



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 3, 2010

**REPORT NO.** PC-10-035

**ATTENTION:** Planning Commission, Agenda of June 17, 2010

**SUBJECT:** ARROYO VERDE-Project No. 149627  
PROCESS 4

**OWNER/  
APPLICANT:** Earl & Peggy Mass (Attachment 12)

### SUMMARY

**Issue(s):** Should the Planning Commission approve a two-lot subdivision for the future construction of two single-family residential estate homes and guest quarters on portions of a 3.64-acre parcel located at 6739 Rancho Toyon Place within the Del Mar Mesa Specific Plan area?

### Staff Recommendations:

1. **CERTIFY** Findings to Master Environmental Impact Report No. 95-0353 and **ADOPT** the Mitigation, Monitoring and Reporting Program; and
2. **APPROVE** Vesting Tentative Map No. 528186; and
3. **APPROVE** Planned Development Permit No. 528248; and
4. **APPROVE** Site Development Permit No. 527391; and
5. **APPROVE** Neighborhood Use Permit No. 528249.

**Community Planning Group Recommendation:** The Del Mar Mesa Community Planning Board recommended approval of the project on September 10, 2009, by a vote of 7-0 with no conditions (Attachment 11).

**Environmental Review:** Findings to Master Environmental Impact Report No. 95-0353, dated June 22, 2010, Project No. 149627 have been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to below a level of significance, any potential impacts identified in the environmental review process.

**Fiscal Impact Statement:** All costs associated with this project are paid from a deposit account maintained by the applicant.

**Code Enforcement Impact:** A Notice of Violation was issued for this property for grading without a permit on April 27, 2007, and is subject to a subsequent Tolling Agreement dated September 24, 2007, as detailed in the 'Background' section of this report.

**Housing Impact Statement:** The proposed project would provide lots for two market-rate housing units. The North City Future Urbanizing Area (NCFUA) Framework Plan and the Del Mar Mesa Specific Plan require new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The applicant has chosen the option of paying an in-lieu fee to the City's NCFUA Affordable Housing Trust Account to meet their affordable housing requirement rather than provide the dwelling units. The Del Mar Mesa Specific Plan allows an in-lieu fee option in the amount equivalent to the cost of achieving the level of affordability required by the Del Mar Mesa affordable housing program, as determined by the San Diego Housing Commission.

## **BACKGROUND**

The 3.64-acre site is an undeveloped lot located east of the intersection of Del Mar Mesa Road and Del Vino Court, south of Rancho Toyon Place, and north of Duck Pond Lane and addressed as 6739 Rancho Toyon Place. The majority of the site is zoned AR-1-2 with a small area in the southern portion of the site zoned AR-1-1. The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density.

The project site is also in the Airport Influence Area (MCAS-Miramar) within the Del Mar Mesa Specific Plan area, Subarea V. The property is surrounded by existing single-family estate residential development to the north, west and south, and the Multiple Habitat Planning Area (MHPA) to the east. The property lies between Rancho Toyon Place and Duck Pond Lane with Lot 1 being accessed through an access agreement off of Rancho Toyon Place. Lot 2 is accessed at the cul-de-sac of Duck Pond Lane which is a private street.

Originally, this project was the subject of a Neighborhood Code Violation issued on April 27, 2007 and a subsequent Tolling Agreement dated September 24, 2007 (Attachment 10). The violation included the unauthorized grading to Environmentally Sensitive Lands (Sensitive

Biological Resources) and encroachment into a natural drainage channel as well as a portion of the City of San Diego's MHPA. A portion of the drainage channel has been dammed with fill material to create a road (to connect the two sites) and a 24-inch corrugated plastic pipe has been installed under the road. There are now two graded pads that sit on the top of the mesas and are separated by a canyon. A Tolling Agreement (Attachment 10) between the City of San Diego, Earl & Patricia Mass, and the Johnsons Communities of Southern California LLC, was executed on September 24, 2007, which gave Mr. and Mrs. Mass two options for rectifying the unpermitted grading. Option 1 included applying for a grading permit to restore the native habitat that was lost due to the unauthorized grading of the site. Option 2 included applying for a Site Development Permit, tentative map and grading plan for subdividing the property and restoring the unauthorized grading of the site. The owners have chosen Option 2. The approval of the requested Vesting Tentative Map (VTM), Planned Development Permit (PDP), Site Development Permit (SDP) and Neighborhood Use Permit (NUP) will bring this project into conformance. If this action is approved, the applicant must then take appropriate steps to ensure proper construction permits are obtained to restore the unpermitted graded areas.

## **DISCUSSION**

### *Project Description:*

The project proposes to subdivide the 3.64-acre parcel into two, 1.82-acre lots to allow for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site (Attachment 1). The project site is designated Estate Residential in the Del Mar Mesa Specific Plan (DMMSP), Subarea V and is zoned AR-1-1 and AR-1-2, which requires a one-acre minimum lot area (Attachment 2). This would allow a maximum of three units to be built, the applicant is proposing two units.

The proposed future construction has been designed to be in conformance with the site's land use designation, the DMMSP's community design guidelines, and project specific "design guidelines" per the "Architectural Design Guidelines, dated March 22, 2010," (Attachment 9). The project's specific design guidelines include: building design; materials and color; paving; lighting; roofing; landscaping; and brush management. Prior to the issuance of any construction permits the project will be required to submit for a Substantial Conformance Review (Process 2) to ensure compliance with the permit and the project's specific design guidelines. The project is also required to restore the unpermitted graded areas as described in more detail under the "Site Development Permit."

The proposed project is located within the Airport Influence Area for MCAS-Miramar; however, the project received clearance that it is consistent with the Miramar Airport Land Use Compatibility Plan on June 4, 2009.

### **Required Permits**

As proposed the project requires approval of a Vesting Tentative Map (VTM) for the subdivision of land; a Planned Development Permit (PDP) for deviations to the development regulations; a

Site Development Permit (SDP) for development of a site that contains and is adjacent to environmentally sensitive lands; and a Neighborhood Use Permit (NUP) for proposed guest quarters. A decision on the required discretionary actions shall be made in accordance with Process Four with the Planning Commission as the decision maker. The decision may be appealed to the City Council in accordance with San Diego Municipal Code (SDMC) section 112.0506.

**Vesting Tentative Map (VTM):**

A (VTM) is required for the subdivision of the 3.64-acre parcel into two, 1.82-acre lots, processed in accordance with San Diego Municipal Code Section (SDMC) 125.0430.

**Planned Development Permit:**

A Planned Development Permit (PDP) is required, for deviations to the underlying zones for street frontage and lot coverage. The first deviation is to allow 0 feet of street frontage where 100 feet is the minimum required per the San Diego Municipal Code (SDMC) for Lot 1 and where 200 feet is the minimum required for Lot 2. Both access points to each lot off Rancho Toyon Place and Duck Pond Lane are private streets. Private roads do not qualify as "street" frontage as defined by the SDMC. Therefore, a deviation is required for the proposed lots to take access through access agreements already recorded on the site. One of the goals of the DMMSP is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. The street frontage deviation can be supported because the design for the lots supports the DMMSP community design guidelines and characteristics of a rural community.

The second deviation is to allow a lot coverage of 30 percent for two-story structures, and 40 percent for one-story structures for Lot 1 (within the AR-1-2 Zone), where a maximum of 20 percent lot coverage is permitted. Lot 2 is not requesting this deviation as it is within the AR-1-1 Zone and the requirement is the same as the requested deviation. The Specific Plan states that a PDP is an appropriate means when requesting deviations provided it does not negatively impact the rural character of the community.

**Site Development Permit:**

The project requires a Site Development Permit for the unpermitted grading and restoration within Environmentally Sensitive Lands (Sensitive Biological Resources and Steep Hillsides) per SDMC Section 143.0110. The violation included the unauthorized grading of Environmentally Sensitive Lands and encroachment into a natural drainage channel, as well as into a portion of the City of San Diego's MHPA. A portion of the drainage channel has been dammed with fill material to create a road (to connect the two sites) and a 24-inch corrugated plastic pipe has been installed under the road. Elevations within the project site range between 316 feet above mean sea level (AMSL) in the canyon up to 396 feet, AMSL atop the mesas. The applicant has provided a slope analysis that was prepared during project review to identify all slopes which have a natural



gradient of 25% or greater. Based on the slope analysis, staff determined that steep hillsides are present and a Site Development Permit is required.

The unpermitted grading resulted in impacts to 0.41-acre of sensitive biological resources within the MHPA. The City of San Diego conducted an Initial Study to determine whether the Del Mar Mesa Estates Project would cause any new significant impacts that were not examined in the Master Environmental Impact Report (MEIR). The proposed project is within the scope of the MEIR and the implementation will not result in any additional impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project-specific Mitigation, Monitoring and Reporting Program (MMRP) and will be implemented to reduce, to below a level of significance, any potential impacts identified in the environmental review process. The impacted areas are to be restored as part of the MMRP and will be revegetated with native plant species which includes a 5-year maintenance program consistent with the City of San Diego's Biological Guidelines.

**Neighborhood Use Permit:**

The project requires a Neighborhood Use Permit (NUP) for the proposed guest quarters, as described in the "Architectural Design Guidelines, dated March 22, 2010" (Attachment 9).

**General/Community Plan Analysis:**

*Del Mar Mesa Specific Plan*

The project site is located within the Del Mar Mesa Specific Plan, Subarea V of the City's former North City Future Urbanizing Area (NCFUA). Subarea V remains part of the future urbanizing area and the allowable development density within the Subarea is subject to the provisions of either the AR-1-1 or 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 the development be clustered to preserve the Multiple Species Conservation Program (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 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 designates the project site for Estate Residential development (Attachment 2). For parcels designated Estate Residential within the AR-1-2 zone, the Plan establishes the residential density as that permitted by the zone, which is one dwelling unit per acre. The 3.64-acre site could accommodate up to three dwelling units. Therefore, the proposed two lot residential subdivision is consistent with Specific Plan land use. The project application was not reviewed for consistency with the 2008 General Plan because the project application was

submitted and deemed complete prior to the General Plan update. The project is therefore subject to the 1979 Progress Guide and General Plan. However, the Del Mar Mesa Specific Plan contains the more detailed, community-specific land use recommendations required by the 2008 General Plan and is therefore the primary document used for project reviews.

The Specific Plan's grading objectives recommend development be sited on the flatter areas of sites to preserve steep slopes and canyons. Generally, large quantities and large areas of grading are to be avoided and special care taken when sites develop to preserve landforms adjacent to open space. The proposed grading plan establishes vertical separation between lots following the sloping landform of the site and provides rounded contours at the corners of the pads similar to other developments within this portion of the community.

The Specific Plan encourages the use of shared streets and driveways to minimize access points and pavement in order to create the "openness" characteristic of a rural community. The project minimizes access from the existing private streets of Rancho Toyon Place and Duck Pond Lane.

#### **Del Mar Mesa Community Planning Board Recommendations:**

The Del Mar Mesa Community Planning Board approved the project on September 10, 2009, by a vote of 7-0 with no conditions.

#### **CONCLUSION:**

The proposed Arroyo Verde project conforms to the land use designation and community design guidelines in the Del Mar Mesa Specific Plan. The project would provide the required rural character and design features established in the DMMSPP for estate residential development. The project as proposed is also compatible with the existing surrounding developments and the deviations proposed can be supported by staff. Approval and implementation of the proposed project would resolve the neighborhood code violations previously identified on the site. Therefore staff recommends the Planning Commission approve the project as proposed by the applicant, subject to the proposed conditions.

#### **ALTERNATIVE S**

1. **CERTIFY** Findings to Master Environmental Impact Report No. 95-0353, Project No. 149627; **ADOPT** the Mitigation, Monitoring and Reporting Program and **APPROVE** Vesting Tentative Map No. 528186, Planned Development Permit No. 528248, Site Development Permit No. 527391, and Neighborhood Use Permit No. 528249 **with modifications.**
2. **DENY** Vesting Tentative Map No. 528186, Planned Development Permit No. 528248, Site Development Permit No. 527391, and Neighborhood Use Permit No. 528249 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Renee Mezo  
Project Manager  
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans including the Vesting Tentative Map
6. Draft Vesting Tentative Map Conditions and Subdivision Resolution
7. Draft Permit with Conditions
8. Draft Permit Resolution with Findings
9. Architectural Design Guidelines, dated March 22, 2010
10. Tolling Agreement dated 9/24/07
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement



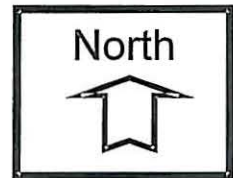


**Project Site**

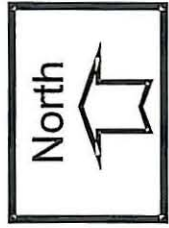
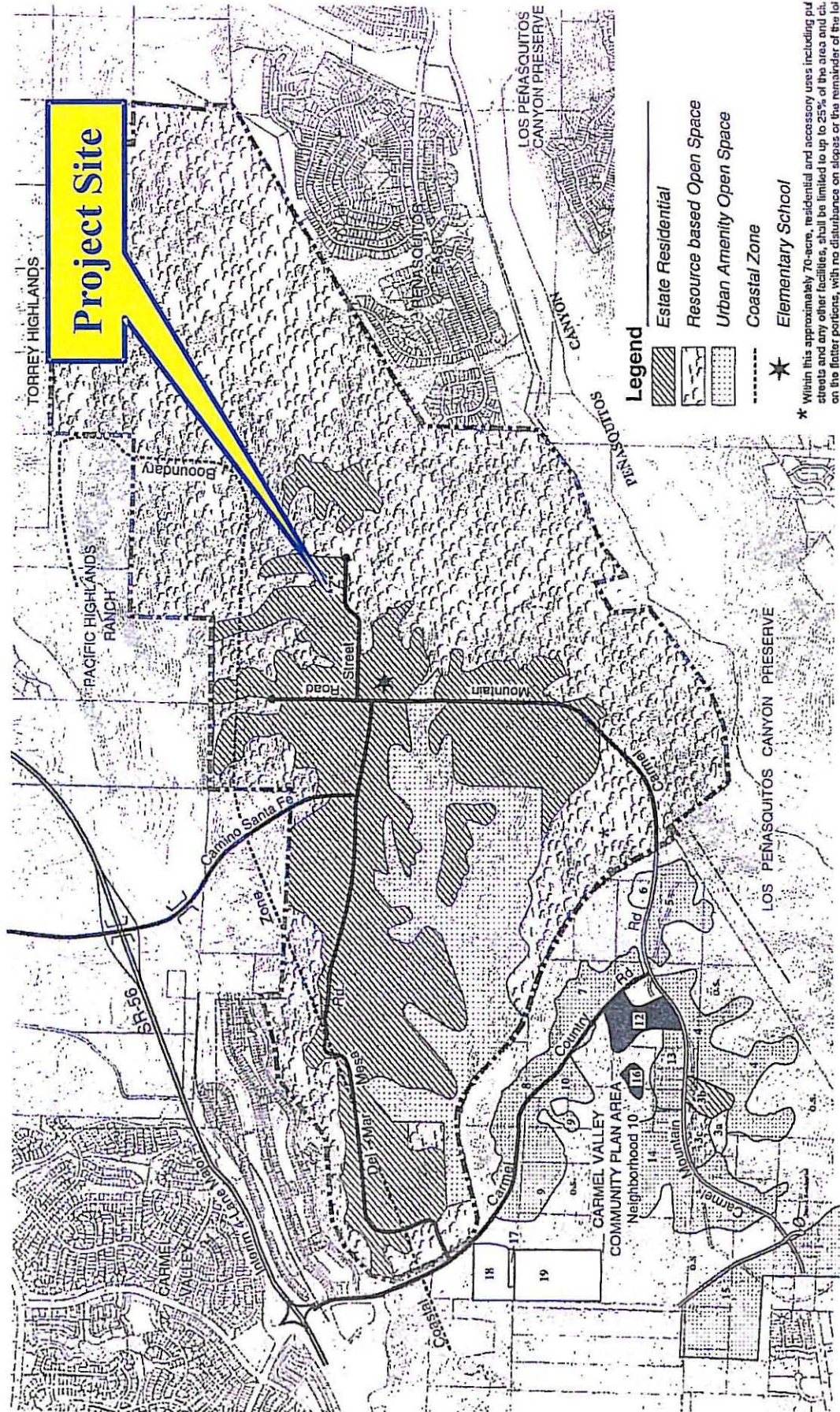


**Aerial Photo**

**ARROYO VERDE - PTS 149627  
6739 RANCHO TOYON PLACE**







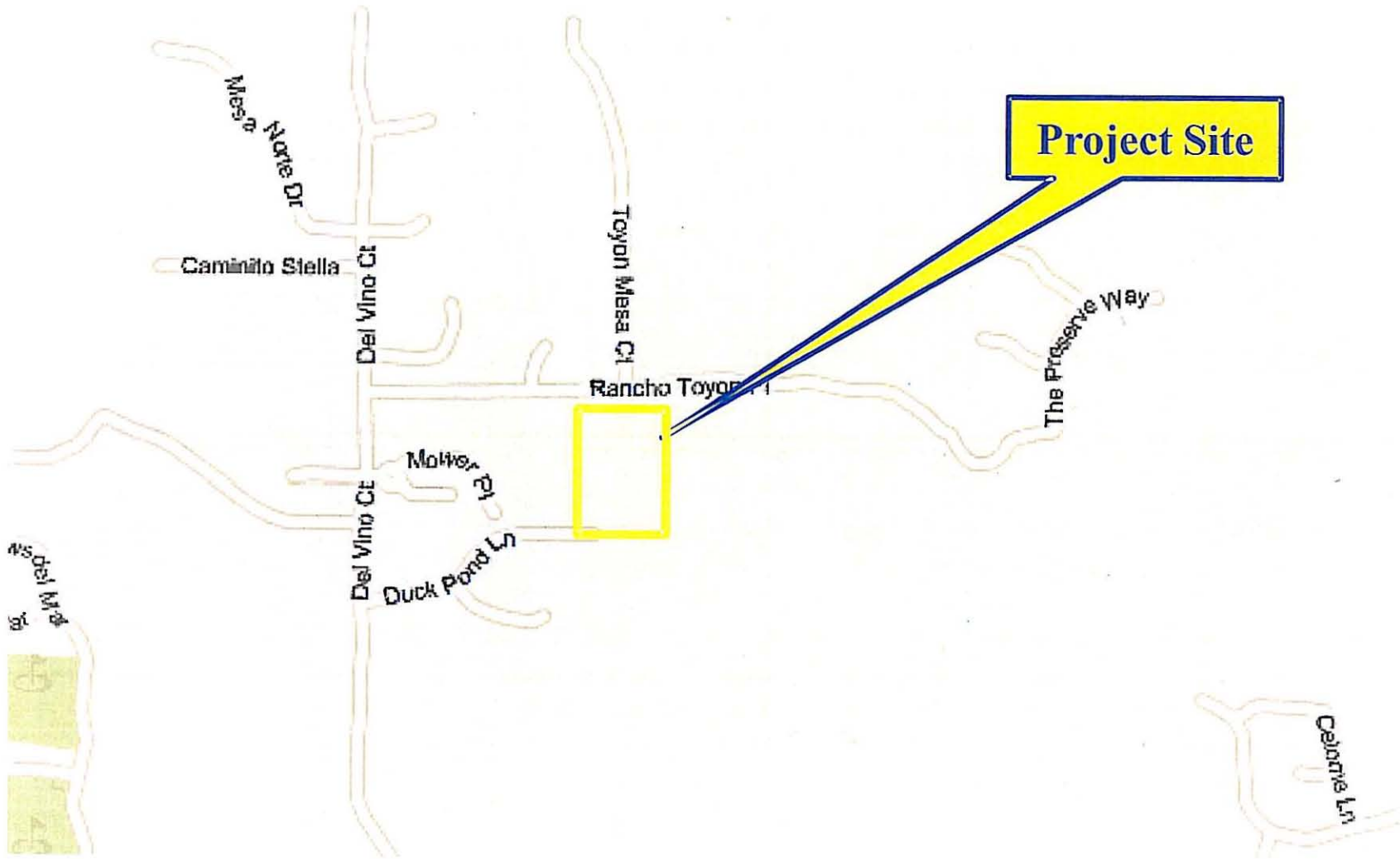
# Land Use Map

**ARROYO VERDE – PROJECT NUMBER 149627**

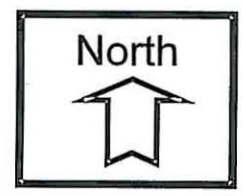
**6739 RANCHO TOYON PLACE**







**Project Location Map**  
ARROYO VERDE – PTS 149627  
6739 RANCHO TOYON PLACE



# PROJECT DATA SHEET

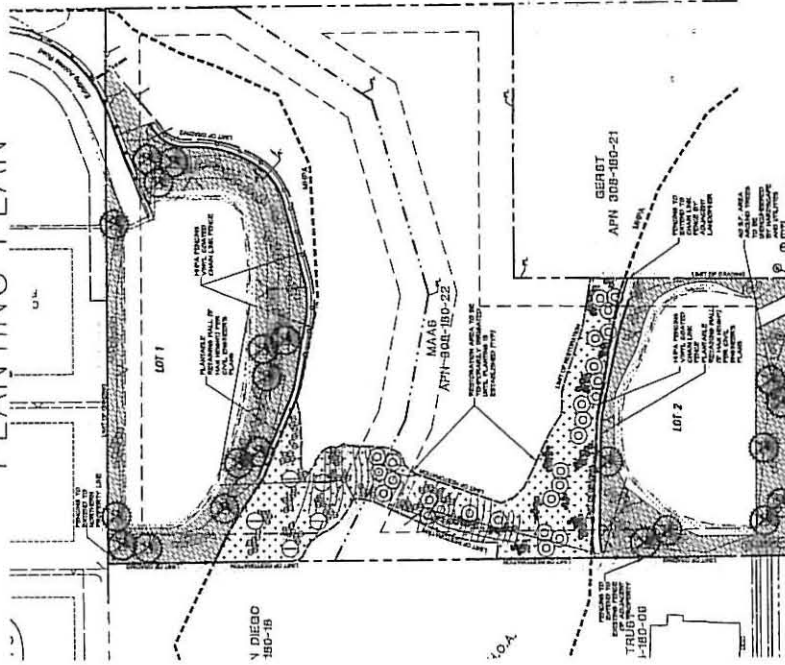
<b>PROJECT NAME:</b>	Arroyo Verde	
<b>PROJECT DESCRIPTION:</b>	Subdivision of a parcel into 2 single family residential units	
<b>COMMUNITY PLAN AREA:</b>	Del Mar Mesa Specific Plan	
<b>DISCRETIONARY ACTIONS:</b>	Planned Development Permit, Site Development Permit, Neighborhood Use Permit & Tentative Map to develop two single family custom home sites.	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Estate Residential	
	<b><u>REQUIRED:</u></b>	<b><u>PROPOSED:</u></b>
<b>ZONE:</b>	AR-1-2	AR-1-2
<b>DENSITY:</b>	1 du/acre max.	Does not exceed 1 du/acre
<b>HEIGHT LIMIT:</b>	30-feet	No buildings proposed
<b>LOT SIZE:</b>	1-acre min.	All lots exceed 1-acre
<b>FLOOR AREA RATIO:</b>	NA	No floor area proposed
<b>FRONT SETBACK:</b>	25-feet	25-feet
<b>SIDE SETBACK:</b>	20-feet	25-feet
<b>STREETSIDE SETBACK:</b>	NA	NA
<b>REAR SETBACK:</b>	25-feet	25-feet
<b>PARKING:</b>	Min. 2 spaces per dwelling	Min. 2 spaces per dwelling
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Estate Residential; AR-1-2	Single Family Residential
<b>SOUTH:</b>	Estate Residential; AR-1-2	Single Family/Agricultural
<b>EAST:</b>	Open Space/Estate Residential; AR-1-2	Open Space
<b>WEST:</b>	Estate Residential; AR-1-2	Single Family Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	Deviations to allow 0 feet of street frontage where 100 feet is the minimum required per the San Diego Municipal Code (SDMC) and a deviation to allow lot coverage of 30 percent for two-story structures, and 40 percent for one-story structures.	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	The Del Mar Mesa Community Planning Board approved the project on September 10, 2009 by a vote of 7-0 with no recommendations.	





# ARROYO VERDE - VESTING TENTATIVE MAP NO. 528186 PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT AND NEIGHBORHOOD USE PERMIT

## PLANTING PLAN



PLANTING LEGEND	
SYMBOL	COMMON NAME
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GROUND COVER - HYDRATED	
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REVISIONS:

Revision 14	DATE: 01/14/2008
Revision 13	DATE: 01/14/2008
Revision 12	DATE: 01/14/2008
Revision 11	DATE: 01/14/2008
Revision 10	DATE: 01/14/2008
Revision 9	DATE: 01/14/2008
Revision 8	DATE: 01/14/2008
Revision 7	DATE: 01/14/2008
Revision 6	DATE: 01/14/2008
Revision 5	DATE: 01/14/2008
Revision 4	DATE: 01/14/2008
Revision 3	DATE: 01/14/2008
Revision 2	DATE: 01/14/2008
Revision 1	DATE: 01/14/2008

Prepared By: JAMES ASSOCIATES, INC.  
 Name: JAMES ASSOCIATES, INC.  
 Address: 4833 PAVANEMENT DR., SUITE 200  
 Phone #: (916) 714-3102

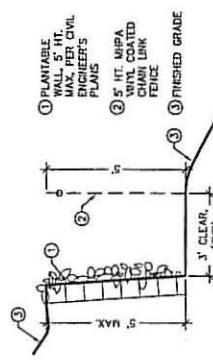
Project Name: ARROYO VERDE  
 VTL, PPP, SDP AND NEIGHBORHOOD USE PERMIT  
 J.D. 42128 P.T.S. 4183

Sheet: 5 of 7  
 DEP# 140827

**Latitude 33**  
 PLANNING AND ENGINEERING  
 4833 PAVANEMENT DR., SUITE 200  
 SAN DIEGO, CA 92123  
 TEL: 619-791-0833 FAX: 619-791-0834

**HOWARD ASSOCIATES**  
 1100 LA JOLLA VILLAGE DRIVE, SUITE 100  
 SAN DIEGO, CA 92037

Project: ARROYO VERDE  
 VTL, PPP, SDP AND NEIGHBORHOOD USE PERMIT  
 J.D. 42128 P.T.S. 4183



(A) Wall and Fence Section A-A'



PLANNING COMMISSION CONDITIONS FOR  
VESTING TENTATIVE MAP NO. 528186  
ARROYO VERDE - PROJECT NO. 149627  
**DRAFT**

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON JUNE 17, 2010

**GENERAL**

1. This Vesting Tentative Map will expire June 17, 2013.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Parcel Map shall conform to the provisions of Planned Development Permit No. 528248, Site Development Permit No. 527391, and Neighborhood Use Permit No. 528249.
6. 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 the City and/or any Indemnified Parties 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 promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 149627  
VTM No. 528186

**AFFORDABLE HOUSING**

7. Prior to recordation of the Parcel Map, the Owner/Permittee shall comply with the affordable housing requirements of the NCFUA Framework Plan by paying an in-lieu fee to the San Diego Housing Commission. The current in-lieu fee is equal to \$4,840 (\$2,420 per market rate lot), but is subject to change in the future.

**ENGINEERING**

8. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction (BMP) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction (BMP) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is private and subject to approval by the City Engineer.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. This project proposes to export 1,539 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 onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

Project No. 149627  
VTM No. 528186



15. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
16. 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. RR-297376.
17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
18. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
19. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

### MAPPING

20. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
21. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The

Project No. 149627  
VTM No. 528186

specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

22. The Parcel 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.

#### WASTEWATER

23. The Subdivider shall provide evidence, satisfactory to the Director of Public Utilities, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
24. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.
25. All on-site wastewater systems shall be private.
26. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten-feet of any public sewer facilities.

**MULTIPLE SPECIES CONSERVATION PROGRAM:**

28. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Game [CDFG], as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City, USFWS, and CDFG. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.
29. Prior to issuance of any building permits, the Owner/Permittee shall schedule an inspection with the Park and Recreation Department Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City's acceptance.
30. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

**WATER**

31. Prior to the issuance of any construction permit, the Subdivider shall assure, by permit and bond, the design and construction of a new water service outside of any driveway connected to the existing 8" water main within Duck Pond Lane, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
32. Prior to the issuance of any construction permit, the Subdivider shall assure, by permit and bond, the disconnection of the two existing unused water services at

- the existing 8" water main located within Mower Place, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
33. Prior to the issuance of any construction permit, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
  34. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
  35. The Subdivider shall design and construct all proposed public water facilities in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.
  36. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

**BRUSH MANAGEMENT:**

37. Prior to the recordation of the parcel map, the Owner/Permittee shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and median improvements, and revegetation of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. The Owner/Permittee shall assure by permit and bond the installation of landscaping per landscape construction documents.
38. Prior to issuance of any engineering permits for grading/improvements, the Owner/Permittee shall enter into a Landscape Establishment/Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all temporarily irrigated revegetation areas. The LEMA shall be approved by the Landscape Section of Development Services Department. Agreement shall commence prior to release of the performance bond with Owner/Permittee posting a new bond to cover the terms of the agreement.



39. Prior to recordation of the Parcel Map, the Owner/Permittee shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit 'A.' These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

### **GEOLOGY**

40. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
41. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

### **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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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 ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

**PLANNING COMMISSION VESTING TENTATIVE MAP RESOLUTION  
NUMBER R-XXXX**

**VESTING TENTATIVE MAP NO. 528186  
ARROYO VERDE- PROJECT NO. 149627  
Mitigation, Monitoring, and Reporting Program (MMRP)  
DRAFT**

WHEREAS, EARL AND PEGGY MAAS, Subdivider, and JOHN EARDENSOHN, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Parcel Map, No. 528186, for the development and subdivision of a parcel into two residential lots. The project site is located at 6739 Rancho Toyon Place in the AR-1-1 and AR-1-2 Zones and the Airport Influence Area (MCAS-Miramar), within the Del Mar Mesa Specific Plan area. The property is legally described as the easterly 400 feet of the southerly 495 feet of the southeast quarter of the northwest quarter of section 22, Township 14 South, Range 3 West, according to United States Government Survey, in the City of San Diego, County of San Diego, California, according to map thereof, filed in the Office of the County Recorder of San Diego County, December 21, 2006; and

WHEREAS, the Map proposes the Subdivision of a 3.64-acre site into 2 lots for residential development; and

WHEREAS, the design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council

Project No. 149627  
VTM No. 528186

Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense; and

WHEREAS, Findings to Master Environmental Impact Report (EIR) No. 95-0353 have been prepared and reflect 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 Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on June 17, 2010, the Planning Commission of the City of San Diego considered Vesting Tentative Parcel Map No. 528186 and pursuant to San Diego Municipal Code section(s) 125.0440 (tentative map), and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard 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 Vesting Tentative Parcel Map No. 528186:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The proposed subdivision would

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provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Del Mar Mesa Specific Plan. Therefore, the proposed subdivision; its design and proposed improvements would be consistent with the policies, goals, and objectives of the applicable land use plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The proposed subdivision would comply with the development regulations of the underlying zone and as modified by the Del Mar Mesa Specific Plan with an approved Planned Development Permit, Site Development Permit and a Neighborhood Use Permit in conjunction with this subdivision approval. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. The deviations are considered consistent with the goals of the Del Mar Mesa Specific Plan. One of the goals of the Del Mar Mesa Specific Plan is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. In order to meet this goal, the project is requesting deviations from street frontage and minimum lot coverage. The specific plan anticipated deviations may be required due to specific site conditions. The Specific Plan states that a Planned Development Permit is an appropriate means when requesting these deviations provided they do not negatively impact the rural character of the community. Therefore, the proposed subdivision, its design and proposed improvements would comply with regulations.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The proposed subdivision would be consistent with the recommended estate residential land use and density range of the Del Mar Mesa Specific Plan. Design guidelines have also been adopted as part of the approval to regulate the design of each single family lot. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

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VTM No. 528186

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The City of San Diego conducted an Initial Study to determine whether the Del Mar Mesa Estates project would cause any significant impact that was not examined in the Master Environmental Impact Report (MEIR) and whether the project was described as being within the scope of the Del Mar Mesa Specific Plan. The proposed project has been determined to be within the scope of the MEIR and the implementation is not expected to result in any additional significant impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project-specific Mitigation, Monitoring and Reporting Program (MMRP). All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas as City staff has determined that the following project-specific issues of Biological Resources, Landuse/Multiple Species Conservation Program (MSCP) Paleontological Resources require mitigation measures. A Mitigation, Monitoring and Reporting Program (MMRP) has been established to address these issues. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. The deviations requested with the approval have also been considered by staff within the context of public health, safety and welfare. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

**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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The proposed subdivision does not contain any public improvements or easements. Therefore the subdivision and improvements will not impact any public easements.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

**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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The proposed project is the subdivision of a 3.64-acre parcel to create two lots for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs have been balanced against the needs for public services and the available fiscal and environmental resources, and it has been found that the addition of two residential lots for private development is consistent with the housing needs of the Del Mar Mesa Community Planning area.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Parcel Map No. 528186, are hereby

Project No. 149627  
VTM No. 528186



granted to EARL AND PEGGY MAAS, subject to the attached conditions which are made a part of this resolution by this reference.

By

\_\_\_\_\_  
Renee Mezo  
Development Project Manager  
Development Services Department

Internal Order No. 23430282

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

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430282

**PLANNED DEVELOPMENT PERMIT NO. 528248**  
**SITE DEVELOPMENT PERMIT NO. 527391**  
**NEIGHBORHOOD USE PERMIT NO. 528249**

**ARROYO VERDE – PROJECT NO. 149627**  
**PLANNING COMMISSION**  
**DRAFT**

This Planned Development Permit No. 528248, Site Development Permit No. 527391, and Neighborhood Use Permit No. 528249 is granted by the Planning Commission of the City of San Diego to EARL AND PEGGY MAAS, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0602, 143.0110 and 126.0203. The 3.64-acre site is located at 6739 Rancho Toyon Place in the AR-1-1 and AR-1-2 Zones and the Airport Influence Area (MCAS-Miramar), within the Del Mar Mesa Specific Plan area. The project site is legally described as: the easterly 400 feet of the southerly 495 feet of the southeast quarter of the northwest quarter of section 22, Township 14 South, Range 3 West, according to United States Government Survey.

Subject to the terms and conditions set forth in this Permit, permission is granted to EARL AND PEGGY MAAS Owner/Permittee to subdivide the lot to allow for the future construction of two single-family residences, with guest quarters, and the restoration of unpermitted graded portions of the site, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 17, 2010, on file in the Development Services Department.

The project shall include:

- a. Subdivision of the lot to allow for the future construction of two single-family residences in accordance with the "Architectural Design Guidelines, dated March 22, 2010," including guest quarters;
- b. Revegetation and restoration of unpermitted grading activities;

- c. The following deviations are granted from the AR-1-2 Zone:
- i. A deviation to allow 0 feet of street frontage where 100 feet is the minimum per the San Diego Municipal Code (SDMC) for Lot 1 and where 200 feet is the minimum required for Lot 2);
  - ii. A deviation to allow a lot coverage of 30 percent for two-story structures, and 40 percent for one-story structures for Lot 1 (within the AR-1-2 Zone), where a maximum of 20 percent lot coverage is required. Lot 2 is not requesting this deviation as it is within the AR-1-1 Zone and the requirement is the same as the requested deviation. (page 3);
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Brush Management;
- f. Off-street parking;
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.



4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee 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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee 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, Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Findings to Master Environmental Impact Report No. 95-0353, Project No. 149627 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MMRP and outlined in Findings to Master Environmental Impact Report No. 95-0353, Project No. 149627, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented.

**AFFORDABLE HOUSING REQUIREMENTS:**

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.) by paying an in-lieu fee.

**ENGINEERING REQUIREMENTS:**

16. The Planned Development Permit, Site Development Permit, and Neighborhood Use Permit shall comply with the conditions of Vesting Tentative Map No. 528186.

**LANDSCAPE REQUIREMENTS:**

17. The Landscape Construction Plan shall take into account a 40-square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b) 5.

18. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

19. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the "Arroyo Verde" Architectural Design Guidelines and the Land Development Manual, Landscape Standards.

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

21. Prior to any construction permits for grading of the custom home parcels, the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, the prohibited plant species list found in "Table 1" of the Landscape Standards, and "Appendix A" of the Biological Technical Report (dated February 5th, 2009) shall not be permitted.

22. Prior to any construction permits for grading of the custom home parcels; the Permittee or Subsequent Owner shall submit landscape construction documents for the permanent and/or temporary re-vegetation, including irrigation and hydro-seeding, of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

23. Prior to any construction permits for grading of the custom home parcels, complete landscape and irrigation construction documents consistent with the "Arroyo Verde" Architectural Design Guidelines and the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
24. Prior to any construction permits for grading of the custom home parcels, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans, the "Arroyo Verde" Architectural Design Guidelines, and the Land Development Manual, Landscape Standards.
25. Prior to any construction permits for grading of the custom home parcels, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
26. Prior to any construction permits for grading of the custom home parcels, the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, the prohibited plant species list found in "Table 1" of the Landscape Standards, and "Appendix A" of the Biological Technical Report shall not be permitted.
27. Prior to any construction permits for grading of the custom home parcels, the Permittee or Subsequent Owner shall ensure that any existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the development area of the premises when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [SDMC Section 142.0403(b)(2)]. A mitigation monitoring period of five (5) years shall be required to ensure that these invasive plant species do not continue to germinate on-site.
28. Prior to Recordation of the Parcel Map and/or Issuance of Grading Permits, a Re-vegetation/Restoration Plan shall be required to be submitted to the Development Services Department for review by the Landscape Analysis Section. The Restoration Plan shall comply with the submitted "Habitat Restoration Program," the "Biological Technical Report," and all exhibits under the Site Development Permit Project #149627. The Restoration Plan shall also comply with the Biology Guidelines and Landscape Standards of the Land Development Manual.
29. Prior to any construction permits for grading of the custom home parcels, complete landscape and irrigation construction documents consistent with the "Arroyo Verde" Architectural Design Guidelines, the Del Mar Mesa Specific Plan and the Landscape Standards



shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

30. Prior to any construction permits for grading of the custom home parcels, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans, the "Arroyo Verde" Architectural Design Guidelines, the Del Mar Mesa Specific Plan and the Land Development Manual, Landscape Standards.

**MODIFIED BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

31. The Permittee or Subsequent Owner shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A,' Brush Management Plan, on file in the Office of the Development Services Department.

32. The Brush Management Program shall implement two zones consistent with the Brush Management Regulations of the Land Development Code Section 142.0412 as follows: Lots 1 and 2 shall have a Zone One of 35 feet and a Zone Two of 65 feet; however, portions of Zone One will be on a manufactured slope.

33. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and Development Services Department approval.

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

35. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Analysis Section [LAS] and the Environmental Analysis Section [EAS].

36. All new Zone Two planting shall be temporarily irrigated with an above-ground irrigation system until established. Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing weeds, and maintaining the temporary irrigation system. Only native vegetation shall be planted or hydroseeded. If Zone Two is being revegetated, 50% of the planting area shall be seeded with material that does not grow taller than 24 inches.

37. Prior to the performance of a Final Landscape Inspection for the future residential structures, the approved Brush Management Program shall be implemented. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.

38. Prior to any construction permits for grading of the custom home parcels, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit 'A.'

39. Prior to any construction permits for grading of the custom home parcels, a complete set of Brush Management Construction Documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Uniform Fire Code, M.C. 55.0101; the Land Development Manual, Landscape Standards; and the Land Development Code, Landscape Regulations Section 142.0412.

40. Prior to Recordation of the Parcel Map, conservation easements and/or covenant of easements granted in favor of the City shall be placed on all areas identified as Brush Management Zone Two in accordance with the MSCP "Land Use Adjacency Guidelines" and shall be reviewed by the Engineering, Permit Planning, Environmental, and Landscape Sections of the Development Services Department. The Parcel Map and appropriate Construction Documents identifying these easements shall comply with Exhibit "A" on file in the Office of the Development Services Department.

**MULTIPLE SPECIES CONSERVATION PROGRAM:**

41. Prior to recordation of issuance of any grading permits, the on-site MHPA shall be conveyed to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes.

42. A conformed copy of the conservation easement or covenant of easement shall be provided to MSCP staff prior to any permit issuance.

**PLANNING/DESIGN REQUIREMENTS:**

43. Prior to submitting an application for a building permit on any lot, the Owner/Permittee shall submit an application for a Process Two Substantial Conformance Review (SCR) for each lot to determine conformance with the conditions of this permit, the Arroyo Verde Architectural Design Guidelines, dated March 22, 2010, the Exhibit 'A' development plans, and the Del Mar Mesa Specific Plan.

44. No fewer than two off-street parking spaces, and an additional parking space per bedroom for properties developed with a guest quarters, shall be maintained on each property at all times. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Director.

45. Disclosure shall be made to all future homebuyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property subject to the horse-keeping provisions of the City of San Diego Municipal Code and the Multiple Species Conservation Program (MSCP) Subarea Plan, Section 1.4.3., Land Use Adjacency Guidelines.

46. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit 'A' and the Del Mar Mesa Specific Plan.

47. In order to preserve the rural character and dark night skies of Del Mar Mesa, all outdoor lighting from homes for the purposes of safety and security shall be designed to minimize the emission of light rays onto neighboring lots and open space. All outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located. The lighting of private recreational facilities, such as tennis courts, shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than six feet from the lighting source.

48. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

49. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

#### **TRANSPORTATION REQUIREMENTS**

50. The project shall conform to the Subarea V/Del Mar Mesa Transportation Phasing Plan.

#### **WASTEWATER REQUIREMENTS:**

51. Prior to the issuance of any building permit, all projects that discharge to the Carmel Valley Trunk Sewer shall pay the required assessment. The Carmel Valley Trunk Sewer construction is to be funded through a Facilities Benefit Assessment. The minimum cost per dwelling unit is \$302.00. The Owner/Permittee shall pay or provide a letter of commitment to participate in the Facilities Benefit Assessment project for upgrading the Carmel Valley Trunk Sewer.

**INFORMATION ONLY:**

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

APPROVED by the Planning Commission of the City of San Diego on June 17, 2010 and Resolution Number XXXX.