WHEREAS, on (to be filled in), the Planning Commission of the City of San Diego considered Planned Development Permit No. 10115 and Site Development Permit No. 10116 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated (to be filled in).

FINDINGS:

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. At the time the Del Mar Mesa Specific Plan was considered and adopted by the City Council, a site suitability analysis was also prepared, in accordance with City Council policy, addressing development impacts to environmentally sensitive resources in the plan area. The site is designated as Estate Residential and Resource Base Open Space. The proposed development of nine low density single family residences will preserve the rural character of Del Mar Mesa while accommodating a clustered development and the preservation of open space. Development has been directed to the least sensitive portions of the plan area, preserving the more sensitive open space areas. The project will provide its fair share contributions to community and regional infrastructure through the Del Mar Mesa Public Facilities Plan and Facilities Benefit Assessment. The proposed development is consistent with the approved Del Mar Mesa Specific Plan. The proposed nine lot subdivision implements the Specific Plan by

providing a low-density estate residential development consistent with the Specific Plan's land use density designation, low density residential, of two to five dwelling units per acre. The proposed development will also result in the dedication of open space which will become part of the City's MHPA and provide for construction of a multi-use trail. As such, the proposed development will not adversely affect the applicable Land Use Plan.

The proposed development will fulfill a community need by increasing the available housing supply within the subject community and City of San Diego. The proposed project conforms to the policy guidelines of the Specific Plan with respect to open space, preservation and resource conservation, the provision of affordable housing, circulation and other community facilities. The development of this site for single family development and natural open space will also be compatible with other approved planned developments in the immediate area.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations 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. 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. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.
- The proposed development will comply with the regulations of the Land **Development Code.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 10115 and Site Development Permit No. 10116. Development of the property shall meet all requirements of the regulations and development criteria, except as modified by the Del Mar Mesa Specific Plan which allows specific deviations as listed here: 1) The minimum lot size in the AR-1-2 zone is one acre and the project will create minimum lots of one half acre. 2) The minimum side yard setback in the AR-1-2 zone is twenty feet and the project will allow side yard setbacks of fifteen feet minimum. 3) Maximum lot coverage of the AR-1-2 zone is twenty percent and the project would allow a maximum coverage of thirty percent for any two-story house and forty percent for any single story house. Garages will be oriented away from the street, placed to the rear of the house and only fifty percent of the garage floor area will be calculated towards maximum lot coverage. Concept plans and design guidelines 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.

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- 4. The proposed development, when considered as a whole, will be beneficial to the community. The development will dedicate 3.06 acres of designated MHPA open space into the regional open space system. The project will preserve the functions and values of these acres of natural open space through the dedication of this sensitive area. The project will provide storm water quality measures capable of handling all project-related storm runoff. The development will also contribute to the region's housing supply by constructing nine residential units, and will pay all applicable public facilities financing and schools fees. The development will also pay an "in-lieu" affordable housing fee for the production of affordable housing units as specified in the Del Mar Mesa Specific Plan. For these specific reasons, the proposed development, when considered as a whole, will be beneficial to the community.
- 5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. As designed, the project complies with the development regulations specified in the Del Mar Mesa Specific Plan. The proposed deviations are consistent with the regulations of the Del Mar Mesa Specific Plan and the purpose and intent of Section 126.0602 as more fully described in Finding 3 above and do not require any deviations pursuant to Section 126.0602(b)(1).

Site Development Permit - Section 126.0504

- A. Findings for all Site Development Permits
 - 1. The proposed development will not adversely affect the applicable land use plan. The proposed project will not adversely affect the Del Mar Mesa Specific Plan and has been determined to be in conformance with the policies and regulations of the plan. See Planned Development Permit Finding A.1 above.
 - 2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will not be detrimental to the public health, safety, and welfare. Refer to Finding A.2 of the Planned Development Permit Findings above.
 - 3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development complies with the Del Mar Mesa Specific Plan and the Land Development Code as allowed through the review and approval of a Planned Development Permit and by the Del Mar Mesa Specific Plan. Refer to Finding A.3 of the Planned Development Permit Findings above.
- B. Supplemental Findings-Environmentally Sensitive Lands
 - 1. The site is physically suitable for the design and siting of the proposed

Attachment 11

development and the development will result in minimum disturbance to environmentally sensitive lands. The Del Mar Mesa Specific Plan was planned and approved consistent with the City's adopted MSCP preserving significant acreage for the MHPA. The proposed project creates fewer impacts to environmentally sensitive lands than otherwise approved in the adopted Del Mar Mesa Specific Plan by allowing smaller lots and dedicating more open space into the Multiple Habitat Preservation Area. The development footprint has been located on areas identified in the Del Mar Mesa Specific Plan for development while preserving areas designated for open space. The proposed project has been sited on the portions of the site most appropriate for development. As a result, both grading and disturbance of sensitive habitat is minimized.

The residential single family subdivision will have minimal development upon environmentally sensitive lands with the placement of all development outside of the MHPA line. A minor MHPA boundary line adjustment is proposed involving the removal of 0.6 acres from the MHPA and addition of 0.6 acres from elsewhere on the property. Conditions of approval, as agreed by the federal and state resource agencies, provide for payment of fees at a ratio of 4:1 to the City's Habitat Acquisition Fund for use in purchasing land within the MHPA in East Elliot, a priority acquisition area.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Del Mar Mesa Specific Plan was designed to minimize alterations to natural landforms. To that end, the Specific Plan includes several project specific footprints for use in analyzing future projects. As designed, the proposed project creates fewer impacts than the site specific development footprints shown in the Specific Plan for the Silberberger property. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the Region-wide erosion control plan. All manufactured slopes will be planted with species capable of reducing and preventing soil erosion from wind and rain. As such the proposed development will balance the alteration of natural landforms with the open space preserved and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.
- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. When adopted, the Del Mar Mesa Specific Plan analyzed environmentally sensitive lands within the Specific Plan area per City Council policy (600-40). The proposed project is consistent with the adopted Del Mar Mesa Specific Plan development footprint contemplated for the Silberberger property. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.
- 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Del Mar Mesa Specific Plan established the boundary of the MHPA within the Subarea. "Hard lines" were adopted for the MHPA when the Subarea Plan was approved. The proposed development is entirely consistent with the MHPA preserve boundary, as allowed through a MHPA boundary adjustment. All other requirements of the MSCP have been met or exceeded for the developable portions of the proposed development. Therefore, the proposed project will be consistent with the City's MSCP Subarea Plan.

- 5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located approximately five miles east of the Pacific Ocean's beaches and local shoreline and onsite development will not contribute to erosion of public beaches or adversely impact shoreline sand supply. Storm water control features are provided on-site to reduce surface water runoff and runoff velocities to the extent practicable. Runoff velocities will be substantially decreased to reduce the potential for erosion and downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.
- 6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. In addition to a Subarea-wide Environmental Impact Analysis (EIR), the EIR for the Del Mar Mesa Specific Plan included a site specific impact analysis for this proposed development. An initial study has been conducted for the proposed development on this site and concluded that the EIR for Del Mar Mesa addressed all environmental impacts associated with this project. Findings to support the EIR's conclusion have been made and are part of this project's record. In addition, all mitigation measures identified in the EIR associated with this proposed development have been adopted and will be incorporated into the requirements of the planned development permit. Thus, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been or will be incorporated into the conditions of the development permit.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 10115/Site Development Permit No. 10116 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 10115 and 10116, a copy of which is attached hereto and made a part hereof.

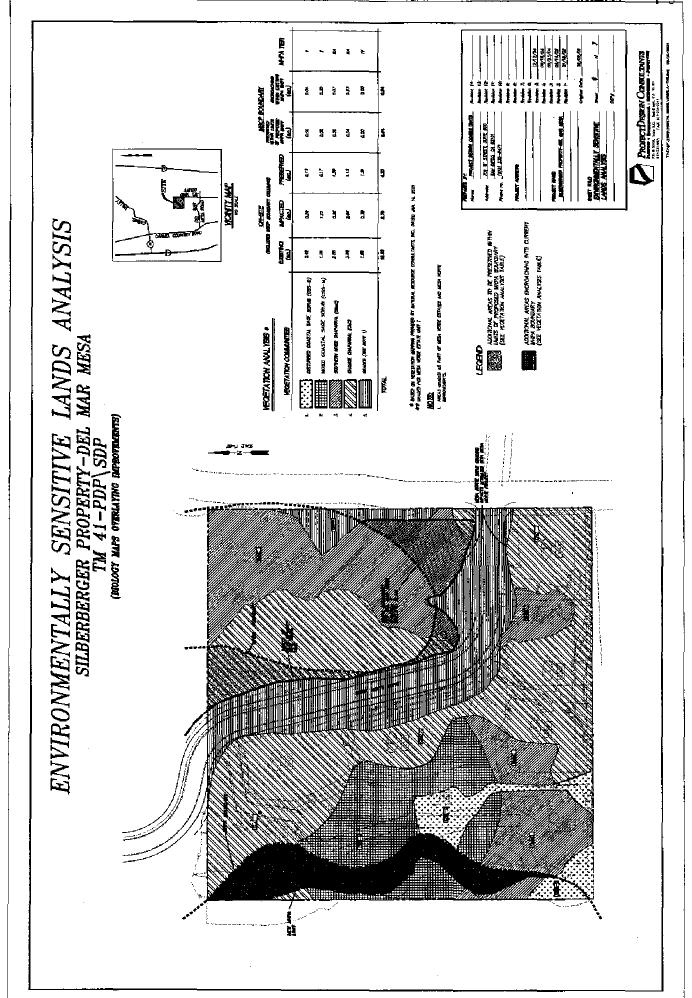
John S. Fisher Development Project Manager Development Services

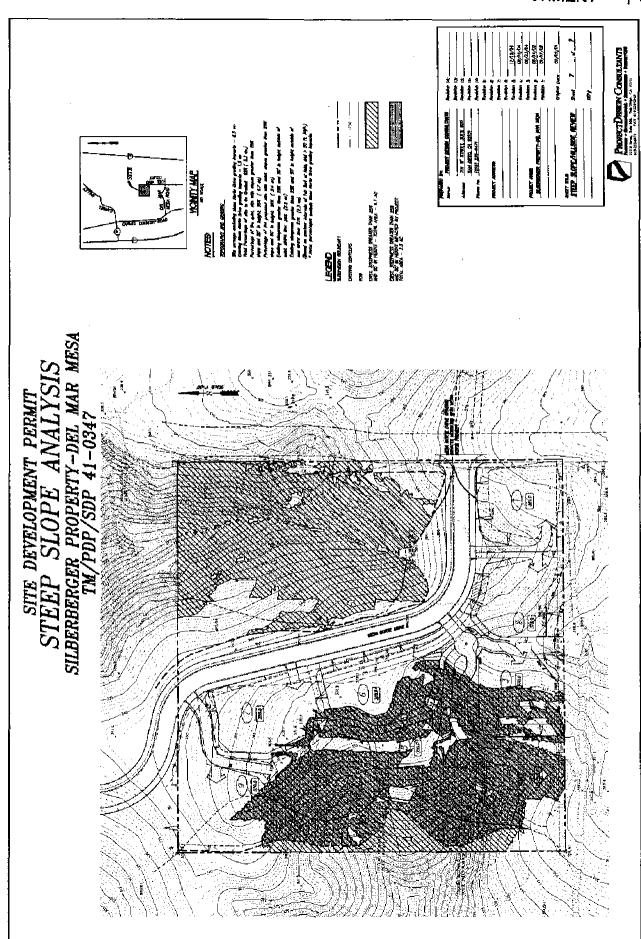
Adopted on: (to be filled in)

By vote of:

Job Order No. 41-0347

Linda Lugano
Secretary to the Planning
Commission







City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000

Ownership Disclosure Statement

Project Title	···	Proje	ect No. For City Use Only
SILBERBER GER	TM 41-03	3 47	
Project Address:	7.7. 11. 0.3		
PARCEL NO 308	020-53		· · · · · · · · · · · · · · · · · · ·
Part I - To be completed when prop	erty is held by Indivi	dual(s)	
and addresses of all persons who hat (e.g., tenants who will benefit from the the property owners. Attach additional any changes in ownership during the	ve an interest in the property of the property of the property of the property of the the application is thirty days prior to any all result in a delay in	of the above referenced property. The ii operty, recorded or otherwise, and state is who own the property). A signature is the applicant is responsible for notificating processed or considered. Chang public hearing on the subject property, the hearing process.	the type of property interest required of at least one of lying the Project Manager of les in ownership are to be
Name of Individual (type or print):	<u> </u>	Name of Individual (type or print)	<u> </u>
	75 970		7570
Of Owner U Tenant/Lessee <i>ERNEST D 5/LBで</i>	_,	M Owner 🔲 Tenant/Lesses	RBCRGIR
Street Address: 966 SAN CORE		Street Address:	PGH DR-
City/State/Zip: 50LIANA BEACH C		City/State/Zip:	1.92008
2027707 857707 C Phone No: 858-259-2696	Fax No: 858-523-		Fax No:
Signature	Date:	/ Signature	Date:
Carle Sulle	Jun 3/28/0	5 /// 3/28/	سی ق ا
Name of Individual (type or print);		Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee	-	Owner U Tenant/Lesse	9
Street Address:	•	Street Address:	
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Signature :	Date:	Signature :	Date:
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Name of Individual (type or print):		Name of Individual (type or prin	t):
Owner Tenant/Lessee	TT #18-1	Owner 🗅 Tenant/Lesse	ee
Street Address:		Street Address:	
City/State/Zip:		City/State/Zip:	
Phone No:	Fax No:	Phone No:	Fax No:
Signature :	Date;	Signature :	Date:

Silberberger Project # 1641 Project Chronology

Date	Action	Description	City Review Time	Applicant Response Time
03/27/01	Initial Project Submittal	For Completeness Check	N/A	N/A
04/18/01	First Submittal	Project Deemed Complete		
06/07/01	First Assessment Letter	Assessment Letter identifying issues.	36 days	
07/02/01	Meeting with Applicant	Meeting held to discuss issues		
01/31/02	Second Submittal	Resubmittal by applicant.		170 days
03/22/02	Second Assessment Letter	Assessment Letter identifying issues.	36 days	
04/08/02	Meeting with Applicant	Meeting held to discuss issues		
07/02/02	Meeting with Applicant	Meeting held to discuss issues		
10/10/02	Third Submittal	Resubmittal by applicant team.		123 days
12/18/02	Third Assessment Letter	Assessment Letter identifying issues.	71 days	
01/15/03	Meeting with Applicant	Meeting held to discuss issues		
01/21/03	Meeting with Applicant	Meeting held to discuss issues		
08/18/03	Request for status letter	Project processing delayed		
06/23/04	Fourth Submittal	Resubmittal by applicant team.		133 days
08/10/04	Fourth Assessment Letter	Assessment Letter identifying issues.	34 days	
09/16/04	Fifth Submittal	Resubmittal by applicant team		27 days
11/10/04	Fifth Assessment Letter	Assessment identifying final issues	39 days	,
12/10/04	Sixth Submittal	Resubmittal by applicant team		22 days
12/20/04	All issues resolved			
03/30/05	CEQA Process	Findings to MEIR final	80 days	
04/14/05	Public Hearing	Planning Commission	10 days	
TOTAL ST	AFF TIME	Averaged at 30 days per month	10 months 6 days	
TOTAL AP	PLICANT TIME	Averaged at 30 days per month		15 months 25 days
TOTAL PR	OJECT RUNNING TIME	From Deemed Complete to Hearing	26 M	onths, 1 Day

PROJ	ECT DATA SHE	ET	
PROJECT NAME:	Silberberger		
PROJECT DESCRIPTION:	Ten lot subdivision, nine for residential and one for open space.		
COMMUNITY PLAN AREA:	Del Mar Mesa Specific Plan		
DISCRETIONARY ACTIONS:	Tentative Map, Planned Development Permit, and Site Development Permit.		
COMMUNITY PLAN LAND USE DESIGNATION:	Estate Residential/MHPA		
	ZONING INFORMATION:		
	Required	Proposed	
ZONE:	AR-1-2	AR-1-2	
HEIGHT LIMIT:	30-feet	30-feet	
LOT SIZE:	1-acre	0.5-асте	
LOT COVERAGE:	20 percent	1-story; 40 percent 2-story; 30 percent	
LOT DEPTH:	· · · · · · · · · · · · · · · · · · ·		
LOT WIDTH:			
STREET FRONTAGE:	100-feet less than 100-feet		
FRONT SETBACK:	25 feet 25 feet		
SIDE SETBACK:	20 feet 15 feet		
STREETSIDE SETBACK:	20 feet	15 feet	
REAR SETBACK:	25 feet	25 feet	
PARKING:	18 space	18 spaces	
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	
NORTH:	Estate Residential/ MHPA: AR-1-2	Estate Residential/ MHPA	
SOUTH:	Estate Residential: AR-1-2	Estate Residential	
EAST:	Estate Residential: AR-1-2	Estate Residential	
WEST:	MHPA: AR-1-2	МНРА	
DEVIATIONS REQUESTED:	 Reduced lot depth less than 150 feet. Reduced street frontage less than 100 feet. 		

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	3) Reduced lot size from 1-acre to .5-acre.
	4) Maximum lot coverage maximum for 1-story at 40 percent and 2-story at 30 percent, where 20 percent is allowed.
COMMUNITY PLANNING GROUP RECOMMENDATION:	Del Mar Mesa Community Planning Board, on November 13, 2003, voted 12:0:0 to recommend approval of the proposed project with conditions.

Planning Commission RESOLUTION NO. 3761-2-PC TENTATIVE MAP NO. 10114 SILBERBERGER - PROJECT NO. 1641

WHEREAS, ERNEST SILBERBERGER and MARC D. SILBERBERGER, Applicant/Subdivider, and PROJECT DESIGN CONSULTANTS, Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 10114, for the subdivision of a ten acre site into nine residential lots and one open space lot. The project site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Community Plan and is legally described as Southeast Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego; and

WHEREAS, the Map proposes the subdivision of a ten acre site into nine residential lots and one open space lot; and

WHEREAS, Findings to Master Environmental Impact Report No. 95-0353 have been prepared and reflects the independent judgment of the City of San Diego as Lead Agency; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144,0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on May 26, 2005, the Planning Commission of the City of San Diego considered Tentative Map No. 10114, and pursuant to §125.0440 and §144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 10114:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
- 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

Project No. 1641 TM No. 10114 May 26, 2005

- 3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
- 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440 d and State Map Act Section 66474(e)).
- 5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
- 6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
- 7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
- 8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440,h and State Map Act Section 66412.3).
- 9. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.
- 10. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 10.0404 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.
- 11. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 10114 is hereby granted to ERNEST SILBERBERGER and MARC D. SILBERBERGER, Applicant/Subdivider, subject to the following conditions:

Project No. 1641 TM No. 10114 May 26, 2005

GENERAL

- 1. This Tentative Map will expire May 26, 2008.
- 2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
- 3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
- 4. The Final Map shall conform to the provisions of Planned Development Permit No. 10115 and Site Development Permit No. 10116.
- 5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

- 6. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code §10.0404 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Subdividers Expense.
- 7. Prior to issuance of any engineering permits, the Subdivider shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
- 8. Prior to the recordation of the first final map, subdivider provide evidence shared access agreements for lots 1, 2, 3, 4, 5, 8 and 9.
- 9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
 - All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

MAPPING

- 10. "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).
- 11. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

12. 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.
- 13. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

- 14. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end main then the Subdivider shall design and construct a redundant public water system in a manner satisfactory to the Water Department Director and the City Engineer.
- 15. 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,

Project No. 1641 TM No. 10114 May 26, 2005

satisfactory to the Water Department Director. Easements shall be located within single lots.

- 16. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves 15 feet; water mains with services or fire hydrants 30 feet with 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs shall have protective posts per SDW-102. Easements, as shown on the approved tentative map, will require modification based on standards at final engineering.
- 17. The Subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
- 18. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City San Diego Water Facility Design Guidelines and regulations, standards, and practices pertaining thereto. Water facilities, as shown on the approved tentative map, shall be modified at final engineering to conform to standards.
- 19. The Subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot will have its own water service or provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot.
- 20. All on-site sewer facilities will be private.
- 21. The Subdivider shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
- 22. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
- 23. 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.
- 24. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the area. If they have not been constructed when required for this development, then the

- construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.
- 25. The developer shall construct the Carmel Valley Trunk Sewer and enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.

GEOLOGY

- 26. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."
- 27. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

TRANSPORTATION

- 28. Prior to recording any final map, the Subdivider shall indicate on the final map a shared access easement between Lots 1 & 2, between Lots 3, 4, 5 & 6 and between Lots 8 & 9.
- 29. The Subdivider shall construct Mesa Norte Drive with a minimum pavement width of 28' within a 50' of right-of-way, including an eight foot multi-use trail, satisfactory to the City Engineer.
- 30. The Subdivider shall provide a single twenty foot wide driveway for Lots 1 and 2; Lots 3, 4, 5 and 6; and Lots 8 and 9, to the satisfaction of the City Engineer.

MSCP

31. Prior to recording any final map, all lands within the Multiple Habitat Planning Area (MHPA) shall be dedicated in fee to the City, OR placed in a conservation easement OR covenant of easement which is then recorded on the property.

PLANNING

32. Prior to the recordation of the first final map, payment of the affordable housing in-lieu fee shall be made to the Housing Commission and evidence of such payment shall be provided to the Development Services Department pursuant to the Affordable Housing Requirements of the City's North City Future Urbanizing Area.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MAY 26, 2005.

 $\mathbf{B}\mathbf{v}$

John S. Fisher

Development Project Manager Development Services Department

Job Order No. 41-0347

DOC# 2005-0501186

JUN 15, 2005

11:09 AM

RECORDING REQUESTED BY CITY OF SAN DIEGO

DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO PERMIT INTAKE MAIL STATION 501 OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 51,00
PAGES: 15



2005-0501186

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 41-0347

Planned Development Permit No. 10115 and Site Development Permit No. 10116 SILBERBERGER - PTS# 1641 (MMRP) Planning Commission

7577

This Permit is granted by the Planning Commission of the City of San Diego to ERNEST SILBERBERGER and MARC D. SILBERBERGER, Individuals, Owner/Permittee pursuant to Sections 126.0601 and 126.0501 of the Municipal Code of the City of San Diego. The ten acre site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Community Plan. The project site is legally described as Southeast Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, 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 Owners/Permittee to subdivide a property into ten lots, nine lots for single family development with design guidelines and one lot for open space described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated May 26, 2005 on file in the Office of the Development Services Department. The facility shall include:

- a. A ten lot subdivision, nine for residential development and one for open space.
- b. Development of nine single family structures through and by the implementation of the Silberberger Design Guidelines, May 2005;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. A minimum of two off-street parking spaces per residential lot;
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
- 1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals.

ORIGINAL

Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

- 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
- 3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
- 4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
- 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
- 6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
- 7. In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.
- 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/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
- 9. 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 Section 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.

- 10. Prior to the issuance of the grading permit, Lot A shall be dedicated in fee to the City OR placed in a conservation easement OR covenant of easement which is then recorded on the property. A copy of the recorded easement or deed to the City shall be provided to the Planning Department, MSCP prior to issuance of the grading permit.
- 11. Prior to the issuance of the grading permit, as a requirement of the MHPA Boundary Line Adjustment, the Owner/Permittee shall pay \$64,000 (2.56 acres multiply by \$25,000/acre equals value) into the City's Habitat Acquisition Fund, Fund Number 10571.
- 12. Prior to the issuance of the grading permit, that applicant shall comply with all MSCP mitigation measures as outlined in the Mitigation, Monitoring, and Reporting Program for environmental document No. 1641.
- 13. 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 May 26, 2005, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
- 14. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Del Mar Mesa Specific Plan Master EIR (MEIR No. 95-0353), satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the Master EIR MMRP and Findings to Master EIR (Project No. 1641) shall be implemented for the following issue areas:



General
Biological Resources
Landform Alteration/Visual Character
Paleontological Resources
Public Facilities and Services
Safety

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

PLANNING/DESIGN REQUIREMENTS:

- 17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions, the design guidelines and the exhibits (including, but not limited to, elevations and cross sections).
- 18. No fewer than two off-street parking spaces per lot shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A" on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
- 19. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
- 20. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
- 21. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
- 22. The Owner/Permittee shall post a copy of the approved Planned Development Permit No. 10115/Site Development Permit No. 10116 and Vesting Tentative Map in the sales office for consideration by each prospective buyer and be included in final escrow papers.
- 23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC and the Del Mar Mesa Specific Plan.
- 24. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
- 25. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.



- 26. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or 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.
- 27. No merchandise, material or equipment shall be stored on the roof of any building.
- 28. Prior to submitting an application for a building permit on any lot, the Owner/Permittee shall submit an application for a Substantial Conformance Review for each lot to determine conformance with this permit and Silberberger Design Guidelines, print dated May 2005, the approved Exhibit "A", the Community Design Guidelines and all other relevant development requirements of the Del Mar Mesa Specific Plan.
- 29. All structures in excess of three feet in height shal! observe the setbacks established on the Exhibit "A". The established minimum building setbacks on Exhibit "A" are: front yards at twenty-five feet; side yards at twenty feet; street side yards at twenty feet; and rear yards at twenty-five feet; or as established per LDC §131.0334. Interior side setbacks may be reduced to fifteen feet for any lot developed with a single-story home.
- 30. Maximum structure height shall be thirty feet, unless construction plans demonstrate compliance with LDC §131.0344 for a height deviation to allow a maximum height of thirty-five feet.
- 31. Maximum lot coverage for each lot shall be thirty percent for two-story structures and forty percent for single-story structures.
- 32. The location of each garage shall be subordinate to the main home and whenever possible shall use alternative garage orientation. For lots using alternative garage orientation, only 50% of the garage floor area shall be counted toward overall lot coverage.
- 33. Disclosure shall be made to all future buyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property subject to horse-keeping provisions of the San Diego Municipal Code §44.0308.
- 34. Fencing shall adhere to the stamped and approved Exhibit "A", Silberberger Design Guidelines, dated May 2005.
- 35. Future requests for any Guest Quarters shall require approval of a Neighborhood Use Permit. At no time shall Guest Quarters contain kitchen facilities, or areas for the storage and/or preparation of foods.
- 36. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.
- 37. Required fencing between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated.

- 38. Prior to issuance of any grading permit, grading design shall utilize contour grading techniques for fill slopes, including variable slope ratios and rounding the tops and toes of slopes, as generally depicted on the Exhibit "A". Retaining walls shall not be approved adjacent to open space lots.
- 39. Recycled materials shall not be precluded from being used in the project.
- 40. All retaining walls shall be of a type which may be planted with living plant species capable of spreading across the wall.

TRANSPORTATION REQUIREMENTS:

41. Prior to issuance of any building permits, the project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

LANDSCAPE REQUIREMENTS:

- 42. Arbutus unedo, Strawberry Tree and Tristania conferta, Brisbane Box shall not be used in Brush Management areas or within 100 feet of undisturbed open space.
- 43. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
- 44. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved development plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days.
- 45. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.
- 46. 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. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
- 47. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system and brush management construction documents, shall be submitted for approval to the shall be submitted to the Development Services Department, Development, the Fire Marshall and Environmental Planning Division for approval. The construction documents shall be in substantial conformance with the Exhibit "A," on file with the Development Services Department and shall comply with the Uniform Fire Code and the Landscape Standards section of the Municipal Code.
- 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

- 49. Prior to final inspection for any structure, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.
- 50. Prior to any grading the Owner/Permittee shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.
- 51. The Brush Management Program shall substantially conform to the Exhibit "A" and all requirements of Land Development Code §142.0412. Lots 4,5,8, and 9 must provide a minimum Brush Management Zone One depth of 35 feet and a minimum Brush Management Zone Two depth of 50 feet. Lots 1,2, and 3 must provide a minimum interim Brush Management Zone One depth of 30 feet.
- 52. All Brush Management Zone Two shall be maintained by the property owner in conformance with the practices for zone two maintenance adopted by the City of San Diego.

WATER REQUIREMENTS:

- 53. Prior to the issuance of any building permits, the public water improvements, as shown on improvement drawing number 29589-D, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
- 54. Prior to any final inspection for any building permit, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. Fire hydrants, within travel ways having no curbs, shall have protective posts per SDW-102.
- 55. Prior to any final inspection for any building permit, all public water facilities, necessary to serve this development, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
- 56. 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. Parallel potable water mains shall have a minimum separation of ten feet and be located a minimum of four feet from face of curb to outside edge of pipe. Water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

57. 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.

- 58. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
- 59. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one lot.
- 60. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement, no private sewer facilities shall be installed in or over any public right of way.
- 61. 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.

GEOLOGY REQUIREMENTS:

- 62. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.
- 63. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

ENGINEERING REQUIREMENTS:

- 64. Prior to the issuance of any permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer, referred to as an engineering permit, for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 65. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 66. This project proposes to export 4,100 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.
- 67. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
- 68. Prior to the issuance of any construction permits, the Owner/Permittee shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination



System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

- 69. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
- 70. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
- 71. All drainage facilities within this development and outside of the public right-of-way shall be private and privately maintained.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit or tentative map, may protest the imposition within 90 days of the approval of this development permit or tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Planning Commission of the City of San Diego on May 26, 2005.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document Date of Approval PDP No. 10115/SDP No. 10116 <u>May 26,200</u>5 STATE OF CALIFORNIA COUNTY OF SAN DIEGO John S. Fisher, Development Project Manager Kcequel Lernera (Notary Public), personally appeared 14,2015 before me. John S. Fisher, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted executed the instrument. RAQUEL HERRERA Commission # 1424775 Notary Public - California WITNESS my hand and official seal San Diego County ALL-PURPOSE CERTIFICATE OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION: THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER. Signed & Typed Name Marc D. Silberberger Typed Name Ernest D. Silberberger STATE OF COUNTY OF On Syne //, Do US before me, Dance / Levy (Name of Notary Public) personally appeared Fract S. (berder at a Marc Silber Generous) 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. Signature DANIEL LEYY Comm. # 1528884 NOTARY PUBLIC - CALIFORNIA U. San Olego County My Comm. Eurites Nov. 21, 2008 T

PLANNING COMMISSION RESOLUTION NO. 3761-3-PC Planned Development Permit No. 10115 and Site Development Permit No. 10116 SILBERBERGER - PTS# 1641

WHEREAS, ERNEST SILBERBERGER and MARC D. SILBERBERGER, Owner/Permittee, filed an application with the City of San Diego for a permit to create a nine lot subdivision (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 10115 and 10116), on portions of a ten acre site;

WHEREAS, the project site is located at north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan;

WHEREAS, the project site is legally described as the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego;

WHEREAS, on May 26, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit No. 10115 and Site Development Permit No. 10116 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 26, 2005.

FINDINGS:

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. At the time the Del Mar Mesa Specific Plan was considered and adopted by the City Council, a site suitability analysis was also prepared, in accordance with City Council policy, addressing development impacts to environmentally sensitive resources in the plan area. The site is designated as Estate Residential and Resource Base Open Space. The proposed development of nine low density single family residences will preserve the rural character of Del Mar Mesa while accommodating a clustered development and the preservation of open space. Development has been directed to the least sensitive portions of the plan area, preserving the more sensitive open space areas. The project will provide its fair share contributions to community and regional infrastructure through the Del Mar Mesa Public Facilities Plan and Facilities Benefit Assessment. The proposed development is consistent with the approved Del Mar Mesa Specific Plan. The proposed nine lot subdivision implements the Specific Plan by providing a low-density estate residential development consistent with the Specific Plan's

land use density designation, low density residential, of two to five dwelling units per acre. The proposed development will also result in the dedication of open space which will become part of the City's MHPA and provide for construction of a multi-use trail. As such, the proposed development will not adversely affect the applicable Land Use Plan.

The proposed development will fulfill a community need by increasing the available housing supply within the subject community and City of San Diego. The proposed project conforms to the policy guidelines of the Specific Plan with respect to open space, preservation and resource conservation, the provision of affordable housing, circulation and other community facilities. The development of this site for single family development and natural open space will also be compatible with other approved planned developments in the immediate area.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations 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. 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. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.
- The proposed development will comply with the regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 10115 and Site Development Permit No. 10116. Development of the property shall meet all requirements of the regulations and development criteria, except as modified by the Del Mar Mesa Specific Plan which allows specific deviations as listed here: 1) The minimum lot size in the AR-1-2 zone is one acre and the project will create minimum lots of one half acre. 2) The minimum side yard setback in the AR-1-2 zone is twenty feet and the project will allow side yard setbacks of fifteen feet minimum. 3) Maximum lot coverage of the AR-1-2 zone is twenty percent and the project would allow a maximum coverage of thirty percent for any two-story house and forty percent for any single story house. Garages will be oriented away from the street, placed to the rear of the house and only fifty percent of the garage floor area will be calculated towards maximum lot coverage. Concept plans and design guidelines 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.
- 4. The proposed development, when considered as a whole, will be beneficial to the community. The development will dedicate 3.06 acres of designated MHPA open

space into the regional open space system. The project will preserve the functions and values of these acres of natural open space through the dedication of this sensitive area. The project will provide storm water quality measures capable of handling all project-related storm runoff. The development will also contribute to the region's housing supply by constructing nine residential units, and will pay all applicable public facilities financing and schools fees. The development will also pay an "in-lieu" affordable housing fee for the production of affordable housing units as specified in the Del Mar Mesa Specific Plan. For these specific reasons, the proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. As designed, the project complies with the development regulations specified in the Del Mar Mesa Specific Plan. The proposed deviations are consistent with the regulations of the Del Mar Mesa Specific Plan and the purpose and intent of Section 126.0602 as more fully described in Finding 3 above and do not require any deviations pursuant to Section 126.0602(b)(1).

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

- 1. The proposed development will not adversely affect the applicable land use plan. The proposed project will not adversely affect the Del Mar Mesa Specific Plan and has been determined to be in conformance with the policies and regulations of the plan. See Planned Development Permit Finding A.1 above.
- 2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development will not be detrimental to the public health, safety, and welfare. Refer to Finding A.2 of the Planned Development Permit Findings above.
- 3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development complies with the Del Mar Mesa Specific Plan and the Land Development Code as allowed through the review and approval of a Planned Development Permit and by the Del Mar Mesa Specific Plan. Refer to Finding A.3 of the Planned Development Permit Findings above.

B. Supplemental Findings-Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The Del Mar Mesa Specific Plan was planned and approved consistent with the City's adopted MSCP preserving significant acreage for the

MHPA. The proposed project creates fewer impacts to environmentally sensitive lands than otherwise approved in the adopted Del Mar Mesa Specific Plan by allowing smaller lots and dedicating more open space into the Multiple Habitat Preservation Area. The development footprint has been located on areas identified in the Del Mar Mesa Specific Plan for development while preserving areas designated for open space. The proposed project has been sited on the portions of the site most appropriate for development. As a result, both grading and disturbance of sensitive habitat is minimized.

The residential single family subdivision will have minimal development upon environmentally sensitive lands with the placement of all development outside of the MHPA line. A minor MHPA boundary line adjustment is proposed involving the removal of 0.6 acres from the MHPA and addition of 0.6 acres from elsewhere on the property. Conditions of approval, as agreed by the federal and state resource agencies, provide for payment of fees at a ratio of 4:1 to the City's Habitat Acquisition Fund for use in purchasing land within the MHPA in East Elliot, a priority acquisition area.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Del Mar Mesa Specific Plan was designed to minimize alterations to natural landforms. To that end, the Specific Plan includes several project specific footprints for use in analyzing future projects. As designed, the proposed project creates fewer impacts than the site specific development footprints shown in the Specific Plan for the Silberberger property. The development footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the Region-wide erosion control plan. All manufactured slopes will be planted with species capable of reducing and preventing soil erosion from wind and rain. As such the proposed development will balance the alteration of natural landforms with the open space preserved and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.
- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. When adopted, the Del Mar Mesa Specific Plan analyzed environmentally sensitive lands within the Specific Plan area per City Council policy (600-40). The proposed project is consistent with the adopted Del Mar Mesa Specific Plan development footprint contemplated for the Silberberger property. The proposed development will therefore be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.
- 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Del Mar Mesa Specific Plan established the boundary of the MHPA within the Subarea. "Hard lines" were adopted for the MHPA when the Subarea Plan was approved. The proposed development is entirely consistent with the MHPA preserve boundary, as allowed through a MHPA boundary adjustment. All other requirements of the MSCP have been met or exceeded for the developable portions of the proposed development. Therefore, the proposed project will be consistent with the City's MSCP Subarea Plan.
- 5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located approximately five miles east of the Pacific Ocean's beaches and local shoreline and onsite development will not contribute to erosion of public beaches or adversely impact

shoreline sand supply. Storm water control features are provided on-site to reduce surface water runoff and runoff velocities to the extent practicable. Runoff velocities will be substantially decreased to reduce the potential for erosion and downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. In addition to a Subarea-wide Environmental Impact Analysis (EIR), the EIR for the Del Mar Mesa Specific Plan included a site specific impact analysis for this proposed development. An initial study has been conducted for the proposed development on this site and concluded that the EIR for Del Mar Mesa addressed all environmental impacts associated with this project. Findings to support the EIR's conclusion have been made and are part of this project's record. In addition, all mitigation measures identified in the EIR associated with this proposed development have been adopted and will be incorporated into the requirements of the planned development permit. Thus, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been or will be incorporated into the conditions of the development permit.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 10115/Site Development Permit No. 10116 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 10115 and 10116, a copy of which is attached hereto and made a part hereof.

John S. Fisher

Development Project Manager

Development Services

Adopted on: May 26, 2005

By vote of: 6:0:0

Job Order No. 41-0347

Linda Lugano

Secretary to the Planning

Commission

PLANNING COMMISSION RESOLUTION NO. (DRAFT) TENTATIVE MAP NO. 568418; for EXTENSION OF TIME TO TENTATIVE MAP NO. 10114 SILBERBERGER EXTENSION OF TIME - PROJECT NO. 157256

WHEREAS, ERNEST SILBERBERGER and MARC D. SILBERBERGER, Applicant/Subdivider, and PROJECT DESIGN CONSULTANTS, Engineer, submitted an application with the City of San Diego for a three- year Extension of Time for Tentative Map No. 10114 for the subdivision of a ten acre site into nine residential lots and one open space lot. The project site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Community Plan and is legally described as Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego; and

WHEREAS, the previously approved Tentative Map proposed the subdivision of a 10.0 acre site into nine single-family lots and one open space lot for a total of ten (10) lots; and

WHEREAS, all associated permits and maps shall conform to the previously approved Exhibits and conditions on file with Development Services pursuant to Tentative Map No. 10114, Planning Commission Resolution No. 3761-2-PC, Project No. 1641, with the exception of the expiration date.

WHEREAS, the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Del Mar Mesa Specific Plan Master EIR (MEIR No. 95- 0353), that was prepared and approved on May 26, 2005, pursuant to Planning Commission Resolution No. 3671-3-PC for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c) (3) and 15378(c).

BE IT RESOLVED, that the expiration date for Tentative Map No. 568418 shall be extended three years to May 21, 2012; and

BE IT FURTHER RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to the Extension of Time for Tentative Map No. 568418:

<u>Findings for Extension of Time of a Development Permit – San Diego Municipal Code (SDMC) Section 126.0111</u>:

1. The failure to conditionally approve or deny the request would place the residents of the subdivision or the immediate community in a condition dangerous to their health or safety.

The Owner/Permittee requests an Extension of Time to Tentative Map No. 10114 with no changes to the proposed development previously approved by the Planning Commission on May 26, 2005 by Resolution Number 3761-2-PC. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety. New conditions are not required to ensure public health and safety. All previously approved conditions remain applicable.

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

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 568418 (a 3-year extension to Tentative Map No. 10114), is hereby granted to ERNEST SILBERBERGER and MARC D. SILBERBERGER, Applicants/Subdividers, subject to the following conditions:

1. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"] harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MAY 21, 2009.

Job Order No. 43-0986

RECORDING REQUESTED BY

CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO CITY CLERK MAIL STATION 2A

JOB ORDER NUMBER: 43-0986

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 568415; for EXTENSION OF TIME TO PLANNED DEVELOPMENMT PERMIT NO. 10115 SITE DEVELOPMENT PERMIT NO. 568416; for EXTENSION OF TIME TO SITE DEVELOPMENMT PERMIT NO. 10116

SILBERBERGER EXTENSION OF TIME - PROJECT NO. 157256 PLANNING COMMISSION

This Planned Development Permit No. 568415 and Site Development Permit No. 568416, is a three-year Extension of Time to previously approved Planned Development Permit No. 10115 and Site Development Permit No. 10116 (Project No. 1641), is granted by the Planning Commission of the City of San Diego to ERNEST SILBERBERGER and MARC D. SILBERBERGER., Owners/Permittees, pursuant to San Diego Municipal Code Section 126.0111. The 10.0-acre site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan. The project site is legally described as the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San DiegoThe project site is legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811.

Subject to the terms and conditions set forth in this Permit, permission is granted to ERNEST SILBERBERGER and MARC D. SILBERBERGER., Owners/Permittees for the subdivision of a 10 acre site into ten lots including nine single-family lots and one open space lot as shown on the approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project (Project No. 1641) approved by the Planning Commission on May 26, 2005, is hereby extended as indicated within this permit until May 21, 2012.

The project shall include:

a. A three year extension of time for the previously approved Planned Development Permit No. 10115 and Site Development Permit No. 10116, Project No. 1641.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.
- 2. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
- 3. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Planned Development Permit No. 10115 and Site Development Permit No. 10116, Project No 1641, Recorded with the County of San Diego Recorder on June 15, 2005 as Document Number 2005-0501186 with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
- The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision, The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on May 21, 2009.

PLANNING COMMISSION RESOLUTION NO. (DRAFT)

PLANNED DEVELOPMENT PERMIT NO. 568415; for EXTENSION OF TIME TO PLANNED DEVELOPMENMT PERMIT NO. 10115 SITE DEVELOPMENT PERMIT NO. 568416; for EXTENSION OF TIME TO SITE DEVELOPMENMT PERMIT NO. 10116 SILBERBERGER EXTENSION OF TIME - PROJECT NO. 157256

WHEREAS, ERNEST SILBERBERGER and MARC D. SILBERBERGER., Owners/Permittees, submitted an application with the City of San Diego for a three-year Extension of Time to a Planned Development Permit and Site Development Permit for the subdivision of a 10 acre site into nine (9) single-family residential lots and one (1) open space lot. The project site is located at north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan; and

WHEREAS, the project site is legally described as the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego; and

WHEREAS, all associated permits and maps shall conform to the previously approved Exhibits and conditions on file with Development Services pursuant to Planned Development Permit No. 10115 and Site Development Permit No. 10116, Planning Commission Resolution No. 3761-3-PC, Project No. 1641, recorded at the County of San Diego Recorder on June 15, 2005 as Document Number 2005-0501186, with the exception of the expiration dates.

WHEREAS, the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Del Mar Mesa Specific Plan Master EIR (MEIR No. 95- 0353), that was prepared and approved on May 26, 2005, Planning Commission Resolution No. 3671-3-PC for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c) (3) and 15378(c).

BE IT RESOLVED, that the expiration date for Planned Development Permit No. 568415 and Site Development Permit No. 568416 be extended to May 21, 2012. NOW, THEREFORE,

BE IT FURTHER RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 548615 and Site Development Permit No. 548616:

<u>Findings for an Extension of Time of a Development Permit – San Diego Municipal Code [SDMC] Section 126.111:</u>

1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.

The Owner/Permittee requests a three-year extension of time to Planned Development Permit No. 10115 and Site Development Permit No. 10116. This extension of time does not request any changes to the proposed development approved by the Planning Commission on May 26, 2005 by Resolution Numbers 3761-3-PC. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety. New conditions are not required to ensure public health and safety. All previously approved conditions remain applicable.

2. No new conditions are required to comply with state or federal law.

The project as previously conditioned and approved on May 26, 2005, would comply with current state and federal law.

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 Planning Commission of the City of San Diego HEREBY APPROVES Planned Development Permit No. 568415 and Site Development Permit No. 568416, granting a three-year Extension of Time to Planned Development Permit No. 10115 and Site Development Permit No. 10116. This Extension of Time is granted to ERNEST SILBERBERGER and MARC D. SILBERBERGER, Owners/Permittees, under the terms and conditions set forth in Planned Development Permit No. 10115 and Site Development Permit No. 10116.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MAY 21, 2009.

Job Order No. 43-0986

Del Mar Mesa Community Planning Board

Thursday, June 12, 2008 Meeting Minutes Carmel Valley Library, Community Room 3919 Townsgate Drive

- 1. Call to Order Remington Jackson was excused. Tom Voss did not attend.
- 2. Preston Drake distributed a draft subarea fire preparedness plan and requested comments from the board. A comment was made that education on how to properly thin brush management areas would be good. The chair requested that the board read and comment on the plan for discussion at a future meeting.
- 3. FBA A meeting was held with Woo-Jin Shim and representatives from the city's Facilities Finance department and the City Attorney office to discuss borrowing Carmel Valley available FBA funds for construction of the Del Mar Mesa neighborhood park. The city attorney and staff said the policy doesn't allow borrowing but they agreed to look into swapping funds. A comment was made that swapping does not seem necessary if the Del Mar Mesa park provides a benefit to Carmel Valley. Woo-Jin agreed to follow up with facilities finance staff.
- 4. 60-month Time Extension of Silberberger Tentative Map 10114/PDP Jan Hudson mentioned a concern about the sidewalk that was installed instead of decomposed granite. The applicant commented that the road is already dedicated. A motion was made by Paul Metcalf to recommend a 5-year extension subject to a condition that when the rest of the property is improved, decomposed granite shall be returned to the conditions of approval. The motion was seconded by Bob Nascenzi and unanimously approved.
- 5. Meadows Open Space Encroachment SCR A comment was made that no resolution has been made to staff's comments from Manchester Group. Woo-Jin agreed to follow up with Perry Dealy.
- 6. Tim Nguyen was introduced as the new city planner for Del Mar Mesa.
- 7. Sharf property Jan agreed to draft a letter regarding towing for the July 4 wedding.
- 8. Minutes the minutes were unanimously approved.



City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested:	
Neighborhood Development Permit Site Development Permit Variance Tentative Map Vesting Tentative Map Map Waive	Planned Development Permit Conditional Use Permit The Land Use Plan Amendment • Kother EXTENSION
Project Title	Project No. For City Use Only
SILBERBERGER TM 41-0347	157256
Project Address:	
PARCEL No. 308-020-53	
Part I. To be completed when property is held by Individual(s)	
By signing the Ownership Disclosure Statement, the owner(s) acknowledge above, will be filed with the City of San Diego on the subject property, with below the owner(s) and tenant(s) (if applicable) of the above referenced purple who have an interest in the property, recorded or otherwise, and state the tyindividuals who own the property). A signature is required of at least one of from the Assistant Executive Director of the San Diego Redevelopment Agreement (DDA) has been approved / executed by the Cit Manager of any changes in ownership during the time the application is being the Project Manager at least thirty days prior to any public hearing on the information could result in a delay in the hearing process.	h the intent to record an encumbrance against the property. Please list reporty. The list must include the names and addresses of all persons upon of property interest (e.g., tenants who will benefit from the permit, all of the property owners. Attach additional pages if needed. A signature ency shall be required for all project parcels for which a Disposition and by Council. Note: The applicant is responsible for notifying the Project ling processed or considered. Changes in ownership are to be given to
Additional pages attached Yes No	
Name of Individual (type or print):	Name of individual (type or print):
KOWNEY Tenant/Lassee Redevelopment Agency	MARC D. SILBERBIRGER. 25% Owner Tenant/Lessee Redevelopment Agency
Street Address:	Sireal Address:
166 SAN LORENZO CT.	4785 EDINBURGH CT.
City/State/Zip: SOLATUA BEACH PA. 92075	City/State/Zip: CHRLSBAD CA . 93010
30 LATUA BEACH CA. 92075 Phone No: Fax No: 419-540-3405 858-523709/6	Phone No: Fex No:
Signature Date: 1/2/2/2	760-720-03-73 Signature: Date: 5/16/08
I wall de Mondies 108	1/1/
Name of Individual (type or print):	Name of Individual (type or print);
Owner Tenant/Lessee Redevelopment Agency	Owner Tenant/Lessee Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature : Date;	Signature: Date: