



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 18, 2014

REPORT NO. PC-14-051

ATTENTION: Planning Commission, Agenda of September 25, 2014

SUBJECT: **GRAND DEL MAR. Project No. 289870. Process 4.**

OWNER/

APPLICANT:

The Grand Del Mar Resort, L.P., a California limited partnership and Douglas F. Manchester, Owner/John Eardensohn, Latitude 33 Planning & Engineering, Applicant (Attachment 12)

SUMMARY

Issue(s): Should the Planning Commission grant approvals necessary to remedy and mitigate for a variety of code violations associated with unpermitted development at the Grand Del Mar resort and golf course located within the Carmel Valley and Del Mar Mesa communities?

Staff Recommendation(s):

1. **Certify** Mitigated Negative Declaration No. 289870 and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Approve** Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792.

Community Planning Group Recommendation - The Del Mar Mesa Community Planning Board met on June 12, 2014 and unanimously passed a resolution supporting the MND scope and settlement, with the condition the Monetary Consideration be deposited in a Community Foundation or similar community based nonprofit organization for safekeeping, rather than a City of San Diego controlled account where City administration fees would be charged to the account. The use of the Funds should be administered jointly by the DMMCPG (Del Mar Mesa Community Planning Board) and CVCPG (Carmel Valley Community Planning Board). The Carmel Valley Community Planning Board voted, on June 26, 2014, 12:0:1 to recommend approval of the project subject to two conditions. See Attachment 11 for the actions of each planning group.

Environmental Review - A Mitigated Negative Declaration No. 289870 has been prepared for the project in accordance with State of California Environmental Quality Act Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and would be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

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

Code Enforcement Impact - As a result of actions by the owner the City issued a Notice of Violation (NOV1), dated August 26, 2003 and revised on August 28, 2003, citing several violations of the San Diego Municipal Code for unpermitted improvements. A second Notice of Violation (NOV2), dated September 20, 2011, was issued to the property owner citing additional violations of the San Diego Municipal Code. The property owner and the City of San Diego entered into a Stipulated Judgment with the Superior Court of California, County of San Diego on January 8, 2013.

Housing Impact Statement - None with this action.

BACKGROUND

The project site is located within the Carmel Valley and Del Mar Mesa Community Plan areas and is designated for Open Space by the Carmel Valley Community Plan Land Use map (Attachment 1), and Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan Land Use map (Attachment 2). The Del Mar Mesa Specific Plan identifies the golf course and resort within the Urban Amenity Open Space as an allowed use. The Specific Plan further identifies a 300-room resort hotel, an 18-hole golf course and 134 residential dwelling units approved by Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 (Bougainvillea) as a land use component for this site.

The site is located at 5300 Grand Del Mar Court (Attachment 3). The site is zoned as AR-1-1, AR-1-2 and Carmel Valley Planned District Open Space (CVPD-OS). The site is developed with the Grand Del Mar Resort and Spa (Attachment 4). The prior owner was granted a Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 by the City Council on December 10, 1996 to implement a 153 parcel subdivision for 134 detached single family dwelling units, open space, recreational and a resort/hotel complex on the 378 acre property (Attachment 5). The single family subdivision, recreational and resort/hotel complex has been constructed and is occupied. The resort and golf course is surrounded entirely by open space canyons and single family developments.

As a result of actions by the owner the City issued a Notice of Violation (NOV1), dated August 26, 2003 and revised on August 28, 2003, citing several violations of the San Diego Municipal Code for unpermitted improvements (Attachment 6). The unpermitted improvements are: 1) The addition of two tee boxes, and access thereto, at the fifth hole, along with revegetation with native plants of the area immediately adjacent to the new tee boxes. 2) The dredging of a portion of the creek bed adjacent and to the south of the new tee boxes at the fifth hole and revegetation of the creek bed with native plants to restore the area to its natural condition. 3) The sodding of a

strip of unimproved land that contained native vegetation. 4) The addition of three tee boxes, and access thereto, including a foot bridge crossing the creek bed at the sixth hole as well as split rail fencing and landscaping to the south of the tee boxes at the sixth hole. 5) The addition of one tee box, and access thereto, at the fifteenth hole. and 6) Grading a portion of land above the new tee box at the fifteenth hole and planting sod on the leveled portion as a picnic area as well as replacing a chain link fence to the north of the sodded area with a masonry wall. A second Notice of Violation (NOV2), dated September 20, 2011, was issued to the property owner citing additional violations of the San Diego Municipal Code (Attachment 7). The unpermitted improvements cited in the NOV2 are: 1) Development of equestrian trails within and around the resort. 2) Development of an equestrian center, horse trails and horse corrals near the resort's tennis courts. and 3) Development of an approximately 160 foot long, six foot wide connector path from the golf course to the City's Multi-Use trail on the south end of the resort property. During review of the proposed project, city staff and the wildlife agencies noted an unauthorized trail to the top of a hill near the fifth fairway. The unpermitted improvements occurred on land which contained sensitive environmental habitat.

The property owner and the City of San Diego entered into a Stipulated Judgment with the Superior Court of California, County of San Diego (Stipulated Judgment) on January 8, 2013 (Attachment 8). An application for an amendment to Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 was submitted and deemed complete on October 17, 2013 in accordance with the terms of the Stipulated Judgment.

DISCUSSION

Required Approvals

The Grand Del Mar project requires the approval of a Site Development Permit to amend the prior Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 and to allow impacts to sensitive vegetation created by the owner without the benefit of permits and a MHPA boundary line adjustment (MHPA BLA) to amend the MHPA line on the Project site.

Project Description

The Grand Del Mar project (Project) proposes to resolve the issues cited by NOV1 and NOV2 and satisfy the terms of the Stipulated Judgment. The unpermitted improvements occurred on land which contained sensitive environmental habitat. Approval of the Project would entitle the prior actions taken by the owner which resulted in the NOV1 and NOV2. Approval of the Project would permit the prior unpermitted creation of additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corrals and an equestrian stable, a temporary parking lot, and restoration and revegetation areas. Approval of the Project would also include a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) boundary line adjustment to amend the MHPA line on the Project site to allow the unpermitted improvements. The Project design is presented in the submitted drawings included in this report as Attachment 9.

Subsequent to the actions of the owner which resulted in impacts to sensitive habitat, and in the intervening years since the impact occurred and the submittal of the current application to remedy those actions, the habitat has recovered and is now presently in a vigorous and healthy condition. In short, the habitat has grown back as a result of the actions taken by the applicant to initiate and accelerate the natural restoration process. Although the proposed Project is an after-the-fact situation of the owner's making, the owner would be required to mitigate for all the impacts the owner created without the benefit of authorized permits.

MSCP Multi-Habitat Planning Area Boundary Line Adjustment

The Multiple Species Conservation Program (MSCP) is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles in southwestern San Diego County pursuant to the federal and California Endangered Species Acts and the California Natural Community Conservation Planning Act. The MSCP has been developed cooperatively by participating jurisdictions/special districts in partnership with federal/state wildlife agencies, property owners, and representatives of the development industry and environmental groups.

The MSCP is designed to preserve native habitat for multiple species rather than focusing efforts on one species at a time. This is accomplished by identifying areas designated for development and areas to be conserved in perpetuity to achieve a workable balance between smart growth and species protection. The areas to be conserved in perpetuity are referred to as the Multi-Habitat Planning Area. This approach allows for preservation of entire ecosystems (e.g., coastal sage scrub) on a large scale, rather than a single species, project-by-project basis as under the original state and federal species protection laws.

Within the Multi-Habitat Planning Area (MHPA), development will be limited to ensure the long-term viability and recovery of 85 species covered by the MSCP permit between the City and wildlife agencies. Through this strategy, the MSCP will preserve a network of habitat and open space, protect biodiversity and enhance the region's quality of life, while at the same time providing an economic benefit by streamlining compliance with federal and state wildlife laws. Signatory agencies/districts administer their portions of the MSCP through subarea plans and implementing agreements (IA). The City of San Diego's MSCP Subarea Plan and IA were adopted by City Council and approved by the wildlife agencies in 1997. For amendments to the MHPA the City and wildlife agencies have adopted a procedure identified as a Boundary Line Adjustment (BLA) by which staff and wildlife agencies evaluate whether a proposed BLA will result in at least a net sum equivalency of equal or better habitat within the MHPA. It is this equivalency analysis which determines whether a BLA is supported by the city staff and wildlife agencies.

The Project is associated with the Bougainvillea project and Environmental Impact Report (EIR) which was approved and certified by the City of San Diego City Council on December 1996, prior to the adoption of the MHPA in July 1997. Per the Bougainvillea EIR, the MHPA area was shown to overlap in some areas with the development footprint for the golf course, indicating that some degree of flexibility was envisioned as long as required mitigation ratios were met and functional wildlife corridors were maintained across the golf course. Subsequent to the Bougainvillea approval, improvements were created by the owner which reduced MHPA with

development by 4.1 acres. To resolve the issues of NOV1 and NOV2, a MHPA BLA, in addition to the Site Development Permit, is required.

The Project was presented at the wildlife agency meetings on June 13, 2013, April 18, 2014 and May 16, 2014. A field visit with the wildlife agencies and City staff also occurred on June 26, 2013 so that the areas of impact and restoration could be better understood. At the May 16, 2014 meeting, a Boundary Line Adjustment Equivalency Analysis with 0.55 acres removed and 5.16 acres added to the MHPA was presented to the wildlife agencies and the City. The Equivalency Analysis was approved by the wildlife agencies on May 28, 2014 and the BLA is supported by the wildlife agencies. Feedback from the meetings was included in the final updated biology report and included in the final Mitigated Negative Declaration.

General Plan/Community Plan Analysis

The project site is located within the Carmel Valley and Del Mar Mesa planning areas of the 2008 General Plan and is within 'Proposition A' lands (Attachment 10). Proposition 'A' lands (Prop A) is the 1985 citywide ballot proposition that ratified the Managed Growth Initiative in the previous General Plan. Prop A is still in effect and is included as Appendix B (AP-29) of the 2008 General Plan. Council Policy 600-29 "Maintenance of the Future Urbanizing Area as an Urban Reserve" also provides guidance for Prop A lands.

Open space within the project site, excluding the golf course greens and fairways, is within the Multi-Habitat Planning Area as identified by the Specific Plan (Attachment 11). The Specific Plan contains provisions for allowing adjustments within MSCP preserve areas that fall within either designated Urban Amenity or Resource Based Open Space. These adjustments can be made without the need to amend the MSCP Subarea Plan and the Specific Plan if the adjustment will result in the same or higher biological value of the preserve. The proposed Site Development Permit and MHPA BLA, as well as the mitigation proposed for the impacts associated with NOV1 and NOV2, would be consistent with the Specific Plan's policies regarding MSCP adjustments and the Urban Amenity Open Space land use designation, and is therefore also consistent with Prop A.

The impacts associated with NOV1 and NOV 2 all occurred within the Del Mar Mesa Specific Plan (Specific Plan) area. This portion of the site, within Del Mar Mesa, is designated as Estate Residential and Urban Amenity Open Space. The Specific Plan further identifies a 300-room resort hotel, an 18-hole golf course and 134 residential dwelling units approved by RPO/CUP/PRD No. 89-1296.

Open space within the project site, excluding the golf course greens and fairways, is within the Multi-Habitat Planning Area as identified by the Specific Plan (Attachment 11). The Specific Plan contains provisions for allowing adjustments within MSCP preserve areas that fall within either designated Urban Amenity or Resource Based Open Space. These adjustments can be made without the need to amend the MSCP Subarea Plan and the Specific Plan if the adjustment would result in the same or higher biological value of the preserve. The proposed SDP and MHPA BLA, as well as the mitigation proposed for the impacts associated with NOV1 and NOV2, would be consistent with the Specific Plan's policies regarding MSCP adjustments and the Urban Amenity Open Space land use designation.

The 5th and 6th tee boxes discussed above in the Background Section are located within the Carmel Valley Neighborhood 10 Precise Plan (Precise Plan) planning area and are designated Open Space by the Precise Plan. Although designated Open Space, the Precise Plan acknowledges that the open space canyon north of development areas 7 and 8 (where the 5th and 6th tee boxes are located) is part of a golf course approved as part of the Bougainvillea development. As such, no land use inconsistency would occur with the Neighborhood 10 Precise Plan due to the existing extension of the 5th and 6th tee boxes.

Conclusion

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project (Attachments 12 and 13) and draft conditions of approval (Attachment 14). Staff recommends the Planning Commission approve the project as proposed.

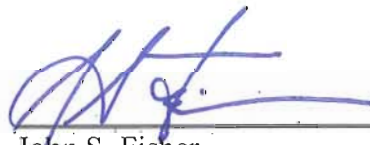
ALTERNATIVES

1. **Approve** Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792, **with modifications.**
2. **Deny** Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



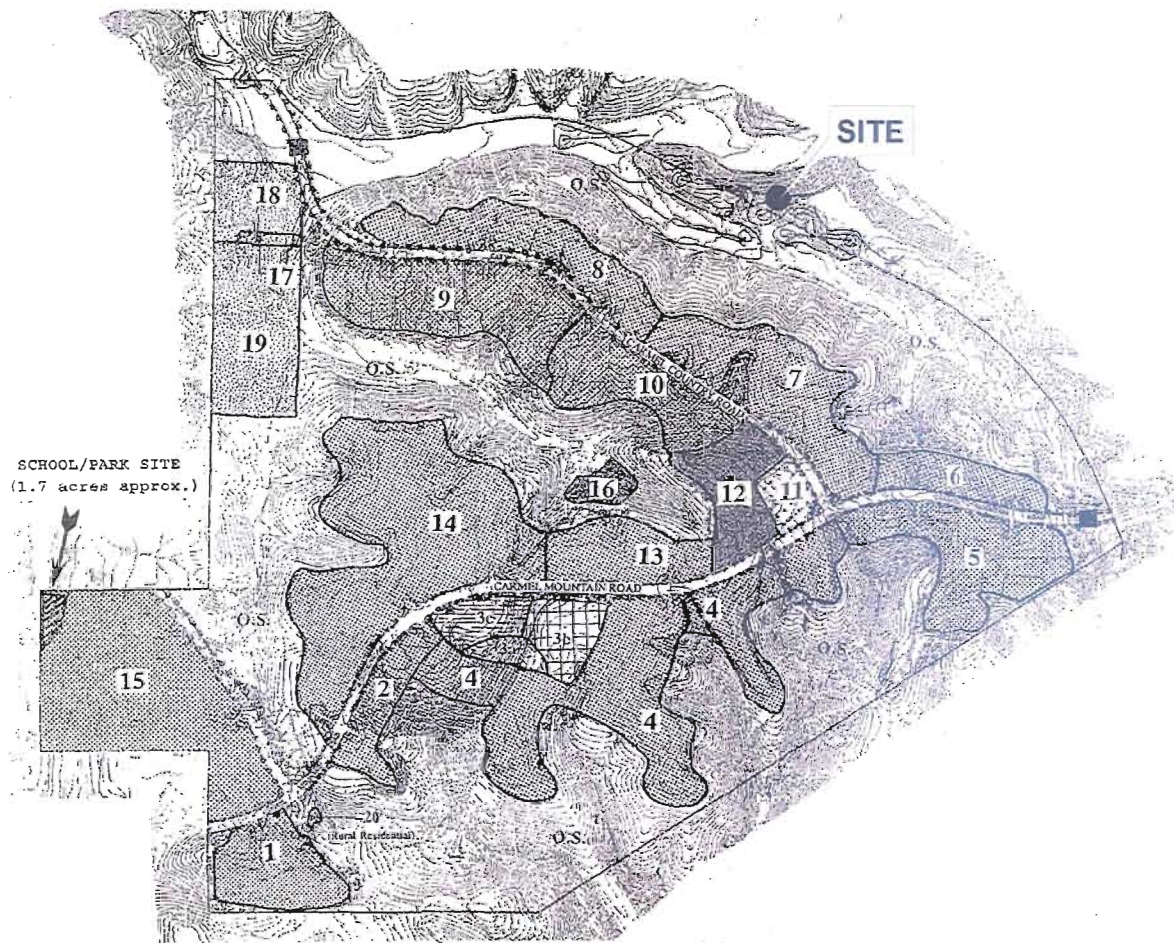
John S. Fisher
Development Project Manager
Development Services Department

VACCHI/JSF

Attachments:

1. Carmel Valley Community Plan Land Use map
2. Del Mar Mesa Community Plan Land Use map
3. Project Location Map
4. Aerial Photograph
5. Copy of Recorded Permit
6. Notice of Violation 1
7. Notice of Violation 2

8. Stipulated Judgment
9. Project Plans
10. General Plan Figure LU-4
11. Del Mar Mesa Specific Plan Figure 7
12. Draft Permit Resolution with Findings
13. MND Resolution with MMRP
14. Draft Permit with Conditions
15. Project Data Sheet
16. Community Planning Group recommendations
17. Ownership Disclosure statement
18. Project Chronology



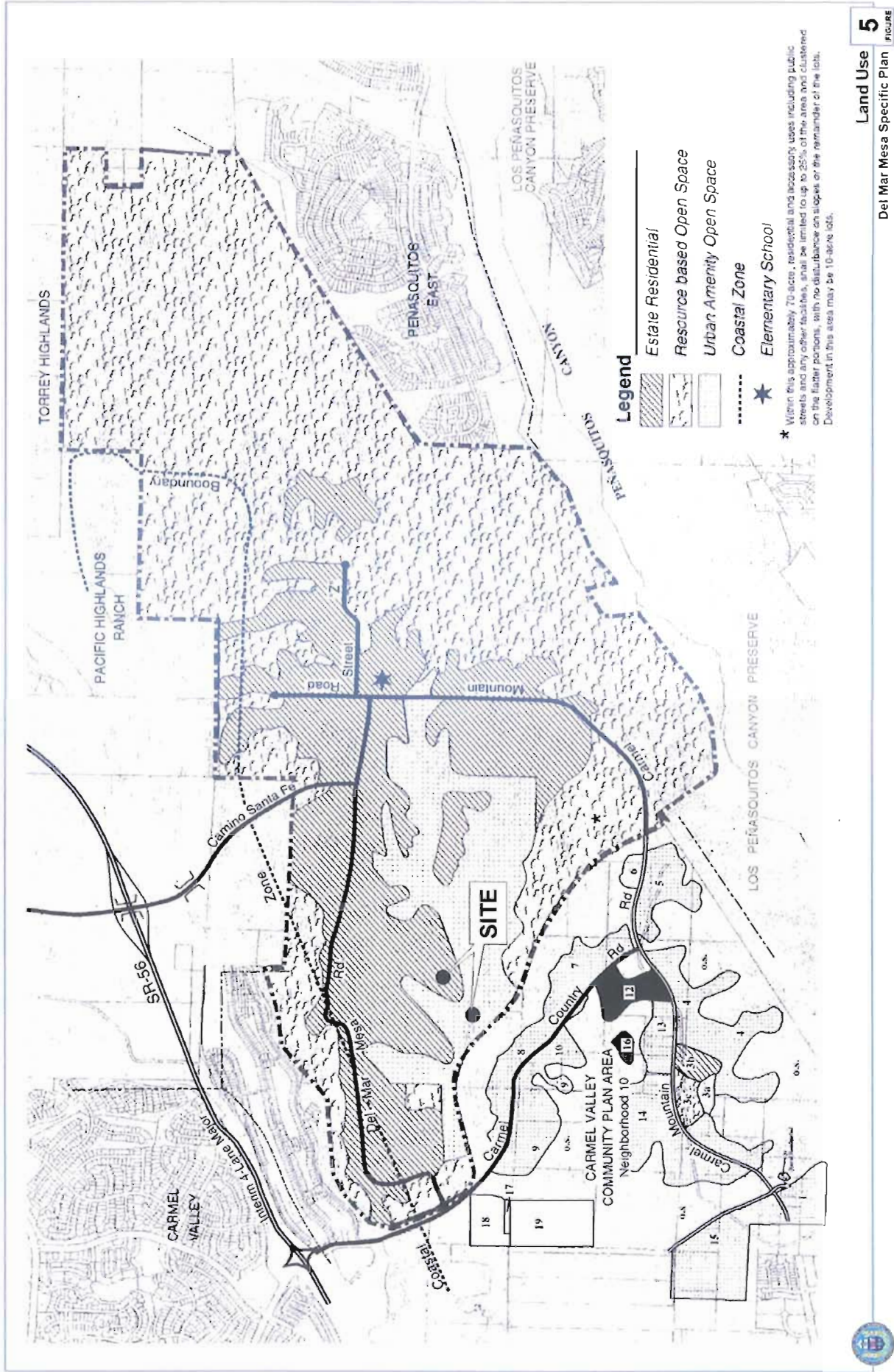
LAND USE PLAN

- VERY LOW DENSITY
RESIDENTIAL (0-5 DU/AC)
- LOW DENSITY
(5-15 DU/AC)
- RURAL RESIDENTIAL
(UNDEVELOPED ZONING A-1-10)
- NEIGHBORHOOD
COMMERCIAL
- ELEMENTARY SCHOOL
- ACTIVE PLAYFIELD/
JOINT USE
- NEIGHBORHOOD
PARK
- O.S. OPEN SPACE
- ROAD UNDERCROSSING
- BRIDGE OR ROAD
UNDERCROSSING

PRECISE

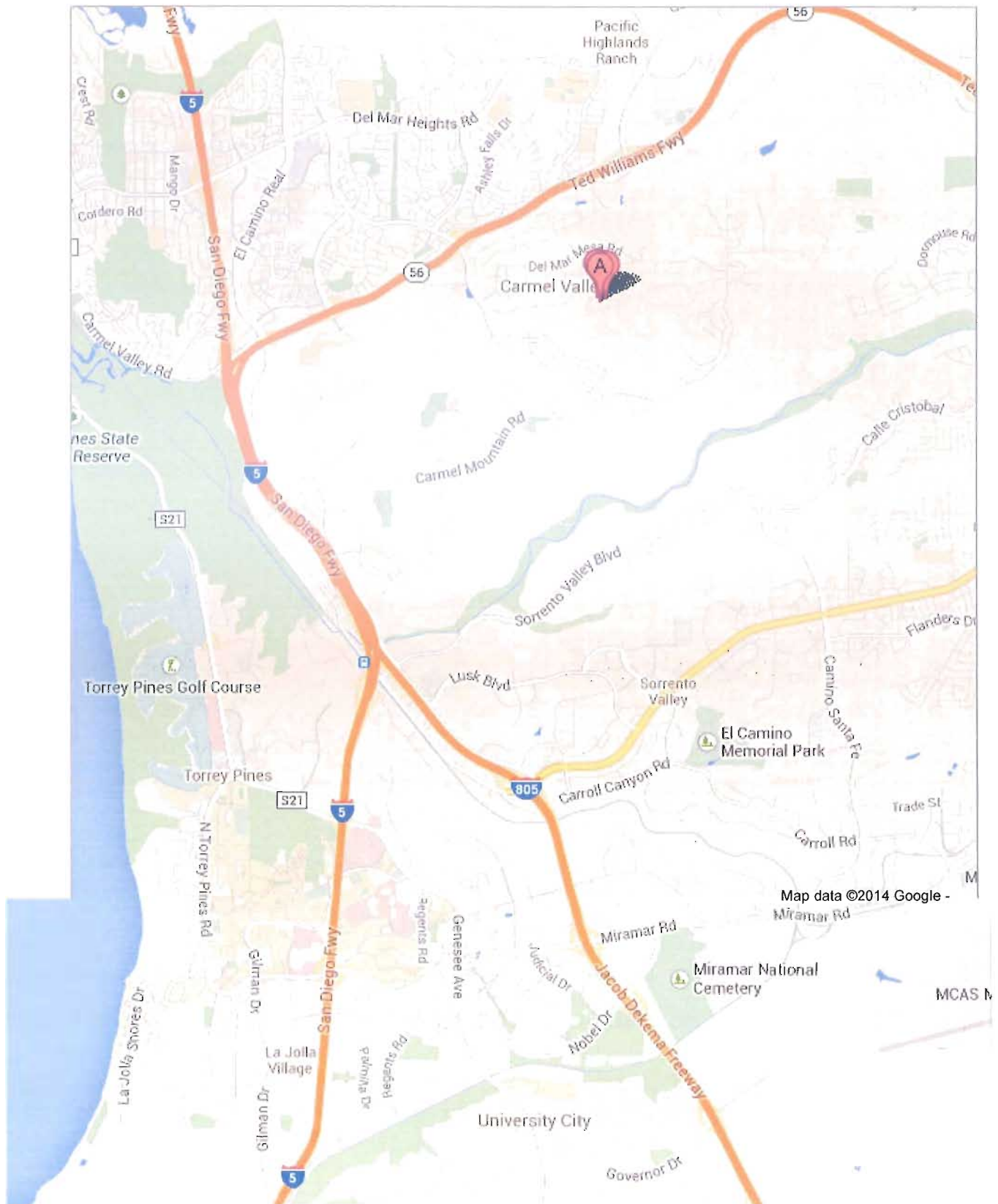
P • I • A • N ■ CARMEL VALLEY/NEIGHBORHOOD 10

FIGURE 8
T&B Planning Consultants
10000 El Camino Real, Suite 200
San Diego, CA 92121
TEL: 619-594-1100
FAX: 619-594-1101



ATTACHMENT 3

To see all the details that are visible on the screen, use the "Print" link next to the map.





DOC # 1997-0327107

11-JUL-1997 01:42 PM

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
CITY CLERK
MS 2A

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER
RF: 35.00 FEES: 98.00
AF: 61.00
MF: 1.00
CF: 1.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANTING RESOURCE PROTECTION ORDINANCE, CONDITIONAL USE
AND PLANNED RESIDENTIAL DEVELOPMENT
PERMIT NO. 89-1296
BOUGAINVILLE
CITY COUNCIL

This permit is granted by the City Council of the City of San Diego to WESTSHAW ASSOCIATES, Owner/Permittee, under the conditions, restrictions and development standards contained in Sections 101.0900, 101.0512 and 101.0462 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted by the San Diego City Council to the referenced Owner/Permittee to implement a 153 parcel subdivision (i.e. single-family residential, open space, recreational and resort/hotel land uses) and associated site improvements and facilities (as described herein this permit) on portions of a vacant 378-acre site.

The project site is legally described as the south half of Section 21, T14S, R3W, San Bernardino Meridian; and the southeast quarter of the northwest quarter of Section 20, T14S, R3W, San Bernardino Meridian.

The subject property is generally located south of Shaw Ridge Road and east of the unpaved southern portion of Carmel Country Road within the A-1-10 (Agricultural), OS (Open Space) and HRO (Hillside Review Overlay) zones of the Del Mar Mesa Specific Plan Area (Subarea V of the North City Future Urbanizing Area).

2. The permit shall include the total of the following facilities, dedications and site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A," dated December 10, 1996, on file in the Office of the Development Services Department:

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- a. One hundred thirty-four (134) detached single-family dwelling units ranging in size from approximately 3,300 - 4,450 square feet in gross floor area). The units will be constructed on lots ranging in size from approximately 10,000 to 72,000 square feet; and
- b. A 300-suite resort/hotel lodging facility in the central portion of the site, each unit being efficiency (one-two-three-bedroom) style in design, not to exceed 40 feet in height from finished grade and ranging between approximately 500 and 2,500 square feet (gross floor area) in size. The lodging units will be contained within a total of approximately forty (40) combination two-, four-, and six-plex detached structures; and
- c. An 18-hole golf course and driving range; and
- d. A two-story, approximately 35,000-square-foot clubhouse facility featuring administrative offices, golf pro shop, locker rooms and dining facilities; and
- e. A two-story, approximately 16,500-square-foot swim and tennis center featuring a community and/or lap pool, six tennis courts, beauty salon, tennis pro shop, two squash courts, aerobics studios, weight room and locker rooms; and
- f. A one-story, general maintenance facility featuring equipment and parts storage; and
- g. A one-story, (20-foot-high) information center; and
- h. A two-story, approximately 115,000-square-foot main hotel facility, including a registration desk, administrative offices, pool, entertainment ballroom, specialty retail shops, club restaurant, recreational and other visitor service amenities facilities; and
- i. Project grading not to exceed 2.5 million cubic yards of balanced cut and fill material; and
- j. A total of twenty (20) variable height retaining walls (maximum 35 feet high) with a combined length of approximately 4,800 feet; and
- k. Concept landscape, brush management and permanent irrigation; and

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- l. Off-street parking (Refer to Condition 7); and
 - m. Various open space and public utility dedications; and
 - n. A controlled access gate of the project's primary entrance on Carmel Country Road as well as individual private driveways providing vehicular access to the project's various residential, commercial and recreational land use components.
 - o. 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 Del Mar Mesa Specific Plan, the Resource Protection Ordinance, State CEQA guidelines, the *Landscape Technical Manual* and City Landscape Ordinance, the Planned Residential Development Ordinance, conditions of this permit, the Hillside Review Ordinance, and any other applicable regulations of the Municipal Code in effect for this site at the time accessory improvements are considered by the City Manager.
3. Prior to the issuance of a grading permit for the site, grading, and temporary erosion control plans and corresponding measures shall be submitted by the Permittee to the City Manager for approval.
4. Prior to the issuance of any building permits for each phase of development, complete plans for the subdivision (including complete building, finished grading, brush management, landscape, permanent irrigation) shall be submitted in substantial conformance to the approved Exhibits "A" for the project, to be determined and approved by the City Manager. No change, modifications or alterations of the approved plans for this project shall be made unless appropriate applications, Findings of Substantial Conformance Review (SCR) or amendment of this permit shall have been granted by the appropriate decisionmaker.
5. The construction and continued use of this permit shall be subject at all times to any applicable regulations of other governmental agencies.
6. A combined total of not less than 1,095 parking spaces will be provided on site in accordance with the following facility/parking ratio breakdown:
- a. A minimum of 827 spaces at the Resort/Hotel facility (for the exclusive benefit of employees, guests and

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support personnel, tennis center and clubhouse patrons, driving range patrons, and maintenance area - 827 spaces.

- b. Single-family units - 268 spaces (at a ratio of two off-street spaces per unit) for the exclusive benefit of the tenants and their guests.

All parking spaces shall be maintained on the property in the approximate location as identified on the approved Exhibit "A", and shall not be converted for any other use or for anyone else's benefit unless specifically authorized by the City Manager. All parking spaces shall conform with relevant dimensional requirements as specified in Division 8 of the Municipal Code.

7. No manufactured slope shall be steeper than a ratio of 2:1 except side yard slopes can be 1.5:1 where the corresponding vertical slope height is ten feet or less. Manufactured slopes greater than 30 feet in height shall be contour graded, wherever possible as indicated on the corresponding Vesting Tentative Map (VTM 89-1296).

8. Detailed specifications for exterior illumination shall be submitted and approved by the City Manager prior to the issuance of any building permits for the project. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

9. This permit must be utilized within 36 months after the effective date of final approval by the City Council. Failure to utilize the permit within 36 months from the effective date of approval will automatically void the permit unless an extension of time has been granted. Recordation of the corresponding final map for this site (VTM 89-1296) shall constitute utilization of this permit.

10. No development shall commence, nor shall any permit for either grading or construction be issued, until:

- a. The permittee signs and returns the permit to the City Manager; and
- b. The permit is recorded in the Office of the County Recorder.

11. The property included within this development shall be used only for the purposes and under the terms and conditions set

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forth in this permit unless otherwise authorized by the City Manager.

12. This permit is subject to revocation by the City if there is any material breach by Owner/Permittee in the conditions of this permit, in accordance with whatever process and procedures exist in the Municipal Code at the time of the alleged breach. Upon the notice specifying the nature of the alleged material breach or default and, when appropriate, the manner in which said breach may be satisfactorily cured, shall be provided to Owner/Permittee. Owner/Permittee shall be entitled to due process (including an opportunity to be heard orally and in writing) before any decision is made by the City regarding the revocation.

13. The conditions of this permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

14. All signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the City Sign Code Administrator.

15. All streets and private roads approved as part of this development shall be improved to the requirements set forth by the City Engineer and in accordance with the approved Vesting Tentative Map for the project (VTM 89-1296).

16. CC&R's developed by and for the homeowners association shall be reviewed by the City Manager for substantial conformance with the applicable permit conditions. Provisions shall be included within the CC&R's that provide notification to property owners of the existence of adjacent sensitive biological resources and the need and understanding for protection of such resources.

17. The Owner/Permittee shall provide building address numbers visible and legible from the street or road fronting the property or provide a directory, satisfactory to Fire Chief and City Engineer.

18. This permit shall comply at all times with the conditions of the corresponding final map for Vesting Tentative Map 89-1296.

19. Prior to issuance of a grading or pre-grading permit for any portion of the project site, Owner/Permittee shall obtain an

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Interim Habitat Loss Permit from the City of San Diego relative to protecting the habitat of the California gnatcatcher.

The following shall be included as a condition of the Interim Habitat Loss Permit:

- a. The applicant shall ensure the permanent preservation of off-site biological resources as mitigation for impacts to coastal sage scrub habitat (including coyote bush scrub) (CSS). This will be accomplished by providing to the City, prior to issuance of a grading permit or subdivision improvement agreement, and as a condition of the issuance of the Interim Habitat Loss Permit (IHL) and the Vesting Tentative Map (VTM), a bond, letter of credit or CD, in sufficient amount (approximately \$1,500,000) to secure mitigation for 51.47 acres of CSS. If, within eight months from issuance of the grading permit, the applicant is unable to acquire and dedicate to the City a mitigation parcel which meets the approval of the Manager of Development Services, the USFWS, and the CDFG, the City shall have the ability to call upon the security and utilize the funds to acquire the necessary off-site mitigation.
- b. The applicant shall ensure the permanent preservation of off-site biological resources as mitigation for impacts to southern maritime chaparral (SMC). This will be accomplished by providing to the City, prior to issuance of a grading permit or subdivision improvement agreement, and as a condition of the issuance of the VTM, a bond, letter of credit or CD, in sufficient amount (approximately \$450,000) to secure mitigation for 15.22 acres of SMC. If, within eight months from issuance of the grading permit, the applicant is unable to acquire and dedicate to the City a mitigation parcel which meets the approval of the Manager of Development Services, the City shall have the ability to call upon the security and utilize the funds to acquire the necessary off-site mitigation.

20. The issuance of this permit by the City of San Diego does not authorize the permittee 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.).

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21. The Brush Management Program designed for this project is based on the Fire Department's Fire Hazard Severity Classification of "Moderate". The permittee shall implement the following conditions in accordance with the approved Brush Management Program as shown on Exhibit "A".

- a. Prior to recordation of a final map, document(s) shall be submitted indicating that the appropriate brush management areas have been recorded on the property in substantial conformance with Exhibit "A". The construction documents (site plan, brush management plan) shall show Zone One as a Building Restricted area, and Zones Two and Three as Negative Open Space area.
- b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall comply with the Uniform Fire Code, MC 55.0889.0201, and Section Six of the Landscape Technical Manual (document number RR-274506) on file at the office of the City Clerk.

22. The Brush Management zone depths shall be as follows:

<u>Lot #</u>	<u>Units/Hazards</u>	<u>Zone One</u>	<u>Zone Three</u>
All Lots	Moderate	40'	30'

23. Within brush management Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager.

24. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviation from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.

25. Plant material shall be selected to visually blend with the existing hillside vegetation. Invasive non-native plant material shall not be permitted.

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26. Provide the following note on the Brush Management Construction Documents "It shall be the responsibility of the Permittee to schedule a preconstruction meeting on site with the contractor and the City Manager to discuss and outline the implementation of the Brush Management Program.

27. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented to the satisfaction of the City Manager.

28. The Brush Management Program shall be maintained at all times in accordance with applicable provisions of the City of San Diego's Landscape Technical Manual.

29. Prior to the approval of improvement plans for private streets/drives within this project, the provision of street trees shall be indicated on the improvement plans for the planting of street trees. The location of street trees shall conform to Exhibit "A", Landscape Concept Plan and the Landscape Technical Manual. Other improvements such as driveways, utilities, drains, water and sewer laterals, shall be designed and located so as not to prohibit the placement of street trees and the associated rootzone area, all to the satisfaction of the City Manager.

The following conditions (30-51) shall be implemented by the permittee in accordance with the Mitigation, Monitoring and Reporting Program (ZIR 89-1296) adopted by the City Council for this project on December 10, 1996:

30. To establish compensation standards that would adequately mitigate direct impacts to sensitive biological resources on site to below a level of significance, the permittee shall implement the following specific mitigation ratios, in a manner satisfactory to the City Manager and prior to the issuance of any building permits:

- Diegan coastal sage scrub/coyote bush scrub (intermediate conservation value) in development area and brush management zones 1 and 3 at a ratio of 2:1 = 119.6 acres
- Diegan coastal sage scrub/coyote bush scrub (intermediate conservation value) in brush management zone 3 at a ratio of 1:1 = 3.18 acres

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- Southern maritime chaparral in development area and brush management zones 1 and 3 at ratio of 3:1 = 31.8 acres
- Southern maritime chaparral in brush management zone 3 at a ratio of 1:1 = 0.31 acre
- Mule fat scrub (low quality) at a ratio of 1:1 = .1 acre
- Freshwater marsh at a ratio of 1:1 = 1.8 acres
- 2.7-acre pond at a ratio of 1:1 = 2.7 acres
- Other waters at a ratio of 1:1 (no net loss)

31. The Permittee shall implement a landscape/biological mitigation plan which achieves the requirements for on-site preservation/revegetation, as illustrated in Figure 4C-4 of the project's EIR. The plan shall be received by the City of San Diego (and the wildlife agencies, as requested) and shall contain the following elements:

- a. A revegetation specialist with local experience in native species and approved by the City Manager shall be selected by the Permittee for implementing the labor portions of the revegetation/restoration plan. The revegetation specialist shall educate all contractors with regard to mitigation goals and requirements. This instruction shall be initiated at a pre-construction meeting. After each monitoring event, the revegetation specialist shall provide the permittee and installation contractors with a written list of items in need of attention.
- b. An installation contractor shall be responsible for completion of grading, soil preparation, pre-planting weed control, planting and seeding. Once the revegetation specialist has verified completion of the landscape installation, a 180-day establishment period shall begin. At the end of this period, the revegetation specialist shall certify completion of the installation contract, provided all installation and maintenance tasks have been finished. These items include, but are not limited to, weed control, dead plant replacement and reseeding. All persons involved in installation of the revegetation effort shall be trained in native plant species identification, and the planting and care of native plants.

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- c. Pursuant to completion of the landscape installation contract, a maintenance contractor shall be hired by the permittee for the duration of the five-year monitoring period. The maintenance contractor shall service the entire revegetation area at least once a month. The maintenance contractor shall meet with the revegetation specialist at the site, when requested, and shall perform all checklist items in a timely manner. All persons involved in maintenance of the revegetation effort shall be trained in native plant species identification, and the planting and care of native plants.
- d. Cover by native vegetation should increase over time and ultimately approach that of the existing habitats on-site (near 100 percent). Cover is often slow at first as the roots become established, but with sufficient rainfall it should increase with time. Cover shall be measured and evaluated separately for shrub and herbaceous life forms.
- e. Impacts to Del Mar sand aster shall be mitigated through collection, proper handling and spread of seed from the populations to be impacted on-site. The collected seeds shall be spread in appropriate revegetated habitat within the biological open space on-site. A sufficient quantity of seeds to ensure establishment of a minimum of 330 specimens of Del Mar sand aster shall be collected.
- f. Impacts to Nuttall's scrub oak shall be mitigated by on-site preservation of 50% of the species and planting of one gallon specimens from a qualified nursery specializing in native plants. A sufficient number of individual plants shall be collected and planted to ensure the establishment of at least 66 specimens in appropriate revegetated habitat within the biological open space on-site.
- g. Seeds and rooted cuttings to be used in on-site revegetation programs shall be collected from natural areas to be impacted.
- h. Topsoil from areas that currently support Diegan coastal sage scrub, and that are being impacted, shall be collected and reused. This soil contains a viable and valuable seed bank as well as site-specific soil

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microbes. The revegetation specialist shall flag the collection areas to avoid collecting infested soil.

- i. Habitat located outside of the construction zone shall be staked or otherwise clearly marked. The general contractor shall bear the burden of mitigation for incidental impacts caused by failure to comply with the limits of the construction zone.
- j. Specific staging areas shall be established in disturbed areas. All activities except for those directly related to the revegetation installation shall be restricted to the staging areas and any existing access roads.
- k. Revegetated areas within and surrounding the golf course shall, at a minimum, be protected with signs stating that habitat revegetation is in process and no entry is allowed. If deemed necessary, protective fencing (such as split rail fencing) may be appropriate.
- l. All specifications of the Biological Mitigation Plan for Bougainvillea related to the quality, quantity, type and size of specific plant materials; contract growing/plant sources; substitutions; plant inspections; soils preparation; reuse of topsoil; field plant layout and spacing of container plants; protection measures; planting methods and timing; maintenance and monitoring shall be adhered to.
- m. Prior to issuance of building permits, the City Manager shall review and approve the detailed landscape and irrigation plans and ensure that the preceding mitigation measures are clearly shown on the project's landscape/mitigation plan. The long-term maintenance of the vegetation included within the landscape revegetation plan shall be conducted by a specialist hired by the permittee. The City Manager shall also conduct periodic site inspections to confirm compliance with the revegetation plan's component/requirements. Performance standards and a contingency plan shall be added to the final restoration plan, in a manner satisfactory to the City Manager.
- n. The U.S. Fish and Wildlife Service and the California Department of Fish and Game shall be apprised in writing of the on-going work by the CSS restoration

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specialist. This shall include notification of the time and location of on-site seed collection and soil solarization and receipt of copies of the progress reports.

32. Maintenance of the biological mitigation plan (condition 31) shall be ensured by the permittee through the posting of a performance bond (or other form of acceptable surety) with the City. The amount of the bond shall be equal to the cost of the monitoring and maintenance effort (which would include replacement costs), plus an additional 10 percent per year of maintenance to account for inflation. Release of the surety is dependent on achievement of the goals of the revegetation/enhancement effort, as confirmed by the revegetation specialist in writing and/or the City Manager.

33. Pursuant to successful completion of the biological mitigation requirements described in preceding condition 31, a "Notice of Completion", subject to prior review and approval of the affected wildlife agencies, will be issued by the City of San Diego. The project's Mitigation, Monitoring and Reporting Program will not be considered complete until the "Notice of Completion" has been issued.

34. When feasible, it may be appropriate to allow controlled burns of all the southern maritime chaparral considered for open space prior to development of area adjacent to this fire dependent habitat. A controlled burn would reduce the fire hazard temporarily, rejuvenate the soil with nutrients, delay the vegetation from becoming woody and flammable from old age. The controlled burn program must be approved by the City Fire Department, the City Manager, the U.S. Fish and Wildlife Service and California Department of Fish and Game.

35. If ground water is used to irrigate the golf course, to ensure suitable water quality, the permittee shall flush irrigated areas of the property to achieve the surface water quality objectives specified in Table 4D-1 of the project's EIR.

36. Impacts associated with the implementation of brush management shall be mitigated by the use of reduced-width fuel management zones made possible by employing fire-resistant architectural features such as fire retardant roofs and reduced eave overhangs.

37. The split-rail fencing designed to accommodate limited wildlife movement through the project's open space corridor shall not exceed six-feet in height.

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38. All manufactured slopes on-site shall be revegetated and landscaped within 30 days from the completion of grading activities and irrigated by means of a temporary system (not to exceed two years) to ensure adequate plant establishment, slope stability, reduce erosion and enhance the visual appearance of said slopes.

39. Prior to recordation of a final map(s), a Homeowner's Association or Private Landscape Maintenance District shall be established to assume responsibility for landscape maintenance. A performance bond shall also be filed with the City of San Diego to ensure completion of the landscape program. The permittee shall be responsible for implementing the landscape maintenance and brush management programs and establishing the Homeowner's Association Landscape Maintenance District.

40. Desilting basins shall be cleaned out at a frequency set to prevent mosquito breeding, and contaminated sediments and vegetation shall be removed.

41. Upon completion of the North City Water Reclamation Plant and distribution system to the site, the Permittee shall use reclaimed water to irrigate the golf course and landscape features on site.

42. Solarization techniques shall be utilized to prepare soils for habitat revegetation and restoration. This involves the use of UV-resistant plastic sheeting and sunlight to kill weeds, weed seeds and pathogens in the top 2-6 inches of the soil. Weeds shall be removed by hand methods. The City Manager shall ensure that the mitigation measures are clearly shown on the project's landscape/conceptual mitigation plan.

43. Prior to the issuance of either a grading permit or subdivision improvement agreement for this project, the permittee shall ensure the mitigation measures required to reduce on-site biological resource impacts (i.e. encroachment into Diegan coastal sage scrub and southern maritime chaparral) to a level below significant as required per State CEQA guidelines (Refer also to Condition 19 of this permit).

44. In order to avoid potentially significant impacts associated with external lighting, night play will be prohibited on the golf course, tennis courts and all other exterior recreational facilities approved with this project. Additionally, potentially significant lighting impacts on-site shall be mitigated by using sodium lighting, and selectively placing, directing and shielding

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illumination away from conserved areas. Additionally, lighting from homes shall be screened with vegetation to prevent illumination of habitat areas, and large spotlight-type lighting that may affect conserved habitat shall be prohibited.

45. Prior to the issuance of building permits for any residential units located in the northwestern portion of the project site, a site-specific acoustical analysis for the northwestern portion of the site shall be prepared to determine if the proposed residential units would, in fact, be located within the 60 dB(A) CNEL contour from SR-56 after considering topography and shielding from structures in Carmel Valley (Neighborhood 8). The analysis shall be approved by the City Manager. If the more definitive noise study determines that the residential units would be located within the 60 dB(A) contour, then a site-specific interior noise analysis shall be prepared for determination of site-specific mitigation measures, such as acoustical shielding walls, architectural treatments and construction techniques based on future buildout traffic volumes on SR-56.

46. Construction staging areas shall be located at least 100 feet from existing residences and coastal California gnatcatcher sites or; as otherwise specified by the United States Fish and Wildlife Service, the State of California Department of Fish and Game, and the City Manager.

47. Construction equipment shall be operated within the City-wide noise ordinance restrictions.

48. Clearing and/or grading of any area adjacent to coastal sage scrub on the project site shall be phased to avoid any indirect impacts to California gnatcatcher during the breeding season (February 15-August 15) to the maximum extent practicable. If due to unavoidable constraints clearing and/or grading must be conducted during the breeding season, a survey for the California gnatcatcher shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service for gnatcatcher surveys. If gnatcatcher nests are observed in adjacent coastal sage scrub, a biological monitor shall be on-site prior to and during the clearing and grading phases of the project to survey for gnatcatcher nests and to recommend potential measures that could be incorporated to avoid indirect impacts to gnatcatchers. All measures identified by the biological monitor shall be reviewed by the City Manager, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, and implemented upon approval by the City Manager.

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49. The permittee shall provide written verification that a qualified paleontologist has been retained to implement the project's paleontological mitigation program. The verification shall be presented in a letter from the paleontologist to the City Manager prior to any grading activity. (A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist).

50. Prior to issuance of a grading permit, the requirement for paleontological monitoring shall be noted on the construction plans. The qualified paleontologist shall attend the pre-grading meeting to consult with the grading and excavation contractors.

51. During and after grading, the paleontologist's duties shall include monitoring of grading, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a final report. These duties are defined as follows:

Monitoring. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed sediments of all geologic formations to inspect for well-preserved fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project site.

Salvaging. In the event well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains in a timely manner. At the time of discovery the paleontologist shall contact the City Manager, which must concur with the salvaging methods before construction is allowed to resume.

Preparation. Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections such as the San Diego Natural History Museum.

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Final Report. Prior to issuance of building permits and after grading has occurred a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the above program shall be prepared and submitted to the City Manager. If subsequent building permits are not pursued, then the monitoring results report shall be provided to the City Manager within three months following termination of the paleontological monitoring program.

Prior to issuance of grading permits, the City Manager shall review the grading plans to ensure that the preceding notes have been provided.

52. Access to the project site from Shaw Ridge Road shall be limited to golf maintenance employees and emergency vehicles only. There shall be no access to the project site from Shaw Ridge Road to service residential, hotel or recreational uses, or for any service or delivery vehicles, nor shall there be any access to the development's internal loop road from Shaw Ridge Road.

53. Prior to the issuance of any building permits for each phase(s) of development, the Permittee shall:

- a. Ensure that building address numbers are visible and legible from the street(s) fronting the property.
- b. Show the location of all fire hydrants on the site plan.
- c. Provide access to the property in conformance with Fire Department Policy A-91-1 (UFC 10.207).
- d. Provide temporary street signs on site where deemed appropriate by the City Manager.

54. Prior to the issuance of any building permits for any of the hotel structures, the permittee shall enter into an agreement with the City of San Diego which assures compliance with Proposition C, which was approved by the voters in 1996.

55. Prior to the issuance of any building permits for any of the residential dwelling units, the permittee shall provide evidence, in a manner satisfactory to the City Manager and the Housing Commission, of compliance with affordable housing requirements of the Del Mar Mesa Specific Plan.

56. Prior to the issuance of any building permits for the hotel/resort component of the project, the permittee shall be

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required to demonstrate compliance with the following requirements in a manner satisfactory to the City's Fire Department:

- a. Provide a lighted directory at both points where the private 30-foot-wide paved access drive transitions to the 24-foot-wide turf block fire lane/guest cart access drive through the resort portion of the site.
- b. Provide addresses, visible from either the 30-foot-wide paved drive or the 24-foot-wide turf block fire lane/guest cart access drive, for each of the hotel suites proposed within the resort. The type and location of said addressing shall be subject to approval of the Fire Marshall.
- c. The turf block fire lane/guest cart access drive shall meet all relevant requirements and guidelines of Bureau of Fire and Life Safety Policy A-96-9 (Modified Access Roadway Surface).
- d. In order to provide access to individual guest houses within the resort area from the turf block fire lane/guest cart access drive, individual stairways attached to each of the structures shall be constructed of a type of material and at locations satisfactory to the Fire Marshall.
- e. Provide emergency vehicle access to the upper floor of the resort's bi-level parking structure.
- f. Install fire hydrants on-site at locations satisfactory to the Fire Marshall, in accordance with Bureau of Fire and Life Safety Policy F-85-1 ("On Site Fire Hydrants"), and with water mains capable of providing the required fire flow and pressure to adequately supply these new hydrants.
- g. Design and construct an access drive to provide emergency vehicle fire access to resort buildings 29-31 and 34. This access drive shall conform to Bureau of Fire and Life Safety Policy JA-96-1, "Fire Access Roadways."
- h. Provide Development Services with a site plan, stamped approved by the Fire Marshall, that all of the preceding conditional requirements for fire access have been satisfied to the satisfaction of the Fire Department.

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57. During all grading and construction phases for the project, no mechanical machinery or equipment will be operated on-site between the hours of 7:00 p.m. and 6:00 a.m.

58. All structures associated with the project's hotel/resort component shall not exceed 40-feet in height as measured from finished grade.

59. The project may include a gated entry to the site on Carmel Country Road.

60. Best Management Practices (BMP) shall be incorporated into the design and continued operation of the golf course. A description of some of the practices which shall be considered include the following:

- a. Filter Strips. Filter strips shall be used to enhance pollutant removal from the site. Filter strips are planted with erosion-resistant grasses or plant species and are designed to spread flows from the site into a wide area where overland sheet flow conditions could occur. Vegetation within the strip slows the flow, causing heavier particulates to fall out of suspension, and also acts as a biological filter when direct absorption of dissolved pollutants occurs.

The soil also acts as a filter; dissolved pollutants are absorbed onto the soil particles. This is an effective method for removal of dissolved heavy metals and phosphorus from fertilizers. Biological activity in the soil can also metabolize toxic organic contaminants from pesticides.

- b. Source Control. An integral part of achieving adequate pollutant removal from collected storm water is the implementation of source control practices that reduce the amount of contaminants of the ground surface that can come in direct contact with surface flows. These practices include the following measures that shall be incorporated into the golf course management plan:

1. Require outdoor chemical and contaminant storage facilities to be covered, as specified in the Business Plan for the handling and disposal of toxic and hazardous materials approved by the County Department of Environmental Health, Hazardous Materials Management Division.


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- ii. Require proper use and disposal of materials including fertilizers, pesticides, and herbicides, and including appropriate methods, rates, and frequency of application of these chemicals, as specified in the Business Plan for the handling and disposal of toxic and hazardous materials approved by HMMD.
- iii. Require alternative methods for controlling weeds and insects including physical, biological and non- or low-toxicity methods including non-toxic methods of weed control such as hand pulling and soil solarization techniques.
- iv. Recycle chemicals to the most feasible extent possible, and dispose of materials in a safe and proper manner, according to the rules and regulations of the City Fire Department, Environmental Services Department and County Hazardous Materials Management Division. These BMPs shall be designed and implemented under the supervision of a California Certified Hydrologist licensed by the California State Department of Consumer Affairs.

APPROVED by the City Council of the City of San Diego on
December 10, 1996.

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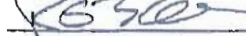
AUTHENTICATED BY THE CITY MANAGER

By 
Tina P. Christiansen, A.I.A.
Development Services Manager
for the City Manager

WESTSHAW ASSOCIATES, an Arizona
general partnership

By: The Westcor Company II Limited
Partnership, an Arizona limited
partnership, general partner

By: Westcor Realty Limited Partnership,
a Delaware limited partnership, its
sole general partner

By: 
Name: Robert G. Mayhall
Title: Executive Vice President and
Chief Financial Officer

NOTE: Notary acknowledgments
must be attached per Civil Code
Section 1180, et seq.
01/14/97

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ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On July 09, 1997, before me, LYSANDA G. BOSTIC, the undersigned, a Notary Public in and for said State, personally appeared TINA P. CHRISTIANSEN, Development Services Manager, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Lysanda G. Bostic
Signature of Notary Public

OPTIONAL

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

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: RPO/CUP/PRD-89-1296 Bougainvillea - R-288199

Document Date: December 10, 1996

Number of Pages: Twenty

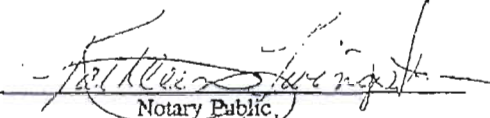
Signer is Representing: The City of San Diego

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STATE OF ARIZONA)
) ss.
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 27 day of June, 1997, by Robert G. Mayhall, Executive Vice President and Chief Financial Officer of Westcor Realty Limited Partnership, a Delaware limited partnership, sole general partner of The Westcor Company II Limited Partnership, an Arizona limited partnership a general partner of Westshaw Associates, an Arizona general partnership.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public,

My Commission Expires:



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(R-97-794)

RESOLUTION NUMBER R-288199

ADOPTED ON DECEMBER 10, 1996

WHEREAS, WESTSHAW ASSOCIATES, Owner/Permittee, filed an application with the City Manager to implement a 153 lot subdivision; including 134 single-family dwelling units, a 115,000-square-foot main hotel facility, 300 hotel suites, open space and utility dedications, interior streets, site landscaping and brush management, an 18-hole championship golf course, club house and driving range, swim and tennis club facility, general maintenance structure and various other site facilities and improvements (as described in and by reference to approved Exhibits "A" and conditions of approval contained within the associated Resource Protection Ordinance, Conditional Use and Planned Residential Development Permit No. 89-1296); and

WHEREAS, the vacant 378-acre project site is generally located on the south side of Shaw Ridge Road and east of the unpaved portion of Carmel Country Road within the A-1-10 (Agricultural), OS (Open Space) and HRO (Hillside Review Overlay) Zones of the Del Mar Mesa Specific Plan; and

WHEREAS, the project site is legally described as the south half of Section 21, T14S, R3W, San Bernardino Meridian; and the southeast quarter of Section 20, T14S, R3W, San Bernardino Meridian; and

WHEREAS, on December 10, 1996, the San Diego City Council considered a recommendation of approval from the City Manager for Resource Protection Ordinance, Conditional Use and Planned Residential Development Permit No. 89-1296, pursuant to Sections 101.0900, 101.0510 and 101.0460 of the Municipal Code of the City of San Diego;
NOW, THEREFORE,

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BE IT RESOLVED, that the Council of the City of San Diego adopts the following findings with respect to Resource Protection Ordinance, Conditional Use and Planned Residential Development Permit No. 89-1296:

PLANNED RESIDENTIAL DEVELOPMENT AND CONDITIONAL USE
PERMIT FINDINGS:

A. THE PROPOSED USE WILL FULFILL A COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE ADOPTED COMMUNITY PLAN.

The project will satisfy a community identified need to provide adequate housing within this portion of Subarea V and will preserve significant open space resources in the form of dedications and non-building area restricted easements. The private lodging, recreational and residential land uses associated with the project are consistent with recommended land use patterns and densities of the adopted Del Mar Mesa Specific Plan in effect for this site.

Utilization of rural clustering techniques incorporated into the design of the project's single-family residential element, designation of contiguous open space acreage, and use of contoured grading techniques employed in designing the 18-hole golf course and resort/hotel facilities are project elements that will contribute to achieving a rural land use and design that will be consistent with the predominant character of this portion of the Specific Plan.

The project will also provide the necessary public utilities, fees and infrastructure services to the area, including public sewer and water facilities, drainage, fire, open space, and development impact fees (DIF) as required by the public infrastructure element of the specific plan for this portion of Subarea V.

The land uses and development intensities reflected in the project design generally reflect a rural character, incorporating significant areas of "non-building area" open space, residential clustering and passive recreational land uses (golf course), and therefore will be consistent with the land use and environmental resource management guidelines designated for this site in the Specific Plan and will not adversely affect the City's Progress Guide and General Plan.

B. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA, AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.

The permit prepared for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Municipal Code in effect for the subject property to assure the health, safety and general welfare of persons residing or working in the area. These conditions

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include minimum requirements for open space, standards for the maintenance of manufactured slopes, mitigation for encroachment into biologically sensitive areas, parking, landscaping, brush management and limitations on the extent of landform alteration and project grading activities.

The project's concept grading, landscape and brush management plans have been designed to minimize the potential for erosion, run-off and fire hazards on adjacent properties. The physical elements of the project design, including the clustering of residential parcels and utilization of a recreational element (i.e. golf course) over a majority of the site will contribute to achieving project compatibility with future development within Subarea V and the adjacent Carmel Valley Community Planning area. Therefore, the project will not adversely affect other properties in the vicinity.

C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE IN EFFECT FOR THIS SITE.

The project design will be consistent with the relevant regulations in effect for this site per the Municipal Code, including design standards of the Planned Residential Development Ordinance. The project also complies with land use designations, densities and design standards of the adopted Specific Plan, which recommends that the site be developed with a mix of open space, lodging, recreational and single-family detached land uses (not to exceed one dwelling unit per 2.5 acres of land).

RESOURCE PROTECTION ORDINANCE PERMIT FINDINGS:

A. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED AND CONSTRUCTED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS UPON ENVIRONMENTALLY SENSITIVE LANDS.

The proposed grading plan for the subdivision will comply with sensitive slope and biological resource encroachment/preservation guidelines of the adopted Del Mar Mesa Specific Plan. This is primarily achieved by accommodating a limited movement wildlife corridor within the MSCP preserve boundaries of the Bougainvillea site as identified by the adopted land use plan for Subarea V. The preserve boundary generally runs parallel to the golf course on site and would be preserved by the placement of "non-building area" easements of the final map for the subdivision.

The geological reconnaissance report prepared for the proposed development (included as part of the Mitigation, Monitoring and Reporting Program) indicated that the proposed single-family residential, lodging/hotel and recreational structures would be sited, designed and constructed to be physically suitable to the topographic conditions of finished site grade.

The concept grading plan designed for the golf course, recreational, resort and residential components of the subdivision incorporate a variety of contoured grading features that are intended to mimic the existing topographic features of the site, portions of which have also been disturbed due to previous agricultural

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land uses. The meandering design of the golf course, coupled with implementation of the landscape, brush management and revegetation plans designed for the subdivision will contribute to achieving a sensitive project design that will minimize adverse impact upon environmentally sensitive lands, as prescribed by resource management guidelines of the Del Mar Mesa Specific Plan.

The Mitigation, Monitoring and Reporting Program (MMRP) prepared for the project includes measures to retain the integrity of remaining natural slopes identified on the site and would ensure their minimal disturbance during the grading and construction phases of the project.

B. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE LANDS LOCATED IN ADJACENT PARKS AND PUBLIC OPEN SPACE AREAS AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

The proposed development is not located adjacent to any planned or existing public parks or public open space areas, as designated within either the Carmel Valley Community Plan or the Del Mar Mesa Specific Plan. Landscape and brush management features incorporated into the project design (including implementation of a revegetation program) will enhance efforts to establish a visual buffer along the boundary of the subdivision. Proposed structures would be divided by the design of the golf course and sited in the northernmost portions of the property.

C. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

Manufactured slopes will be rounded, contoured and undulated where possible by using variable slope ratios to blend into the site's existing topographical features. To the extent feasible, all private drives and development areas of the site shall be graded to mimic the natural topography of the property, which is a recommended resource management design element in the adopted Del Mar Mesa specific plan.

Impacts due to the increase in runoff with the introduction of new streets and other hardscape surfaces will be mitigated through design and implementation of sediment basins and flowgate controls as identified in the project EIR. Measures to reduce significant sedimentation and erosion impacts occurring during grading activities on site include the provision of temporary sedimentation and desilting basins between graded areas and stream locations. In addition, the use of Best Management Practices (BMP's) will be in effect throughout all development phases of this project (per conditional requirements of the project's Vesting Tentative Map).

(REFER ALSO TO PRECEDING RESOURCE PROTECTION ORDINANCE PERMIT FINDING "A" FOR A DISCLOSURE OF PROJECT COMPLIANCE WITH APPLICABLE MSCP PRESERVE AND RPO SENSITIVE SLOPE

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ENCROACHMENT GUIDELINES IN EFFECT FOR THIS SITE, AS AMENDED WITH ADOPTION OF THE DEL MAR MESA SPECIFIC PLAN).

D. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE COMMUNITY PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES AND ORDINANCES.

The Del Mar Mesa Specific Plan recommends that the Bougainvillea property be developed with a mix of open space, lodging/hotel, recreational and low-density residential (maximum one dwelling unit per 2.5 acres) land uses. The golf course and driving range, clubhouse, swim and tennis facilities, 300 hotel suites and 134 detached single-family residences proposed with the project are consistent with the land use, density and open space elements of the adopted Specific Plan.

The project is also consistent with the environmental resource preservation goals in effect for this site per the Del Mar Mesa Specific Plan, which recommends the revegetation of disturbed slopes, provision of a limited-movement wildlife corridor in the southern portion of the site, utilization of narrow private roads to minimize landform alteration impacts, concentration of development areas (i.e., clustering of estate residential and hotel/resort components of the project design), retention of visual open space corridors (via implementation of the golf course), and to minimize the disturbance of natural landform features via utilization of contoured grading and variable slope ratio techniques on manufactured slopes.

Visually, the development will generally reflect a rural character and appearance with the golf course serving a dual recreation/open space function. The proposed single-family structures, lodging/hotel facilities and recreational i.e. buildings (clubhouse, swim and tennis facilities) will be sited primarily in the northwest, northcentral and northeast portions of the site and would be physically and visually separated from future land uses within the subarea by the golf course. Utilization of "rural clustering" techniques as prescribed in the Planned Residential Development Ordinance (Municipal Code Section 101.0900) will further contribute to achieving a rural appearance for the project that would be compatible with adjoining properties within the subarea.

E. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.

The project site is located within Subarea V (Del Mar Mesa Specific Plan) of the North City Future Urbanizing Area (NCFUA). The NCFUA is generally designated for agricultural and low-density residential development in the City's Progress Guide and General Plan.

Utilization of "rural clustering" techniques incorporated into the project design, designation of contiguous open space acreage, provision of a limited-movement wildlife corridor and MSCP preserve area, and use of contoured grading techniques employed in designing the subdivision are project elements that will contribute to achieving a low-intensive rural land use and design that will be consistent with the predominant open space character of this portion of the NCFUA.

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The project will also provide the necessary public utilities, fees and infrastructure services to the area, including public sewer and water, drainage, fire and development impact fees (DIF) as required by the public infrastructure element adopted for this portion of the subarea. The land uses and development intensities represented by the project design generally reflect a rural character, incorporating significant areas of "non-building area" open space and low-intensive recreational land uses (i.e. golf course) along the subdivision's southernmost boundary.

Therefore, it is concluded that the project will be consistent with the land use, density and environmental resource design elements designated for this site in the Del Mar Mesa Specific Plan (Subarea V) and will not adversely affect the City's Progress Guide and General Plan.

(REFER ALSO TO PRECEDING RESOURCE PROTECTION ORDINANCE PERMIT FINDING "D" FOR A DISCLOSURE OF PROJECT COMPLIANCE WITH THE LAND USE AND DESIGN STANDARDS IN EFFECT FOR THIS SITE PER THE ADOPTED DEL MAR MESA SPECIFIC PLAN).

F. FEASIBLE MEASURES TO PROTECT AND PRESERVE THE SPECIAL CHARACTER OR THE SPECIAL HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL VALUE OF THE AFFECTED SIGNIFICANT PREHISTORIC OR HISTORIC SITE OR RESOURCE HAVE BEEN PROVIDED BY THE APPLICANT.

The project site was found to contain no special or significant historical, architectural, prehistoric or cultural value. Portions of the site have been disturbed by previous agricultural activities (primarily bean farming). However, the final EIR for the project disclosed potentially significant adverse impacts occurring to archaeological resources on portions of the site as a result of project implementation.

The Mitigation, Monitoring and Reporting Program (MMRP) prepared for the project includes adequate and feasible measures to reduce the potential for adverse impacts to significant archaeological resources which were identified on the subject property. These measures include implementation of a paleontological monitoring, salvaging and cataloging program during all phases of project grading. Implementation by the applicant of mitigation measures identified in the MMRP (via the Vesting Tentative Map resolution and corresponding RPO/CUP/PRD conditions of approval) will reduce adverse impacts to archaeological and paleontological resources on site to a level below significant.

BRUSH MANAGEMENT FINDINGS:

A. THE PROPOSED BRUSH MANAGEMENT PROGRAM DESIGNED FOR THIS PROJECT, TO THE EXTENT FEASIBLE, WILL NOT ADVERSELY AFFECT FLOODPLAINS, BIOLOGICALLY SENSITIVE LANDS, HILLSIDES, SIGNIFICANT PREHISTORIC SITES AND RESOURCES AND WETLANDS AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE, SAN DIEGO MUNICIPAL CODE SECTION 101.0462.

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By utilizing the zone reduction section of the City's Landscape Technical Manual (Section 6.6), the project's Brush Management Program will modify existing vegetation on site to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code. (Appendix II A). Plant material in Brush Management Zone One will be selected to visually blend with the existing hillside vegetation.

B. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL MINIMIZE THE ALTERATIONS OF NATURAL OR SENSITIVE VEGETATION AND WILL NOT RESULT IN UNDUE RISKS FROM EROSIONAL FORCES.

The Brush Management Program designed for the project will alter existing vegetation on site for purposes of providing an effective fire break which incorporates zone reduction and the alternative compliance provisions of Landscape Technical Manual. The alterations to existing vegetation on the property will be minimized to the least practicable extent and all new plantings on manufactured slopes will conform to the revegetation standards of the Landscape Technical Manual, and incorporate low precipitation irrigation systems to minimize runoff.

The above 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 City Council, Conditional Use, Resource Protection Ordinance and Planned Residential Development Permit No. 89-1296 is hereby granted to Owner/Permittee, in the form and with the terms and conditions as set forth in Permit No. 89-1296, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay
Deputy City Attorney

RAD:ps
01/29/97
Or.Dept:Clerk
R-97-794

-PAGE 7 of 7-

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Passed and adopted by the Council of San Diego on

DEC 10 1996

by the following vote:

YEAS: Mathis, Wear, Kehoe, Stevens, Warden, Stallings,McCarty, Vargas, Mayor Golding.NAYS: None.NOT PRESENT: None.

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(Seal)

By: MARY A. CEPEDA, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and
correct copy of RESOLUTION NO. R-288199,
passed and adopted by the Council of The City of San Diego,
California on DEC 10 1996.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By: Mary A. Cepeda, Deputy

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DOCUMENT R.P.O./CUP/PRD-89-1296
BOUGAINVILLEA

FILED - DECEMBER 10, 1996

OWNER/PERMITTEE- WESTSHAW
ASSOCIATES

To approve R.P.O., CUP AND PRD
permit 89-1296 in the subject
property generally located south
half of Sec. 21, T14S, R3W, San
Bernardino Meridian; and the
southeast quarter of the northwest
quarter of Sec 20, T14S, R3W, San
Bernardino Meridian.

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

cfq
7/9/97



THE CITY OF SAN DIEGO

MAILED

AUG 28 2003

August 28, 2003

REVISED NOTICE OF VIOLATION

Location:	Meadows Del Mar Parcel #6 of PM19140	
Owner:	Westshaw Associates, LLC.	Summit Resources, Inc.
Registered Agent:	Richard V. Gibbons	Pres. Douglas Manchester
Address:	One Market Place 33 rd Floor San Diego, CA 92101	One Market Place 33 rd Floor San Diego, CA 92101
Responsible Party:	Perry Dealy One Market Place 33 rd Floor San Diego, CA 92101	Paul Cushing 5400 Meadows Del Mar Driveway San Diego, CA 92130
Responsible Party: President:	Hazard Construction Company R D Randal P.O. Box 229000 San Diego, CA 92192	
Zone:	AR-1-1	

Representatives of the Neighborhood Code Compliance Department conducted inspections of the above referenced premises on July 31, 2003, August 8, 2003, August 22, 2003 and August 27, 2003, and has determined that the following San Diego Municipal Code sections have been violated:

The specific code sections in violation include, but may not be limited to, the following:

SDMC, Section 121.0302(a) It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.

SDMC, Section 121.0302(b)(2) It is unlawful to grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premise.



Neighborhood Code Compliance

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106

Tel (619) 235-5500 Fax (619) 533-6142

Revised Notice of Violation
Meadows of Del Mar
August 28, 2003
Page 2

SDMC, Section 121.0308(a) No Permission to Violate Codes.

SDMC, Section 121.0311 Violations of the Land Development Code shall be treated as strict liability offenses regardless of intent.

SDMC, Section 126.0306 It is unlawful for any person to maintain, use, or develop any premises without a Conditional Use Permit if such a permit is required for that use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Conditional Use Permit.

SDMC, Section 126.0502(c) A Site Development Permit is required when Environmentally Sensitive Lands are present.

SDMC, Section 126.0505 It is unlawful for any person to maintain, use, or develop any premises without a Site Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Site Development Permit.

SDMC, Section 126.0605 It is unlawful for any person to maintain, use, or develop any premises without a Planned Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Planned Development Permit.

SDMC, Section 126.0702(a) A Coastal Development Permit issued by the City is required for all coastal development of a premise within the Coastal Overlay Zone.

SDMC, Section 126.0723 It is unlawful for any person to maintain, use, or develop any premises or undertake coastal development on any lot or premises without a Coastal Development Permit if such a permit is required for the use or development or to maintain, use, or development any premises contrary to the contrary to the requirements or conditions of an existing Coastal Development Permit.

SDMC, Section 129.0202(a) Building permit required.

SDMC, Section 129.0402(a) Plumbing permit required.

SDMC, Section 129.0602(a)(b)(c)(d) and sections (e)(1)(2)(3)(4)(5) Grading permit required..

SDMC, Section 143.0110(a) When Environmentally Sensitive Lands Regulations Apply. This division applies to all proposed development when environmentally sensitive lands are present, this division shall apply to the entire premises.

Revised Notice of Violation
Meadows of Del Mar
August 28, 2003
Page 3

- (1) Sensitive biological resources
- (2) Steep hillsides;
- (5) Special Flood Hazard Areas

SDMC, Section 143.0110(b)(1) When development proposals encroach into Environmentally Sensitive Lands. A Neighborhood Development Permit, Site Development Permit or when applicable a Coastal Development is required.

SDMC, Section 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development of Environmentally Sensitive Lands. It is unlawful to begin development on a premise that contains Environmentally Sensitive Lands without obtaining the applicable development permit, or an exemption as required pursuant to this division. If unlawful development occurs on property containing environmentally sensitive lands and an enforcement action has been commenced by the City pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded.

SDMC, Section 143.0140 Property developed in violation of General Development Regulations for all Environmentally Sensitive Lands.

SDMC, Section 143.0141 Development Regulations for Sensitive Biological Resources. All development occurring in sensitive biological resources is subject to site-specific impact analysis in accordance with the Biology Guidelines.

SDMC, Section 143.0142 Development encroachment into steep hillsides in violation of Steep Hillsides Development Regulations.

SDMC, Section 143.0145 Development shall not significantly adversely affecting existing sensitive biological resources on-site or off-site.

SDM, Section 143.0146 Alterations in Special Flood Hazard Areas in violation of Development Regulations for Special Hazard Areas.

SDMC, Section 143.0160 Violations and Remedies. Violation of the division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code.


Immediately cease all grading, grubbing, clearing and/or development on this parcel. Install erosion control measures only as approved by a qualified Civil Engineer. The work is to be conducted by a qualified Civil Engineer. Erosion control measures are limited to

Revised Notice of Violation
Meadows of Del Mar
August 28, 2003
Page 4

silt fencing, sand bagging and fiber-matt/fiber roll products as necessary to satisfy Best Management Practices. Documentation that erosion control is in place to be sent to Neighborhood Code Compliance Department immediately.

This case is being referred to the City Attorney's Office for civil and/or criminal prosecution.

If you have any questions, please call me at (619) 533-6145.



Deanna Walker
Land Development Investigator

DW/lm

cc: Herbert Moore, The Meadows Del Mar, General Manager/Director of Golf
Melanie Johnson, Planning Department, Associate Planner MSCF
Kelly Broughton, Development Services Department, Deputy Director
Walker Gefrom, Engineering Capital Projects, Project Manager
Kelly Fisher, Department of Fish & Game
Robert Lawrence, U.S. Army Corps of Engineers
Contractors State Licensing Board
File

NC# 101538

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

WHEREAS, this Settlement Agreement and Mutual Release ("Agreement") is entered into by and between Westshaw Associates, LLC (Westshaw), on the one hand, and The City of San Diego ("City"), on the other hand, (collectively, the "Parties"), and is effective upon execution by all of the Parties; and

WHEREAS this Agreement is made with reference to the following facts and objectives, and is intended to resolve all disputes between the Parties relative to the subject matter hereof, and no admission of liability is intended, nor should it be construed, by the Parties' settlement, nor by the inclusion or omission of any of the Parties' claims, allegations and/or defenses herein; and

WHEREAS, Westshaw is the owner and operator of The Del Mar National Golf Course (previously known as Meadows Del Mar) and associated personal and real property located in San Diego, California ("Del Mar National"), which was acquired by purchase from Westshaw Associates, dba The Bougainvillea in January, 2003; and

WHEREAS, after acquiring Del Mar National in January, 2003, Westshaw made certain improvements, modifications and repairs ("The Improvements") to Del Mar National which are described below, and in the Project Description attached to the "Substantial Conformance" Application to be filed by Westshaw pursuant to Paragraph 4 hereof, a copy of which is attached hereto as Exhibit A, and are depicted essentially as they exist currently in the photographs attached hereto as Exhibits B-1 through B-30 and in the aerial photographs attached hereto as Exhibit C-1 through C-4. The Improvements are described generally as:

- The addition of two tee boxes, and access thereto, at the fifth hole, along with revegetation with native plants of the area immediately adjacent to the new tee boxes;
- The dredging of a portion of the creek bed adjacent and to the south of the new tee boxes at the fifth hole, and revegetation of the creek bed with native plants, to restore the area to its natural condition;
- The sodding of a strip of unimproved land that contained some native vegetation, which was approximately 50 feet wide and crossed the fifth fairway approximately 100 yards from the original "ladies" tees;
- The addition of three tee boxes, and access thereto, including a foot bridge crossing the creek bed, at the sixth hole as well as some split rail fencing and landscaping to the south of the tee boxes at the sixth hole;
- The addition of one tee box, and access thereto, at the fifteenth hole;

- Grading a portion of land above the new tee box at the fifteenth hole, and planting sod on the leveled portion, as well as replacing a chain link fence to the north of the sodded area with a masonry wall which is less than six feet high and was designed to prevent trespass upon Del Mar National;
- The removal of fountain grass that was planted on either side of the entry road to Del Mar National, and replacement of it with Marathon turf grass; and

WHEREAS, City served Westshaw with a Notice of Violation dated August 26, 2003, a copy of which is attached as Exhibit D, hereto, and the California Regional Quality Control Board, San Diego Region, served Westshaw with a Notice of Violation dated September 30, 2003, a copy of which is attached as Exhibit E, hereto, both of which alleged that the Improvements were wrongful; and

WHEREAS, City, through its authorized contractor, Kirk Paving, Inc., constructed an equestrian trail to the south of the fifth, sixth and seventh holes, partially on the hillside owned by City, and partially on land north of the toe of the hill, which is owned by Westshaw. The equestrian trail is depicted in the photographs attached hereto as Exhibits F-1 through F-8; and

WHEREAS, Westshaw alleges that in the course of construction of the equestrian trail property owned by Westshaw was damaged, and that the nature and extent of the construction was otherwise wrongful; and Westshaw prepared a draft "Claim" against City for damages allegedly resulting therefrom, a copy of which is attached hereto as Exhibit G. The Claim has not been filed due to the agreement of the Parties to delay the filing thereof, and to toll all statutes of limitation, while settlement discussions were pursued; and

WHEREAS, this Agreement is intended by the Parties to provide for a full and complete resolution of all pending disputes between them relative to: (1) all Notices of Violation issued by City, or other agency, or which City claims could have been issued (whether or not Notices of Violation have been issued) with respect to The Improvements, and (2) all permits or other approvals which City has claimed, or could have claimed, were, are or will be required relative to The Improvements.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

1. Notwithstanding anything else in this Agreement to the contrary, the Parties agree that this Agreement shall not pertain to or affect any permits or approvals required for development of what is commonly referred to as the "Hotel Site" within Del Mar National.
2. Westshaw shall apply to City for permits or other authorizations required for The Improvements on the grounds that they substantially conform to existing approvals, constitute only minor modifications to Del Mar National, and do not create significant adverse environmental impacts. Westshaw has provided City with percentage comparisons of the total square footage of Del Mar National relative to the total square footage of those portions of the land within Del Mar National that are permanently affected by The Improvements, as set forth in the

Memorandum from Keith Keeter to Mark Mazzarella dated December 3, 2004, a copy of which is attached hereto as Exhibit H.

3. Westshaw's application shall be acted upon by City expeditiously upon receipt, with the understanding that it is the Parties' intention to complete the approval process, and obtain final approval as soon as possible.
4. Westshaw's application shall be for a "Substantial Conformance" determination, as set forth in San Diego Municipal Code, § 126.0112. In the event all applications submitted to City by Westshaw, as discussed herein, are not approved and all necessary permits and approvals are not obtained, pursuant to a "Substantial Conformance" determination, the Agreement shall be voidable by Westshaw at its sole election.
5. Westshaw shall revegetate that portion of the fairway at the fifth hole which contained some native vegetation which was replaced with sod by Westshaw approximately one year ago, or a portion of equal size located, at Westshaw's election, elsewhere on and across the fairway of the fifth hole, with native bunch grasses, consistent with the revegetation program in effect elsewhere at Del Mar National.
6. Westshaw shall revegetate approximately 19,000 square feet, which is adjacent to and south of the new tees on the 5th and 6th holes on property owned by Westshaw and the City. These areas are depicted in the aerial photograph attached hereto as Exhibit I as parcels A, B and C. Revegetation shall be with native plants consistent with the revegetation program in effect elsewhere at Del Mar National.
7. Any environmental impacts from The Improvements shall be mitigated at a ratio of 2:1. City acknowledges that the square footage permanently affected by The Improvements is approximately 9,500 square feet of The Property, and therefore, a total of 19,000 square feet of mitigation is required; and further acknowledges that the mitigation described herein at Paragraphs 6 and 8, substantially exceeds the mitigation requirements set forth herein.
8. Westshaw shall grant City a Recreation Easement to a strip of land along the southerly border of Del Mar National over which a portion of the equestrian trail currently passes, constituting approximately .923 acres of land, and a small area of land at the south easterly portion of Del Mar National constituting approximately .019 acres of land, as more particularly described in the Grant Deed - Recreation Easement, in the form of attached Exhibit J.
9. Westshaw shall waive its rights to recover damages from City, and shall provide City with a full release by Westshaw of any and all claims asserted, or which could have been asserted, by Westshaw against City in connection with construction of the equestrian trail, as set forth in Paragraph 17, hereof.

10. In addition to the Recreational Easement, the revegetation to be completed by Westshaw, and the waiver of the rights to recover damages caused by construction of the equestrian trail, all as provided herein, Westshaw shall pay to the City \$250,000 in cash, to be deposited in a "Horse Trail Fund" which shall be administered by the affected community groups with the oversight of City.
11. The Notices of Violation issued, or which could have been issued, by City in relation to The Improvements shall be dismissed, abandoned, and never again asserted, and Westshaw shall be fully released in connection with them.
12. City acknowledges that Del Mar National is not located within the Coastal Overlay Zone.
13. City may allocate the consideration provided by Westshaw pursuant to Paragraphs 5 through 10, hereof, as consideration for issuance of the requested permits and approvals, or as consideration for the dismissal of the Notices of Violation, as it deems appropriate.
14. The Parties agree to do whatever reasonably is required in order to fulfill the purpose and intention of the Parties as reflected herein, including, but not limited to drafting and executing further documents; acting promptly themselves and expediting the activities of their own employees or independent parties; responding to inquiries or input by or from the other party or third parties; and reviewing and providing input regarding any applications or other documents promptly upon receipt, thereof.
15. The Parties agree that the following measures may be implemented to enforce the terms of this Agreement:
 - a. Prior to seeking arbitration, as provided below, the party so seeking shall give written notice to the other party setting forth the nature of the complaint. The other party shall have 15 days to correct the violation. If not correct, the complaining party may proceed to arbitration.
 - b. In the event of a dispute over the terms of this Agreement or enforcement thereof, the Parties agree to binding arbitration through JAMS (401 B Street, Suite 600, San Diego, CA 92101). On failure to comply with any of the terms of this Agreement after compliance with paragraph (a) above, any party may apply ex parte on 24 hours notice for relief consistent with the terms of this Agreement and any other relief determined appropriate by the Arbitrator. The Arbitrator shall be mutually agreed upon by the parties and if no agreement is reached shall be appointed by the presiding judge of the San Diego Superior Court upon application of either party.
 - c. The parties agree that the Arbitrator shall determine the appropriate relief for the violation of any of the terms of this Agreement.

- d. In the event a dispute over this Agreement arises between the parties requiring resolution by the Arbitrator, the prevailing party shall recover actual and reasonable fees and costs, including investigation costs, incurred in resolving the dispute or enforcement issue. The Arbitrator shall determine the prevailing party and the reasonability of the actual fees and costs and may impose up to a \$5,000 damage award to either party should he find any party unreasonably pursued arbitration.
 - e. This arbitration agreement shall be enforced pursuant to the Code of Civil Procedure section 664.6 as well as the terms of this arbitration agreement itself.
16. Attorney's fees and costs heretofore incurred by the Parties in connection with the subject matter hereof shall be borne entirely by the Party incurring them.
 17. The Parties hereby agree to mutually release one another, and each of the other's trustees, successor trustees, owners, predecessors, successors, agents, directors, shareholders, officers, partners, lawyers, employees, and representatives, from all claims each may have against the other arising from or relating to the subject matter of this Agreement.
 18. The Parties agree they understand the meaning and effect of California Civil Code section 1542 which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.
 19. The Parties agree to assume the risk of any and all unknown, unanticipated, or misunderstood defenses, claims, causes of action, contracts, liabilities, indebtedness, and obligations which are released by this Agreement and hereby waive and release all rights and benefits which they might otherwise have under California Civil Code section 1542.
 20. The Parties hereby promise that each (i) has read this Agreement; (ii) has had the provisions and consequences fully explained by such party's legal counsel; and (iii) is freely and voluntarily signing this Agreement upon advice furnished by such party's legal counsel.

21. This Agreement contains the entire agreement between the parties relating to the settlement and transactions contemplated hereby, and all prior or contemporaneous agreements, understandings, representations, and statements, whether oral or written, and whether by a party or such party's legal counsel are merged within this Agreement. No modification, waiver, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by both Parties.
22. The Parties enter into this Agreement based solely upon their own knowledge and investigation of the facts and advice of counsel. Except as to the recital, representations and warranties contained herein, the Parties have not relied upon any representations or statements of fact, law, or opinion by any adverse party or attorney in entering into this Agreement.
23. The Parties have participated fully in the negotiation, preparation, and drafting of this Agreement and the language used is a product of that participation. The rule that an ambiguity in language is to be construed against the author shall have no effect as to this Agreement.
24. In the event any provision of this Agreement is found to be illegal or otherwise unenforceable, the remaining provisions shall remain in effect and are enforceable, it being the intention of the Parties that any invalid provision be severable.
25. This Agreement is governed by the laws of the State of California.
26. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original. The counterparts shall constitute one of the same agreement.
27. This Agreement shall become effective on the date of execution by all of the Parties.
28. The persons executing this Agreement represent that they have the full authority of the Party on whose behalf they sign to agree to the terms hereof, and to execute this Agreement.

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement as of the dates indicated below.

Dated: 2/23, 2005

WESTSHAW ASSOCIATES, LLC


By: 

Richard V. Gibbons

[Print Name]

Dated: 2/15, 2005

THE CITY OF SAN DIEGO

By: 
P. Lamont Enell
[Print Name]

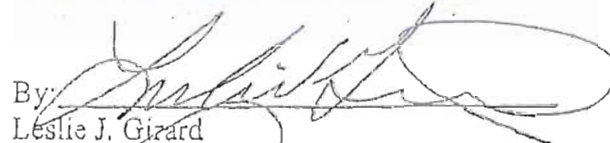
APPROVED AS TO FORM AND CONTENT: *City Manager*

Dated: 2/22/, 2005

By: 
Mark C. Mazzarella
Attorneys for Westshaw Associates, LLC

Dated: 2/15, 2005

OFFICE OF THE CITY ATTORNEY

By: 
Leslie J. Girard
Attorneys for The City of San Diego

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: February 6, 2006

TO: Karen Heumann, Assistant City Attorney

FROM: Gary Halbert, Director, Development Services Department

SUBJECT: Del Mar National Golf Course, Project No. 77020

REFERENCE: Reviewer's comments in response to PTS# 77020 (Attachment 1)

This memo is provided in response to the City Attorney's request for an explanation of why a revised Del Mar National Golf Course project can not be approved through the Substantial Conformance Review (SCR) process.

The application for an SCR was submitted to the Development Services Department on June 28, 2005 as a result of a Settlement Agreement between the owner and the City Attorney's Office for construction which has already occurred on the site beyond the scope of the previously approved project. The proposed SCR was presented as a minor alteration of the approved Del Mar National Golf Course, previously known as Meadows Del Mar.

However the development that has occurred on the site, without benefit of any permit authorization, is not minor in nature and was not included in the previous entitlement, CUP/VTM/PRD 89-1296. The new location of tee boxes, the dredging plan for the creek, and the development of a memorial site had not been included in the original approvals. Thus the request for an SCR was presented to City staff. The unauthorized and un-permitted improvements made by the owner were constructed in areas required to be set aside for mitigation as described in the environmental document for the original permits, CUP/VTM/PRD 89-1296, and in the MHPA.

Significant additional impacts to sensitive habitat have occurred as a result of the owner's actions. Federal and state wildlife agencies and Army Corp. permits for impacts to wetlands and a biology report analyzing the impacts to the mitigation area identified on Exhibit "A" Revegetation Plan approved December 10, 1996 are required. Actual field observations have identified 1,350 lineal feet of impacts to wetlands on the site and a total of 3.4 acres of coastal sage habitat impacted due to the improvements identified in the SCR. Most of these impacts occurred in the MHPA and these impacts require mitigation.

The proposed SCR cannot be ministerially approved by staff. An amendment to the original permit is required with the appropriate environmental review in accordance with CEQA.



MAILED

OCT 25 2010

THE CITY OF SAN DIEGO

NEIGHBORHOOD CODE COMPLIANCE

October 25, 2010

CIVIL PENALTY NOTICE AND ORDER

Location: 5300 Grand Del Mar Way
(formerly Meadows Del Mar Driveway)

APN NO.: 303-103-27-00

Property Owner: The Grand Del Mar Resort, L.P.
Address: One Market Place, Suite 3300
San Diego CA 92101

**Agent for Service
of Process:** Richard V. Gibbons
Address: One Market Place, Suite 3300
San Diego CA 92101

Zone: AR-1-1

You are hereby notified that the property at 5300 Grand Del Mar Way is in violation of the San Diego Municipal Code (SDMC) and you are subject to civil penalties pursuant to San Diego Municipal Code Section 12.0801 through 12.0810.

Civil Penalties for violations of the Municipal Code may be assessed at a daily rate not to exceed \$2,500 per day per violation; not to exceed a total maximum of \$250,000 per parcel or structure for any related series of violation(s).

Penalties may be assessed for each individual code section violated. These penalties may accrue daily for as long as the violations exist.

You are violating the law by:

Conducting and maintaining unauthorized grading violations that have impacted environmentally sensitive lands at the Grand Del Mar Golf Course, formerly known as Meadows Del Mar Golf Course.

Development Services Department
Neighborhood Code Compliance Division



Civil Penalty Notice and Order
 5300 Grand Del Mar Way
 October 25, 2010
 Page 2

On August 26, 2003, a Notice of Violation was issued and on August 28, 2003, a Revised Notice of Violation was issued for illegal grading, impacts to Environmentally Sensitive Lands, and violations of conditions and environmental documents approved under Resource Protection Ordinance, Conditional Use and Planned Development Permit (RPO/CUP/PDP), No. 89-1296 BOUGAINVILLEA. The illegal grading was done to expand and create new tee boxes and associated road and path access to holes 5, 6, and 15 on the golf course formerly known as Meadows Del Mar Golf Course and currently known as Grand Del Mar Golf Course. Additionally, a "memorial" park site picnic area was developed in the southeast portion of the parcel without permits or City authorization. To date, the violations have not been corrected.

The unauthorized grading and construction impacted steep hillsides, sensitive biological resources, wetlands, open space areas, and mitigation areas provided by the original development of the property under RPO/CUP/PDP No. 89-1296. The total impact area was approximately 3.4 acres in size. The impacts constitute a violation of the City's Land Development Code Environmentally Sensitive Lands regulations, Historical Resources regulations, and violations of the California Department of Fish and Game, the California Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

On July 31, 2003, August 8, 2003, August 22, 2003, August 27, 2003, and May 24, 2010, the property was observed to be in violation of the following section(s) of the SDMC.

<u>SDMC Sec.</u>	<u>Violation Description</u>
121.0302 (a)	It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.
121.0302(b)	It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code: (1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any premises; (2) To grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premises.
121.0303(a)	No Permission to Violate Codes.
121.0311	Violations of the Land Development Code shall be treated as strict liability offenses regardless of intent.

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- 126.0306 It is unlawful for any person to maintain, use, or develop any premises without a Conditional Use Permit if such a permit is required for that use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Conditional Use Permit.
- 126.0502 (d) A Site Development Permit decided in accordance with Process Four is required for the following types of development:
(1) Within historical districts or when designated historical resources are present, unless exempt under Section 143.0220;
(4) Development that deviates from any portion of the environmentally sensitive lands regulations, as described in Section 143.0110.
- 126.0505 It is unlawful for any person to maintain, use, or develop any premises without a Site Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Site Development Permit.
- 126.0605 It is unlawful for any person to maintain, use, or develop any premises without a Planned Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Planned Development Permit.
- 129.0202 Failure to obtain the required building permit for structural work.
- 129.0111 Failure to obtain the required building inspections and approvals.
- 129.0402(a) Failure to obtain the required plumbing permit for plumbing work.
- 129.0415(a) Failure to obtain the required plumbing inspections and approvals.
- 129.0602 A Grading Permit is required for the following work:
(a) Any grading within open space easements or City-owned open space;
(b) Any grading required for the restoration of unauthorized grading;
(c) Any grading within the Special Flood Hazard Area;
(d) Any grading in accordance with a Grading Permit required as a condition of a development permit to assure compliance with the development permit conditions.
(e) Any grading that includes the following conditions:
(1) Excavation or fill that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than

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- 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
- (2) Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 5 feet measured vertically;
- (3) Grading that creates manufactured slopes at a gradient exceeding that specified in Section 142.0133;
- (4) Grading for which the graded area is more than 1 acre;
- (5) Grading that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties.

129.0602

A Grading Permit is required for the following work:

- (a) Any grading within City-owned open space;
- (b) Any grading required for the restoration of unauthorized grading;
- (c) Any grading that includes the following conditions:
 - (1) Excavation or fill that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
 - (2) Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 5 feet measured vertically;
 - (5) Grading that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;
 - (7) Placing fill material that has any piece larger than 12 inches in any direction.

142.0146

(a) All grading work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual.

142.0147

Revegetation Requirements

All graded areas including manufactured slopes and disturbed areas other than manufactured slopes shall be revegetated in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

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- 143.0110 When Environmentally Sensitive Lands Regulations Apply. This division applies to all proposed development when environmentally sensitive lands are present on the premises.
(a) Where any portion of the premises contains any of the following environmentally sensitive lands, this division shall apply to the entire premises, unless otherwise provided in this division:
 (1) Sensitive biological resources,
 (2) Steep hillsides,
 (5) Special Flood Hazard Areas
- 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands. It is unlawful to begin development on a premises that contains environmentally sensitive lands without submitting required documentation and obtaining the applicable development permit, or an exemption as required pursuant to this division. If unlawful development occurs on property containing environmentally sensitive lands and an enforcement action has been commenced by the City pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded.
- 143.0140 Property developed in violation of General Development Regulations for all Environmentally Sensitive Lands.
- 143.0141(i) All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to sensitive biological resources and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.
- 143.0142 Development encroachment into steep hillsides in violation of Steep Hillsides Development Regulations.
- 143.0145 Development encroachment into Special Flood Hazard Area in violation of Development Regulations for Special Flood Hazard Areas;
 (6) Development shall not significantly adversely affect existing sensitive biological resources on-site or off-site.
- 143.0146 Violation of Supplemental Regulations for Special Flood Hazard Areas. All proposed development within a Special Flood Hazard Area is subject to the following requirements and all other applicable requirements and regulations of FEMA.

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- | | |
|----------|---|
| 143.0160 | Violations and Remedies
The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code. |
| 143.0210 | Failure to comply with Historical Resources Regulations. |
| 143.0230 | The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual. |

You are hereby ordered to correct the violations by completing the following actions set forth below:

Immediately cease use of the illegally constructed tee boxes and access roads, paths, and bridges on the 5th, 6th, and 15th hole.

Immediately cease all grading activity on the premises.

Immediately retain the services of a qualified civil engineer, biologist, and other qualified professionals to provide recommendations and prepare necessary plans and documents for all required permits to restore the site to the pre-existing topography and condition.

Immediately provide erosion control measures, utilizing Best Management Practices (BMPs), to control drainage from the property to avoid erosion, scour, and resulting siltation as recommended by your qualified professional.

In order to correct the violations you shall choose one of the following options:

OPTION 1 - RESTORATION

By January 14, 2011, you shall submit an application for a Site Development Permit/Grading Plan for restoration of the disturbed 3.4 acres of the site to the pre-existing topography and condition to the Neighborhood Code Compliance Division(NCCD) for review. Plans shall comply with "Exhibit A" of Resource Protection Ordinance, Conditional Use and Planned Development Permit No. 89-1296.

By January 24, 2011, you shall submit the application, and have the application deemed complete, to the Development Services Department for a Site Development Permit/Grading Plan for restoration of the site to the pre-existing topography and condition.

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Within twelve (12) months of approval of the Site Development Permit, you shall obtain all required ministerial permits for the restoration of the site, complete all work under the permits, and obtain all final inspection approvals.

OR

OPTION 2 – DEVELOPMENT AND RESTORATION

By January 14, 2011, you shall submit an application for a Site Development Permit and an amendment to Resource Protection Ordinance, Conditional Use Permit, Planned Development Permit No. 89-1296 for development, mitigation and restoration of impacts caused by the illegal grading done to expand and create new tee boxes and associated road and path access to holes 5, 6, and 15 on the golf course formerly known as Meadows Del Mar Golf Course and currently known as Grand Del Mar Golf Course to NCCD for review.

By January 24, 2011, you shall submit the application for a Site Development Permit and an amendment to Resource Protection Ordinance, Conditional Use Permit, Planned Development Permit No. 89-1296, and have the application deemed complete, to the Development Services Department.

Within twelve (12) months of approval of the Site Development Permit and an amendment to Resource Protection Ordinance, Conditional Use Permit, Planned Development Permit No. 89-1296 complete all work under the permits, and obtain all final inspection approvals.

Failure to Comply with Notice and Order

Failure to comply with this Notice and Order will result in the ongoing assessment of Civil Penalties:

1. Civil Penalties Hearing

This Notice and Order may cause a date, time, and place to be set for a hearing regarding the existing violations and confirmation of assessed civil penalties.

Written notice of the time and place of the hearing will be served on you at least ten days prior to the date of the hearing.

At the hearing, you, your agent or any other interested person may present testimony or evidence concerning the existence of the violations and the means and time frames for correcting the violations. Testimony or evidence may also be presented relating to the duration, frequency of recurrences, nature and seriousness, and history of the violations;

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whether the offense impacted environmentally sensitive lands or historical resources the willfulness of the responsible person's misconduct, after issuance of the Notice and Order; the good faith effort by the responsible person to comply; the economic impact of the penalty on the responsible person; the impact of the violation upon community; and/or any other factor which justice may require.

Failure to attend the hearing shall constitute a waiver of your rights to an administrative hearing and administrative adjudication of the Notice and Order.

2. Assessment of Penalties

Any person violating any provision of the Municipal Code or applicable State Codes is subject to assessment of Civil Penalties.

Civil penalty amounts are established by the Deputy Director of the Neighborhood Code Compliance Division. The following factors were used in determining the amount: seriousness of the violation, duration of the violation, impacts to Environmentally Sensitive Lands, visual impact on the community.

The penalty rate for the above listed violations has been established at \$1,000.00 per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected in accordance with Municipal Code Sections 12.0801 et seq.

Pursuant to SDMC Section 12.0805(a), in determining the date on which civil penalties shall begin to accrue and the duration, the Deputy Director may consider a date when Neighborhood Code Compliance first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence.

Administrative Costs

The Deputy Director or Hearing Officer is authorized to assess administrative costs. Administrative costs may include scheduling and processing of the hearing and all subsequent actions.

Waiver

Failure to attend the hearing shall constitute a waiver of your rights to an administrative hearing and adjudication of the Notice and Order or any portion thereof.

If you fail, neglect or refuse to obey an order to correct the violations, civil penalties will continue to accrue on a daily basis until the violation is corrected, except that such amount shall not exceed \$250,000.

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If you fail, neglect or refuse to obey an order to pay civil penalties, the unpaid amount shall constitute a personal obligation and/or a lien upon the real property. Failure to pay a personal obligation will cause the Deputy Director to refer the obligation to the City Attorney to file a court action to recover these costs. Failure to pay a lien will cause the Deputy Director to refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected.

If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact Mike Richmond, Senior Land Development Investigator at (619) 533-6302.



Melody L. Negrete
Code Enforcement Coordinator

MLN/MR/m

cc: California Department of Fish and Game
U.S. Army Corps of Engineers
California Water Quality Control Board
U.S. Fish & Wildlife Service
File

NC# 101538

This information will be made available in alternative formats upon request.



THE CITY OF SAN DIEGO

MAILED

SEP 20 2011

NEIGHBORHOOD COMPLIANCE

September 20, 2011

NOTICE OF VIOLATION

Location: 5300 Grand Del Mar Way
(formerly Meadows Del Mar Driveway)

Assessor's Parcel No.: 308-103-27-00
Zone: AR-1-2

**Responsible Party/
Property Owner:
Address:** The Grand Del Mar Resort, L.P.
One Market Place, Suite 3300
San Diego CA 92101

**Agent for Service
of Process:
Address:** Richard V. Gibbons
One Market Place, Suite 3300
San Diego CA 92101

Assessor's Parcel No.: 308-030-51-00
Zone: AR-1-1

**Property Owner:
Address:** Pardee Homes
10880 Wilshire Blvd. #1900
Los Angeles, CA 90024-4120

**Agent for Service
of Process:
Address:** National Registered Agents, Inc.
2875 Michelle Dr., Ste. 100
Irvine, CA 92606

**Property Owner:
Address:** Shaw Texas VI, LLC
7245 Rue de Roark
La Jolla, CA 92037

**Agent for Service
of Process:
Address:** Jerome Shaw
7245 Rue de Roark
La Jolla, CA 92037

Assessor's Parcel No.: 308-122-01-00
Zone: CVPD-OS, Carmel Valley Planned District-Open Space

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Property Owner: City of San Diego
c/o Real Estate Assets Department
Address: 1200 Third Avenue, Suite 1700
San Diego, CA 92101

A representative of the Neighborhood Code Compliance Division conducted inspections of the above referenced premises on May 26, 2011 and July 29, 2011.

In accordance with the San Diego Municipal Code (SDMC) this is to notify you that the following violations were observed.

The specific elements in violation include, but may not be limited to, the following:

You have conducted unauthorized grading, including removal of sensitive biological resources, to create and construct equestrian trails and construct an equestrian center at and around the Grand Del Mar Resort, approximately 30,700 square feet in size, including riding and grooming corrals, and a stable, approximately 4,000 square feet in size. The grading and construction was done in violation of Resource Protection Ordinance, Conditional Use and Planned Development Permit (RPO/CUP/PDP), No. 89-1296 BOUGAINVILLEA and without required building or grading permits. This unauthorized grading and construction activity impacted a total area approximately 1.68 acres in size. The impacts occurred both inside and outside of the Multiple Habitat Planning Area (MHPA), on property containing Environmentally Sensitive Lands (ESL), and affected Assessor's Parcel Number (APN) 308-103-27-00, owned by Grand Del Mar Resort, L.P., APN 308-030-51-00, owned by Pardee Homes/Shaw Texas VI, LLC, and APN 308-122-01-00, owned by the City of San Diego. Directional sign posts were installed along the trails located on all three parcels. The unauthorized grading and construction activity also impacted wetlands, steep hillsides, open space areas, mitigation areas, and property containing potential historical resources. The impacts constitute a violation of the City's Land Development Code Environmentally Sensitive Lands regulations, Historical Resources regulations, and violations of the California Department of Fish and Game, the California Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

Additionally, three (3) parking lots, with a total approximate size of 2.66 acres, have been constructed on the north side of the Grand Del Mar Resort in violation of Resource Protection Ordinance, Conditional Use and Planned Development Permit (RPO/CUP/PDP), No. 89-1296 BOUGAINVILLEA and in violation of the design regulations for parking lots in the San Diego Land Development Code.

The specific code sections in violation include, but may not be limited to, the following:

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<u>SDMC Sec.</u>	<u>Violation Description</u>
54.0110	Unauthorized Encroachments Prohibited It is unlawful for any person to erect, place, allow to remain, construct, establish, plant, or maintain any vegetation or object on any public street, alley, sidewalk, highway, or other public property or public right-of-way, except as otherwise provided by this Code.
121.0302(a)	It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.
12.0302(b)	It is unlawful for any person to engage in any of the following activities, or cause any of the activities to occur in a manner contrary to the provisions of the Land Development Code: (1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any premises; (2) To grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premises. (3) To change density or intensity of the use of land; (4) To maintain or allow the existence of any condition that creates a public nuisance.
121.0308(a)	No Permission to Violate Codes.
121.0311	Violations of the Land Development Code shall be treated as strict liability offenses regardless of intent.
126.0306	It is unlawful for any person to maintain, use, or develop any premises without a Conditional Use Permit if such a permit is required for that use or development or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Conditional Use Permit.
126.0502(d)	A Site Development Permit decided in accordance with Process Four is required for the following types of development.

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(1) Within historical districts or when designated historical resources are present, unless exempt under Section 143.0220;

(4) Development that deviates from any portion of the environmentally sensitive lands regulations, as described in Section 143.0110.

126.0505 It is unlawful for any person to maintain, use, or develop any premises without a Site Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Site Development Permit.

126.0605 It is unlawful for any person to maintain, use, or develop any premises without a Planned Development Permit if such a permit is required for the use or development, or to maintain, use, or develop any premises contrary to the requirements or conditions of an existing Planned Development Permit.

129.0202 Failure to obtain the required building permit for structural work.

129.0111 Failure to obtain the required building inspections and approvals.

129.0302 Failure to obtain the required electrical permit for electrical work.

129.0314 Failure to obtain the required electrical inspections and approvals.

129.0402(a) Failure to obtain the required plumbing permit for plumbing work.

129.0415(a) Failure to obtain the required plumbing inspections and approvals.

129.0602 When a Grading Permit is Required
A Grading Permit is required for the following work:
(a) Any grading within open space easements or City-owned open space;
(b) Any grading required for the restoration of unauthorized grading;
(c) Any grading within the Special Flood Hazard Area;
(d) Any grading in accordance with a Grading Permit required as a condition of a development permit to assure compliance with the development permit conditions.

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- (e) Any grading that includes the following conditions:
- (1) Excavation or fill that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
 - (2) Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 5 feet measured vertically;
 - (3) Grading that creates manufactured slopes at a gradient exceeding that specified in Section 142.0133;
 - (4) Grading for which the graded area is more than 1 acre;
 - (5) Grading that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;
 - (7) Placing fill material that has any piece larger than 12 inches in any direction.

- 142.0103 When a Permit Is Required for Grading
(a) A Grading Permit is required for any grading work specified in Section 129.0602.
- 142.0144 Grading Within Environmentally Sensitive Lands
Grading within environmentally sensitive lands shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- 142.0146 Erosion, Sedimentation, and Water Pollution Control (a) All grading work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual.
(b) All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the work site.
The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these

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measures, as appropriate, to ensure their effectiveness. Controls shall include measures outlined in Chapter 14, Article 2, Division 2 (Storm Water Runoff Control and Drainage Regulations) that address the development's potential erosion and sedimentation impacts.

142.0147

Revegetation Requirements

All graded areas including manufactured slopes and disturbed areas other than manufactured slopes shall be revegetated in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

142.0150

Site Restoration

Restoration of grading undertaken without a permit is required and shall occur prior to any further development on the site.

Restoration requires:

- (a) Submittal to and acceptance by the Permit Issuing Authority of a restoration plan which may include necessary monitoring by the City or a City designated party, both at the cost of the violator;
- (b) Obtaining a grading permit and receiving inspection approval from the Permit Issuing Authority; and
- (c) Compliance with any other reasonable requirements of the Permit.

142.0202

When Drainage Regulations Apply

This division shall apply to all development in the City, whether or not a permit or other approval is required.

142.0220

Storm Water Runoff Control

(a) All development shall comply with Municipal Code Chapter 4, Article 3, Division 3 (Stormwater Management and Discharge Control).

(b) All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include the following measures that

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address the development's potential erosion, sedimentation, and water pollution impacts.

- (1) Erosion prevention.
- (2) Sediment control.

143.0110

When Environmentally Sensitive Lands Regulations Apply
This division applies to all proposed development when environmentally sensitive lands are present on the premises.
(a) Where any portion of the premises contains any of the following environmentally sensitive lands, this division shall apply to the entire premises, unless otherwise provided in this division:

- (1) Sensitive biological resources;
- (2) Steep hillsides;
- (5) Special Flood Hazard Areas.

(b) (1) Site Development Permit (SDP) required.

143.0112

Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands
It is unlawful to begin development on a premises that contains environmentally sensitive lands without submitting required documentation and obtaining the applicable development permit, or an exemption as required pursuant to this division. If unlawful development occurs on property containing environmentally sensitive lands and an enforcement action has been commenced by the City pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded.

143.0140

Property developed in violation of General Development Regulations for all Environmentally Sensitive Lands.

143.0141

Development Regulations for Sensitive Biological Resources

143.0141(i)

All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to sensitive biological resources and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.

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- 143.0142 Development encroachment into steep hillsides in violation of Steep Hillsides Development Regulations.
- 143.0143 Development encroachment into Special Flood Hazard Area in violation of Development Regulations for Special Flood Hazard Areas;
(6) Development shall not significantly adversely affect existing sensitive biological resources on-site or off-site.
- 143.0146 Violation of Supplemental Regulations for Special Flood Hazard Areas. All proposed development within a Special Flood Hazard Area is subject to the following requirements and all other applicable requirements and regulations of FEMA.
- 143.0160 Violations and Remedies The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code.
- 143.0210 Failure to comply with Historical Resources Regulations.
- 143.0280 The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual.

In order to comply with the law, you shall be required to meet the following conditions stated below:

Immediately cease any and all grading, clearing and unauthorized construction activity on the premises.

Immediately cease use of the equestrian center and all trails and parking lots that have been constructed or modified without permits.

Immediately install all necessary erosion and sediment control Best Management Practices (BMPs) necessary to protect all exposed slopes as recommended by a qualified professional. These BMPs must eliminate the potential for a discharge of sediments and other pollutants off site.

Immediately retain the services of a qualified civil engineer, biologist, and other qualified professionals to provide recommendations and prepare necessary plans and documents for all required permits to either restore or develop the site.

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By October 31, 2011, you shall submit an application for a Site Development Permit and an amendment to Resource Protection Ordinance, Conditional Use Permit, Planned Development Permit No. 89-1296 for development, mitigation and restoration of impacts caused by the illegal grading and construction activity to construct the equestrian center and associated improvements, equestrian trails, and parking lots to NCCD for review. Plans shall include restoration of impacted trail areas located on adjacent properties owned by Pardee Homes/Shaw Texas VI LLC (APN 308-030-51-00) and City of San Diego (APN 308-122-01-00). Additionally, all sign posts installed along the trails shall be removed.

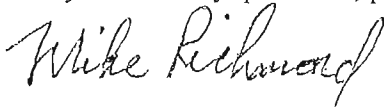
By November 30, 2011, you shall submit the application for a Site Development Permit and an amendment to Resource Protection Ordinance, Conditional Use Permit, Planned Development Permit No. 89-1296, to the Development Services Department and have the application deemed complete.

Within twelve (12) months of approval of the Site Development Permit and an amendment to Resource Protection Ordinance, Conditional Use Permit, Planned Development Permit No. 89-1296 complete all work under the permits, and obtain all final inspection approvals.

Failure to comply with this Notice will result in the case being referred to the City Attorney's office for further enforcement.

Be advised that there is a reinspection fee (\$98.00 or \$105.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions, please call me at (619) 533-6302.



Mike Richmond
Senior Land Development Investigator

MR/lm

cc: California Department of Fish and Game
U.S. Army Corps of Engineers
California Water Quality Control Board
U.S. Fish and Wildlife Service
File

NC# 101533

This information will be made available in alternative formats upon request.

CITY ATTORNEY
CRIMINAL DIVISION

2013 JAN -9 PM 3:07

FILED No Fee OC §6133
Clerk of the Superior Court

JAN 08 2012

By: A. Taylor, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

CITY OF SAN DIEGO, a municipal
corporation,

Plaintiff,

v.

GRAND DEL MAR RESORT L.P.; and
DOES 1 through 20, inclusive,

Defendants.

Case No. 37-2013-00023853-CU-MC-CTL

STIPULATION FOR ENTRY OF FINAL
JUDGMENT IN ITS ENTIRETY AND
PERMANENT INJUNCTION;
JUDGMENT THEREON [CCP §664.6]

Plaintiff City of San Diego, a municipal corporation, appearing through its attorney, Jan I. Goldsmith, City Attorney, by Danna W. Nicholas, Deputy City Attorney, and Defendant, Grand Del Mar Resort L.P., by and through its attorney, Paul E. Robinson; enter into the following Stipulation for Entry of Final Judgment in full and final settlement of the above-captioned case without trial or adjudication of any issue of fact or law, and agree that final judgment may be so entered.

1. This Stipulation for Entry of Final Judgment (Stipulation) is executed between and among Plaintiff City of San Diego, a municipal corporation, Defendant Grand Del Mar Resort L.P. who are named parties in the above-entitled action.

2. The parties to this Stipulation are parties to a civil suit pending in the Superior Court of the State of California for the County of San Diego, entitled *City of San Diego, a municipal*

1 corporation v. Grand Del Mar Resort L.P.; and DOES 1 through 20, inclusive, Civil Case No. ____

2 _____.

3 3. The Parties wish to avoid the burden and expense of further litigation, and accordingly
4 have determined to compromise and settle their differences in accordance with the provisions of
5 this Stipulation. Neither this Stipulation, nor any of the statements or provisions contained herein,
6 shall be deemed to constitute an admission or an adjudication of any of the allegations contained
7 in the Complaint. The parties to this Stipulation agree to resolve this action in its entirety by
8 mutually consenting to the entry of Final Judgment in its Entirety and Permanent Injunction
9 pursuant to Stipulation by the Superior Court of San Diego.

10 4. This action is brought under California law. This Court has jurisdiction over the
11 subject matter of this case and each of the Parties.

12 5. The Property (PROPERTY) is located in an AR-1-2 zone in the community of Del
13 Mar. The PROPERTY that is the subject of this Stipulation consists of a golf course, resort and
14 equestrian center on the following parcels in the City of San Diego known by the legal
15 descriptions listed below as recorded in the Office of the Recorder for the County of San Diego:

16 PARCEL A:

17 LOT 1 OF THE GRAND DEL MAR, IN THE CITY OF SAN
18 DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,
19 ACCORDING TO MAP THEREOF NO. 15163, FILED IN
OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
NOVEMBER 1, 2005.

20 EXCEPTING THEREFROM 50 PERCENT OF ALL MINERALS
21 AND RIGHTS IN RELATION THERETO; INCLUDING ALL
22 OIL AND PETROLEUM AND LIKE SUBSTANCES, AS
23 EXCEPTED IN DEED FROM JOHN NIEMAN, A SINGLE
24 MAN, GRANTOR, TO J. WAY HARLAN AND MARIE M.
25 HARLAN, HUSBAND AND WIFE, AS JOINT TENANTS, AND
RECORDED JULY 25, 1952 IN BOOK 4537, PAGE 158 OF
OFFICIAL RECORDS, WHICH RECITES THAT; GRANTOR
AND GRANTEE ARE TO HOLD THEIR RESPECTIVE 50
PERCENT INTEREST IN SAID MINERAL, OIL, PETROLEUM
AND LIKE SUBSTANCES, AS TENANTS IN COMMON.

26 RESERVING FROM PARCEL A HEREINABOVE DESCRIBED
27 AN EASEMENT FOR ROAD AND UTILITY PURPOSES
DESIGNATED AND DELENEATED ON SAID MAP AS

28

1 "GENERAL UTILITY AND ACCESS EASEMENT. GRANTED
2 HEREON"

3 PARCEL B:

4 PARCELS 6 THROUGH 11 OF PARCEL MAP 19140, IN THE
5 CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF
6 CALIFORNIA, ACCORDING TO MAP THEREOF, FILED IN
7 THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
8 COUNTY, JANUARY 14, 2003.

9 EXCEPTING THEREFROM 50 PERCENT OF ALL MINERALS
10 AND RIGHTS IN RELATION THERETO; INCLUDING ALL
11 OIL AND PETROLEUM AND LIKE SUBSTANCES, AS
12 EXCEPTED IN DEED FROM JOHN NIEMANN, A SINGLE
13 MAN, GRANTOR, TO J. WAY HARLAN AND MARIE M.
14 HARLAN, HUSBAND AND WIFE AS JOINT TENANTS, AND
15 RECORDED JULY 25, 1952 IN BOOK 4537, PAGE 158 OF
16 OFFICIAL RECORDS, WHICH RECITES THAT: GRANTOR
17 AND GRANTEE ARE TO HOLD THEIR RESPECTIVE 50
18 PERCENT INTEREST IN SAID MINERAL, OIL, PETROLEUM
19 AND LIKE SUBSTANCES, AS TENANTS IN COMMON.

20 PARCEL C:

21 A NONEXCLUSIVE EASEMENT, ONTO, OVER AND
22 ACROSS LOTS 1 THROUGH 135 INCLUSIVE AND LOTS 140,
23 150 AND 151 OF THE BOUGAINVILLEA, IN THE CITY OF
24 SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF
25 CALIFORNIA, ACCORDING TO MAP THEREOF NO. 13684,
26 FILED IN THE OFFICE OF THE COUNTY RECORDER OF
27 SAN DIEGO COUNTY, NOVEMBER 19, 1998, FOR THE
28 PURPOSE OF ACCOMMODATING (i) THE FLIGHT OF GOLF
BALLS THROUGH THE AIR OVER SAID LOTS AND ANY
BUILDINGS OR OTHER IMPROVEMENTS ON SAID LOTS,
(ii) THE OVERSPRAY OF WATER, HERBICIDES,
FUNGICIDES, PESTICIDES AND FERTILIZERS, AND (iii)
THE INSTALLATION, CONSTRUCTION, REPLACEMENT,
MAINTENANCE AND REPAIR OF IMPROVEMENTS
AND/OR LANDSCAPING LOCATED UPON THE GOLF
COURSE, AS REFERRED TO IN SECTION 14.9 (GOLF
COURSE EASEMENTS) OF THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
RECORDED FEBRUARY 17, 1999 AS FILE NUMBER 1999-
0096679; TOGETHER WITH THE EASEMENTS AS
RESERVED IN THE DEEDS TRANSFERRING LOTS 1, 4 THRU
15 INCLUSIVE, 18 THRU 38 INCLUSIVE, 40 THRU 42
INCLUSIVE, 44 THRU 48 INCLUSIVE, 50 THRU 52
INCLUSIVE, 54 THRU 56 INCLUSIVE, 59 THRU 61
INCLUSIVE, 63, 65, 68 THRU 72 INCLUSIVE, 75 THRU 77
INCLUSIVE, 80, 83 THRU 86 INCLUSIVE, 88, 90 THRU 93
INCLUSIVE, 95 THRU 112 INCLUSIVE, 114 THRU 127
INCLUSIVE, 130 THRU 135 INCLUSIVE, AND 140 OF SAID
MAP NUMBER 13684.

1 PARCEL D:

2 A NON EXCLUSIVE SUB-SURFACE EASEMENT FOR THE
3 DRAINAGE OF WATER AND STORM DRAINAGE,
4 PURSUANT AND SUBJECT TO THAT CERTAIN
5 "DECLARATION OF DRAINAGE EASEMENT" RECORDED
6 FEBRUARY 12, 2002 AS FILE NO. 2002-0121433 OF OFFICIAL
7 RECORDS, OVER THOSE PORTIONS OF PARCELS 1, 2, 3
8 AND 4 OF SAID PARCEL MAP NO. 18820, DESCRIBED AS
9 FOLLOWS:

10 BEGINNING AT THE EASTERNMOST POINT OF LOT 145 OF
11 SAID MAP NO. 13684 ON SHEET 13 OF SAID MAP NO. 13684;
12 THENCE SOUTH 29°45'54" WEST 21.12 FEET TO THE TRUE
13 POINT OF BEGINNING; THENCE NORTH 26°01'47" WEST
14 323.32 FEET; THENCE NORTH 28°03'04" WEST 293.92 FEET
15 TO THE BEGINNING OF A NON TANGENT CURVE WITH A
16 RADIUS OF 400.00 FEET, A LINE RADIAL TO THE
17 BEGINNING OF SAID NON-TANGENT CURVE BEARS
18 SOUTH 10°42'45" WEST; THENCE WESTERLY 18.89 FEET
19 THROUGH A CENTRAL ANGLE OF 02°42'19", A LINE
20 RADIAL TO THE END OF SAID NON-TANGENT CURVE
21 BEARS NORTH 08°00'26" EAST, THENCE SOUTH 28°03'04"
22 EAST 305.15 FEET; THENCE SOUTH 26°01'47" EAST 333.23
23 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF
24 SAID LOT 145; THENCE NORTH 29°48'54" EAST 18.13 FEET
25 ALONG THE SOUTHEASTERLY LINE OF SAID LOT 145 TO
26 THE TRUE POINT OF BEGINNING.

15 PARCEL E:

16 A NON EXCLUSIVE EASEMENT OVER, UNDER AND
17 ACROSS THE HEREINAFTER DESCRIBED LAND FOR THE
18 PURPOSE OF PROVIDING ACCESS TO CERTAIN
19 UNDERGROUND DRAINAGE PIPES LOCATED THEREIN,
20 TOGETHER WITH THE RIGHT TO MAINTAIN, REPAIR, AND
21 REPLACE SUCH DRAINAGE PIPES, PURSUANT AND
22 SUBJECT TO THAT CERTAIN "EXCLUSIVE EASEMENT
23 AGREEMENT" RECORDED DECEMBER 8, 2000 AS FILE NO.
24 2000-0669521 OF OFFICIAL RECORDS

25 BEING A PORTION OF LAND DESCRIBED IN MAP NO.
26 13684, IN THE CITY OF SAN DIEGO, COUNTY OF SAN
27 DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF
28 THE COUNTY RECORDER OF SAN DIEGO COUNTY,
NOVEMBER 19, 1998 AS FILE NO. 1998-753788 OF OFFICIAL
RECORDS AND MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 80 OF
SAID MAP NO. 13684, SAID POINT BEING THE BEGINNING
OF A 53.00 FOOT RADIUS CURVE CONCAVE
NORTHEASTERLY, A RADIAL TO SAID POINT BEARS
NORTH 84°18'38" WEST; THENCE IN A SOUTHEASTERLY
DIRECTION ALONG THE ARC OF SAID CURVE, THROUGH

A CENTRAL ANGLE OF 53°35'45" AN ARC LENGTH OF 49.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE; THROUGH A CENTRAL ANGLE OF 10°50'08" AN ARC LENGTH OF 10.02 FEET; THENCE LEAVING SAID LINE, SOUTH 34°21'32" WEST A DISTANCE OF 31.34 FEET; THENCE SOUTH 80°11'57" WEST A DISTANCE OF 13.94 FEET; THENCE NORTH 34°21'32" EAST A DISTANCE OF 41.46 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL F:

A NON-EXCLUSIVE RIGHT OF WAY EASEMENT FOR GOLF CART AND PEDESTRIAN ACCESS, INGRESS AND/OR EGRESS OVER AND UPON A PORTION OF LOT 150 AS DESCRIBED IN MAP NO. 13684, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 19, 1998 AS FILE NO. 1998-753788 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 111 OF SAID MAP NO. 13684, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 150; THENCE SOUTH 06°25'14" WEST 38.00 FEET TO THE BEGINNING OF A 1019.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF 01°03'27" AN ARC LENGTH OF 18.81 FEET; THENCE NORTH 06°25'14" EAST 38.01 FEET TO THE BEGINNING OF A 981.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 01°05'54" AN ARC LENGTH OF 18.81 FEET TO THE POINT OF BEGINNING.

6. Defendant understands that no development may occur on the PROPERTY until Defendant complies with all terms and conditions of this Stipulation. For purposes of this agreement "development" shall have the same meaning as set forth in San Diego Municipal Code section 113.0103. However, Defendant shall be allowed to continue to operate and use all of the facilities that currently exist on the Property while the discretionary permits referenced in Paragraphs 17 and 18 are being processed with the exception of the Helipad/Helistop, equestrian center, horse trails and horse corrals.

7. Defendant understands that it is responsible for ensuring that development does not occur on the PROPERTY through its actions or the actions of its partners, employees, agents, contractors or invitees.

INJUNCTION

8. Effective immediately upon the date of entry of this Stipulation, Defendant shall be enjoined from using any area at the PROPERTY or at any other property within the City of San Diego as a heliport without all required clearances, permits, licenses, and inspections as determined by federal, state, county and local authorities or their designees.

9. Effective immediately upon the date of entry of this Stipulation, Defendant, its successors and assigns, and any of its agents, employees, representatives and all persons, corporations or other entities acting by, through, under or on behalf of Defendant and all persons acting in concert with, or participating with the Defendant with actual or constructive knowledge of this injunction shall be permanently enjoined and restrained from directly or indirectly violating all applicable building, zoning, fire, police regulations, and nuisance laws, at any location within the City of San Diego. However, Defendant shall be allowed to continue to operate and use all of the facilities that currently exist on the Property while the discretionary permits referenced in Paragraphs 17 and 18 are being processed, with the exception of the Helipad/Helistop, equestrian center, horse trails and horse corrals.

10. Effective immediately upon the date of entry of this Stipulation, Defendant shall be enjoined from performing any activity constituting "Development" as defined by San Diego Municipal Code (SDMC) section 113.0103, and any earthen work or other conduct which disturbs the soil or native vegetation (e.g., clearing, digging, grubbing, embanking, drilling, assaying, grading, excavating, filling) at the PROPERTY or any other property within the City of San Diego until all necessary permits have been first obtained.

11. Effective immediately upon the date of entry of this Stipulation, Defendant shall be enjoined from providing any goods, services, and/or entertainment at the PROPERTY or at any other property within the City of San Diego; without all required clearances, permits, licenses, and inspections as determined by federal, state, county and local authorities or their designees.

COMPLIANCE MEASURES

Temporary Erosion Control Plan (TECP)

12. Effective immediately and no later than thirty calendar days from the date of entry of this Stipulation, Defendant shall submit a TECP, prepared by a licensed professional engineer, to the Code Enforcement Section (CES) formerly known as the Neighborhood Code Compliance Division for approval. The TECP must include each of the following:

a. Address all areas of the PROPERTY containing any exposed or un-compacted dirt or fill material whatsoever, as well as any uncontrolled embankments;

b. Designate stabilization for areas described in section 12a, thereby controlling both erosion and runoff onto adjacent properties, as well as any erosion and/or sediment transport;

c. Integration of an appropriate combination of erosion control measures, which may include, but are not limited to: hydro-seeding (native species only), silt fencing, fiber rolls, sandbags, and/or hay bales;

d. Use of Best Management Practices as determined by Development Services Department (DSD).

13. Defendant shall submit any additional items or corrections to the TECP, as required by CES/DSD, no later than thirty calendar days from the date of any such request by CES/DSD. Defendant understands that multiple corrections or additions may be necessary depending on the content and quality of the original submission.

14. Any additional items or corrections required in paragraph 16 of this Stipulation shall be submitted by the Defendant, to CES/DSD according to the individual submission guidelines of the requesting division/department.

15. Upon notification that DSD has approved Defendant's submission of a TECP Defendant shall immediately, in a period not to exceed ten calendar days, implement the erosion control measures in accordance with the approved plan, and obtain all necessary inspections and final approvals from the City of San Diego. These erosion control measures must remain in place on the PROPERTY prior to, during, and after the permitting process described in this Stipulation.

1 Restoration

2 16. Defendant shall restore the PROPERTY to the naturally occurring and lawfully
3 existing conditions which existed in 2002, as determined by CES based on reviews of
4 topographical maps and aerial photos. Defendant agrees to submit all necessary and required
5 documentation in order to address all illegal development and to restore all areas on the
6 PROPERTY to their previous 2002 pre-violation topography and conditions.

7 OR;

8 Discretionary Permits

9 17. Effective immediately and no later than seventy-five calendar days from the date
10 the TECP is approved; Defendant shall submit applications and complete sets of plans to CES
11 and DSD. Defendant shall tender complete submittals (this includes, but is not limited to all
12 necessary drawings, photographs, reports, surveys, calculations, and fees). All applications must
13 be prepared by a licensed Professional Engineer, for each of the following discretionary permits:
14 a) Conditional Use Permit; and b) Site Development Permit.

15 18. In the event CES and/or DSD request corrections to Defendant's plans for the Site
16 Development Permit and Conditional Use Permit and grading plan, then within thirty calendar
17 days from the date of any such request, Defendant shall re-submit corrected plans to the
18 requesting agency.

19 Ministerial Permits

20 19. General Grading Permit -- Within seventy-five calendar days from the date the
21 Site Development Permit and Conditional Use Permit is approved, Defendant shall submit a
22 complete set of plans (including all drawings, photographs, reports, surveys, calculations, and
23 fees) prepared by a licensed Professional Engineer to CES and DSD for the purpose of obtaining
24 a ministerial general grading permit, which address previously unpermitted grading on the
25 PROPERTY associated with the horse corrals, trails, and equestrian stables, pursuant to the
26 requirements of the approved Site Development Permit and Conditional Use Permit.

27

28

20. Building Permits - Within the same seventy-five calendar day time frame set forth in paragraph 19 of this Stipulation Defendant agrees to apply for any ministerial construction permits required as part of the Conditional Use Permit.

21. Horse Trail Grading - Any proposed grading application shall include restoration of native habitat. This may include, but is not limited to the following:

- a. The site must be re-contoured to reflect the previous existing condition.
- b. All required biological and archaeological reports and monitoring.

22. A grading plan to reestablish the original topography and slope must be prepared by a qualified civil engineer and submitted to CES for approval prior to submission to DSD.

23. Defendant shall retain a geotechnical consultant to evaluate the slope and geologic conditions and design a remedial grading plan to restore the surface to a stable condition. Any geotechnical reports submitted to CES or DSD, as a part of any permit process, shall comply with the City of San Diego Geotechnical Guidelines (2008). The guidelines are on file in the San Diego City Clerk's Office.

24. Any revegetation plans and drawings shall include the following:

- a. Landscape Irrigation Plan prepared in accordance with the SDMC Chapter 14, Article 2, Division 4, as part of the Land Development Code (LDC); and the LDC Landscape Standards (effective January 2000). All irrigation notes will be incorporated on this plan or on additional sheets as necessary.

- b. Landscape Revegetation Planting Plan prepared in accordance with the LDC Chapter 14, Article 2, Division 4, the LDC Landscape Standards; and the General Outline For Revegetation/Restoration Plans of the City of San Diego's LDC Biology Guidelines (May 2001); and the applicable Environmentally Sensitive Lands Regulations under Chapter 14 Article 3, Division 1. All landscape and revegetation planting notes will be incorporated on this plan or on additional sheets as necessary.

- c. Revegetation Maintenance and Monitoring Plan with detailed note sheets documenting all of the revegetation requirements described in the General Outline for Revegetation/Restoration Plans of the City of San Diego's LDC Biology Guidelines (May 2001).

25. In the event DSD requests corrections to any grading or construction ministerial permit application described above, Defendant shall resubmit the corrected plans and any other applicable documents no later than thirty calendar days from the date of any such request.

26. Within 365 calendar days from the date DSD issues the necessary ministerial permits, Defendant agrees to obtain all necessary inspections and final approvals from the City of San Diego for each of the issued permits.

27. Defendant agrees that any act, intentional or negligent, or any omission or failure by their contractors and/or agents to comply with the requirements set forth in Paragraphs 8 through 28 will be deemed to be the act, omission, and/or failure of Defendant, Grand Del Mar Resort L.P., and shall not constitute a defense to a failure to comply with any part of this Stipulation. Further, should any dispute arise between any contractor, agent, and Defendant for any reason, Defendant agrees that such dispute shall not constitute a defense to any failure to comply with any part of this Stipulation, nor justify a delay in executing the requirements herein.

28. Defendant shall allow inspectors from the City of San Diego access to all areas on the PROPERTY to inspect and take photographs, for the purpose of monitoring Defendant's compliance with the terms and conditions of this Stipulation:

a. Time: 8:00 a.m. – 4:30 p.m.;

b. Notice: 36 hours is required (verbal, e-mail, or fax notice to Grand Del Mar Resort L.P., their attorney or local representative is sufficient).

MONETARY RELIEF

29. On the date this Stipulation is filed with the Court, Defendant shall pay Plaintiff the City of San Diego the amount of \$12,456.39 in investigative costs. Payment shall be made in the form of a certified check, cashier's check, or money order payable to the City of San Diego. The check shall be delivered to the City Attorney's Office, Code Enforcement Unit, 1200 Third Avenue, Suite 500, San Diego, CA 92101, Attention: Deputy City Attorney Danna W. Nicholas.

30. Within 120 calendar days from the date of entry of this Stipulation, Defendant shall pay Plaintiff, the City of San Diego, \$75,000 in civil penalties pursuant to the SDMC. Payment shall be made in the form of a certified check, cashier's check, or money order payable

1 to the City of San Diego. The payment shall be delivered to the City Attorney's Office, Code
 2 Enforcement Unit, 1200 Third Avenue, Suite 500, San Diego, CA 92101, Attention: Deputy City
 3 Attorney Danna White Nicholas. Payment shall be tendered no later than 3:00 p.m. that day.
 4 Additional civil penalties in the amount of \$600,000 shall be stayed pending successful and
 5 timely compliance with the terms and conditions of this stipulation.

6 31. In the event Defendant fails to comply with any of the terms and conditions set forth
 7 in Paragraphs 8 through 28 above, Defendant shall pay Plaintiff the City of San Diego a portion
 8 of the stayed civil penalties in the amount of \$2,500 per violation per day pursuant to the SDMC,
 9 for each day Defendant fails to comply.

10 32. Any and all payments required under Paragraphs 29 through 31 above shall be in the
 11 form of a certified check, cashier's check, or money order, payable to the City of San Diego. All
 12 payments shall be delivered to the Office of the City Attorney, Code Enforcement Unit, 1200
 13 Third Avenue, Suite 500, San Diego, California 92101-4106, Attention: Deputy City Attorney
 14 Danna W. Nicholas by the close of business unless otherwise stated above.

15 33. In the event of default by Defendant as to any amount due under this Stipulation,
 16 Defendant shall pay Plaintiff interest at the prevailing legal rate, from the date of default until the
 17 date of final payment.

18 34. In the event the Court activates any stayed civil penalties or assesses any additional
 19 monetary penalties, the prevailing legal interest rate shall apply from a date set by the Court until
 20 the date of the final payment.

21 RESTORATIVE JUSTICE

22 35. Within 365 calendar days from the date of entry of this Stipulation, Defendant
 23 Grand Del Mar Resort, L.P. shall have completed 150 hours of community volunteer work
 24 service on behalf of at least one charitable organization or not for profit group. The type of
 25 service and recipient of the volunteer service is subject to the approval of Plaintiff's attorney prior
 26 to the commencement of any activity.

27

28

ENFORCEMENT OF JUDGMENT

36. The Parties understand that this Stipulation is intended to be a final judgment. Further, the Parties do *not* enter this Stipulation to facilitate an appeal. The Parties waive their right to seek to set aside the Judgment through any collateral attack, and further waive their right to appeal from the Judgment, except that the Parties agree that this Court shall retain jurisdiction for the purposes set forth in Paragraphs 8 through 31, and 35 through 36 of the Judgment, as well as for the enforcement of compliance with, or punishment of violations of the Judgment, civil contempt, additional civil penalties, and/or criminal prosecution.

37. Nothing in this Stipulation shall prevent Plaintiff from pursuing any remedies as provided by law to subsequently enforce any and all terms of this Stipulation, including civil contempt civil penalties at the cumulative rate of up to \$2,500 per day per violation, or criminal prosecution.

DISMISSAL OF DOES

38. All allegations as to DOES 1-20, inclusive, are dismissed.

RETENTION OF JURISDICTION

39. Jurisdiction is retained for the purpose of enabling any Party to this Stipulated Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the enforcement, construction, operation, and/or modification of this Stipulated Judgment, or for the enforcement or compliance therewith.

RECORDATION OF JUDGMENT

40. The City of San Diego shall record a copy of this Stipulation against the PROPERTY (Assessor Parcel Nos. 306-010-16, 306-010-17, 306-010-18, 306-010-19, 306-010-22) with the San Diego County Recorder's Office.

41. By signing this Stipulation, Defendant admits that it has personal knowledge of all the terms and conditions of this Stipulation. Service by mail shall constitute sufficient notice for all purposes.

8 8 8 8 8

• • • • •

1 IT IS SO STIPULATED:

2 Dated: December 31, 2012


JAN L. GOLDSMITH, City Attorney

3
4 By 

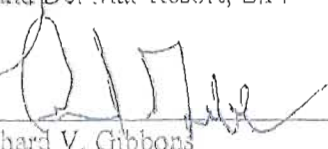
Danna W. Nicholas
Deputy City Attorney

6 Attorneys for Plaintiff

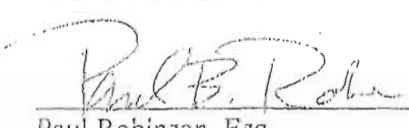
7
8 Dated: 12-19-, 2012


Douglas Manchester
Grand Del Mar Resort, L.P.

9
10
11 Dated: December 19, 2012


Richard V. Gibbons
Registered Agent-Grand Del Mar Resort, L.P.

12
13
14 Dated: 12/18/12, 2012


Paul Robinson, Esq.
Attorney for Defendant

15
16
17
18
19 Upon the stipulation of the parties hereto and upon their agreement to the entry of
20 judgment without trial or adjudication of any issue of fact or law herein, and good cause
21 appearing therefore, IT IS SO ORDERED, ADJUDGED AND DECREED.

22
23 Dated: 1/8/13


JUDGE OF THE SUPERIOR COURT

24 per CCP § 635 and *Waukena v. Superior Court*,
25 205 Cal. App. 4th 1151, 1172-1174 (2012).
26
27
28

THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

DEVELOPMENT SUMMARY

SCOPE OF WORK:
SITE DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT
AMENDMENT TO ALLOW FOR THE CREATION OF ADDITIONAL TEE
BOXES, EQUESTRIAN TRAILS, AND EQUESTRIAN CENTER INCLUDING
RIDING CORRALS, AND A STABLE IN ADDITION TO A TEMPORARY
PARKING LOT. THIS SDP/CUP AMENDMENT IS IN RESPONSE TO
NOTICE OF VIOLATION R9-2003-0412 AND R9-2003-0367.

1. AREA OF DISTURBANCE
PROJECT AREA: 383.02 AC
DEVELOPED AREA: 272.06 AC
PERCENT OF DEVELOPED AREA: 71%
2. FLOWAGE EASEMENT PER MAP 13684
AREA: 7.48 AC

PROPERTY OWNER

THE GRAND DEL MAR LLC
350 CAMINO DE LA REINA
SAN DIEGO, CA 92130

LAMBERT COORDINATES

278-1701

LEGAL DESCRIPTION

PARCEL 2 OF PARCEL MAP 20642 AND LOTS 1
THROUGH 5 OF THE GRAND DEL MAR MAP NO. 15163

ACCESSORS PARCEL NUMBER

308-103-05, 14-17, 26 & 27

ZONING

AR-1-2

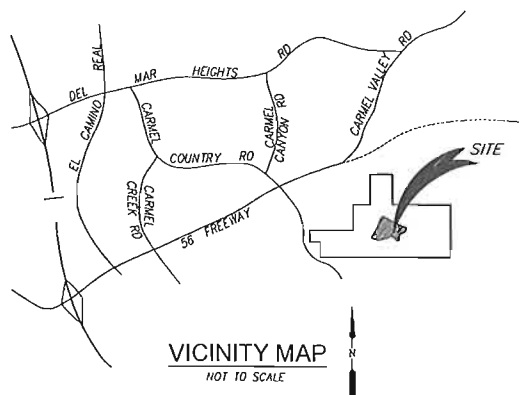
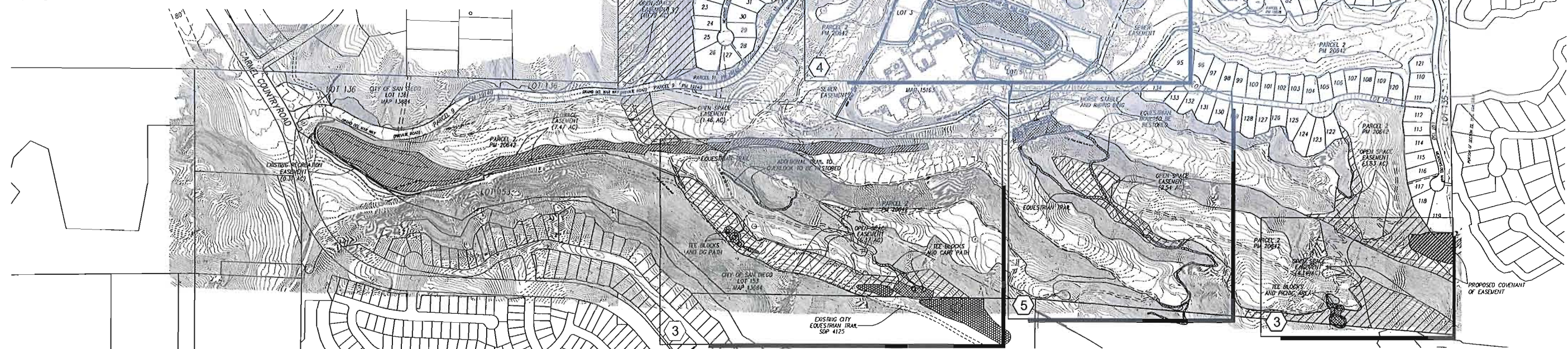
LEGEND

SHEET NUMBER
SUBDIVISION BOUNDARY
RIGHT-OF-WAY
LOT LINE
CART PATH
LIMITS OF DISTURBANCE
OPEN SPACE EASEMENT
RESTORATION AREA
PROPOSED COVENANT OF EASEMENT

SHEET INDEX

COVER SHEET
EXISTING CONDITIONS
TEE BOXES AND TRAIL
TEMP PARKING
CORRAL AND TRAIL
NHPA EXHIBIT
SLOPE ANALYSIS
OWNERSHIP EXHIBIT
BIOLOGY IMPACTS/MITIGATION
LANDSCAPE PLANS

SHEET 1
SHEET 2
SHEET 3
SHEET 4
SHEET 5
SHEET 6
SHEET 7
SHEET 8
SHEET 9
SHEET 10-17



EXISTING EASEMENTS

TYPE	LOT NUMBERS	TOTAL
OPEN SPACE	PARCEL 2 18.04 ACRES PM 20642	28.83 ACRES
	LOT 137 10.79 ACRES	
FLOWAGE	PARCEL 2 7.47 ACRES PM 20642	7.47 ACRES
	LOT 137 0.05 ACRES	
RECREATION	PARCEL 2 0.26 ACRES PM 20642	0.31 ACRES
	LOT 137 0.05 ACRES	

GRADING INFORMATION

1. CUT: 4300 CUBIC YARDS
FILL: 4300 CUBIC YARDS
2. MAX SLOPE HEIGHT: 5 FT
SLOPE RATIO: 2:1

DRAINAGE INFORMATION

- NOTE 1: TEMPORARY PARKING, HORSE STABLES, AND TRAILS DO NOT ALTER EXISTING DRAINAGE PATTERNS OR MODIFY RUNOFF VOLUMES AND FLOW RATES.
- NOTE 2: FEMA MAP FLOOD PLAIN LIMITS WERE HISTORICALLY ESTABLISHED WITHOUT HEC-2 ANALYSIS. UPON SUBMITTAL OF A REPORT TO FEMA CONCURRENT WITH ORIGINAL GRADING AND DRAINAGE PLANS, FEMA CONCLUDED THAT NO HABITABLE STRUCTURES OR UPSTREAM OR DOWNSTREAM PROPERTIES WERE AFFECTED THEREFORE NO MAP REVISIONS WERE REQUIRED.

PREPARED IN THE OFFICE OF:


LATITUDE 33
PLANNING AND ENGINEERING
5355 MIRA SORRENTO PLACE, SUITE 650
SAN DIEGO, CA 92121
TEL. 858.751.0633
FAX. 858.751.0634

Prepared By:

Name: LATITUDE 33 PLANNING & ENGINEERING

Address: 5355 MIRA SORRENTO DRIVE, STE. 650

Phone //: (858) 751-0633

Fax //: (858) 751-0634

Project Address:

Project Name:
THE GRAND DEL MAR

Sheet Title:
**SDP/CUP AMENDMENT
COVER SHEET**

Revision 14: _____
Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: _____
Revision 5: JUNE 9, 2014
Revision 4: MAY 1, 2014
Revision 3: MARCH 14, 2014
Revision 2: NOVEMBER 1, 2013
Revision 1: JUNE 24, 2013

Original Date: OCTOBER 12, 2012

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DEP# _____

THE GRAND DEL MAR

SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT



LEGEND

LIMITS OF GRADING PERMIT NO. 89-1296.....	-----
SUBDIVISION BOUNDARY.....	-----
RIGHT-OF-WAY.....	-----
LOT LINE.....	-----
CART PATH.....	=====
LIMITS OF DISTURBANCE.....	▨▨▨▨▨▨
OPEN SPACE EASEMENT.....	▨▨▨▨▨▨
FLOWAGE EASEMENT PER MAP 13684.....	⬢
OPEN SPACE EASEMENT PER MAP 13684.....	⬢

0 100 200 400 600

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Project Name:
THE GRAND DEL MAR

Sheet Title:
**SDP/CUP AMENDMENT
EXISTING CONDITIONS**

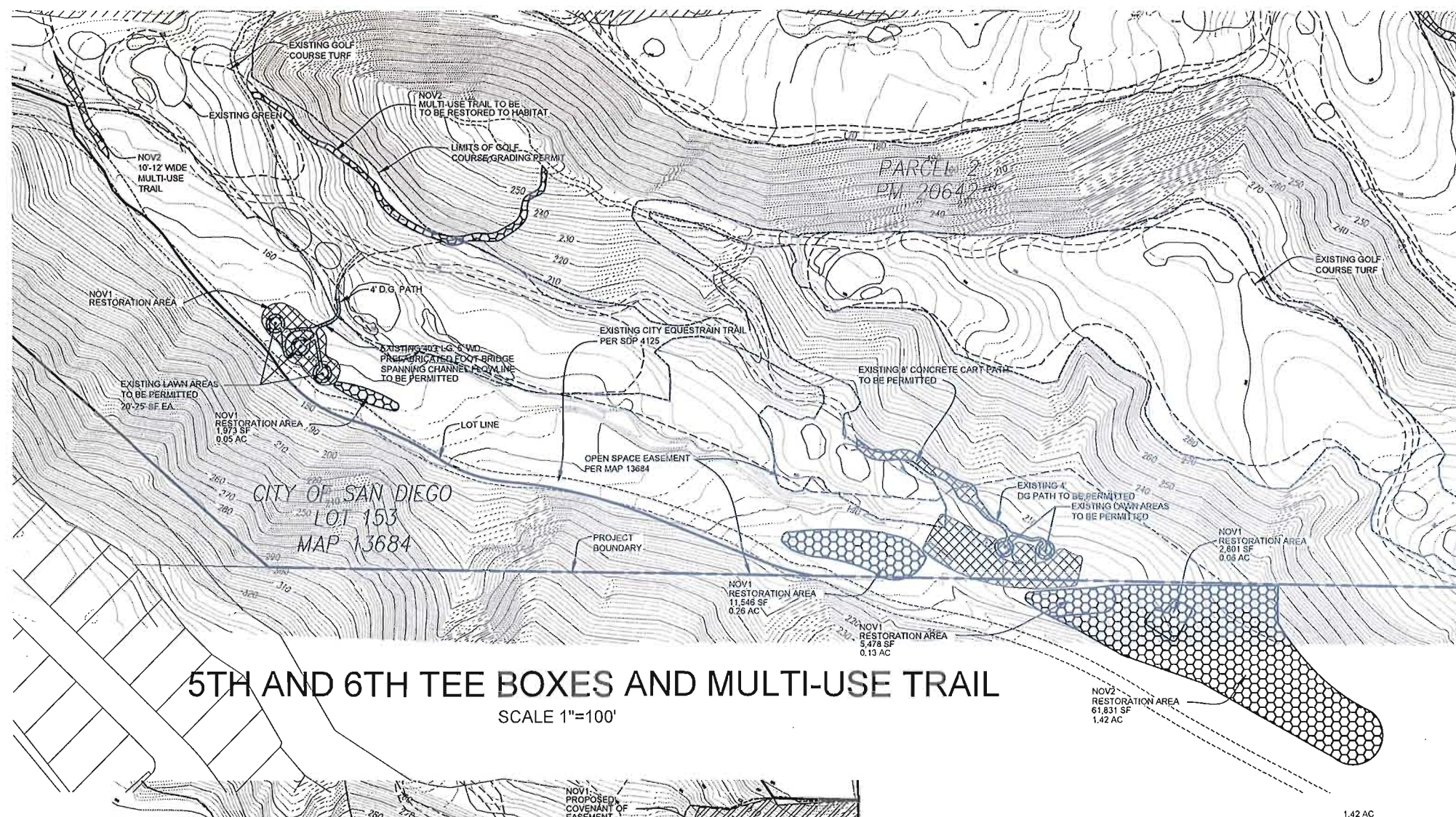
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Revision 9:	_____
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Revision 7:	_____
Revision 6:	_____
Revision 5:	<u>JUNE 9, 2014</u>
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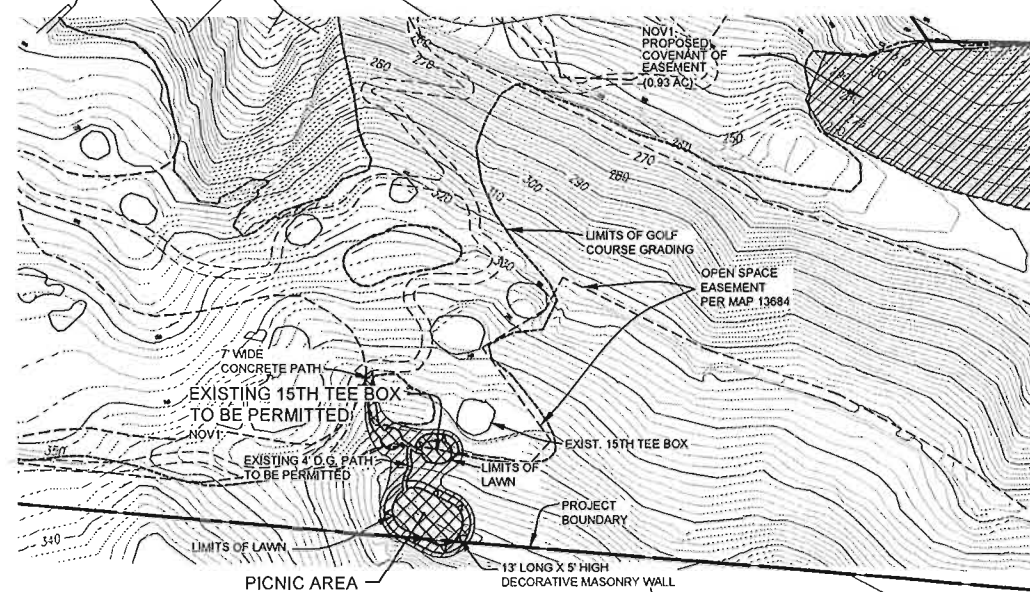
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THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT



5TH AND 6TH TEE BOXES AND MULTI-USE TRAIL

SCALE 1"=100'



15TH TEE BOX AND PICNIC AREA

SCALE 1"=100'

LEGEND

LIMITS OF GRADING PERMIT NO. 89-1296	-----
SUBDIVISION BOUNDARY	-----
RIGHT-OF-WAY	-----
LOT LINE	-----
CART PATH	-----
LIMITS OF DISTURBANCE	-----
RESTORATION AREA	-----

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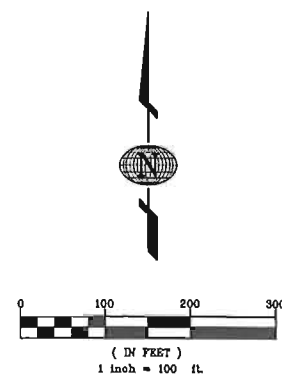
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 Revision 1: _____

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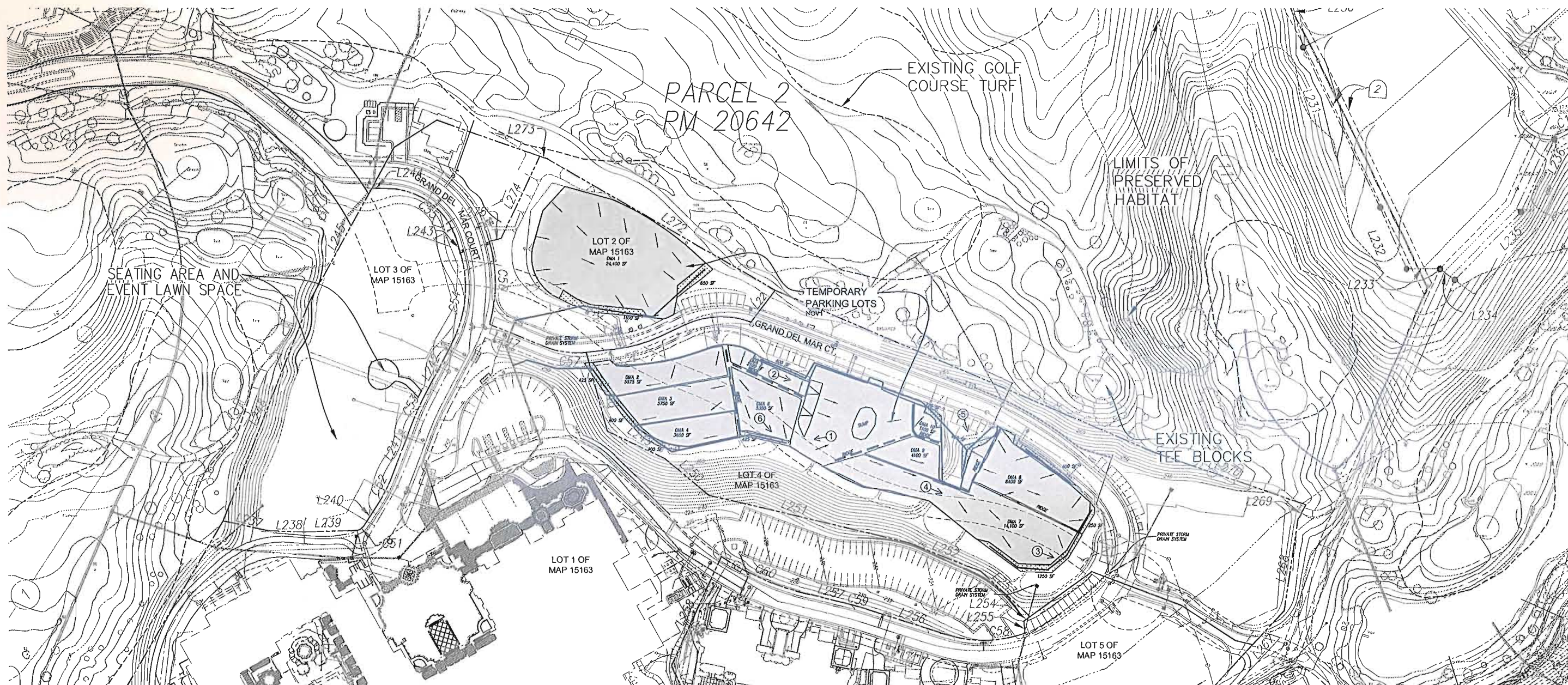
Drawn By: _____



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THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

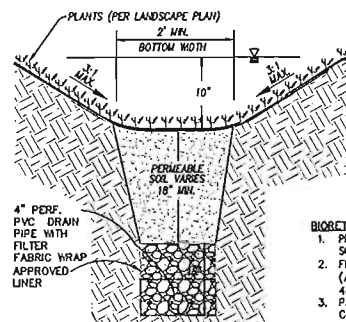


TEMPORARY PARKING LOTS

SCALE 1"=80'

LEGEND

LIMITS OF GRADING PERMIT NO. 89-1296	-----
SUBDIVISION BOUNDARY	-----
RIGHT-OF-WAY	-----
LOT LINE	-----
CART PATH	-----
RIDGE LINE	-----
FLOW DIRECTION	-----
PROPOSED TEMPORARY ASPHALT PARKING LOT	-----
PROPOSED TREATMENT CONTROL BMP	-----
LINEAR BIORETENTION BASIN	-----



BIORETENTION DETAIL
NO SCALE

NOTES

1. THE TEMPORARY PARKING LOTS ARE PERMITTED FOR CASITAS AS APPROVED WITH THE SCR, CITY OF SAN DIEGO, PROJ. #6704. THE CASITAS ARE THE INTENDED PERMANENT USE.
2. SEE LANDSCAPE SHEETS FOR BIORETENTION DETAILS

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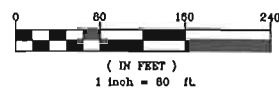
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SDP/CUP AMENDMENT

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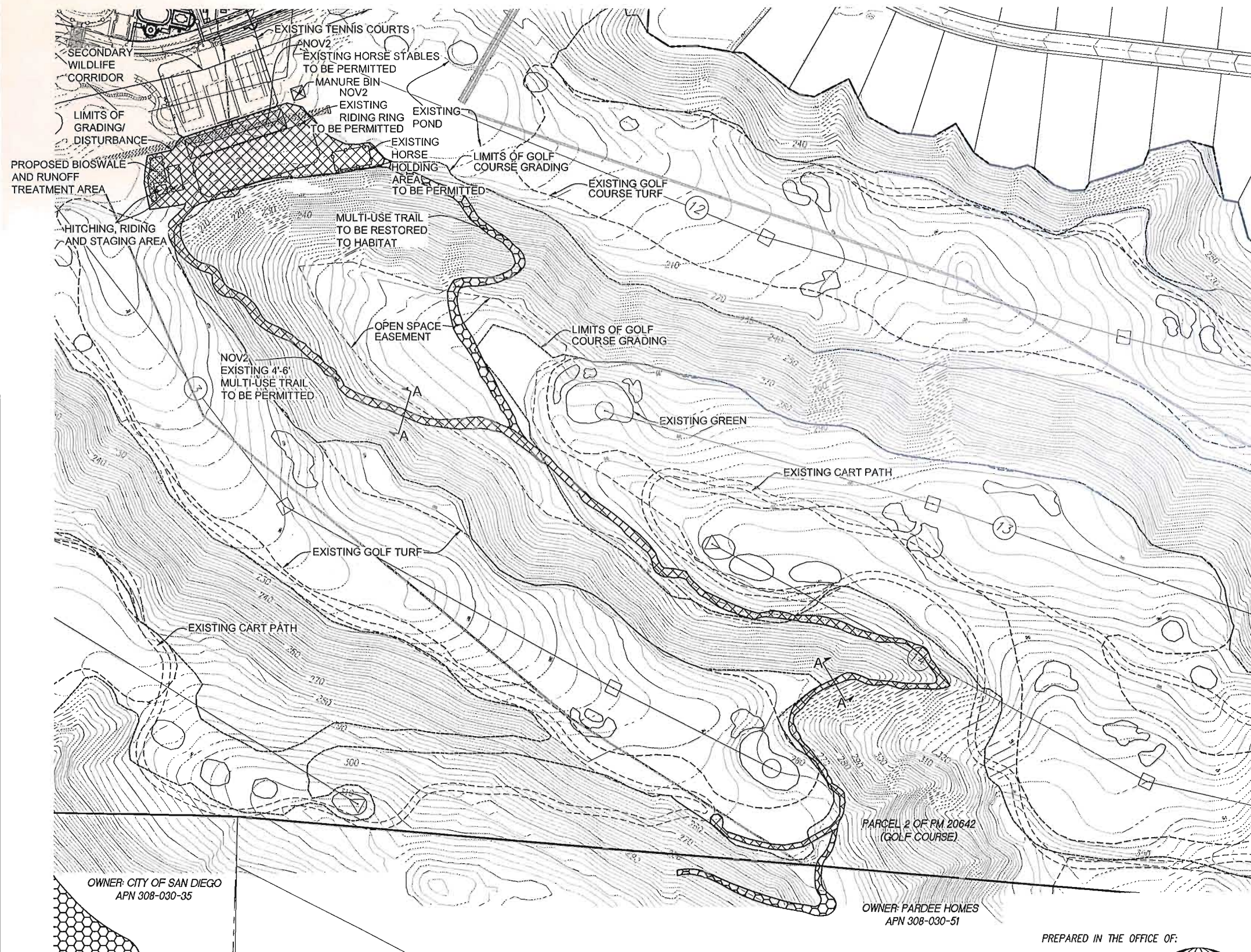
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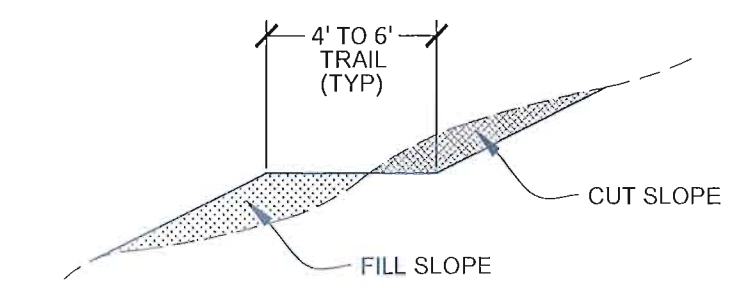


THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

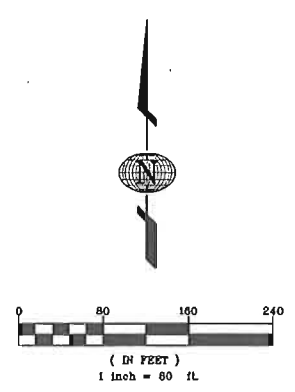


LEGEND

- LIMITS OF GRADING PERMIT NO. 89-1296
- SUBDIVISION BOUNDARY
- RIGHT-OF-WAY
- LOT LINE
- CART PATH
- LIMITS OF DISTURBANCE
- RESTORATION AREA



TYPICAL TRAIL CROSS SECTION
A-A
N.T.S.



HORSE STABLES/RIDING RING/MULTI-USE TRAIL

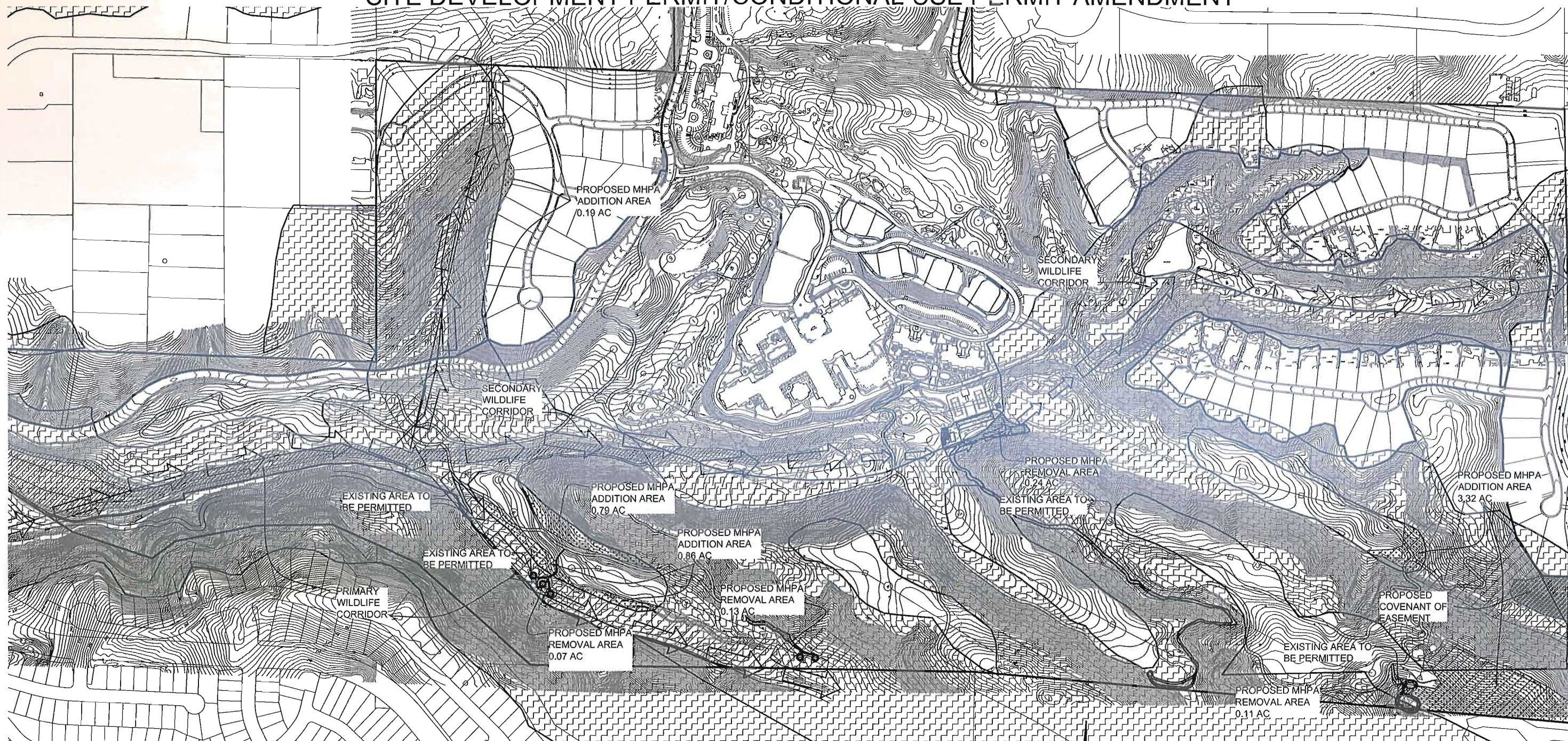
SCALE 1"=80'

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Project Address:		Revision 9:	
		Revision 8:	
		Revision 7:	
		Revision 6:	
		Revision 5:	JUNE 9, 2014
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Project Name:	THE GRAND DEL MAR	Original Date:	OCTOBER 12, 2012
Sheet Title:	SDP/CUP AMENDMENT	Sheet	5 of 17
DEP#			

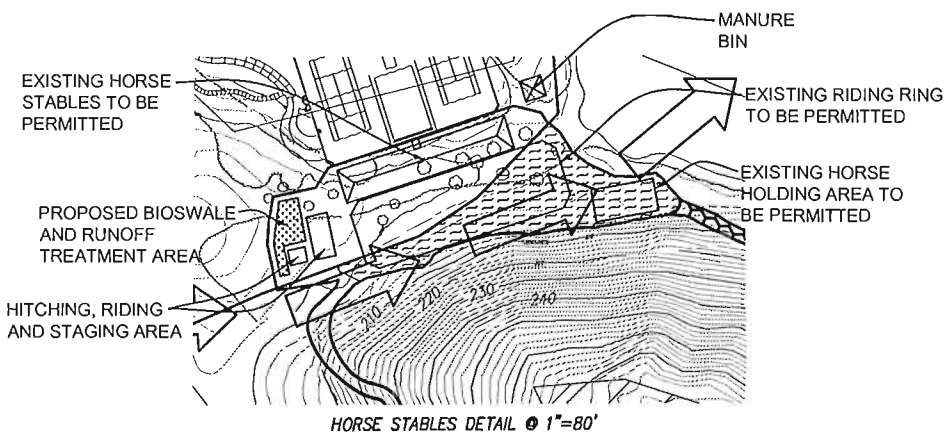
THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT



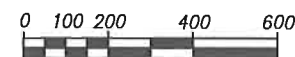
LEGEND

- MHPA
- EXISTING AREA TO BE PERMITTED
- PROPOSED MHPA ADDITION AREA 5.16 AC (0.19, 0.79, 0.86, 3.32)
- PROPOSED MHPA REMOVAL AREA 0.55 AC (0.07, 0.13, 0.24, 0.11)
- WILDLIFE CORRIDOR

FOR BIO-IMPACTS SUMMARY SEE SHEET 9



HORSE STABLES DETAIL 1"=80'



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SDP/CUP AMENDMENT

MHPA BLA AND WILDLIFE CORRIDOR EXHIBIT

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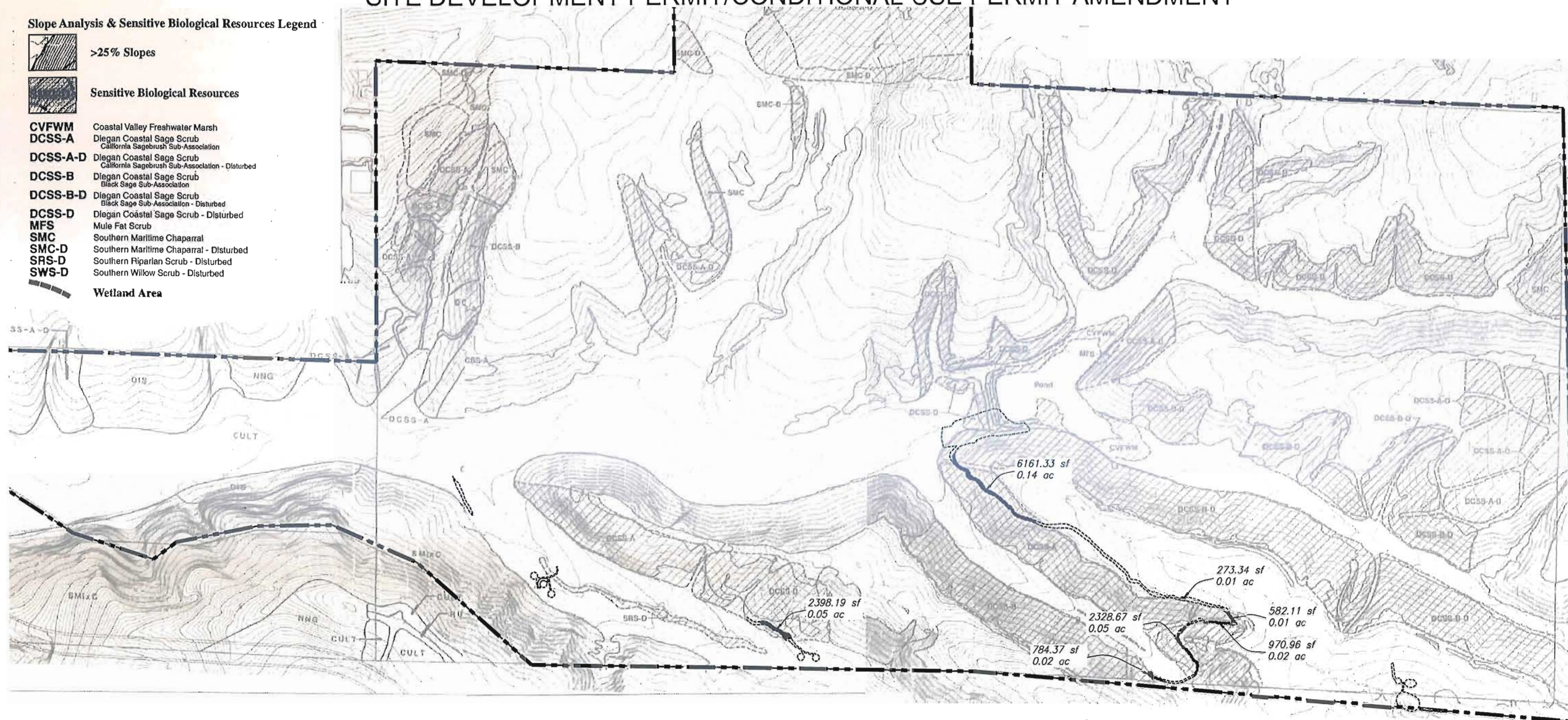
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THE GRAND DEL MAR

SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

Slope Analysis & Sensitive Biological Resources Legend


-  >25% Slopes
-  Sensitive Biological Resources
- CVFWM** Coastal Valley Freshwater Marsh
- DCSS-A** Diegan Coastal Sage Scrub
California Sagebrush Sub-Association
- DCSS-A-D** Diegan Coastal Sage Scrub
California Sagebrush Sub-Association - Disturbed
- DCSS-B** Diegan Coastal Sage Scrub
Black Sage Sub-Association
- DCSS-B-D** Diegan Coastal Sage Scrub
Black Sage Sub-Association - Disturbed
- DCSS-D** Diegan Coastal Sage Scrub - Disturbed
- MFS** Mule Fat Scrub
- SMC** Southern Maritime Chaparral
- SMC-D** Southern Maritime Chaparral - Disturbed
- SRS-D** Southern Riparian Scrub - Disturbed
- SWS-D** Southern Willow Scrub - Disturbed
-  Wetland Area




RESOURCE MAP AND RPO EXHIBIT

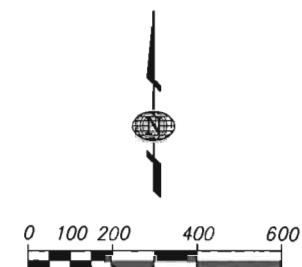
1. TOTAL SITE ACRES: 377.8 ACRES
2. SENSITIVE BIOLOGY 25% SLOPE ACRES: 180 ACRES
3. 47% OF TOTAL SITE WITH SENSITIVE RESOURCES
4. MAXIMUM ENCROACHMENT: 16% (28.8 AC)

TOTAL: EXISTING PROJECT AND PROPOSED STEEP SLOPE/SENSITIVE RESOURCE DISTURBANCE: 17% (LESS THAN ESL PERMITTED 25% ENCROACHMENT)

 STEEP SLOPE DISTURBANCE: 2.37 AC (1.3% OF SENSITIVE BIOLOGY 25% SLOPE)

 AREA OF DISTURBANCE

NOTE: ALL CALCULATIONS PER ORIGINAL PROJECT RPO ANALYSIS



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Sheet Title:
**SDP/CUP AMENDMENT
 SLOPE ANALYSIS**

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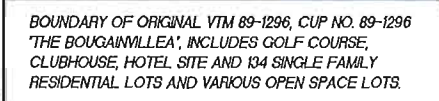
Revision 1: JUNE 24, 2013

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THE GRAND DEL MAR



SUBDIVISION BOUNDARY
RIGHT-OF-WAY
LOT LINE
OPEN SPACE EASEMENT

WILDLIFE CORRIDOR

Sheet Title:
SDP/CUP AMENDMENT
OWNERSHIP EXHIBIT

DEP#



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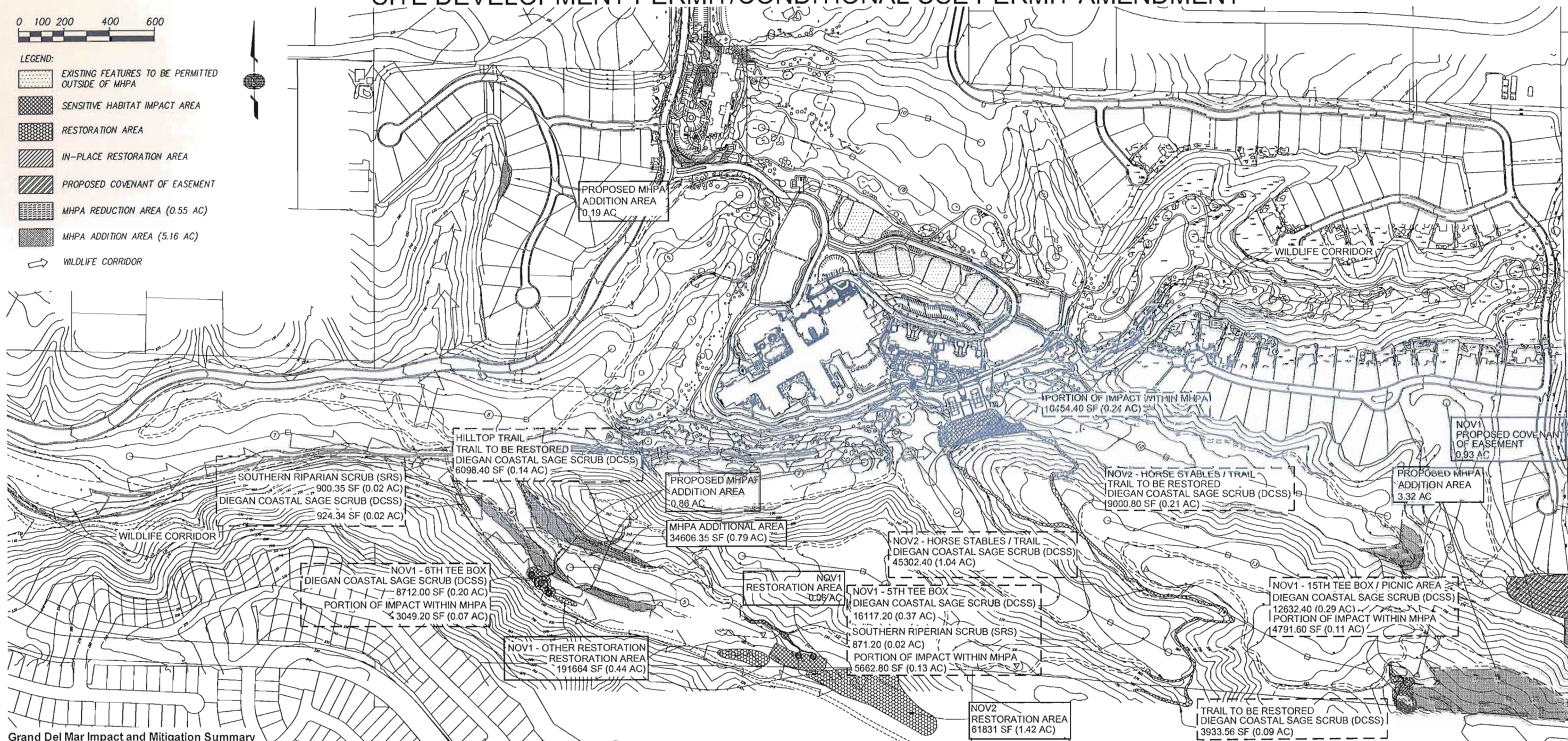
THE GRAND DEL MAR

SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

0 100 200 400 600

LEGEND:

- EXISTING FEATURES TO BE PERMITTED OUTSIDE OF MHPA
- SENSITIVE HABITAT IMPACT AREA
- RESTORATION AREA
- IN-PLACE RESTORATION AREA
- PROPOSED COVENANT OF EASEMENT
- MHPA REDUCTION AREA (0.55 AC)
- MHPA ADDITION AREA (5.16 AC)
- WILDLIFE CORRIDOR



Grand Del Mar Impact and Mitigation Summary

NOV #	Project Component	Impact (Sensitive Habitats Only; Temporary and Permanent Impacts)			Impact Acreage within MHPA *	In Place Restoration (Habitat / Status)		Remaining / Permanent Impacts		Mitigation for Permanent Impacts				Total Permanent Impact Mitigation		Final Mitigation Ratio (Permanent Impacts)	
		DCSS	SRS	Total Impacts		DCSS	SRS	DCSS	SRS	DCSS	DCSS / Bunch Grass	SRS	DCSS**	DCSS	SRS	DCSS	SRS
1	5th Tee Box	0.37	0.02	0.39	0.13	0.34 / C	0.02 / C	0.03	0.00								
1	6th Tee Box	0.20		0.20	0.07	0.13 / C		0.07									
1	15th Tee Box/Picnic Area	0.29		0.29	0.11	0.17 / C		0.12		0.44 / P	0.06 / P		0.93	1.43		1 : 6.81	1 : 1
2	Horse Stables	0.81		0.81	0.24			0.81									
2	Horse Trail	0.54		0.54		0.31 / P		0.23									
2	Connector Path	0.02	0.02	0.04				0.02	0.02	1.42 / P		0.02 / P		1.42	0.02	1 : 1.34	1 : 1
WA	Hilltop Trail	0.14		0.14		0.14 / P		0.00								N/A	N/A
TOTALS		2.37	0.04	2.41	0.55	1.09	0.02	1.28	0.02	1.86	0.06	0.02	0.93	2.85	0.02	1 : 2.24	1 : 1

Calculations provided by Latitude 33 Planning & Engineering
 WA = Wildlife Agencies per June 2013 BIA Mtg & Field Visit
 * MHPA Impact acreages are included in total impact columns, in orange, permanent impact areas will be removed from the MHPA in exchange for a 6.16 acre addition to the MHPA
 ** Conservation easement to be added per community input during NOV 1 outreach; see Figure 21 for easement location
 Restoration Status
 Note that all restoration, both completed/installed and proposed/pending, is included in the project restoration plan and will be subject to a five-year maintenance / monitoring program and final success criteria as outlined
 C = Completed / Installed
 P = Proposed / Pending

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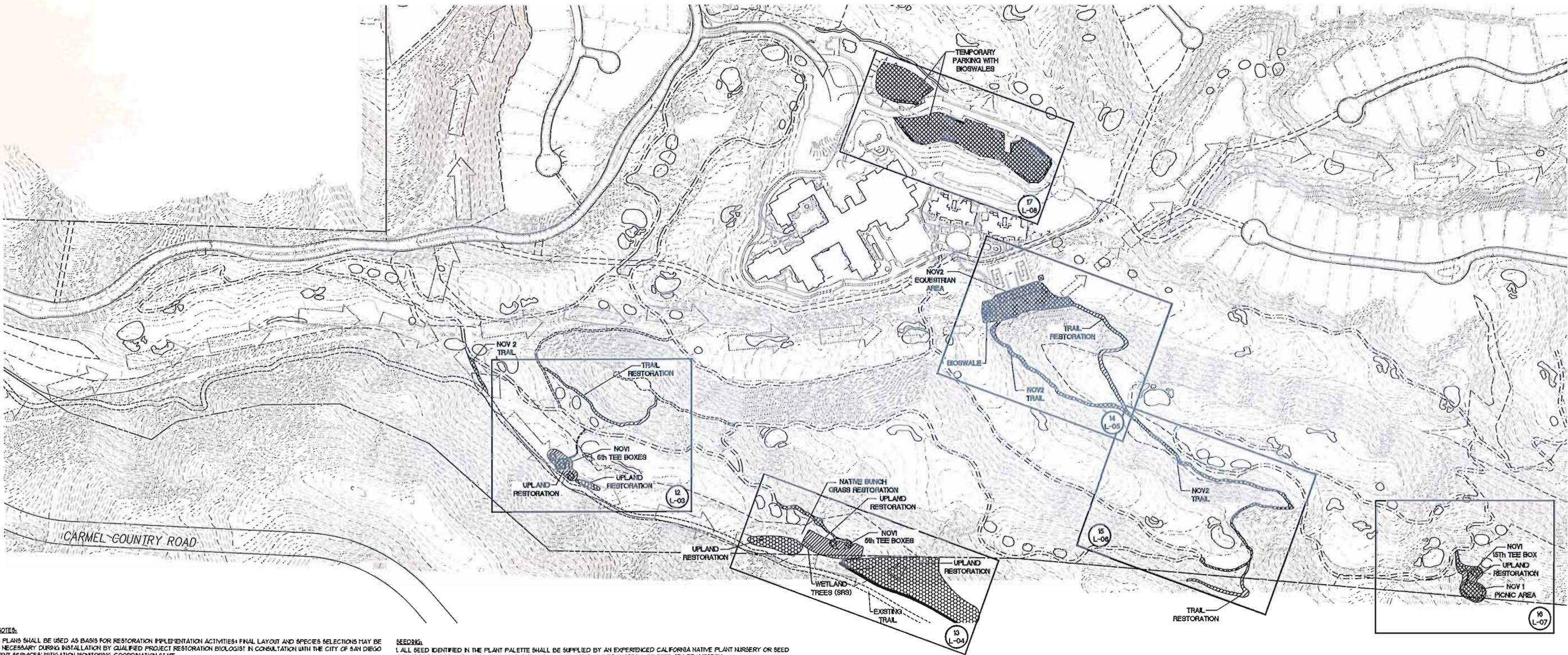
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DEP#

THE GRAND DEL MAR
SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

ATTACHMENT 9



GENERAL NOTES:

1. PLANTING PLANS SHALL BE USED AS BASIS FOR RESTORATION IMPLEMENTATION ACTIVITIES. FINAL LAYOUT AND SPECIES SELECTIONS MAY BE REVISED IF NECESSARY DURING INSTALLATION BY QUALIFIED PROJECT RESTORATION BIOLOGIST IN CONSULTATION WITH THE CITY OF SAN DIEGO DEVELOPMENT SERVICES' MITIGATION MONITORING COORDINATION STAFF.
2. FOLLOWING CONTRACTOR'S COMPLETION OF RESPONSIBILITY FOR PLANT ESTABLISHMENT (120 DAYS), LONG-TERM MAINTENANCE OF RESTORATION INCLUDING LANDSCAPE AND IRRIGATION WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS, WESTSHAW ASSOCIATES LLC, OR CITY OF SAN DIEGO (IN FEE-OWNED PROPERTY AREAS), RESPECTIVELY.
3. PLANT MATERIALS, INCLUDING SEED, WILL BE ACQUIRED FROM LOCAL STOCK COLLECTED WITHIN 25 MILES FROM THE SITE IN SAN DIEGO COUNTY.
4. ALL CONSTRUCTION AND SITE ACTIVITY WILL BE MONITORED BY THE PROJECT BIOLOGIST. ANY AND ALL CHANGES MADE WILL BE PER THE APPROVAL OF THE PROJECT BIOLOGIST AND PARK AND RECREATION DEPARTMENTS.
5. ANY AND ALL FAILED PLANTS WILL BE REPLACED WITHIN THE WARRANTY PERIOD BY THE CONTRACTOR PER RECOMMENDATION OF PROJECT BIOLOGIST.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PLANT COUNTS AND SQUARE FOOTAGES.
7. EXISTING VEGETATION TO REMAIN EXCEPT WHERE RESTORATION IS INDICATED.
8. IRRIGATION SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF SAN DIEGO LANDSCAPE ORDINANCE SECTION 14.2(40) AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS.
9. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS AND OTHER RELATED CITY AND REGIONAL STANDARDS.
10. ALL EXISTING INVASIVE PLANT SPECIES, INCLUDING VEGETATIVE PARTS AND ROOT SYSTEMS, SHALL BE COMPLETELY REMOVED FROM 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 THE PREMISES.
11. TURF AREAS FOR TEE BOXES SHALL BE MAINTAINED WITHIN ESTABLISHED LIMITS AS DEFINED BY THE LANDSCAPE EDGING SHOWN ON THE PLANS.
12. IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
13. A RIGHT OF ENTRY PERMIT FROM THE PARK AND RECREATION DEPARTMENT WILL BE REQUIRED PRIOR TO THE COMMENCEMENT OF ANY WORK ON CITY FEE-OWNED PROPERTY. THE CONTRACTOR SHALL CONTACT OPEN SPACE, DISTRICT MANAGER, (619) 833-4733 FOR THIS PERMIT.
14. THE CITY PARK AND RECREATION DEPARTMENT MUST APPROVE THE PROJECT'S MEETING THE SUCCESS CRITERIA OF THE RESTORATION AREA DESCRIBED ON SHEET 13 WITHIN THE CITY'S OWNERSHIP PRIOR TO THE COMPLETION OF THE RESTORATION EFFORT AND THE CITY'S ACCEPTANCE OF ITS MAINTENANCE RESPONSIBILITIES.

SEEDING:

1. ALL SEED IDENTIFIED IN THE PLANT PALETTE SHALL BE SUPPLIED BY AN EXPERIENCED CALIFORNIA NATIVE PLANT NURSERY OR SEED COMPANY SUCH AS, BUT NOT LIMITED TO, S&S SEEDS, REGIONAL NATIVE PLANTS NURSERY, OR TREE OF LIFE NURSERY.
2. ALL SEED SHALL BE LABELED ACCORDING TO STATE AND FEDERAL LAWS, AND BE DELIVERED TO THE PROJECT SITE IN SEALED CONTAINERS.
3. THE QUANTITY OF PURE LIVE SEED SUPPLIED SHALL MEET OR EXCEED THE QUANTITY SHOWN IN THE SPECIFIED SEED MIX. SEED SHALL NOT CONTAIN MORE THAN 05 PERCENT WEED SEED BY VOLUME.
4. EACH SEALED CONTAINER SHALL INCLUDE ORIGINAL SEED SUPPLIER'S TAGS INDICATING THE CONTAINER WEIGHT, SEED TYPE (GENUS AND SPECIES), SOURCE, COLLECTION DATE, PERCENT PURITY OF THE SEED, PERCENT SEED GERMINATION, AND DATE THE SEED WAS TESTED. IF NOT GUARANTEED BY THE SUPPLIER, AT TIME OF DELIVERY, SAMPLES MUST BE DRAWN FROM EACH SEED MIX BY THE PROJECT BIOLOGIST AND TESTED TO ENSURE COMPLIANCE WITH THE SEED SPECIFICATIONS. THE SEED SUPPLIER SHALL CERTIFY IN WRITING THE LOCATION AND DATE OF SEED COLLECTION.
5. NO PLANT SUBSTITUTIONS ARE PERMITTED UNLESS SPECIFIED BY THE PROJECT BIOLOGIST.
6. A MYCORRHIZAL INOCULANT SHALL BE PREPARED BY THE SEED SUPPLIER FOR THE SPECIFIED SEED MIX. COMMERCIALY AVAILABLE BIOGNET OR EQUIVALENT GRANULAR ARBUSCULAR MYCORRHIZAL INOCULANT WILL BE INCORPORATED INTO THE SEED MIXTURE PRIOR TO APPLICATION.
7. THE SEED BED SHALL BE MOISTENED PRIOR TO PLANTING BY IRRIGATING THE RESTORATION SITE FOR THREE CONSECUTIVE DAYS TO THOROUGHLY MOISTEN THE TOP 6 INCHES OF SOIL. SOIL SURFACE SHALL BE ALLOWED TO DRY BEFORE PLANTING TO AVOID A MUDDY SUBSTRATE.
8. SEEDS SHALL BE APPLIED WITH HAND-BROADCAST SEEDING EQUIPMENT TO SPREAD THE SEED EVENLY. THE SEED SHALL BE RAKED IN TO THE APPROPRIATE DEPTH, AND THE SOIL SURFACE ROLLED AFTER APPLICATION.
9. THE SEED BIN SHALL CONTAIN NO RESIDUAL SEED FROM PREVIOUS USES.
10. SEEDS SHALL BE MIXED WITH THE SEED TO AN APPROPRIATE DILUTION RATIO (USUALLY 1:1 BY VOLUME) TO PREVENT SEED SEGREGATION.
11. AFTER SEEDING, A SURFACE LAYER OF AGED MULCH SHALL BE PLACED ON THE SITE TO HELP CONTROL WEEDS. THE MULCH SHALL BE APPLIED IN SUCH A MANNER AS TO NOT SUPPRESS SEED GROWTH AND TO COVER APPROXIMATELY 50 PERCENT OF THE SOIL SURFACE.
12. THE MULCH SHALL BE FROM A LOCAL SOURCE IN THE FORM OF BARK, WOOD CHIPS, OR EROSION CONTROL FIBER MAT MATERIALS.
13. ALL SEEDING SHALL OCCUR BETWEEN THE MONTHS OF OCTOBER AND FEBRUARY TO ENSURE OPTIMAL GERMINATION AND GROWING CONDITIONS EXISTING TO ALLOW THE PLANTS TO ESTABLISH NATURALLY WITH MINIMAL SUPPLEMENTAL IRRIGATION.

SHEET TITLE

- KEY MAP
NOTES AND DETAILS
6TH TEE BOX AREA
TRAIL RESTORATION
5TH TEE BOX AREA
EQUESTRIAN AREA
BIOSWALE AND TRAIL RESTORATION
MANURE MANAGEMENT
TRAIL RESTORATION
15TH TEE BOX AND PICNIC AREA
TEMPORARY PARKING LOT
BIOSWALE AREA EXISTING CONDITIONS

SHEET NUMBER

- 10 L-01
11 L-02
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15 L-06
16 L-07
17 L-08

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Project Name:
THE GRAND DEL MAR

Sheet Title:
SDP/CUP AMENDMENT
LANDSCAPE KEY MAP

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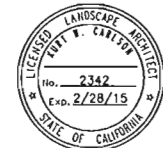
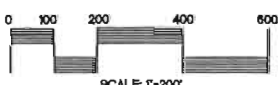
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LEGEND

- SECONDARY WILDLIFE CORRIDOR
EXISTING CONTOUR
EXISTING TRAIL
PROPERTY LINE
TURF OR GREEN EDGE
CART PATH
IMPACT AREA
RESTORATION AREA
SR3 TREES



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ATTACHMENT 9

THE GRAND DEL MAR
SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

SUCCESS CRITERIA:

1. A 5 YEAR MAINTENANCE AND MONITORING PROGRAM WILL BE REQUIRED FOR ALL RESTORATION AREAS. THE PARKS AND RECREATION DEPARTMENT MUST BE A SIGNATURE ON APPROVAL AND ACCEPTANCE OF THE RESTORATION ON CITY FEE-OWNED PROPERTY.

2. COVER BY EXOTIC SPECIES (WEEDS) ARE TYPICALLY A PROBLEM WITH HABITAT RESTORATION, PARTICULARLY AT THE OUTSET OF THE PROJECT. MANY WEEDS HAVE BECOME NATURALIZED IN OUR AREA, AND THEREFORE THE TOLERANCE FOR WEEDS SHOULD BE TOTAL COVER OF WEED SPECIES IN RELATION TO THE COVER OF WEEDS SPECIES PRESENT IN THE EXISTING HABITATS ADJACENT TO EACH RESTORATION AREA. AS THE RESTORATION BECOMES TAKES HOLD, THE PROBLEMS WITH WEEDS SHOULD DECREASE. WEEDS SHOULD BE CONTROLLED AS SPECIFIED IN THE MONITORING/MAINTENANCE REQUIREMENTS.

3. COVER BY NATIVE SPECIES: COVER BY NATIVE VEGETATION SHOULD INCREASE OVER TIME AND ULTIMATELY APPROACH THAT OF THE EXISTING HABITATS ON SITE AND ADJACENT TO RESTORATION AREAS. COVER IS OFTEN SLOW AT FIRST AS THE ROOTS BECOME ESTABLISHED, BUT WITH SUFFICIENT RAINFALL IT SHOULD INCREASE WITH TIME. COVER SHOULD BE MEASURED AND EVALUATED SEPARATELY FOR SHRUB AND HERBACEOUS LIFE FORMS.

SUCCESS CRITERIA		
MILESTONE	ASSESSMENT CRITERIA	MAINTENANCE ACTION
120 DAYS	PLANTING AND HYDROSEEDING TO ACHIEVE 50% OVERALL COVER AND 10% SURVIVORSHIP OF CONTAINER PLANTINGS. 0% COVER OF PERENNIAL INVASIVE SPECIES, NO MORE THAN 25% COVER OF INVASIVE ANNUAL PLANTS*	REPLACE UNHEALTHY OR DEAD CONTAINER PLANTS; PROVIDE SUPPLEMENTAL WATER IF NEEDED; REPAIR /ADDRESS EROSION CONTROL AS NEEDED; WEEDING AND MAINTENANCE AS NECESSARY.
1 YEAR	10% SURVIVAL OF CONTAINER PLANTS; NATIVE COVER OF 50% OVERALL COVER AND 10% SURVIVORSHIP OF CONTAINER PLANTINGS. 0% COVER OF PERENNIAL INVASIVE SPECIES, NO MORE THAN 20% COVER OF ANNUAL, NON-NATIVE, EXOTIC PLANTS*; MINIMIZE EROSION	REPLACE UNHEALTHY OR DEAD CONTAINER PLANTS; PROVIDE SUPPLEMENTAL WATER IF NEEDED; INCREASE WEED/EXOTICS CONTROL; REPAIR /ADDRESS EROSION CONTROL AS NEEDED; WEEDING AND MAINTENANCE AS NECESSARY.
2 YEARS	NATIVE COVER OF 40% OVERALL COVER AND 10% SURVIVORSHIP OF CONTAINER PLANTS. 0% COVER OF PERENNIAL INVASIVE SPECIES, NO MORE THAN 20% COVER OF ANNUAL, NON-NATIVE, EXOTIC PLANTS*; MINIMIZE EROSION	PROVIDE SUPPLEMENTAL WATER IF NEEDED; REPAIR /ADDRESS EROSION CONTROL AS NEEDED; WEEDING AND MAINTENANCE AS NECESSARY.
3 YEARS	NATIVE COVER OF 60% OVERALL COVER AND 10% SURVIVORSHIP OF CONTAINER PLANTS. 0% COVER OF PERENNIAL INVASIVE SPECIES, NO MORE THAN 20% COVER OF ANNUAL, NON-NATIVE, EXOTIC PLANTS*; ALL PLANTINGS SHOULD BE COMPLETED; IRRIGATION TERMINATED; MINIMIZE EROSION	PROVIDE SUPPLEMENTAL WATER IF NEEDED; REPAIR /ADDRESS EROSION CONTROL AS NEEDED; WEEDING AND MAINTENANCE AS NECESSARY.
4 YEARS	NATIVE COVER OF AT LEAST 10% OVERALL COVER OF PERENNIAL AND NO MORE THAN 20% COVER OF ANNUAL, NON-NATIVE, EXOTIC PLANTS*; MINIMIZE EROSION	PROVIDE SUPPLEMENTAL WATER IF NEEDED; REPAIR /ADDRESS EROSION CONTROL AS NEEDED; WEEDING AND MAINTENANCE AS NECESSARY.
5 YEARS	NATIVE PLANT COVER OF AT LEAST 60% OVERALL COVER OF PERENNIAL AND NO MORE THAN 20% COVER OF INVASIVE ANNUAL PLANTS*	PROVIDE SUPPLEMENTAL WATER IF NEEDED; REPAIR /ADDRESS EROSION CONTROL AS NEEDED; WEEDING AND MAINTENANCE AS NECESSARY.

*INVASIVE ANNUAL PLANTS MUST NOT INCLUDE ANY SPECIES LISTED IN THE CITY'S LANDSCAPE STANDARDS TABLE 1 'PROHIBITED SPECIES' OR LISTED AS HAVING A 'HIGH NEGATIVE ECOLOGICAL EFFECT ON CALIFORNIA WILDLANDS' BY THE CALIFORNIA INVASIVE PLANT COUNCIL (CALIPC 2009).

CONTINGENCY:

- IF A PERFORMANCE CRITERION IS NOT MET FOR ALL OR A PORTION OF THE REVEGETATION AREAS IN ANY YEAR, OR IF THE FINAL SUCCESS CRITERIA ARE NOT MET, THE RESTORATION BIOLOGIST, IN COORDINATION WITH THE REVEGETATION CONTRACTOR AND THE CITY OF SAN DIEGO DEVELOPMENT SERVICE DEPARTMENT MITIGATION MONITORING COORDINATION STAFF, WILL PROPOSE REMEDIAL ACTIONS.
- IF THE REVEGETATION SITE HAS NOT MET THE PERFORMANCE STANDARDS, MAINTENANCE AND MONITORING WILL CONTINUE UNTIL THE CITY DETERMINES THE REVEGETATION EFFORT IS COMPLETE. IF SUCCESS CRITERIA ARE MET BEFORE THE END OF THE MONITORING PERIOD, THE CITY MAY TERMINATE THE MONITORING PROGRAM EARLY.

TREE PROTECTION NOTES:

1. PRIOR TO ANY DISTURBANCE TO THE SITE, THE OWNER/PERMITTEE SHALL MAKE ARRANGEMENTS FOR A PRE-CONSTRUCTION MEETING WITH THE CITY OF SAN DIEGO DEVELOPMENT SERVICE DEPARTMENT (MMC), THE RESIDENT ENGINEER (RE) AND/OR BUILDING INSPECTOR, CERTIFIED CONSULTING ARBORIST, CONSTRUCTION MANAGER, AND LANDSCAPE PROFESSIONAL.

2. THE CONSTRUCTION MANAGER IS RESPONSIBLE FOR PREVENTING DAMAGE TO TREES.

A) CONSTRUCTION AND MAINTENANCE STAFF SHALL AVOID UNNECESSARY ACTIVITIES WITHIN THE DRIPLINE OF TREES.
B) FINES SHALL BE ASSESSED TO THOSE INDIVIDUALS FOUND TO BE RESPONSIBLE FOR THE ILLEGAL REMOVAL OR DAMAGE OF PROTECTED TREES.

3. ANY DAMAGE OR INJURY TO TREES SHALL BE REPORTED WITHIN 24 HOURS TO MMC BY THE CERTIFIED CONSULTING ARBORIST.

4. THE CERTIFIED CONSULTING ARBORIST SHALL BE RESPONSIBLE FOR ESTABLISHING, IMPLEMENTING, AND MAINTAINING THE TREE PROTECTION ZONE AS SHOWN ON THESE PLANS DURING THE ENTIRE CONSTRUCTION PERIOD.

A) STAKE THE COMPLETE DRIPLINE.

B) ROOTS SHALL BE CLEANLY CUT BACK APPROX. 6" FROM THE LIMIT OF DISTURBANCE, UNLESS OTHERWISE DIRECTED BY THE CERTIFIED CONSULTING ARBORIST.

C) INSTALL A TEMPORARY 6-FT HIGH CHAIN LINK FENCE AROUND THE IDENTIFIED DRIPLINE, UNLESS OTHERWISE DIRECTED BY THE CERTIFIED CONSULTING ARBORIST.

D) ATTACH AN ORANGE OR YELLOW PROTECTIVE FENCE (MIN. 3' HIGH) TO THE CHAIN LINK FENCE.

E) WHEN AREAS UNDER THE TREE CANOPY CANNOT BE FENCED, ANOTHER METHOD SHALL BE REQUIRED, AS RECOMMENDED BY THE CERTIFIED CONSULTING ARBORIST AND APPROVED BY MMC.

F) POST 'KEEP OUT' SIGNS IN BOTH SPANISH AND ENGLISH TO THE CHAIN LINK FENCE.

G) PLACE STORY POLES WHERE PROPOSED BUILDING(S) AND TREE BRANCHES INTERFACE.

H) SUBMIT TO MMC A TREE MAINTENANCE SCHEDULE PREPARED BY THE CERTIFIED CONSULTING ARBORIST.

I) IF A TREE IS ADJACENT TO OR IN THE IMMEDIATE PROXIMITY TO A GRADE SLOPE OF 6% (23 DEGREES) OR MORE, PROVIDE ADEQUATE EROSION CONTROL.

5. THE CERTIFIED CONSULTING ARBORIST SHALL VERIFY IN WRITING TO THE OWNER/PERMITTEE THAT THE TREE PROTECTION ZONE HAS BEEN ESTABLISHED.

6. THE OWNER/PERMITTEE SHALL SUBMIT THE CERTIFIED CONSULTING ARBORIST'S VERIFICATION LETTER TO MMC BEFORE SCHEDULING A SITE INSPECTION WITH MMC, THE RE AND/OR BUILDING INSPECTOR, CERTIFIED CONSULTING ARBORIST, AND LANDSCAPE PROFESSIONAL.

7. RESTRICTIONS WITHIN THE TREE PROTECTION ZONE TO BE MONITORED BY THE CERTIFIED CONSULTING ARBORIST AS FOLLOWS:

A) TREE PRUNING OR ROOT PRUNING WILL ONLY OCCUR UNDER THE GUIDANCE OF THE CERTIFIED CONSULTING ARBORIST WITH WRITTEN APPROVAL FROM MMC.

B) PRUNING FOR VERTICAL CLEARANCE OF BUILDINGS, TRAFFIC, AND CONSTRUCTION EQUIPMENT SHALL BE PERFORMED BY THE CERTIFIED CONSULTING ARBORIST ONLY.

C) CONSTRUCTION EQUIPMENT AND MATERIALS SUCH AS STOCKPILING OF SOIL, VEHICLE USE, FOOT TRAFFIC, UTILITY CONTAINERS, AND STORAGE OF ANY KIND, ARE PROHIBITED.

D) THE EXISTING GRADE SHALL NOT BE DISTURBED UNLESS OTHERWISE APPROVED BY MMC, THE RE, AND/OR BUILDING INSPECTOR.

E) ROOT SYSTEMS SHALL BE PROTECTED FROM FLOODING, EROSION, CHEMICAL SPILLS, AND EXCESSIVE VARIATIONS IN SOIL MOISTURE BY CONSTRUCTION ACTIVITY.

8. ANY MODIFICATIONS AND/OR ADDITIONS TO THE APPROVED TREE PROTECTION ZONE SHALL BE SUBMITTED BY THE CERTIFIED CONSULTING ARBORIST WITH ADEQUATE INFORMATION TO MMC FOR APPROVAL.

9. THE OWNER/PERMITTEE SHALL BE RESPONSIBLE FOR A MINIMUM 3 YEAR MONITORING AND MAINTENANCE PERIOD, DESIGNED BY THE CERTIFIED CONSULTING ARBORIST AFTER CONSTRUCTION TO ENSURE THE SUCCESS OF PROTECTED AND/OR REPLACEMENT TREES.

10. THE CERTIFIED CONSULTING ARBORIST SHALL PROVIDE ANNUAL REPORTS TO AND REQUEST INSPECTIONS FROM MMC DURING THE MONITORING AND MAINTENANCE PERIOD.

RESTORATION HABITAT NOTE:

SOME RESTORATION PLANTING LOCATIONS WERE SELECTED DURING 2003 SETTLEMENT NEGOTIATIONS. CURRENT CONDITIONS MAY NOT REFLECT CONDITIONS AT THE TIME OF THOSE NEGOTIATIONS.

THE RESTORATION BIOLOGIST MAY ADJUST RESTORATION ACTIVITIES BASED ON GROUND CONDITIONS AT TIME OF RESTORATION; HOWEVER, TOTAL NATIVE HABITAT RESTORATION MUST MEET PROJECT MITIGATION ACREAGE REQUIREMENTS AND ALL PLANTINGS MUST BE DCSS, DCSS / BUNCH GRASS AND /OR SRS.

EXISTING TREES PLANTED
IN WETLAND CHANNEL:
(SOUTHERN RIPARIAN SCRUB - SRS)

Common Name	Scientific Name	Count
Coast Live Oak	<i>Quercus agrifolia</i>	1
Black Willow	<i>Salix goodingii</i>	6
Western Cottonwood	<i>Populus fremontii</i>	1

CONTAINER PLANTS:
DIEGAN COASTAL SAGE SCRUB (DCSS) AND BUNCH GRASS AREAS

Label	Common Name	Scientific Name	Size	Min. Height	Min. Spread
Trees					
PN TOR	Torrey Pine	<i>Pinus torreyana</i>	48" Box	14'	7'
Shrubs					
AD CAL	California Adolphia	<i>Adolphia californica</i>	1 Gal.	6"	6"
ART CAL	California Sagebrush	<i>Artemisia californica</i>	1 Gal.	4"	6"
BAC SAL	Coyote Bush	<i>Baccharis pilularis</i>	5 Gal.	8"	8"
ERI FAS	California Buckwheat	<i>Eriogonum fasciculatum</i> var <i>fasciculatum</i>	1 Gal.	6"	6"
ERI CON	Golden Yarrow	<i>Eriophyllum confertiflorum</i> var <i>confertiflorum</i>	1 Gal.	6"	6"
LEY CON	Wild Rye	<i>Leymus (Elymus) condensatus</i>	1 Gal.	6"	6"
MA LAU	Laurel Sumac	<i>Malosma laurina</i>	5 Gal.	18"	12"
MM AUR	Yellow Bush Monkey-Flower	<i>Mimulus aurantiacus</i>	1 Gal.	6"	6"
RHU INT	Lemonadeberry	<i>Rhus integrifolia</i>	5 Gal.	24"	18"

SEED MIX:
DIEGAN COASTAL SAGE SCRUB (DCSS) AND BUNCH GRASS AREAS

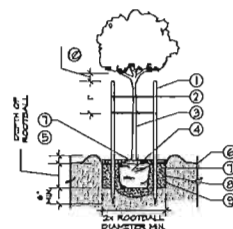
Common Name	Scientific Name	DCSS Palette	Bunch Grass Area	Height	Width (dia)	Seeds / PLS	Min % PLS	%P	%G	Viable Seeds/Lb	Total Lbs/Ac	6th Tree Area	15th Tree Area	Parcel B	Parcel C	Revegetation Area C1	Southern Equestrian Trail Vegetation	Northern Equestrian Trail Vegetation
Coastal Sagebrush	<i>Artemisia californica</i>	x	x	3	5	5,500,000	10	15	60	550,000	2	0.34	0.20	0.54	1.92	2.84	0.18	0.42
California Buckwheat	<i>Eriogonum fasciculatum</i> var <i>fasciculatum</i>	x	x	3	3	450,000	10	50	20	45,000	3	0.51	0.30	0.81	2.88	4.26	0.27	0.63
Golden Yarrow	<i>Eriophyllum confertiflorum</i> var <i>confertiflorum</i>	x	x	2	1	2,750,000	25	30	70	687,500	1	0.17	0.10	0.27	0.96	1.42	0.09	0.21
Slender Tarweed	<i>Hemizonia fasciculata</i>	x	x	3	2	900,000	20	20	80	180,000	2	0.34	0.20	0.54	1.92	2.84	0.18	0.42
Common Deerweed	<i>Lotus scoparius</i>	x	x	3	3	170,000	85	95	80	144,500	2	0.34	0.20	0.54	1.92	2.84	0.18	0.42
Foothill needlegrass	<i>Nassella lepida</i>	x	x	3	1	415,000	65	90	60	269,750	2	0.34	0.20	0.54	1.92	2.84	0.18	0.42
Purple Needlegrass	<i>Nassella pulchra</i>	x	x	3	1	110,000	75	90	80	82,500	3	0.51	0.30	0.81	2.88	4.26	0.27	0.63

CONTAINERS:
BUFFER AREAS AROUND TREE BOXES

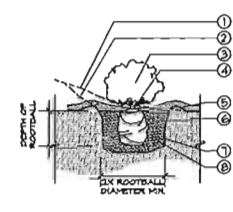
Common Name	Scientific Name	Size	Height	Min. Spacing
Canyon Prince Wild Rye	<i>Leymus condensatus</i> 'Canyon Prince'	1 Gal.	24"	5'-6'
Deergrass	<i>Muhlenbergia rigens</i>	1 Gal.	48"	5'-6'

BIOSWALE PLANT MIX:
(REFER TO CIVIL PLANS AND DETAIL G THIS SHEET)

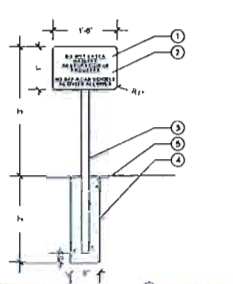
Common Name	Scientific Name	Application Rate (lbs./1000 SF)
Seed in flat swale bottom		
Yarrow	<i>Achillea millefolium</i>	2
Containers on swale slopes		
Canyon Prince Wild Rye	<i>Leymus condensatus</i> 'Canyon Prince'	1 Gal.
California Encelia	<i>Encelia californica</i>	1 Gal.
Deergrass	<i>Muhlenbergia rigens</i>	1 Gal.



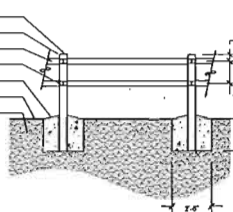
- WOOD STAKE
- TREE TIE (MIN. 4 REQUIRED) (MAX. TO STAKE)
- TREE TRUNK
- ROOTBALL
- 6" WATERING BARN (PERCEPENT IN LAWN)
- FINISHED GRADE
- TREE COLLAR (PLANT PER SPECIFICATIONS)
- PLANTING PIT WITH ROUGHENED SIDES
- BACKFILL FOX (MUCKLE + SETTLE)
- CUT ALL STAKES 6" BELOW TREE CANOPY

TREE PLANTING
WITH DOUBLE STAKING
SECTION
3/8" x 1'-0"

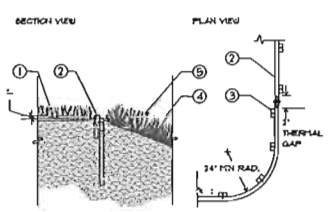
- EXISTING FRESH GRADE AT SLOPE (WHERE APPLICABLE)
- NEW FRESH GRADE AT SLOPE (WHERE APPLICABLE)
- SHRUB
- SHRUB COLLAR (1" ABOVE FRESH GRADE)
- 4" HIGH WATERING BERT ALL AROUND
- ROOTBALL
- PLANT PIT 1/2 ROUGHENED SIDES
- BACKFILL FOX (MUCKLE + SETTLE)

SHRUB PLANTING
SECTION
NO SCALE

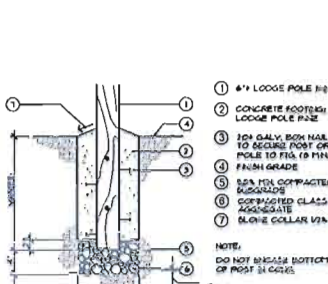
- POSTAL SIGN (SHRUB BACKGROUND) WITH WHITE LETTERS
- SHRUB: WHITE, 1/2" ANNUAL BLACK POINT BARK, LEAD, 1/2" NOT EXTERIOR / HABITAT REGULARITY IN PROGRESS / NO ON-ROAD VEHICLE ACTIVITY ALLOWED
- GALVANIZED STEEL 1/2" DIA. SIGN POST
- 6" HOLE x 1/2" DEEP SOIL/SHRUB POSTED
- POSTAL SIGNAGE

DO NOT ENTER SIGN
SECTION
NO SCALE

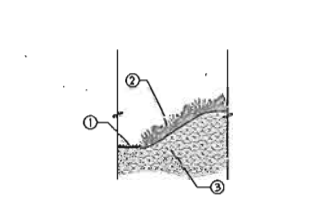
- 6" x 6" LODGE POLE PINE POST
- 6" x 6" O.C.
- 6" x 6" CHAIR PER. TYP.
- 4" PEELER CONE
- BUTT JOINTS PER NDS. DRILL HOLES THROUGH POSTS COMPLETELY.
- CONCRETE FOOTING WITH GRAVEL BASE (SEE DET. E)
- PAVING GRADE
- 6" x 6" x 1/2" COMPACTED SUBGRADE

LODGE POLE FENCE
SECTION
NO SCALE

- TREE BOX TURN
- 1/2" PLASTIC EDGING HEADER (SUCH AS "BEDDING BOARD") OR APPROVED EQUAL
- MANUFACTURER'S RECOMMENDED PLASTIC STAKE AT 3-FOOT O.C. ATTACHED WITH PLATED DECK SCREWS
- OUTER PLANTS
- FINISHED GRADE
- FACTORY CUT THERMAL EXPANSION 6/8" JOINT

HEADER
SECTION
NTS

- 6" x 6" LODGE POLE PINE POST
- CONCRETE FOOTING WITH GRAVEL BASE (SEE DET. E)
- 1/2" PLASTIC EDGING HEADER (SUCH AS "BEDDING BOARD") OR APPROVED EQUAL
- PAVING GRADE
- 6" x 6" x 1/2" COMPACTED SUBGRADE
- DO NOT BREAK BOTTOM OF POST IN SLOPES

BIOSWALE PLANTING
SECTION
NTS

- BIOSWALE BOTTOM MAINTAINED BY MOUND
- BIOSWALE SLOPES
- FINISHED GRADE AND SURFACE PER CIVIL PLANS

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LANDSCAPE NOTES AND DETAILS

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Revision 5: JUNE 9, 2014

Revision 4: MAY 27, 2014

Revision 3: MARCH 13, 2014

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Revision 1: _____

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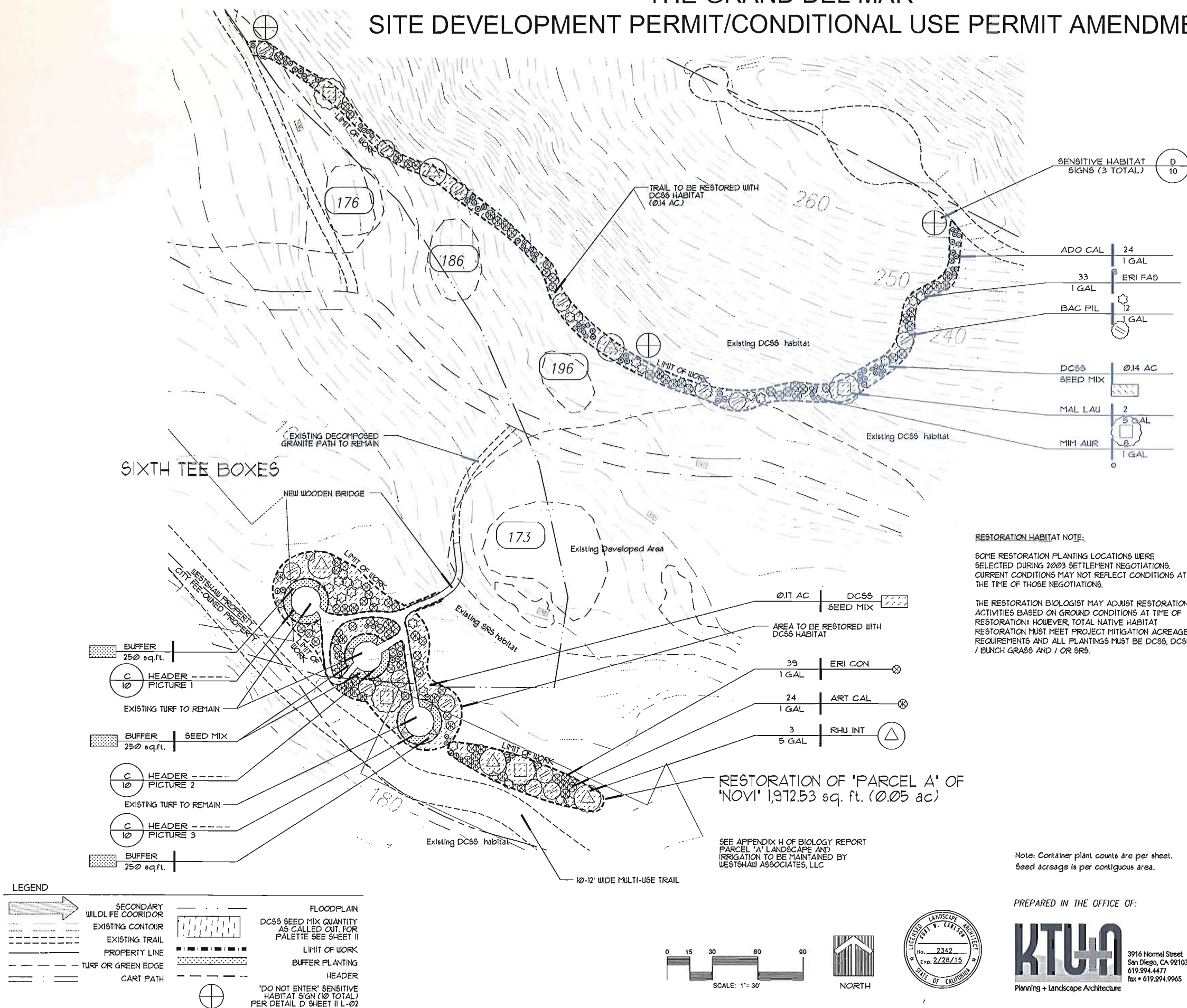
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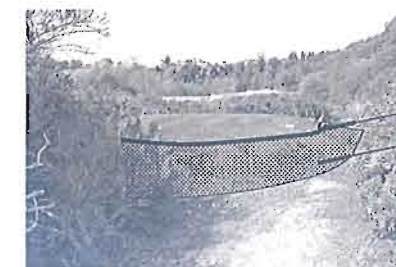
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THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT



EXAMPLE LOCATIONS OF HEADER AT TEE BOXES



PICTURE 1



PICTURE 2



PICTURE 3

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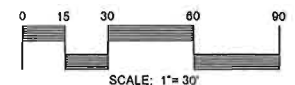
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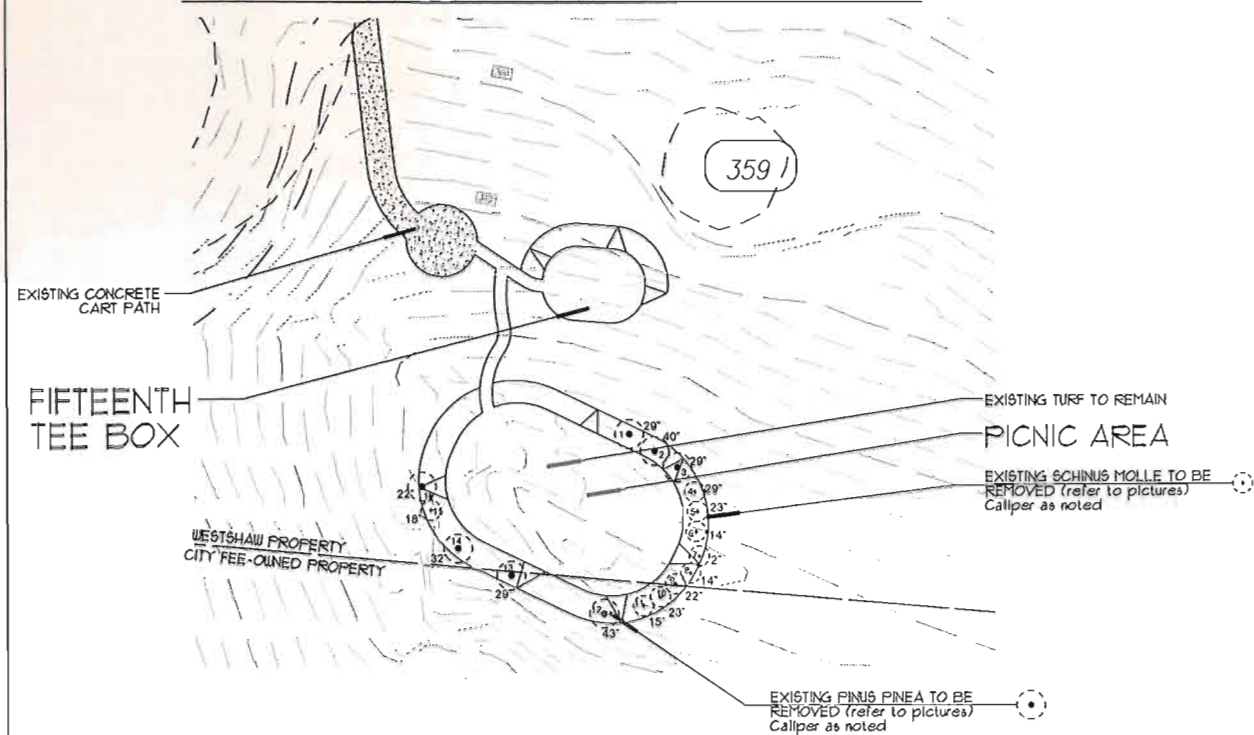
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L-06

DEP# _____

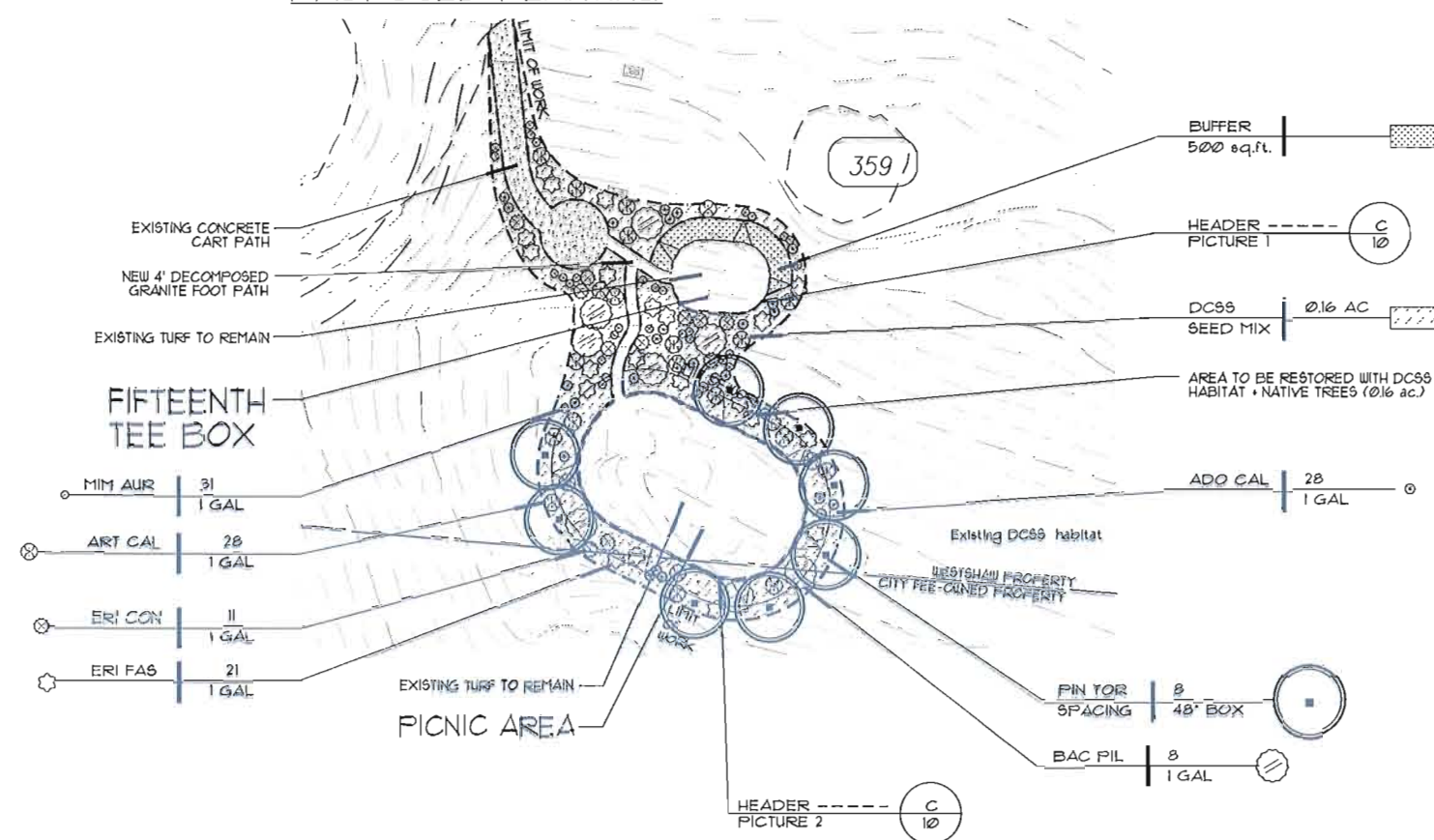
THE GRAND DEL MAR

SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT

TREES TO BE REMOVED AT PICNIC AREA:



PROPOSED PLANTING



RESTORATION HABITAT NOTE:

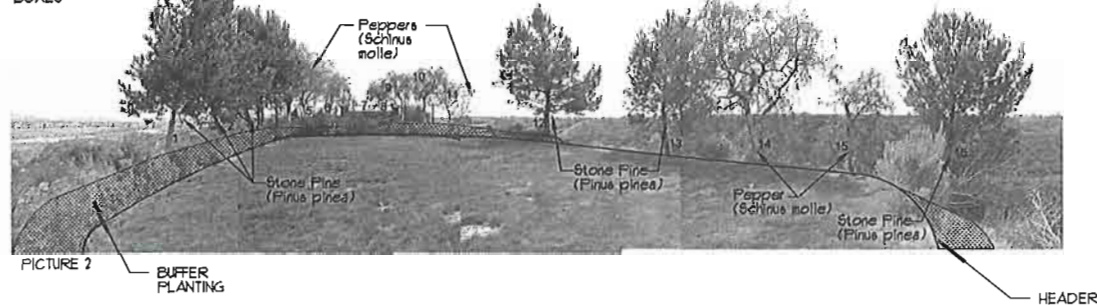
SOME RESTORATION PLANTING LOCATIONS WERE SELECTED DURING 2003 SETTLEMENT NEGOTIATIONS. CURRENT CONDITIONS MAY NOT REFLECT CONDITIONS AT THE TIME OF THOSE NEGOTIATIONS.

THE RESTORATION BIOLOGIST MAY ADJUST RESTORATION ACTIVITIES BASED ON GROUND CONDITIONS AT TIME OF RESTORATION; HOWEVER, TOTAL NATIVE HABITAT RESTORATION MUST MEET PROJECT MITIGATION ACREAGE REQUIREMENTS AND ALL PLANTINGS MUST BE DCSS, DCSS / BUNCH GRASS AND / OR SRS.

15TH TEE BOX: EXAMPLE OF HEADER LOCATION

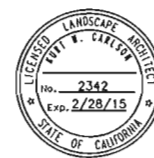
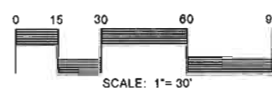


EXISTING CONDITIONS: PICNIC AREA AND EXAMPLE LOCATIONS OF HEADER AT TEE BOXES



LEGEND

EXISTING CONTOUR	DCSS SEED MIX QUANTITY AS CALLED OUT FOR PALETTE SEE SHEET II
EXISTING TRAIL	LIMIT OF WORK
PROPERTY LINE	BUFFER PLANTING
TURF OR GREEN EDGE	HEADER
CART PATH	
CONCRETE CART PATH	



Note: Container plant counts are per sheet.
Seed acreage is per contiguous area

PREPARED IN THE OFFICE OF:



3916 Normal Street
San Diego, CA 92103
619.294.4477
fax • 619.294.9965

Prepared By:

Name: LATITUDE 33 PLANNING & ENGINEERING

Address: 5355 MARA SORRENTINO DRIVE, STE. 650

SAN DIEGO, CA 92122

Phone #: (858) 751-0633

Fax #: (858) 751-0634

Project Address:

Project Name:
THE GRAND DEL MAR

Sheet Title:
SDP/CUP AMENDMENT
REVEGETATION EXHIBIT

Revision 14: _____

Revision 13: _____

Revision 12: _____

Revision 11: _____

Revision 10: _____

Revision 9: _____

Revision 8: _____

Revision 7: _____

Revision 6: _____

Revision 5: JUNE 9, 2014

Revision 4: _____

Revision 3: MAY 27, 2014

Revision 2: MARCH 13, 2014

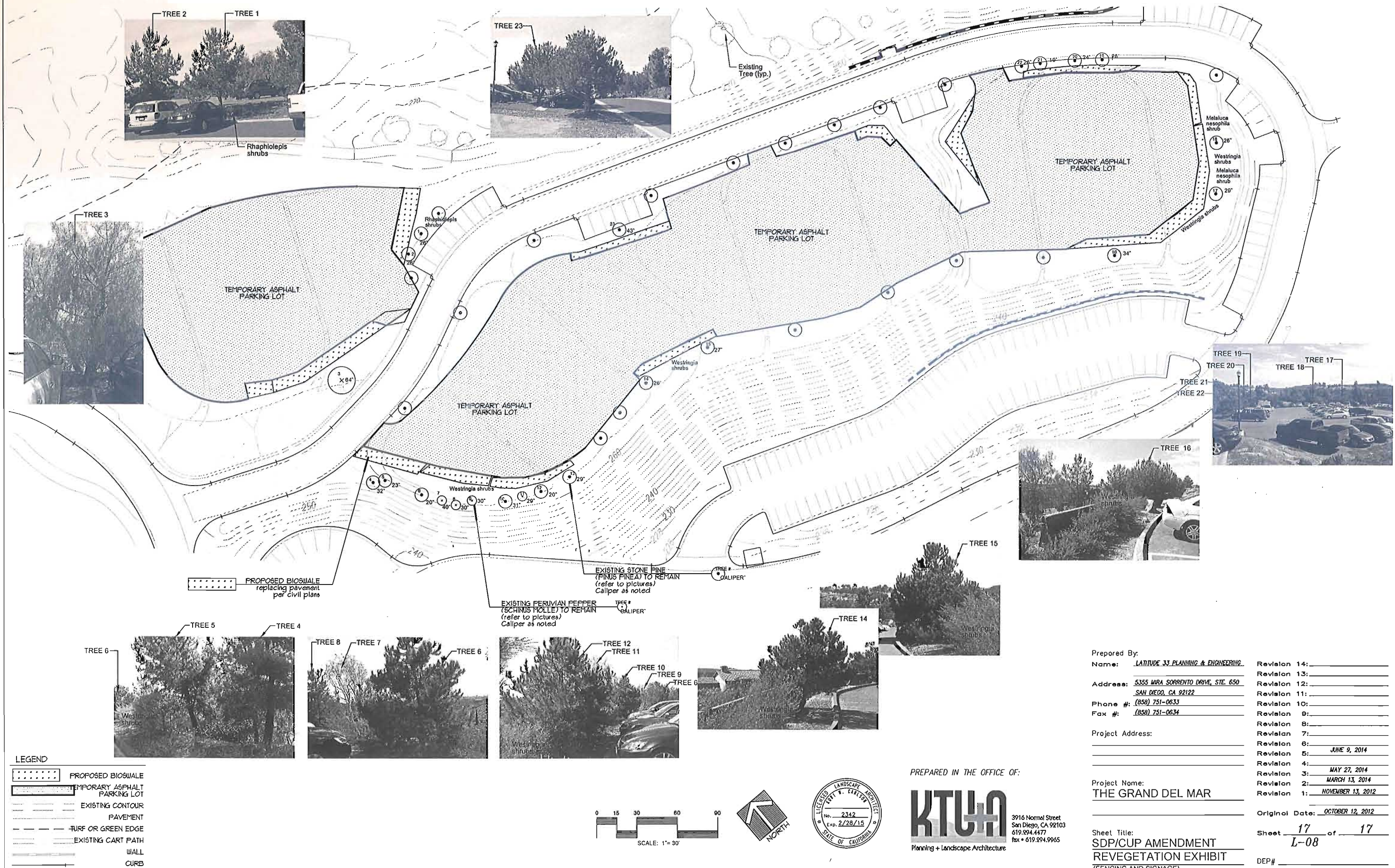
Revision 1: NOVEMBER 13, 2012

Original Date: OCTOBER 12, 2012

Sheet 16 of 17
L-07

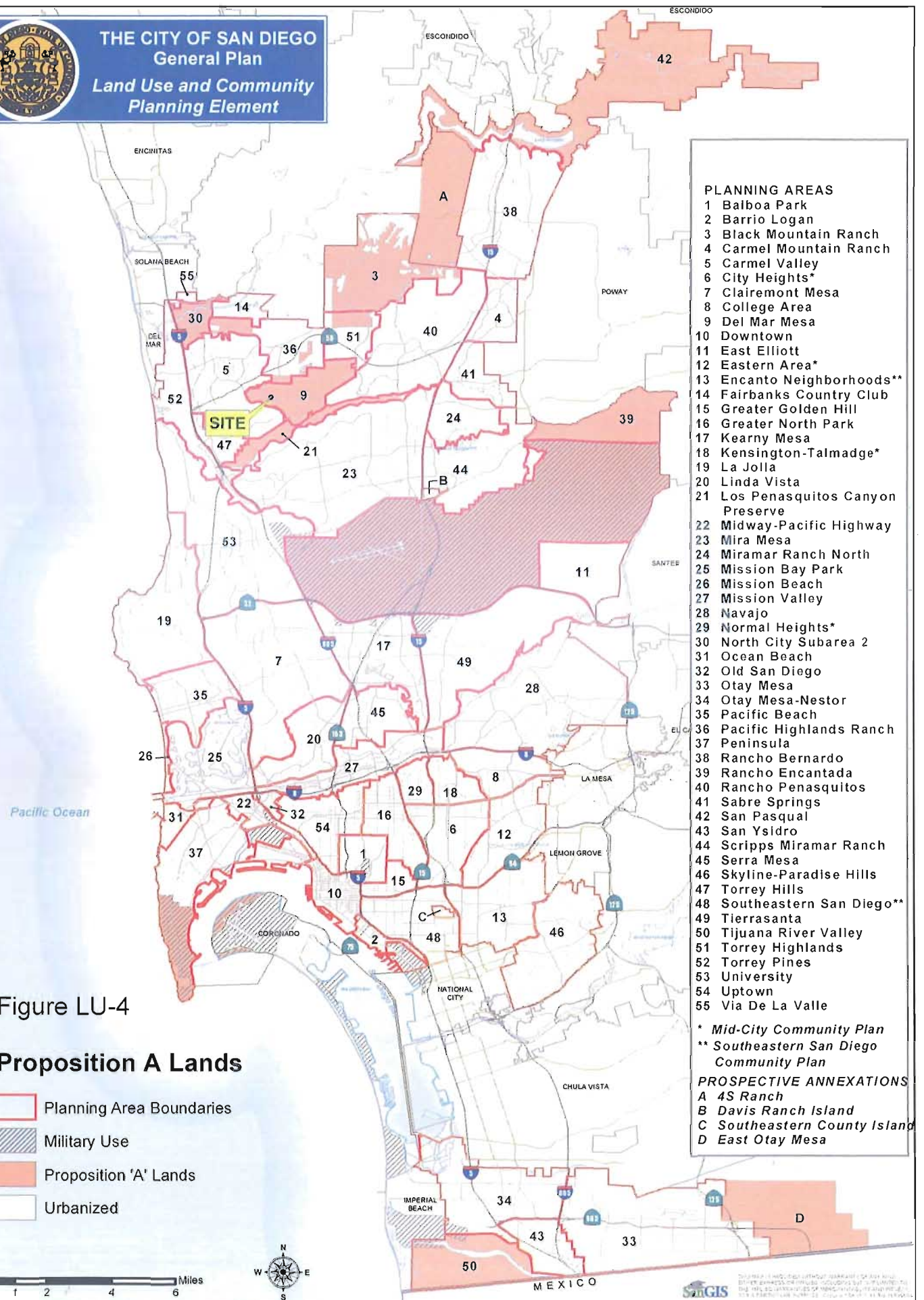
DEP# _____

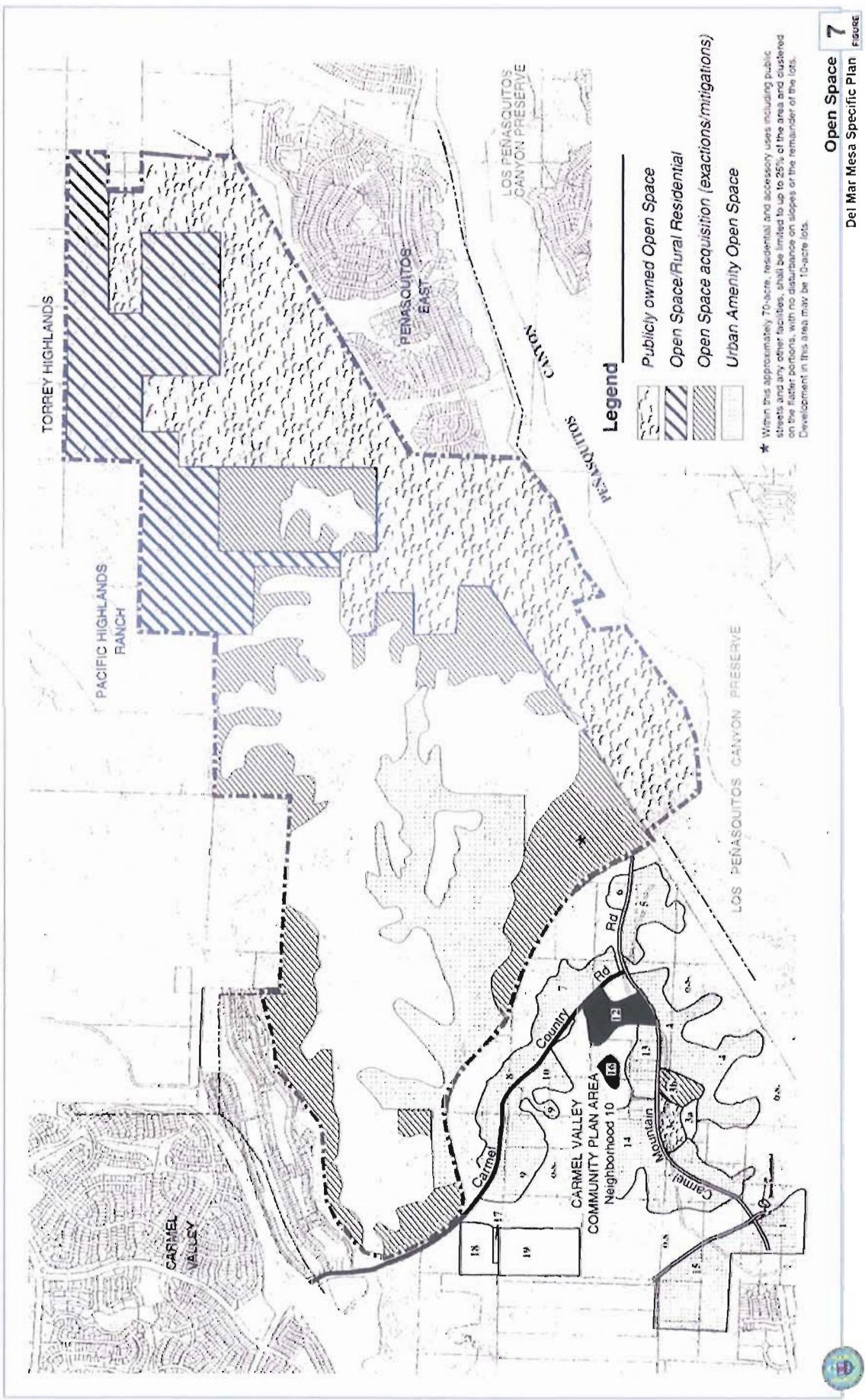
THE GRAND DEL MAR SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT AMENDMENT





THE CITY OF SAN DIEGO
General Plan
Land Use and Community
Planning Element





PLANNING COMMISSION RESOLUTION NO. PC-14-XXX
SITE DEVELOPMENT PERMIT NO. 1248236 and
MHPA BOUNDARY LINE ADJUSTMENT NO. 1285792
Amending Resource Protection Ordinance/Conditional Use/Planned Residential
Development Permit No. 89-1296 and Conditional Use Permit No. 5758
GRAND DEL MAR PROJECT NO. 289870 - [MMRP]

WHEREAS, THE GRAND DEL MAR RESORT, L.P., a California limited partnership and DOUGLAS F. MANCHESTER, an individual, Owner/Permittee, filed an application with the City of San Diego for a permit to allow for creation of additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and a equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1248236), on portions of a 217.897 acre site;

WHEREAS, the project site is located at 5300 Grand Del Mar Court in the AR-1-1, AR-1-2 and Carmel Valley Planned District Open Space zones of the Carmel Valley and Del Mar Mesa Community Plan areas;

WHEREAS, the project site is legally described as Lots 2, 3 and 4 of Final Map 15163 and Parcel 2 of Parcel Map 20642;

WHEREAS, on September 25, 2014, the Planning Commission of the City of San Diego considered Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792 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:

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 Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment to adjust the MHPA by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community.

Therefore the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community.

The Project will not be detrimental to public health, safety and welfare because the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, 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, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations and assure the continued health, safety and general welfare of persons residing or working in the area. Therefore the proposed development will not be detrimental to public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community. The Project site is within the AR-1-1, AR-1-2 and Carmel Valley Planned District Open Space zones which allow a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. The use of the site as a golf course and resort is appropriate and consistent with the purpose and intent of the AR-1-1, AR-1-2 and Carmel Valley Planned District Open Space zone development regulations as permitted through a Conditional Use Permit. The Project complies with all relevant regulations and no deviations are required to approve the Project. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

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 Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community.

The locations for the proposed improvements to the existing resort is within biologically sensitive areas, with the exception of the temporary parking lot which is presently graded and paved with asphalt, adjacent to existing golf course improvements and other resort improvements such as tennis courts, the permitted location for future casitas units and sensitive vegetation located in the Multiple Habitat Planning Area. Of the proposed improvements, additional golf tee boxes at the

5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas, only the equestrian stable will require a building permit. The application for a building permit for the equestrian stable will be reviewed by professional staff educated and trained to evaluate construction plans for conformance with local, state and federal codes and more specifically for compliance with state of California Uniform Building Code requirements. The location of the proposed improvements, within an existing resort property, are suitable for the design and siting and will result in the minimum disturbance to environmentally sensitive lands. The unpermitted improvements occurred on land which contained sensitive environmental habitat. All impacts to sensitive vegetation will be offset by requirements of the development permit and required biological mitigation. The owner will be required to mitigate for all the impacts the owner created without the benefit of authorized permits. The locations of the proposed improvements are designated by the Carmel Valley and Del Mar Mesa Community Plans for Estate Residential, Urban Amenity Open Space and Open Space. The applicant submitted a Drainage Study, Water Quality Technical Report and a Biology Study which were reviewed and approved by professional city staff competent to evaluate these technical reports. City staff concluded the site is physically suitable for the design and siting of the proposed development and the development will result in the minimum disturbance to environmentally sensitive lands.

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 Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community.

The location for the proposed improvements to the existing resort is within biologically sensitive areas, with the exception of the temporary parking lot which is presently graded and paved, adjacent to existing golf course improvements and other resort improvements such as tennis courts, the permitted location for future casitas units and sensitive vegetation located in the Multiple Habitat Planning Area. The additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas will require minimal grading and will minimize the alteration of natural land forms. The proposed improvements do not require geologic analysis with the exception of the equestrian stable which will be evaluated in accordance with the state of California Uniform Building Code requirements to assure stability and safety of the structure. The proposed improvements will include landscaping, restoration and revegetation to prevent the accrual of negative impacts from erosional forces and flood hazards. No grading will be required to implement the project. Of the proposed improvements, only the equestrian stable requires protection from wildfire and a Brush Management Plan will be

implemented in accordance with the Brush Management regulations consistent with the approved Exhibit "A." Therefore, 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.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community.

As a result of actions by the owner the City issued a Notice of Violation (NOV1), dated August 26, 2003 and revised on August 28, 2003, citing several violations of the San Diego Municipal Code for unpermitted improvements. The unpermitted improvements are: 1) The addition of two tee boxes, and access thereto, at the fifth hole, along with revegetation with native plants of the area immediately adjacent to the new tee boxes. 2) The dredging of a portion of the creek bed adjacent and to the south of the new tee boxes at the fifth hole and revegetation of the creek bed with native plans to restore the area to its natural condition. 3) The sodding of a strip of unimproved land that contained native vegetation. 4) The addition of three tee boxes, and access thereto, including a foot bridge crossing the creek bed at the sixth hole as well as some split rail fencing and landscaping to the south of the tee boxes at the sixth hole. 5) The addition of one tee box, and access thereto, at the fifteenth hole. and 6) Grading a portion of land above the new tee box at the fifteenth hole and planting sod on the leveled portion as a picnic area as well as replacing a chain link fence to the north of the sodded area with a masonry wall. A second Notice of Violation (NOV2), dated September 20, 2011, was issued to the property owner citing additional violations of the San Diego Municipal Code (Attachment 7). The unpermitted improvements cited in the NOV2 are: 1) Development of equestrian trails within and around the resort. 2) Development of an equestrian center, horse trails and horse corral near the resort's tennis courts. and 3) Development of an approximately 160 foot long, six foot wide connector path from the golf course to the City's Multi-Use trail on the south end of the resort property. The unpermitted improvements occurred on land which contained sensitive environmental habitat. During review of the proposed project, city staff and the wildlife agencies noted an unauthorized trail to the top of a hill near the fifth fairway.

Approval of the Project would entitle the prior actions taken by the owner which resulted in the NOV1 and NOV2. Approval of the Project would permit the prior unpermitted creation of additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas. Approval of the Project would also include a Multiple Species Conservation

Program (MSCP) Multi-Habitat Planning Area (MHPA) boundary line adjustment to adjust the MHPA by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment.

In addition, subsequent to the actions of the owner which resulted in impacts to sensitive habitat, and in the intervening years since the impact occurred and the submittal of the present application to remedy those actions, the habitat has recovered and is now presently in a vigorous and healthy condition. In short, the habitat has grown back as a result of the actions taken by the owner to initiate and accelerate the natural restoration process. Furthermore, the owner will be required to mitigate for all the impacts the owner created without the benefit of authorized permits.

The location for the proposed unpermitted improvements to the existing resort are within biologically sensitive areas, with the exception of the temporary parking lot which is presently graded and paved adjacent to the permitted location for future casitas units. The unpermitted improvements are adjacent to existing golf course improvements and other resort improvements such as tennis courts and sensitive vegetation located in the Multiple Habitat Planning Area. As documented in the project's Biology Technical Report, the project is in conformance with the **City MHPA Adjacency Guidelines**. Where required by the Mitigation Monitoring and Reporting Program the proposed improvements will also include restoration and revegetation of impaired adjacent environmentally sensitive lands. Therefore, the proposed development will 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 Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site for Recreation and Visitor Commercial uses. The Project requires the approval of a Site Development Permit and MHPA Boundary Line Adjustment. With the approval of the Site Development Permit, MHPA Boundary Line Adjustment and the implementation of the permit conditions, the Project will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa

Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community. The Project will implement water quality control measures in accordance with state of California requirements and as a result of these measures the Project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The site is approximately six miles from the Pacific Ocean beaches. The owner will be required to mitigate for all the impacts the owner created without the benefit of authorized permits.

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.

The Grand Del Mar project (Project) will allow additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas and a Multi-Habitat Planning Area Boundary Line Adjustment by removing the designation from areas affected by unpermitted development and adding new areas into the MHPA to attain a balanced adjustment. The project is located in the Carmel Valley and Del Mar Mesa Community Plan areas. The Community Plans identify the project site is designated for Estate Residential and Urban Amenity Open Space by the Carmel Valley Community Plan Land Use map and Open Space by the Del Mar Mesa Community Plan Land Use map. The portion of the site within Del Mar Mesa is designated as Estate Residential and Urban Amenity Open Space by the Del Mar Mesa Specific Plan, the City's more detailed land use plan for this community.

As a result of actions by the owner the City issued a Notice of Violation (NOV1), dated August 26, 2003 and revised on August 28, 2003, citing several violations of the San Diego Municipal Code for unpermitted improvements. The unpermitted improvements are: 1) The addition of two tee boxes, and access thereto, at the fifth hole, along with revegetation with native plants of the area immediately adjacent to the new tee boxes. 2) The dredging of a portion of the creek bed adjacent and to the south of the new tee boxes at the fifth hole and revegetation of the creek bed with native plans to restore the area to its natural condition. 3) The sodding of a strip of unimproved land that contained native vegetation. 4) The addition of three tee boxes, and access thereto, including a foot bridge crossing the creek bed at the sixth hole as well as some split rail fencing and landscaping to the south of the tee boxes at the sixth hole. 5) The addition of one tee box, and access thereto, at the fifteenth hole. and 6) Grading a portion of land above the new tee box at the fifteenth hole and planting sod on the leveled portion as a picnic area as well as replacing a chain link fence to the north of the sodded area with a masonry wall. A second Notice of Violation (NOV2), dated September 20, 2011, was issued to the property owner citing additional violations of the San Diego Municipal Code (Attachment 7). The unpermitted improvements cited in the NOV2 are: 1) Development of equestrian trails within and around the resort. 2) Development of an equestrian center, horse trails and horse corral near the resort's tennis courts. and 3) Development of an approximately 160 foot long, six foot wide connector path from the golf course to the City's Multi-Use trail on the south end of the resort property. The unpermitted improvements occurred on land which contained sensitive environmental habitat. During review of the proposed project, city staff and the wildlife agencies noted an unauthorized trail to the top of a hill near the fifth fairway.

Approval of the Project would entitle the prior actions taken by the owner which resulted in the NOV1 and NOV2. Approval of the Project would permit the prior unpermitted creation of additional golf tee boxes at the 5th, 6th and 15th tees, an equestrian trail, equestrian center including riding corral and an equestrian stable, a temporary parking lot, and restoration and revegetation areas. Approval of the Project would also include a Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) boundary line adjustment.

In addition, subsequent to the actions of the owner which resulted in impacts to sensitive habitat, and in the intervening years since the impact occurred and the submittal of the current application to remedy those actions, the habitat has recovered and is now presently in a vigorous and healthy condition. In short, the habitat has grown back as a result of the actions taken by the applicant to initiate and accelerate the natural restoration process. The owner is required to mitigate for all the impacts the owner created without the benefit of authorized permits.

A professionally prepared biology report has been submitted and evaluated by city staff professionally qualified to evaluate biology reports. The conclusions reached in the biology report indicates the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, the negative impacts created by the proposed development which occurred without the benefit of authorized permits. The conditions of approval require mitigation related to, and calculated to alleviate, negative impacts created by the Project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792, 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)

Job Order No. 24003058

PLANNING COMMISSION RESOLUTION NO. PC-(to be filled in)

ADOPTED ON (to be filled in)

WHEREAS, on October 17, 2012, THE GRAND DEL MAR RESORT, L.P., a California limited partnership and DOUGLAS F. MANCHESTER, an individual, submitted an application to Development Services Department for a Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792 for the Grand Del Mar (Project); and

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

WHEREAS, the issue was heard by the Planning Commission on September 25, 2014; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigated Negative Declaration No. 289870 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: _____
John S. Fisher
Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

SITE DEVELOPMENT PERMIT NO. 1248236 and
 MHPA BOUNDARY LINE ADJUSTMENT NO. 1285792, amending Resource Protection
 Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 and
 Conditional Use Permit No. 5758

PROJECT NO. 289870

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 289870 shall be made conditions of Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792 as may be further described below.

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II**Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

*Qualified Biologist***Note:**

Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #289870, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)
- Note:**

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.
3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to occupancy. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.
4. **MONITORING EXHIBITS**
All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of

that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/Notes</i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Biology	Biological Technical Report	Biological site observation

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

In order to avoid significant impacts to biological resources, the following mitigation measures shall be implemented by the project applicant. Compliance with the mitigation measures shall be the responsibility of the applicant.

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to 2.37 acres of Diegan Coastal Sage Scrub (DCSS) and 0.04 acre of Southern Riparian Scrub (SRS) (please note, SRS impacts were limited to vegetation trimming, with no

dredging or filling in wetlands and the tree canopy was left intact. As such, there was no 'net loss' of wetlands) (see also Table 1) have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the Figure 21 of the Biological Resources Report prepared by Rocks Biological Consulting (June 2014), the requirements of which are summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (2012). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The RMC shall be responsible for the maintenance of the mitigation area for a minimum period of 120 days after full planting and inspection. Maintenance visits shall be conducted on a weekly basis throughout the plant establishment period.
 - b. At the end of the 120 day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.
 - c. MMC will provide approval in writing to begin the five year long-term establishment/maintenance and monitoring program.

- d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.
4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

- 1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
- 2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
- 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
- 4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11"x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
 - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.
3. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with the restoration and grading

activities which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.**

2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats including but not limited to existing Diegan Coastal Sage Scrub and Southern Riparian Scrub, as shown on the approved LCD.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.
7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVSR.
8. PQB shall verify in writing on the CSVSR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period
 - a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the LCD.
 - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).
2. Five-Year Biological Monitoring

- a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
- b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
- c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
- d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.
- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

B. Submittal of Draft Monitoring Report

1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120 day period to determine mortality of individuals.

2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
6. MMC will provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth year performance/success criteria and completion of the five year maintenance period.
 - a. This report may occur before the end of the fifth year if the revegetation meets the fifth year performance /success criteria and the irrigation has been terminated for a period of the last two years.
 - b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.
 - c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

Table 1. Grand Del Mar Biological Impacts and Mitigation Summary

NOV #	Project Component	Impact (Sensitive Habitats Only; Temporary and Permanent Impacts)			Impact Acreage within MHPA *	In Place Restoration (Habitat / Status)		Remaining / Permanent Impacts		Mitigation for Permanent Impacts				Total Permanent Impact Mitigation		Final Mitigation Ratio (Permanent Impacts)	
		DCSS	SRS	Total Impacts		DCSS	SRS	DCSS	SRS	Restoration (within MHPA; see Figure 21)		Conservation					
										DCSS	DCSS / Bunch Grass		SRS	DCSS**			
1	5th Tee Box	0.37	0.02	0.39	0.13	0.34 / C	0.02 / C	0.03	0.00	0.44 / P	0.06 / P	0.93	1.43	0.02	1 : 6.81	1 : 1	
1	6th Tee Box	0.20		0.20	0.07	0.13 / C		0.07									
1	15th Tee Box/Picnic Area	0.29		0.29	0.11	0.17 / C		0.12									
2	Horse Stables	0.81		0.81	0.24			0.81		1.42 / P		0.02 / P	1.42	0.02	1 : 1.34	1 : 1	
2	Horse Trail	0.54		0.54		0.31 / P		0.23									
2	Connector Path	0.02	0.02	0.04				0.02	0.02								
WA	Hilltop Trail	0.14		0.14		0.14 / P		0.00							N/A	N/A	
	TOTALS	2.37	0.04	2.41	0.55	1.09	0.02	1.28	0.02	1.86	0.06	0.02	0.93	2.85	0.02	1 : 2.24	1 : 1

Calculations provided by Latitude 33 Planning & Engineering

WA = Wildlife Agencies per June 2013 BLA Mtg & Field Visit

* MHPA Impact acreages are included in total impact columns, in orange; permanent impact areas will be removed from the MHPA in exchange for a 5.16 acre addition to the MHPA

** Conservation easement to be added per community input during NOV 1 outreach; see Figure 21 for easement location

Restoration Status

Note that all restoration, both completed/installed and proposed/pending, is included in the project restoration plan and will be subject to a five-year maintenance / monitoring program and final success criteria as outlined in project plan sheets 9-14

C = Completed / Installed

P = Proposed / Pending

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit, the Environmental designee of DSD shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
- II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

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

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- I. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

GENERAL NESTING BIRD MITIGATION

To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding

season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

MHPA LAND USE ADJACENCY GUIDELINES

- I. Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:
 - A. **Grading/Land Development/MHPA Boundaries** - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
 - B. **Drainage** - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

- C. **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*
- D. **Lighting** - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Barriers** - New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- F. **Invasives**- No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- G. **Brush Management** -New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.
- H. **Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher(3/1-8/15) as noted above. If construction is proposed during the breeding season for the

species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

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

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003058

SITE DEVELOPMENT PERMIT NO. 1248236 and
MHPA BOUNDARY LINE ADJUSTMENT NO. 1285792
GRAND DEL MAR PROJECT NO. 289870 - [MMRP]
Amending Resource Protection Ordinance/Conditional Use/Planned Residential
Development Permit No. 89-1296 and Conditional Use Permit No. 5758
PLANNING COMMISSION

This Site Development Permit No. 1248236 and MHPA Boundary Line Adjustment No. 1285792, amending Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 and Conditional Use Permit No. 5758, is granted by the Planning Commission of the City of San Diego to THE GRAND DEL MAR RESORT, L.P., a California limited partnership and DOUGLAS F. MANCHESTER, an individual, Owner/Permittee, pursuant to San Diego Municipal Code section 126.0504. The 217.897 acre site is located at 5300 Grand Del Mar Court in the AR-1-1, AR-1-2 and Carmel Valley Planned District Open Space zones of the Carmel Valley and Del Mar Mesa Community Plan areas. The project site is legally described as Lots 2, 3 and 4 of Final Map 15163 and Parcel 2 of Parcel Map 20642.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow additional improvements at the resort after the fact, a temporary parking lot, restoration and revegetation areas and a Multiple Species Conservation Program Multi-Habitat Planning Area boundary line adjustment subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. The addition of two tee boxes, and access thereto, at the fifth hole, along with revegetation with native plants of the area immediately adjacent to the new tee boxes,

the dredging of a portion of the creek bed adjacent and to the south of the new tee boxes at the fifth hole and revegetation of the creek bed with native plants to restore the area to its natural condition, the sodding of a strip of unimproved land that contained native vegetation, the addition of three tee boxes, and access thereto, including a foot bridge crossing the creek bed at the sixth hole as well as some split rail fencing and landscaping to the south of the tee boxes at the sixth hole, the addition of one tee box, and access thereto, at the fifteenth hole, and grading a portion of land above the new tee box at the fifteenth hole and planting sod on the leveled portion as a picnic area as well as replacing a chain link fence to the north of the sodded area with a masonry wall, development of equestrian trails within and around the resort, development of an equestrian center, horse trails and horse corrals near the resort's tennis courts, development of an approximately 160 foot long, six foot wide connector path from the golf course to the City's Multi-Use trail on the south end of the resort property, an unauthorized trail to the top of a hill near the fifth fairway, a temporary parking lot, and a Multiple Species Conservation Program Multi-Habitat Planning Area boundary line adjustment;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. 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. This permit must be utilized by [ENTER DATE including the appeal time].
2. This Site Development Permit No. 1248236 amends Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 and Conditional Use Permit No. 5758 to allow the development of the site as described herein and does not reduce, eliminate, nullify or void the approvals granted by Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 and Conditional Use Permit No. 5758. The prior permits cited herein shall remain in full force and effect except as modified by this Site Development Permit No. 1248236 to allow the development described herein.

3. 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.

4. 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.

5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).

8. 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 Wildlife [CDFW] pursuant to California Fish and Wildlife 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 CDFW, 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.

9. 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.

10. 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.

11. 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.

12. 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:

13. 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.

14. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 289870 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified Mitigated Negative Declaration No. 289870 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 for the following issue areas:

Biological Resources

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permits for the casitas which were entitled by previous permit approvals, the Owner/Permittee shall provide hydrology and hydraulics studies which document the limits of the Special Flood Hazard Area on the subject property, satisfactory to the City Engineer.

17. The Owner/Permittee shall be required to enter into a hold harmless agreement that indemnifies the City from any liability that may arise from any inundation that occurs onsite.

18. The Owner/Permittee shall ensure that any development onsite complies with the provisions of San Diego Municipal Code §143.0145, Development Regulations for Special Flood Hazard Areas.

ENVIRONMENTAL SERVICES DEPARTMENT REQUIREMENTS:

19. Prior to issuance of any grading permits the Owner/Permittee submit a Waste Management Plan to address manure management of the equestrian facility, to the satisfaction on the Environmental Services Director. The grading for and location for manure management operations shall be shown on the grading plans and inspected by Environmental Services Department staff prior to approval of the grading plans. The Owner/Permittee shall be responsible for inspection of the facilities after construction by Environmental Services Department staff and the Owner/Permittee shall make any changes necessary to ensure effective operation of the manure management program.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards, the San Diego Low Impact Development Design Manual, the Biology Guidelines (for restoration areas), to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

21. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square foot area around each tree unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.
22. Within five years from the date of recordation of this Permit, Owner/Permittee shall replace the temporary parking lot as shown on Exhibit "A" with multi-dwelling unit development as allowed by Resource Protection Ordinance/Conditional Use/Planned Residential Development Permit No. 89-1296 and Conditional Use Permit No. 5758 or the parking lot shall be retrofit to meet the requirements for a permanent vehicular use area including the provision of one canopy tree within thirty feet of each parking space consistent with LDC section 142.0406 and 142.0407.
23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements within the privately owned premises consistent with the Landscape Standards. The Owner/Permittee is responsible for maintenance with the restoration areas within City-owned Open Space until the success criteria has been met consistent with the Biology Guidelines after which time the areas shall be maintained by the City's Park and Recreation Department.
24. 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.
25. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within thirty days from the date of the damage.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

26. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."
27. The Brush Management Program shall be based on a standard Zone One of 35 feet in width with Zone Two of 65 feet in width extending out from the structure towards the native/naturalized vegetation consistent with the Brush Management Regulations of the Land Development Code section 142.0412. Per Zone Two reduction provisions set forth under 142.0412(f), Zone One shall be inclusive of the riding ring southeast of the stables, ranging in width from 65 to 80 feet with a corresponding Zone Two beyond the extents of Zone One of 20 to zero feet.

28. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

29. Prior to issuance of any construction permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

30. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.

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

MULTIPLE SPECIES CONSERVATION PROGRAM:

32. 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 Wildlife [CDFW], 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 CDFW. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

PLANNING/DESIGN REQUIREMENTS:

33. 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."

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- 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 **[INSERT Approval Date]** and **[Approved Resolution Number]**.

Permit Type/PTS Approval No.: SDP No. 1248236 &
MHPA Boundary Line Adjustment No. 1285792
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

Grand Del Mar Resort, L.P.,
a California limited partnership
Owner/Permittee

By _____
Richard V. Gibbons
President

Douglas F. Manchester, an individual
Owner/Permittee

By _____
Douglas F. Manchester,
An Individual

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

PROJECT DATA SHEET		
PROJECT NAME:	Project No. 289870 – Grand Del Mar	
PROJECT DESCRIPTION:	Amend prior permits to allow additional improvements at the Grand Del Mar resort after the fact of implementation.	
COMMUNITY PLAN AREA:	Carmel Valley & Del Mar Mesa	
DISCRETIONARY ACTIONS:	Site Development Permit/MHPA Boundary Line Adjustment	
COMMUNITY PLAN LAND USE DESIGNATION:	Estate Residential and Urban Amenity Open Space (Carmel Valley) & Open Space (Del Mar Mesa)	
<p align="center"><u>ZONING INFORMATION:</u></p> <p align="center">ZONE: AR-1-1, AR-1-2 & CVPD-OS</p> <p align="center">HEIGHT LIMIT: NA</p> <p align="center">LOT SIZE: NA</p> <p align="center">LOT COVERAGE: NA</p> <p align="center">FRONT SETBACK: NA</p> <p align="center">SIDE SETBACK: NA</p> <p align="center">REAR SETBACK: NA</p> <p align="center">PARKING: NA</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential / AR-1-1	Residential
SOUTH:	Residential / AR-1-1 & CVPD-OS	Open Space & Residential
EAST:	Residential / AR-1-1	Residential
WEST:	Residential / AR-1-1 & CVPD-OS	Open Space & Residential

DEVIATIONS OR VARIANCES REQUESTED:	None.
COMMUNITY PLANNING GROUP RECOMMENDATION:	See Summary section of Planning Commission Report PC-14-051.

Fisher, John

From: Gary Levitt [gary@seabreezeproperties.com]
Sent: Tuesday, July 22, 2014 1:21 PM
To: Fisher, John
Cc: Dealy Perry; Eardensohn John
Subject: Re: PTS#289870 Grand Del Mar - Signature for SDP Permit - Del Mar Mea Community Planning Board

Grand Del Mar Open Space Encroachment Settlement

The Del Mar Mesa Community Planning Board met on June 12, 2014 - and unanimously passed a resolution supporting the MND scope and settlement with the condition that the Monetary Consideration be deposited in a Community Foundation or similar community based non-profit organization for safekeeping rather than a City of San Diego controlled account where City administration fees would be charged to the account. The use of the Funds will be administered jointly by the DMMCPG and CVCPG.

Gary Levitt
gary@seabreezeproperties.com
3525 Del Mar Heights Rd #246
San Diego CA 92130
Tel 858-361-8555

CARMEL VALLEY COMMUNITY PLANNING BOARD

Attn: Allen Kashani, CVCPB Secretary
6025 Edgewood Bend Court
San Diego, CA 92130
858-794-2571 / Fax: 858-794-2599

July 24, 2014

John Fisher, Project Manager
City of San Diego
1222 First Avenue, MS 302
San Diego, CA 92101

Re: Grand Del Mar MND Scope and Settlement for GDM NOV I and II

Dear John:

The Carmel Valley Community Planning Board on June 26, 2014 considered the Grand Del Mar MND Scope and Settlement for GDM NOV I and II Golf and Horse Violations.

The Board voted 12-0-1 to support the MND Scope and Settlement agreement with the following conditions:

1. That the monetary funds be deposited in an independent non-profit organization's account to be administered jointly by Del Mar Mesa Community Planning Board and the Carmel Valley Community Planning Board to insure that the open space planning remain cohesive.
2. If the Funds are not deposited into an independent account, the City shall not be permitted to charge administrative or other costs to that account.

Sincerely,
Carmel Valley Community Planning Board



Frisco White, AIA
Chair

cc: Perry Dealy



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 Use Permit ☐ Coastal Development Permit

☐ Neighborhood Development Permit ☒ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title

Project No. For City Use Only

Grand Del Mar SDP & CUP Amendment

Project Address:

5300 Grand Del Mar Court, San Diego, CA

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

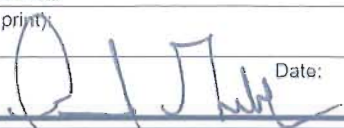
Project Title: Grand Del Mar SDP & CUP Amendment	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☒ No

Corporate/Partnership Name (type or print): The Grand Del Mar Resort LP <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 350 Camino de la Reina City/State/Zip: San Diego, CA 92108 Phone No: _____ Fax No: _____ (858) 794-5400 Name of Corporate Officer/Partner (type or print): Richard Gibbons Title (type or print): President Signature :  Date: 10.11.12	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : _____ Date: _____
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : _____ Date: _____
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Ownership Disclosure Statement

Grand Del Mar Project No. 389870

Owner: The Grand Del Mar Resort, L.P. , a California limited partnership

Douglas F. Manchester, Owner

DEVELOPMENT SERVICES
Project Chronology
Grand Del Mar - PTS# 289870

Date	Action	Description	City Review Time	Applicant Response
01/09/13	First Submittal	Project Deemed Complete		
04/26/13	First Assessment Letter		77 days	
06/26/13	Second Submittal			43 days
08/14/13	Second Review Complete		35 days	
11/14/13	Third Submittal			66 days
12/20/13	Third Review Complete		26 days	
03/17/14	Fourth Submittal			61 days
04/15/14	Fourth Review Complete		21 days	
05/14/14	Fifth Submittal			21 days
05/30/14	Fifth Review Complete		12 days	
06/09/14	Sixth Submittal			11 days
06/18/14	Sixth Review Complete		7 days	
06/18/14	Issues Complete		0 days	
09/25/14	Public Hearing		71 days	
TOTAL STAFF TIME			249 days	
TOTAL APPLICANT TIME				202 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission	15 months and 1day	