



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** September 10, 2015      **REPORT NO. PC-15-106**

**ATTENTION:** Planning Commission, Agenda of September 17, 2015

**SUBJECT:** VIA DEL MAR ESTATES - PROJECT NO. 347254. PROCESS 4

**OWNER/  
APPLICANT:** Thomas J. Kelley, Trustee of Thomas J. Kelley Trust  
Jorge Palacios, J. P. Engineering, Engineer/Consultant

### SUMMARY

**Issue:** Should the Planning Commission approve the subdivision of a vacant 5.07 acre site into four lots and the construction of four single-family homes located adjacent to 3821 Via Del Mar Road within the Carmel Valley Planning area?

### Staff Recommendation:

1. **Adopt** Mitigated Negative Declaration Project No. 347254, and **Adopt** the Mitigation, Monitoring and Reporting Program; and
2. **Approve** Coastal Development Permit No. 1215178, Site Development Permit No. 1220142 and Planned Development Permit No. 1215177; and
3. **Approve** Tentative Map No. 1215179.

**Community Planning Group Recommendation:** The Carmel Valley Community Planning Board voted 12-0 to recommend approval of the proposed project with no suggested conditions on October 23, 2014.

**Environmental Review:** Mitigated Negative Declaration No. 347254 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce the potential impacts to Biological Resources, Historical Resources (Archaeology) and Paleontological Resources to a level of below significance.

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

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The proposed project would provide four new market rate housing units within the density range established by the Carmel Valley Community Plan and Neighborhood 8b Precise Plan. The applicant has chosen the option of paying an Affordable Housing fee to meet their affordable housing requirement.

## **BACKGROUND**

The 5.07-acre Via Del Mar Estates project site is located to the south and west of Via Del Mar Road and north of Arroyo Sorrento Road within the Neighborhood 8b Precise Plan area within the Carmel Valley Community Plan area (Attachment 2). The project site is designated Rural Residential within the Carmel Valley Community Plan and is zoned AR-1-2. The project site is currently vacant undeveloped land. The surrounding properties are partially developed rural residential properties within a rural area of Carmel Valley. The site contains steep hillsides and sensitive biological resources and therefore, is subject to the Environmentally Sensitive Lands (ESL) Regulations.

The proposed subdivision of land constitutes “Coastal Development,” which, pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. The project requires a Site Development Permit pursuant to the Land Development Code (Section 126.0502 ESL). A Tentative Map is required (Section 125.0410) for the proposed division of the property into four residential lots. This project proposes reduced front and side setback deviations requiring a Planned Development Permit, pursuant to the Land Development Code (Section 126.0602). The purpose of the reduced setbacks is to locate the dwelling units closer to the street, clustered together within portions of the site that were previously disturbed in an effort to minimize the impact to the adjacent steep hillsides and sensitive vegetation.

## **DISCUSSION**

### **Project Description:**

The project proposes to subdivide a 5.07-acre site into four residential lots, ranging from 1.25 to 1.31 acres in size, and to construct a single family home on each lot. The site is sloped, with the highest elevations along the western most and northern most portions of the property, sloping downward to the southeast. All lots would take access from Via Del Mar Road. The Rural Residential designation allows a maximum of one dwelling unit per acre or 5 units on this site. However, only four are proposed. While the project does not provide plans for the four future single family dwelling units, the units will be evaluated through a Process 2 Substantial Conformance Review for consistency with the guidelines.

The project proposes grading of 1.77 acres or approximately 35% of the project site. The four new building sites will have 3,280 cubic yards of cut and 2,920 cubic yards of fill, with 360 cubic

yards of export. The cut and fill portions of the proposed grading are located primarily within the proposed building footprint, resulting in minimal change to the natural landform.

#### Planned Development Permit - Deviations

The site contains both Steep Hillsides and Sensitive Biological Resources, and a portion of the site is within the Multi-Habitat Planning Area (MHPA). The proposed development will be constructed on a portion of the site containing past disturbance to minimize impacts to these resources. A deviation is requested for reduced front and side building setbacks to locate the development closer to the public street, consistent with the Environmentally Sensitive Lands Regulations to create a more environmentally sensitive project. The front setback deviation will reduce the setback from a 25 foot minimum to a 15 foot minimum. The side setback deviation will reduce the setback from a 20 foot minimum to a 10 foot minimum. The project has also been designed to cluster the dwelling units into two side-by-side home pairs to further limit the amount of encroachment into Environmentally Sensitive Lands and to preserve open space. Locating the homes closer to the street and clustering them together in pairs would result in a more desirable project than if designed in strict conformance with the minimum building setbacks of the underlying zone.

#### Site Development Permit

A Site Development Permit is required for projects containing Environmentally Sensitive Lands (ESL) as defined by the San Diego Municipal Code (SDMC) Section 143.0110. The project site lies within the City of San Diego Multiple Species Conservation Program (MSCP) boundary. However, the project site is located outside the City's Multi-Habitat Planning Area (MHPA) conservation area and there are no specific MHPA guidelines for the project area. The project was analyzed for consistency with the MSCP Land Use Adjacency Guidelines and other components of the City's MSCP Subarea Plan. As documented in the Mitigated Negative Declaration, the biological technical reports and other project documentation, the project, as mitigated, would be consistent with the MSCP relative to potential impacts to areas such as drainage, toxics, lighting, noise, invasive plants, brush management and land development. A Biological Resources Report prepared by Pacific Southwest Biological Services, Inc. dated March 20, 2015, determined the site contains sensitive biological resources in the form of southern maritime chaparral and Diegan Coastal Sage Scrub. The project's site specific Mitigation, Monitoring and Reporting Program (MMRP) delineates all potential impacts and mitigates for these impacts to below a level of significance. Grading has been minimized and occurs within the least sensitive part of the site. Approximately 3.30 acres or approximately 65% of the project site is proposed to be retained and conserved within a building restricted easement/covenant of easement area to be recorded on the property. This Covenant of Easement will be placed on and is located on the rear portion of all four lots.

#### Community Plan Analysis:

The project site is within the Carmel Valley Community Plan, the City's adopted land use plan for this area. Carmel Valley Neighborhood 8b is one of the 10 neighborhood development units identified in the 1975 Carmel Valley Community Plan. The community plan requires preparation

of precise plans for each neighborhood development unit within the planning area. This planning area comprises 820 acres south the SR-56 corridor, west of El Camino Real.

The project site is designated for Rural Residential Development at a density up to 1 dwelling unit per acre by the Carmel Valley Community Plan. The 5.07-acre site could accommodate up to 5 dwelling units per the Community Plan and the Precise Plan. The project site is identified by the Precise Plan for detached single-family residential use. Single-family dwelling unit sizes within Neighborhood 8b are intended to be larger than those within adjacent Neighborhood Eight, with the implication that lot sizes should be larger and density less. Recommended zoning for this site is AR-1-2 which allows single-family development with a minimum lot size of one acre. The proposed lot sizes, which range between 1.25 and 1.31 acres, exceed zone minimums and are similar to those within the surrounding neighborhood. The surrounding residential development was similarly approved at a density of approximately one dwelling unit per acre. Therefore, the overall development pattern conforms to the development parameters (including the development standards of the AR-1-2 zone) intended by the Precise Plan for establishing neighborhood form.

The Precise Plan's standards for site planning recommend that structures be designed and located to avoid repetitive patterns. Architecture is supposed to incorporate varied building forms and roof shapes to add variety, and to utilize earthtone building materials. The project includes design guidelines for the future homes that incorporate various the Precise Plan recommendations and will also incorporate a condition requiring compliance with the Precise Plan's design standards.

#### General Plan Analysis

The General Plan identifies the project site as "Residential" and the four dwelling unit project adheres to the land use designation within the General Plan. The project also complies with the objectives in the Housing Element by paying an in-lieu fee calculated on a per unit basis at the time of building permit issuance.

#### Environmental Analysis:

The Mitigated Negative Declaration and Environmental Initial Study (Project No. 347254) were prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Based upon a review of the project, it was determined that the project could have significant environmental effects in the following areas: Biology, Historical Resources (Archaeology) and Paleontological Resources. However, mitigation measures were identified in the Mitigated Negative Declaration, under section V (Mitigation Monitoring Reporting Program) that mitigates the impacts to below a level of significance. The project as revised with the clustered design now avoids or mitigates the potentially significant environmental effects identified in the Environmental Initial Study, and the preparation of an Environmental Impact Report is not required.

#### Conclusion:

A Tentative Map, Coastal Development Permit, Site Development Permit and Planned



Development Permit for the four lot subdivision may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed four lot subdivision and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. The project conforms to the Carmel Valley Community Plan with respect to maintaining the required rural character and design features established in the plan for rural residential development. The project design includes deviations to the front and side setbacks in a clustered design in an effort to reduce impacts to the adjacent environmentally sensitive lands. Staff has determined that the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

### **ALTERNATIVES**

1. **Approve** Coastal Development Permit No. 1215178, Site Development Permit No. 1220142, Planned Development Permit No. 1215177 and Tentative Map No. 1215179, **with modifications.**
2. **Deny** Coastal Development Permit No. 1215178, Site Development Permit No. 1220142, Planned Development Permit No. 1215177 and Tentative Map No. 1215179, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Assistant Deputy Director  
Development Services Department



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Glenn Gargas, Project Manager  
Development Services Department

### **Attachments:**

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft CDP/SDP & PDP Permit Resolution with Findings
6. Draft CDP/SDP & PDP Permit with Conditions
7. Draft TM Map Resolution with Findings
8. Draft TM Map Conditions
9. Draft Environmental Resolution with MMRP
10. Map Exhibit-Tentative Map / Grading Plan
11. Project Topography, Slope Analysis
12. Project Landscape / Brush Management Plan
13. Project Design Guidelines

14. Community Planning Group Recommendation
15. Ownership Disclosure Statement





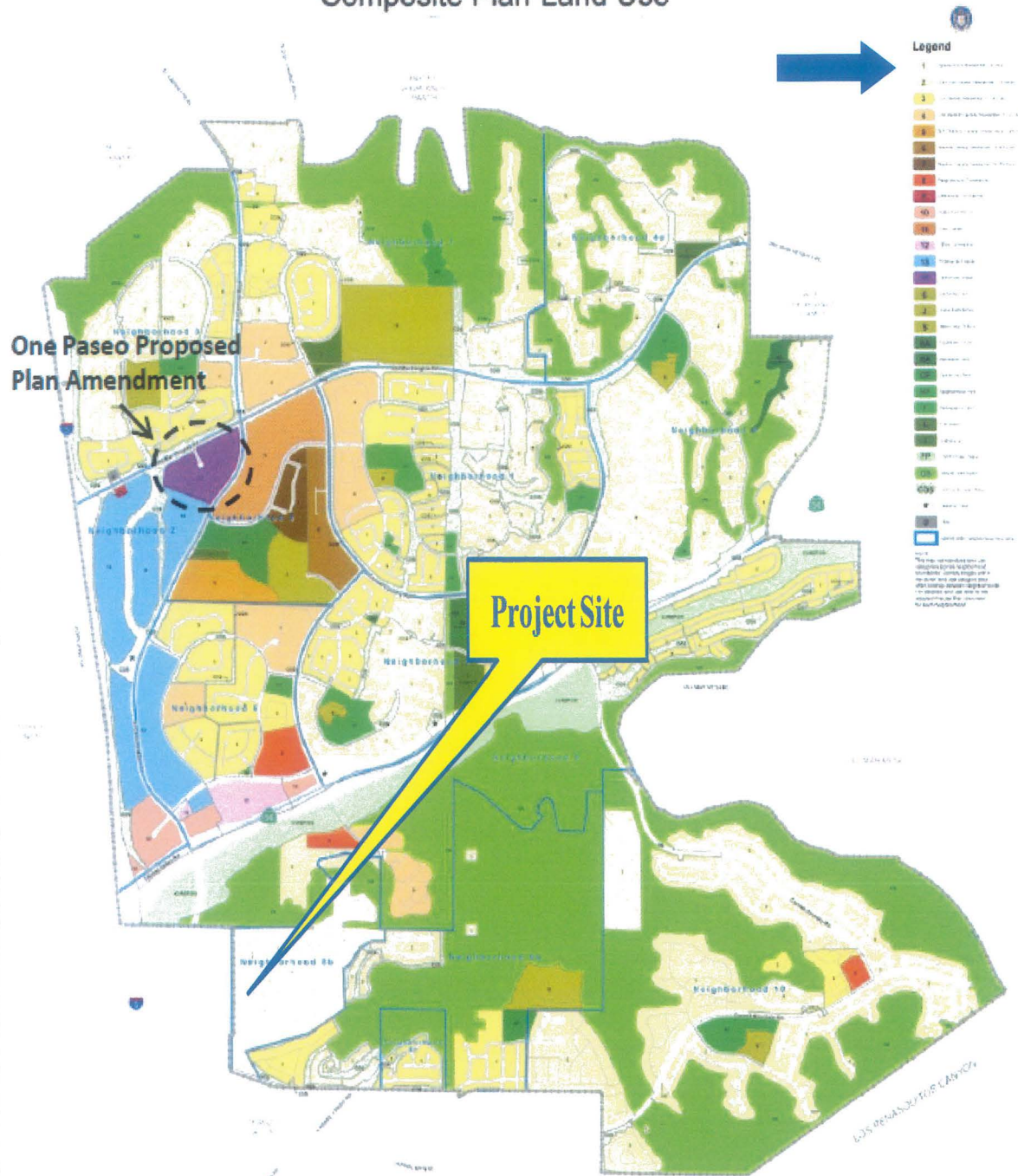
## Aerial Photo

VIA DEL MAR ESTATES – VIA DEL MAR  
PROJECT NO. 347254



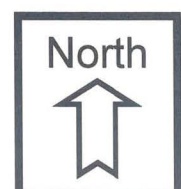


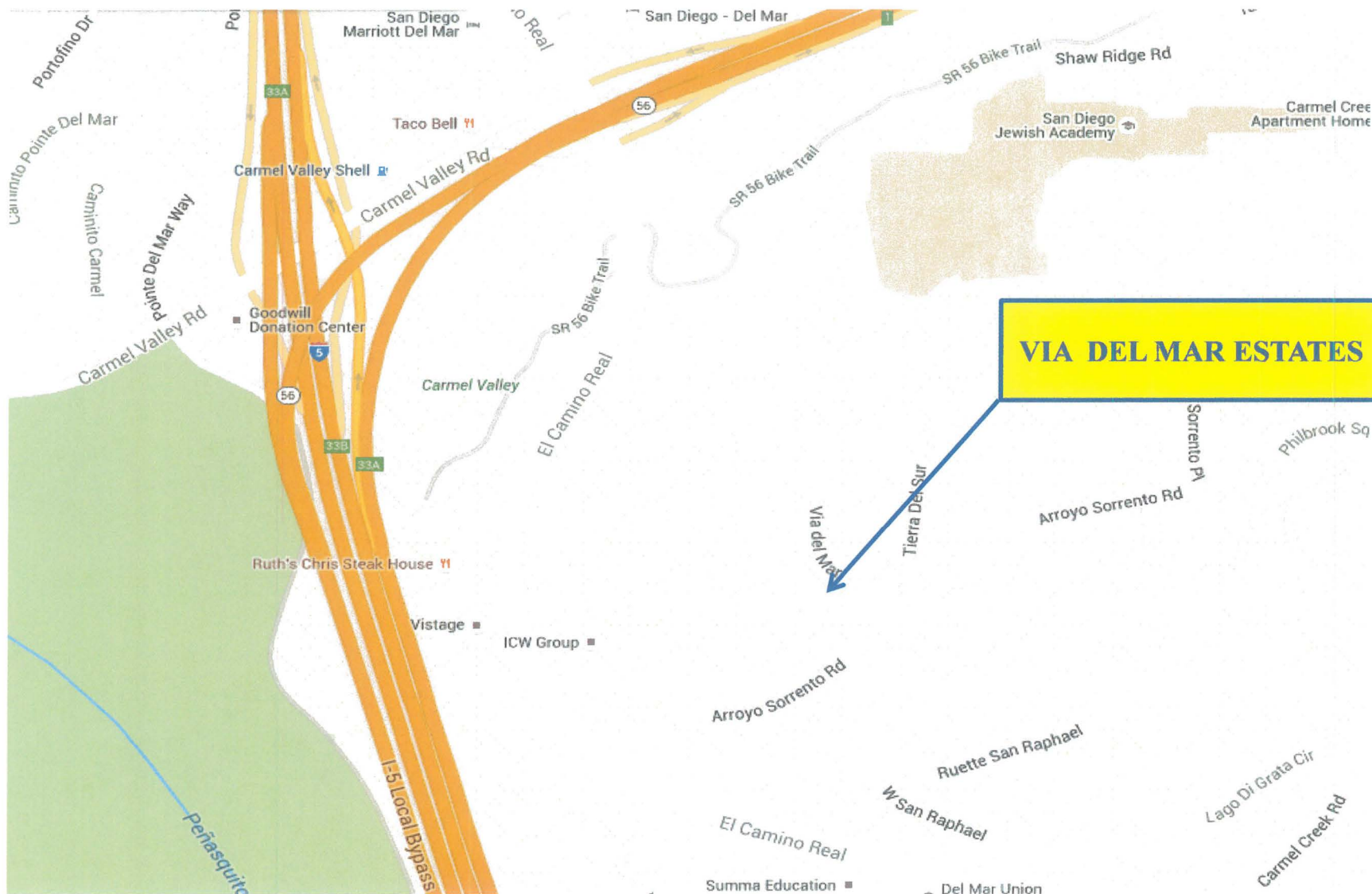
## Carmel Valley Neighborhoods Composite Plan Land Use



## Land Use Map

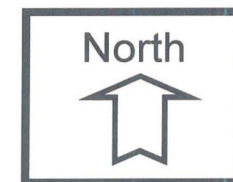
**VIA DEL MAR ESTATES – VIA DEL MAR**  
**PROJECT NO. 347254**





## Project Location Map

**VIA DEL MAR ESTATES – VIA DEL MAR**  
**PROJECT NO. 347254**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Via Del Mar Estates	
<b>PROJECT DESCRIPTION:</b>	A proposed four lot residential subdivision of a 5.07-acre property, ranging from 1.25 to 1.31 acres in size for four new residential dwelling units.	
<b>COMMUNITY PLAN AREA:</b>	Carmel Valley	
<b>DISCRETIONARY ACTIONS:</b>	Coastal Development Permit, Site Development Permit, Planned Development Permit and Tentative Map	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Rural Residential up to 1 DU/Acre	
<b><u>ZONING INFORMATION:</u></b> <b>ZONE:</b> AR-1-2 Zone <b>HEIGHT LIMIT:</b> 30-Foot maximum height limit. <b>LOT SIZE:</b> 1-acre. min. / proposed 1.25 to 1.31 acres <b>FLOOR AREA RATIO:</b> NA (max. 20% Lot Coverage) <b>FRONT SETBACK:</b> 15 feet.min. (proposed deviation from 25 feet) <b>SIDE SETBACK:</b> 10 feet min. (proposed deviation from 20 feet) <b>STREETSIDE SETBACK:</b> NA. <b>REAR SETBACK:</b> 25 feet min. <b>PARKING:</b> 2 min. parking spaces required per dwelling unit, plus two guest parking spaces per dwelling unit for a total of 16.		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Rural Residential; AR-1-2.	Single Family Residential
<b>SOUTH:</b>	Rural Residential; AR-1-2.	Single Family Residential
<b>EAST:</b>	Rural Residential; AR-1-2.	Single Family Residential
<b>WEST:</b>	Office Commercial; CO-1-2.	Vacant / Existing Commercial Office over ridge



**ATTACHMENT 4**

<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	Proposed Front Setback of 15 feet from normal 25 feet min. and proposed Side Setback of 10 feet from normal 20 feet min.
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On October 23, 2014, the Carmel Valley Community Planning Board voted unanimously, 12-0-0, to recommend approval of this project.

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_  
 COASTAL DEVELOPMENT PERMIT NO. 1215178,  
 SITE DEVELOPMENT PERMIT NO. 1220142 AND  
 PLANNED DEVELOPMENT PERMIT NO. 1215177  
**VIA DEL MAR ESTATES - PROJECT NO. 347254 (MMRP)**

WHEREAS, Thomas J. Kelley, Trustee of Thomas J. Kelley Separate Property Trust dated October 28, 2013, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide the property into four lots and construct four single family residences (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1215178, 1220142 and 1215177), on portions of a 5.07-acre property;

WHEREAS, the project site is vacant property located immediately south of 3821 Via Del Mar Road (APN No. 307-060-7100), in the AR-1-2 Zone, Coastal (non-appealable) Overlay Zones and within the Carmel Valley Community Plan area;

WHEREAS, the project site is legally described as a portion of Parcel 4, Parcel Map No. 9538;

WHEREAS, on September 17, 2015, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 1215178, Site Development Permit No. 1220142 and Planned Development Permit No. 1215177 pursuant to the Land Development Code of the City of San Diego;

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 September 17, 2015.

**FINDINGS:**

**Coastal Development Permit - Section 126.0708**

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 5.07-acre project site is currently vacant and proposed for a four single family home development. The development proposes to subdivide the project site into four parcels, and construct four single family residences on the newly created parcels. The project site is located approximately 1.6 miles from the coastline. The proposed development of four single family residences of approximately 10,500 square-feet according to the Design Guidelines would be contained within each newly created parcel and will not encroach upon any existing or proposed physical access to the coast. The vacant project site located generally to the west and south of Via Del Mar, immediately south of 3821 Via Del Mar (a public street) is not located on or adjacent to an identified public view, as identified within the North City Local Coastal Land Use Plan. There are no public views to the ocean identified through this project site. The project site is situated within a rural single family residential neighborhood. The proposed four single family residences are designed to meet the development setbacks and height limit required by the underlying zone

through associated design guidelines, except for the proposed deviations to the front and side setbacks and the proposed development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the North City Local Coastal Land Use Plan.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The 5.07-acre project site is currently vacant and proposed to be developed with four single family residences. The surrounding properties are partially developed rural residential properties within a rural area of Carmel Valley. The project proposes to subdivide the property into four lots and construct the single family homes. Development is proposed on a total of 1.77 acres of the 5.07-acre site. Approximately 3.30 acres or approximately 65% of the project site is proposed to be retained and conserved within a building restricted easement/covenant of easement area to be recorded on the property. The project site contains steep hillsides and sensitive biological resources making the proposed development subject to the Environmentally Sensitive Lands Regulations. A Biological Resources Report prepared by Pacific Southwest Biological Services, Inc. dated February, 2015, determined the site contains sensitive biological resources in the form of southern maritime chaparral and Diegan Coastal Sage Scrub. The environmental review determined that this project may have a significant environmental effect on Biological, Historic Resources (Archaeology), Paleontological Resources and the City prepared a Mitigated Negative Declaration (MND), in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures into the project for potential impacts to Biological Resources, Historic Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. Thus the proposed project will not adversely affect environmentally sensitive lands.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.**

The proposed development to subdivide a 5.07-acre property into four lots and construct four new single family homes is located on a site which has a Rural Residential land use designation by the Carmel Valley Community Plan – Neighborhood 8b. The existing zoning of AR-1-2 allows a dwelling unit per acre of site. The total acreage of 5.07 acres would allow a potential of 5 units. The proposed 4 dwelling units are allowed with this land use designation. The project design was also determined to be in compliance with all of the applicable development regulations as allowed with a Planned Development Permit, primarily those of the AR-1-2 Zone, the Environmentally Sensitive Land Regulations and Coastal Overlay Zone, with the exception of the proposed deviations to the front and side setbacks. The project site located along the west side Via Del Mar Road, north of Arroyo Sorrento Road, is not located on or adjacent to an identified public view, as identified within the Carmel Valley Community Plan and the North City Local Coastal Land Use Plan. The project site is not located near or adjacent to an area identified for public access to the coastline as referenced in the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. Due to these factors the proposed subdivision into four lots and construction of four single family residences was found to be in compliance with the City of San Diego's adopted Carmel Valley Community Plan and the certified North City Local Coastal Program Land Use Plan.

**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The 5.07-acre site, currently vacant, is located within a well developed residential neighborhood approximately one and a half miles from the coastline. The project site is not located between the first public road and the sea or coastline. The project will be fully within the legal lot on private property. There is no identified public access and public recreation area on or adjacent to the project site and therefore these stated resources will not be impaired by the development of this site. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered. As the four lot subdivision project is designed, this proposed project is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**Site Development Permit - Section 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan;**

The 5.07-acre project site is currently vacant and proposed to be subdivided into four lots and developed with four single family residences. This proposed subdivision with four single family residences will not adversely affect the Carmel Valley Community Plan, because the proposed development has been found consistent with the Plan's Rural Residential land use designation, the one dwelling unit per acre requirement of the Carmel Valley Community Plan (Neighborhood 8b), the development regulations of the AR-1-2 Zone, also the allowed density, and design recommendations, excepting the requested setback deviations. The existing zoning of AR-1-2 allows a dwelling unit per one acre of property. The total acreage would allow a potential of 5 units. The proposal of four new dwelling units, would be allowed with this land use designation. The project site is not located adjacent to any public view as identified within the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. This overall design, including the project's Design Guidelines which specifies development criteria, building form, massing, exterior building materials, brush management criteria was found to bring the project into compliance with the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. Due to these factors the proposed development will not adversely affect the City of San Diego adopted Carmel Valley Community Plan and the certified North City Local Coastal Program Land Use Plan.

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

The 5.07-acre project site is currently vacant and proposed to be subdivided into four lots and developed with four single family residences. The environmental analysis included an analysis of the project's potential impact on public health and safety, and no significant issues relating to that were found. The street improvements associated with this subdivision will comply with City Engineering and Fire Department Standards. The project's design includes a brush management plan in compliance with current brush management standards to reduce risk from fire hazards. The construction of the four single family homes is conditioned to comply with all current building, electrical and plumbing codes. As the four lot subdivision project with single family residences would therefore not be detrimental to the 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 proposed development to subdivide a 5.07-acre property into four lots and construct four new single family homes is located on a site which has a Rural Residential land use designation. This land use designation, while it allows for residential uses limits the residential dwelling units to be single family. The existing zoning of AR-1-2 allows a dwelling unit per acre of property. The total acreage of 5.07 acres would allow a potential of 5 units. The proposal of 4 units complies with this land use designation. The project's clustered design to minimize impacts to environmentally sensitive lands was also determined to be in compliance with all of the applicable development regulations as allowed with a Planned Development Permit, including those of the AR-1-2 Zone, the Environmentally Sensitive Land Regulations and Coastal Overlay Zone, except for the proposed setback deviations. The proposed deviations to reduce the front and side setbacks will allow the development to be located closer to the public street and clustered together in pairs to minimize encroachment into environmentally sensitive lands. The vacant project site located along the west side of Via Del Mar Road and north of Arroyo Sorrento Road (public streets) is not located on or adjacent to an identified public view, as identified within the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. The project site is not located near or adjacent to an area identified for public access to the coastline as referenced in the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. Due to these factors the proposed subdivision into four lots and construction of four new single family residences was found to be in compliance with the City of San Diego's adopted Carmel Valley Community Plan, Neighborhood 8b Precise Plan and the certified North City Local Coastal Program Land Use Plan.

**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 5.07-acre project site is vacant with a portion of the property previously graded and disturbed by past road development and other forms of past disturbance. Many of surrounding properties are fully developed residential properties within an established rural area. The project proposes to subdivide the 5.07-acre property into four lots and construct four new single family homes. Development is proposed on a total of 1.77-acres of the 5.07-acre site. Approximately 3.30 acres or approximately 65% of the project site is proposed to be retained and conserved within a building restricted easement/covenant of easement area to be recorded on the property. The project site contains steep hillsides and sensitive biological resources subject to the Environmentally Sensitive Lands Regulations. Based on a Biological Resources Report prepared by Pacific Southwest Biological Services, Inc. in February 2015, the site was found to contain southern maritime chaparral and Diegan Coastal Sage Scrub which are all identified as sensitive biological resources. The environmental review determined that this project may have a significant environmental effect on Biological, Historic Resources (Archaeology), Paleontological Resources and the City prepared a Mitigated Negative Declaration, Project No. 347254, in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures in to the

project for potential impacts to Biological Resources, Historic Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. Thus the proposed project will result in 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 proposed subdivision of the property and construction of four new single family residences will occur entirely within the 1.77-acre portion of the 5.07-acre project site. The project proposes grading of approximately 1.77 acres, or approximately 35% of the project site. The four new building sites are expected to have a total of 3,280 cubic yards of cut and 2,920 cubic yards of fill, with 360 cubic yards of export. The cut and fill portions of proposed grading are mainly located within the proposed building footprint, with minimal change to the natural landform. The project area is classified as low to moderate risk for seismic activity according to the City of San Diego General Plan. A geotechnical report was prepared by Christian Wheeler Engineering, April 8, 2014, and addendum report dated September 15, 2014, analyzed the project site and the project. That report indicates that the site is located within Hazard Category 53, which is characterized by level or sloping terrain and an unfavorable geologic structure, with a low to moderate risk. However, no known faults are present on the project site. Further construction related activities associated with the project would be required to comply with the seismic requirements of the California Building Code, City required engineering design measures, recommendations included in the City approved project geology reports and standard construction requirements that the City verifies at the construction permitting stage.

The project site is not located within a 100-year flood hazard area and it is located approximately 260 to 150 feet above mean sea level. The project's design includes construction-related best management practices (BMPs), such as diversion features (as determined by the grading contractor), and permanent low-impact development (LID) measures, such as permeable pavement and detention/treatment features within the landscape areas, to ensure runoff from the site does not result in erosion and sedimentation off site. Through these project design features, runoff volumes from the developed portion of the site would be reduced to match pre-existing flows, and would therefore not contribute erosive discharge velocities at the existing storm drain outlets. As such, the project would avoid direct discharge of runoff into and erosion of the native habitat adjacent to the northern, western and southern property boundaries. The proposed landscaping along the development edge of the new building lots is adjacent to the building restricted easement/covenant of easement area, and revegetation of the non-native invasive plant removal areas, would include brush management compatible natives and naturalized species which are drought tolerant and comply with all City Landscape Requirements.

The project site is located in a largely built out rural single family neighborhood, but it is identified on the City's Fire Hazard Severity Zone Map as having a very high fire hazard for the potential for wildfire to occur. To minimize risks associated with potential wildfire events, the project has been designed to comply with the City's fire emergency access requirements and the project would establish and maintain Brush Management Zones 1 and 2 on both of the newly created lots. The project must also comply with all uniform building and fire code requirements. Thus, the proposed project 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 project site is located on vacant property immediately south of 3821 Via Del Mar Road within the Carmel Valley Community Plan. Environmentally Sensitive Lands are adjacently located to the west and north of the project site. The south western and northern portion approximately 1.46 acres of the project site has been previously disturbed by agriculture use. The north western portion of the project site, approximately 0.60-acres, contains areas of non-native invasive plants and Environmentally Sensitive Lands in the form of sensitive vegetation. The northern, western and southern portions of the project site will be retained and conserved within a building restricted easement/covenant of easement area. The proposed development of a four new single family residences will place the residence along the west side of Via Del Mar Road within a portion of the previously disturbed area of the project site.

The project utilizes a clustered design to minimize impacts to environmentally sensitive lands and was also determined to be in compliance with all of the applicable development regulations as allowed with a Planned Development Permit. The project complies with the AR-1-2 Zone, the Environmentally Sensitive Land Regulations and Coastal Overlay Zone, excepting the proposed setback deviations. The proposed deviations to reduce the front and side setbacks will allow the development to be located closer to the public street and clustered in pairs to minimize the encroachment into environmentally sensitive lands. The project's design includes a brush management plan, as the buildings would be located within 100 feet of native/naturalized vegetation. The proposed landscaping along the development edge adjacent to the building restricted easement/covenant of easement area, would include brush management compatible natives and naturalized species which are drought tolerant and comply with all City Landscape Requirements. The environmental review determined that this project may have a significant environmental effect on Biological, Historic Resources (Archaeology), Paleontological Resources and the City prepared a Mitigated Negative Declaration, Project No. 347254, in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures in to the project for potential impacts to Biological Resources, Historic Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. In addition, the project must comply with applicable Land Development Code provisions that require preferential avoidance of sensitive habitat and species for Brush Management Zone 2 areas, revegetation requirements and construction related storm water best management practices. Thus, based on the project design, and with implementation of the Mitigation Monitoring Reporting Program and other project conditions designed to minimize impacts to environmentally sensitive lands, the proposed project will 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 project site is located on vacant property immediately south of 3821 Via Del Mar Road within the Carmel Valley Community Plan. Development is proposed on a total of 1.77-acres of the 5.07-acre site. Approximately 3.30 acres or approximately 65% of the project site is proposed to be retained and conserved within a building restricted easement/covenant of easement area to be recorded on the property. The project site contains steep hillsides and sensitive biological resources making the proposed development subject to the Environmentally Sensitive Lands

Regulations. Based on a Biological Resources Report prepared by Pacific Southwest Biological Services, Inc. in February 2015, the site was found to contain southern maritime chaparral and Diegan Coastal Sage Scrub which are all identified as sensitive biological resources. The proposed development places the four new residences in the eastern portion of the property and proposes minimal encroachment in the Environmentally Sensitive Lands.

The project site lies within the City of San Diego Multiple Species Conservation Program (MSCP) boundary. However, the project site is located outside the City's Multi-Habitat Planning Area (MHPA) conservation area and there are no specific MHPA guidelines for the project area. The project was analyzed for consistency with the MSCP Land Use Adjacency Guidelines and other components of the City's MSCP Subarea Plan. As documented in the Mitigated Negative Declaration, the biological technical reports and other project documentation, the project, as mitigated, would be consistent with the MSCP relative to potential impacts to areas such as drainage, toxics, lighting, noise, invasive plants, brush management and land development. Because of the project design, and with implementation of the MMRP, and project conditions, the project will be consistent with the City's MSCP Subarea Plan.

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

The proposed, construction of four new, two-story, single-family residences, will occur entirely within the approximately 1.77- acre portion of the 5.07-acre project site that is located approximately 1.6 miles from the coast, shoreline or public beaches. The project site is located along the western and southern side of Via Del Mar Road approximately 150 feet to 260 feet above the mean sea level. The project proposes grading of approximately 1.77 acres, or approximately 35% of the entire project site. The four new building sites are expected to have a total of 3,280 cubic yards of cut and 2,920 cubic yards of fill, with 360 cubic yards of export. The cut and fill portions of proposed grading are mainly located within the proposed building footprint, with minimal change to the natural landform.

The project's design includes construction-related storm water BMPs, such as diversion features (as determined by the grading contractor), and permanent LID measures, such as permeable pavement and detention/treatment features within the landscape areas, to ensure runoff from the site does not result in increased erosion and sedimentation off site. Through these project design features and the Mitigation Monitoring Reporting Program, runoff volumes from the developed portion of the site would be reduced to match pre-existing flows, and would therefore not contribute erosive discharge velocities at the existing storm drain outlets. These drain outlets are more than a mile from the coast, shoreline or public beaches. As such, the project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The 5.07-acre project site is located within a mostly developed area of rural single-family residences on large sized lots. The development proposes to construct four new, two-story, single family residences on the newly created lots, approximately 1.77-acre portion of the project site. The environmental review determined that this project may have a significant environmental

effect on Biological, Historic Resources (Archaeology), Paleontological Resources and the City prepared a Mitigated Negative Declaration, Project No. 347254, in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures in to the project for potential impacts to Biological Resources, Historic Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. With implementation of the specific mitigation measures the project will avoids or mitigate the potentially significant environmental effects previously indentified during the Initial Study by the Environmental Analysis Section (EAS) and based on the City's Significance Thresholds adopted by City Council. Thus, the nature and extent of mitigation required of the project as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development of the project site.

### **Planned Development Permit - Section 126.0604**

#### **1. The proposed development will not adversely affect the applicable land use plan;**

The 5.07-acre project site is currently vacant and proposed to be developed with four single family residences. The development proposes to subdivide the project site into four parcels, and construct four single family residences on the newly created parcels. This proposed four lot subdivision with four new single family residences will not adversely affect the Carmel Valley Community Plan, because the proposed development has been found consistent with the Plan's Rural Residential land use designation of the Carmel Valley Community Plan, Neighborhood 8b Precise Plan, the development regulations of the AR-1-2 Zone, allowed density, and design recommendations, except for the requested setback deviations. The existing zoning of AR-1-2 allows a dwelling unit per one acre of property. The total acreage of 5.07 acres would allow a potential of 5 units. The proposal of 4 units, four new dwelling units, would be allowed with this land use designation. The project site is not located adjacent to any public view as identified within the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. This overall design, including the project's Design Guidelines was found to bring the project into compliance with the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. Due to these factors the proposed development will not adversely affect the City of San Diego adopted Carmel Valley Community Plan and the certified North City Local Coastal Program Land Use Plan.

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

The 5.07-acre project site is currently vacant and proposed to be developed with four single family residences. The development proposes to subdivide the project site into four parcels, and construct four single family residences on the newly created parcels. The environmental review determined that this project may have a significant environmental effect on Biological, Historic Resources (Archaeology), Paleontological Resources and the City prepared a Mitigated Negative Declaration, Project No. 347254, in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures in to the project for potential impacts to Biological Resources, Historic Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. This environmental analysis included an analysis of the project's potential impact on public health and safety, and no significant issues relating to that were found. The street improvements associated with this subdivision will comply with City Engineering and

Fire Department Standards. The project's design includes a brush management plan in compliance with current brush management standards to reduce risk from fire hazards. The construction of the four single family homes is conditioned to comply with all current building, electrical and plumbing codes. The subdivision of this site with the construction of four single family residences would therefore not be detrimental to the public health, safety and welfare.

- 3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b) (1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.**

The proposed development to subdivide a 5.07-acre property into four lots and construct four new single family homes is located on a site which has a Rural Residential land use designation. The project design was also determined to be in compliance with all of the applicable development regulations, including those of the AR-1-2 Zone, the Environmentally Sensitive Land Regulations and Coastal Overlay Zone, except for the proposed setback deviations. The proposed deviations to reduce the front and side setbacks will allow the development to be clustered closer to the public street and minimize the encroachment into environmentally sensitive lands. The rural cluster design is similar to the rural design pattern of development in the area. Thus the proposed development will comply with the regulations of the Land Development Code and the proposed deviations to reduce the building setbacks to cluster development will result in a more desirable and environmentally sensitive project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 1215178, Site Development Permit No. 1220142 and Planned Development Permit No. 1215177 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1215178, 1220142 and 1215177, a copy of which is attached hereto and made a part hereof.

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Glenn R. Gargas, AICP  
Development Project Manager  
Development Services

Adopted on: September 17, 2015

Job Order No. 24004210

**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: 24004210

**COASTAL DEVELOPMENT PERMIT NO. 1215178, SITE DEVELOPMENT PERMIT  
NO. 1220142, PLANNED DEVELOPMENT PERMIT NO. 1215177  
VIA DEL MAR ESTATES - PROJECT NO. 347254  
PLANNING COMMISSION**

This Coastal Development Permit No. 1215178, Site Development Permit No. 1220142 and Planned Development Permit No. 1215177 is granted by the Planning Commission of the City of San Diego to Thomas J. Kelley, Trustee of the Thomas J. Kelley Separate Property Trust dated October 28, 2013, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0707, 126.0503 and 126.0603. The vacant 5.07-acre site is located directly south of 3821 Via Del Mar, in the AR-1-2 Zone and Coastal (non-appealable) overlay zones of the Carmel Valley Community Plan. The project site is legally described as: a portion of Parcel 4, Parcel Map No. 9538.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the property into four residential lots to construct four single family custom homes with design guidelines described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 17, 2015, on file in the Development Services Department.

The project shall include:

- a. Subdivision of the 5.07-acre property into four lots and the construction of four single-family homes with Design Guidelines ( a separate document as part of Exhibit "A") entitled "Via Del Mar Estates Design Guidelines" dated December 2014, for the development of the future four single family residences;
- b. Deviations to allow for a reduced Front Setback from a 25 foot minimum to a 15 foot minimum; and to the Side Setback reduced from a 20 foot minimum to a 10 foot minimum;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Retaining walls, fences, lighting and drainage facilities; and
- f. 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 October 1, 2018.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Prior to issuance of any construction permit authorizing grading or construction of impervious surfaces, a fee of \$1,106.00 shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
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. 347254, 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 in Mitigated Negative Declaration, No. 347254, 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, Historical Resources (Archaeology) and Paleontological Resources.

**AFFORDABLE HOUSING REQUIREMENTS:**

16. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**ENGINEERING REQUIREMENTS:**

17. The Coastal Development Permit, Site Development Permit and Planned Development Permit shall comply with all Conditions of the Final Map for the Tentative Map No.1215179

**LANDSCAPE REQUIREMENTS:**

18. 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, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

19. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. Prior to application for a building permit on any individual lot, the Owner/Permittee shall submit for a Process Two Substantial Conformance Review (SCR) to determine conformance with the terms of this permit, the Via Del Mar Estates Design Guidelines and development plans with respect to landscape, revegetation/erosion control and brush management.

21. Prior to issuance of any construction permits for structures on individual lots, 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 to the approved SCR Exhibits on file in the Office of the Development Services Department. Construction plans shall provide a 40 square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

23. 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.

24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, 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 30 days of damage or Final Inspection.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

25. 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."

26. Prior to issuance of any Building 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.

27. The Brush Management Program shall consist of two zones with Alternative Compliance measures, consistent with the Brush Management Regulations of the Land Development Code, section 142.0412, and Exhibit "A" as follows:

a) Lots 1 & 2 shall have a Zone One ranging from 20-ft to 35-ft in width with corresponding Zone Two of 65-ft to 25-ft. The balance of off-site brush management shall be the responsibility of the adjacent property owner.

b) Lots 3 & 4 shall have a Zone One ranging from 20-ft to 35-ft in width with corresponding Zone Two of 65-ft.

c) Alternative Compliance - Portions of any structure adjacent to Zone One Brush Management that are less than the standard 35-ft shall have upgraded opening protection as follows: dual-glazed, dual-tempered panes, including 10-ft perpendicular returns along adjacent wall faces.

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

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

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

**PLANNING/DESIGN REQUIREMENTS:**

31. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces per single family residence on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

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

33. Prior to issuance of any construction permit, the Owner/Permittee shall execute a covenant of easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown Exhibit "A" for Biological Resources/Steep Hillides, 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."

34. A Substantial Conformance Review, Process 2 shall be required prior to building permits for development of each lot.

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

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

36. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

37. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

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

39. Prior to the issuance of any building permits, the Owner/Permittee is required to install a pressure regulator for each house.

40. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten (10) feet of any sewer and five (5) feet of any water and facilities.

**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 September 17, 2015, by Resolution No. \_\_\_\_\_.



Permit Type/PTS Approval No.: CDP No. 1215178  
Date of Approval: Sept. 17, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Glenn R. Gargas  
Development Project Manager

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

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

Thomas J. Kelley  
Owner/Permittee

By \_\_\_\_\_  
Thomas J. Kelley, Trustee of the  
Thomas J. Kelley Separate Property  
Trust dated October 28, 2013

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

PLANNING COMMISSION RESOLUTION NUMBER R-\_\_\_\_\_

TENTATIVE MAP NO. 1215179,  
VIA DEL MAR ESTATES - PROJECT NO. 347254. (MMRP)

WHEREAS, Thomas J. Kelley, Trustee of the Thomas J. Kelley Separate Property Trust dated October 28, 2013, Subdivider, and JP Engineering, Inc., Jorge H. Palacios, Engineer, submitted an application to the City of San Diego for a tentative map, No. 1215179 for the subdivision of the property into four lots for single family residential development, Via Del Mar Estates. The project site is vacant property located immediately south of 3821 Via Del Mar Road, east of El Camino Real, south of Highway 56 and north of Arroyo Sorrento Road. The property is legally described as a portion of Parcel 4, Parcel Map No. 9538; and

WHEREAS, the Map proposes the Subdivision of a 5.07-acre-site into four lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on September 17, 2015, the Planning Commission of the City of San Diego considered Tentative Map No. 1215179, and pursuant to San Diego Municipal Code section(s) 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1215179:

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

The proposed development to subdivide a 5.07-acre property into four lots and construct four new single family homes is located on a site which has a Rural Residential land use designation by the Carmel Valley Community Plan - Neighborhood 8b. The proposed subdivision of this 5.07 ac lot into 4 single family parcels ranging in size from 1.250 ac to 1.294 ac is consistent with this land use designation. The existing zoning of AR-1-2 allows a dwelling unit per acre of site. The total acreage of 5.07 acres would allow a potential of 5 units. The proposed 4 dwelling units are allowed with this land use designation. The project design was also determined to be in compliance with all of the applicable development regulations as allowed with a Planned Development Permit, primarily those of the AR-1-2 Zone, the Environmentally Sensitive Land Regulations and Coastal Overlay Zone, with the exception of the proposed deviations to the front and side setbacks. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Carmel Valley Community Plan, Carmel Valley Neighborhood 8b and North City Local Coastal Land Use Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

The proposed four lot subdivision would comply with the development regulations of the underlying AR-1-2 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the proposed deviation for reduced building setbacks as approved under the Planned Development Permit. This project includes designed guidelines that are consistent with the development regulations of the underlying AR-1-2 zone and the Environmentally Sensitive Lands Regulations. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. The deviations are considered minor and determined to be consistent with the purpose and intent of the AR-1-2 zone together with the purpose and intent of the Environmentally Sensitive Lands Regulations to cluster the proposed development onto the more developable portion of the project site.

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

The proposed four lot subdivision of a 5.07-acre property is to a vacant property containing environmentally sensitive lands. The four residential lot subdivision is designed to be consistent with the land use designation and density range of the Carmel Valley Community Plan and North City Local Coastal Land Use Plan. This project

includes design guidelines which were reviewed and found to be consistent with the development regulations of the underlying AR-1-2 zone and the Environmentally Sensitive Lands Regulations. The proposed four new residences are located or clustered together close to the existing street to minimize the amount of grading and encroachment into Environmentally Sensitive Lands in a similar development pattern as neighboring properties. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

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

The proposed four lot subdivision is designed to comply with the development regulations of the underlying AR-1-2 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the proposed deviation to reduce building setbacks as approved under the Planned Development Permit. The environmental review determined that this project may have a significant environmental effect on Biological, Historic Resources (Archaeology), Paleontological Resources and the City prepared a Mitigated Negative Declaration (MND), in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures into the project for potential impacts to Biological Resources, Historic Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance.

The project site is not located within a 100-year flood hazard area and it is located approximately 260 to 150 feet above mean sea level. The project's design includes construction-related best management practices (BMPs), such as diversion features (as determined by the grading contractor), and permanent low-impact development (LID) measures, such as permeable pavement and detention/treatment features within the landscape areas, to ensure runoff from the site does not result in erosion and sedimentation off site. Through these project design features, runoff volumes from the developed portion of the site would be reduced to match pre-existing flows, and would therefore not contribute erosive discharge velocities at the existing storm drain outlets. As such, the project would avoid direct discharge of runoff into and erosion of the native habitat adjacent to the northern, western and southern property boundaries. The proposed landscaping along the development edge of the new building lots is adjacent to the building restricted easement/covenant of easement area, would include brush management compatible natives and naturalized species which are drought tolerant and comply with all City Landscape Requirements. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

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

The proposed four lot subdivision would comply with the development regulations of the underlying AR-1-2 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the proposed deviation to reduce building setbacks as approved under the Planned Development Permit. The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The proposed four lot subdivision would comply with the development regulations of the underlying AR-1-2 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the proposed deviation to reduce building setbacks as approved under the Planned Development Permit. The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The proposed subdivision of a 5.07-acre property into four lots for residential development will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Design guidelines have been adopted for the future construction of the single family homes; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities. The design of the proposed four lot subdivision through building materials, site orientation, architectural

treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The proposed project is the subdivision of a 5.07-acre property into four lots for residential development. The Carmel Valley Community Plan requires new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The applicant has chosen the option of paying an in-lieu fee to the City's Affordable Housing Trust Account to meet their affordable housing requirement rather than provide the dwelling units. The Carmel Valley Community Plan allows an in-lieu fee option in the amount equivalent to the cost of achieving the level of affordability required by the Carmel Valley affordable housing program, as determined by the San Diego Housing Commission. Balanced needs for public facilities were taken into consideration with the development of the Carmel Valley Community Plan and the projected build-out with the applied zone designation. The subdivision of the property into four residential lots is consistent with what was anticipated in the community plan. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of four new residential dwelling units would assist the housing needs of the Carmel Valley Community Plan area.

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 Planning Commission, Tentative Map No. 1215179, hereby granted to Thomas J. Kelley subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_

Glenn R. Gargas, AICP  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24004210

DRAFT



PLANNING COMMISSION  
CONDITIONS FOR TENTATIVE MAP NO. 1215179, VIA DEL MAR ESTATES -  
PROJECT NO. 347254 MMRP

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON SEPTEMBER 17, 2015

**GENERAL**

1. This Tentative Map will expire on October 1, 2018.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Tentative Parcel Map shall conform to the provisions of Coastal Development Permit No. 1215178, Site Development Permit No. 1220142 and Planned Development Permit No. 1215177.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**ENGINEERING**

6. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Parcel Map expiration date.
7. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
8. The Coastal Development Permit, Site Development Permit and Planned Development Permit shall comply with all Conditions of the Final Map for the Tentative Map No.1215179.
9. The project proposes to export 360 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
10. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
11. Prior to the issuance of any building permits, the Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
12. Prior to foundation inspection, the Subdivider shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.
13. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, to construct a current City Standard curb & gutter adjacent to the site on Via Del Mar per approved Exhibit 'A', satisfactory to the City Engineer.
14. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, to construct four current City Standard 16 ft wide concrete driveways adjacent to the site on Via Del Mar per approved Exhibit 'A', satisfactory to the City Engineer.
15. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, to construct a current City Standard curb & gutter adjacent to the site on Via Del Mar per approved Exhibit 'A', satisfactory to the City

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Engineer.

16. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, to construct a curb ramp at the southwest corner of Via Del Mar and Tierra Del Sur, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes, satisfactory to the City Engineer.
17. Prior to the issuance of any building permit, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider shall assure, by permit and bond to install two current City Standard street light, adjacent to the site on Via Del Mar per approved Exhibit 'A', satisfactory to the City Engineer.
18. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the non-City Standard DG sidewalk encroaching into the Via Del Mar Right-of-Way.
19. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
20. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
21. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. R9-2007-001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
22. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-0009-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009-DWQ.

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23. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
24. 'Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

#### LANDSCAPE

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

#### MAPPING

26. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
27. Prior to the recordation of the Final Map or Parcel Map taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
28. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
29. The Parcel Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.
30. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
31. The Parcel Map shall:
- Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### **WATER & WASTEWATER**

32. Compliance with all conditions shall be assured, to the satisfaction of the Public Utilities Director and the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
33. The Tentative Map shall comply with the conditions of the Coastal Development Permit No. 1215178, Site Development Permit No. 1220142 and Planned Development Permit No. 1215177.

#### **PLANNING/LANDSCAPE**

34. Prior to the recordation of the Parcel Map, the Subdivider 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 Via Del Mar Estates, Project No. 347254, in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area, Zone Two of Brush Management, and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

**INFORMATION:**

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24004210

Project No. 347254  
TM No. 1215179

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

ADOPTED ON SEPTEMBER 17, 2015

VIA DEL MAR ESTATES – PROJECT NO. 347254

WHEREAS, on December 3, 2013, Thomas J. Kelley submitted an application to Development Services Department for a Coastal Development Permit No. 1215178, Site Development Permit No. 1220142, Planned Development Permit No. 1215177 and Tentative Map No. 1215179 for the Via Del Mar Estates (Project) Project No. 347254; 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 17, 2015; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigated Negative Declaration No. 347254 (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 Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission 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 Department 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: \_\_\_\_\_  
Glenn R. Gargas

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

**EXHIBIT A****MITIGATION MONITORING AND REPORTING PROGRAM**

COASTAL DEVELOPMENT PERMIT NO. 1215178, SITE DEVELOPMENT PERMIT NO. 1220142, PLANNED DEVELOPMENT PERMIT NO. 1215177 AND TENTATIVE MAP NO. 1215179

PROJECT NO. 347254

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. 347254 shall be made conditions of Coastal Development Permit No. 1215178, Site Development Permit No. 1220142, Planned Development Permit No. 1215177 and Tentative Map No. 1215179 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 archaeologist monitor**

**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, applicant t is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 347254 and/or Environmental Document Number 347254, 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 the beginning of work or within

one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **Not Applicable**

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		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Biology	HAF Payments	Verification of HAF payments
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations

Paleontology	Paleontology Reports	Paleontological Site Observation
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### C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

#### BIOLOGICAL RESOURCES (HABITAT ACQUISITION FUND)

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall contribute to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.64 acre of southern maritime chaparral (Tier I) and 0.46 acre of Diegan coastal sage scrub (Tier II). This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 1:1 for southern maritime chaparral if mitigation would occur inside the MHPA and 1:1 for Diegan coastal sage scrub inside the MHPA. If mitigation were to occur outside of the MHPA, mitigation ratios would increase to 2:1 for southern maritime chaparral and 1.5:1 for Diegan coastal sage scrub. Therefore, the resulting total mitigation required for direct project impacts for a total of 1.1 acres inside the MHPA (or 1.97 acres outside the MHPA) equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee.

#### BIOLOGICAL RESOURCES (RESOURCE PROTECTION DURING CONSTRUCTION)

##### **I. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits :**

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit

conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

- D. **Biological Construction Mitigation/Monitoring Exhibit:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:** 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 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 pre-construction 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 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.
- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging

plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery. Park and Recreation, Open Space Division staff shall be contacted/notified prior to construction beginning.
- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.



**BIOLOGICAL RESOURCES (GENERAL BIRDS)**

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. If nests are present, an appropriate temporary construction setback limit of 300-feet shall be required until the young fledge. 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 preconstruction survey, no further mitigation is required.

**LAND USE (MSCP SUBAREA PLAN – LAND USE ADJACENCY GUIDELINES)**

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits,, 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 one 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 consist 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 California Gnatcatcher(3/1-8/15); f 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. When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

**COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)**

Prior to the issuance of any grading permit, the City Manager (or appointed designee) 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:

- I. 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 California Gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

#### **HISTORICAL RESOURCES (ARCHAEOLOGY)**

In order to avoid significant historical resources impacts, 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 issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
  - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

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

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

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

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

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

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

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

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### B. Discovery Notification Process

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



C. Determination of Significance

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

IV. **Discovery of Human Remains**

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

A. Notification

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

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
  - c. In order to protect these sites, the Landowner shall do one or more of the following:
    - (1) Record the site with the NAHC;
    - (2) Record an open space or conservation easement on the site;
    - (3) Record a document with the County.
  - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are **NOT** Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in

consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

**V. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries - In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8AM of the next business day.
    - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
    - c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

**VI. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation - The PI shall be responsible for

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

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. **THIS WOULD ALSO REQUIRE THE INCLUSION OF ALL PRIOR ARCHAEOLOGICAL WORK CONDUCTED WHERE MATERIALS WERE COLLECTED IN 1996 AND 2003 BY BFS. REFER TO HISTORICAL RESOURCES (CULTURAL RESOURCES/CURATION AND FINAL REPORT PREPARATION OF PREVIOUS ARCHAEOLOGICAL WORK CONDUCTED MMRP CONITION).** This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **PALEONTOLOGICAL RESOURCES**

### **I. Prior to Permit Issuance**

#### **A. Entitlements Plan Check**

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

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

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

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

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

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

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

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

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

### III. During Construction

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

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

#### B. Discovery Notification Process

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

**C. Determination of Significance**

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

**IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries
 

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

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

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

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

## **V. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
  - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.
  - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
  - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.

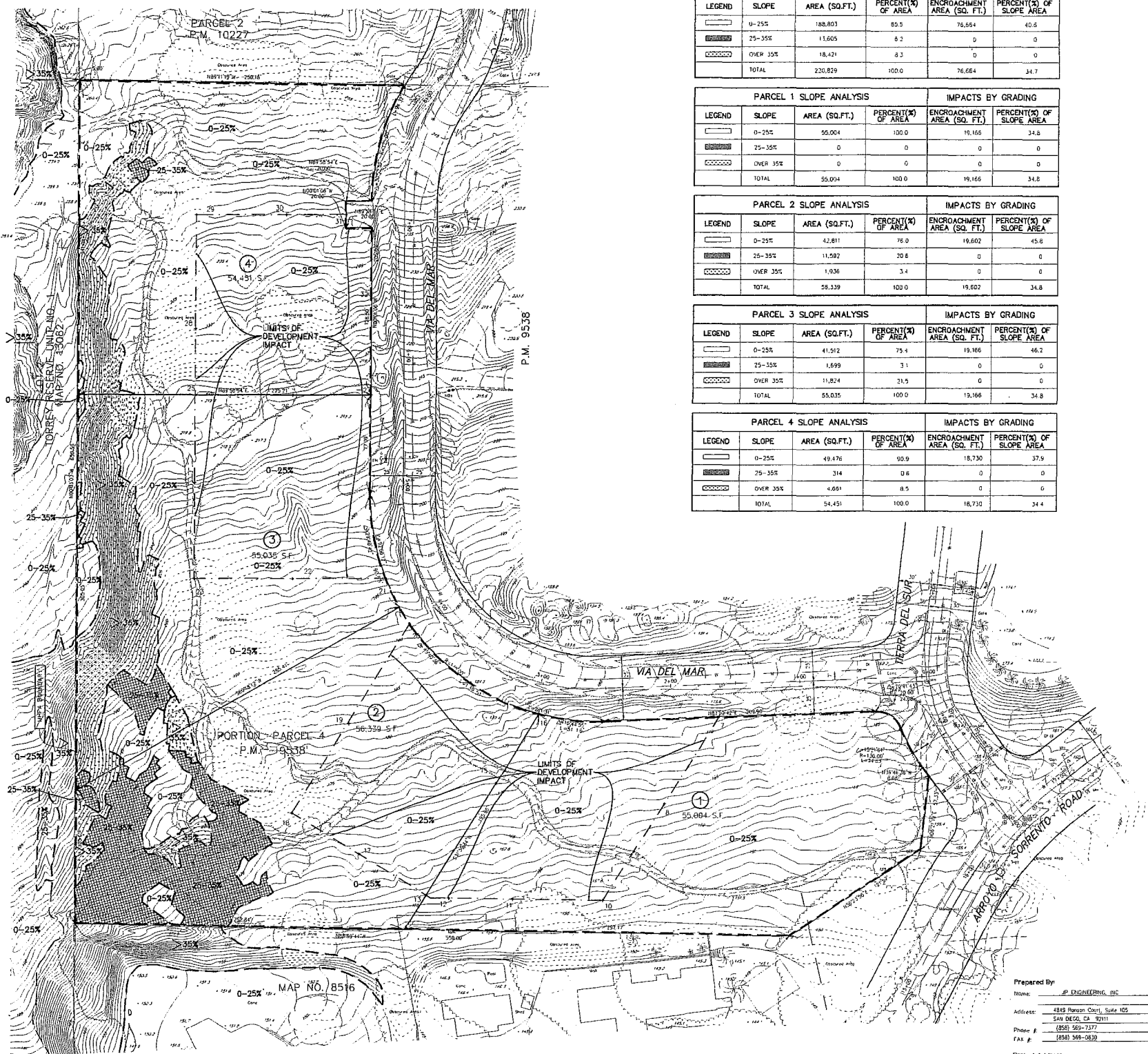




2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.



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.








# TOPOGRAPHY, SLOPE ANALYSIS AND ENCROACHMENTS FOR VIA DEL MAR ESTATES





TOTAL PROJECT SLOPE ANALYSIS				IMPACTS BY GRADING	
LEGEND	SLOPE	AREA (SQ.FT.)	PERCENT(%) OF AREA	ENVOYRCHMENT AREA (SQ.FT.)	PERCENT (%) OF SLOPE AREA
	0-25%	188,803	55.5	76,564	40.6
	25-35%	11,605	3.2	0	0
	OVER 35%	18,421	5.3	0	0
	TOTAL	220,829	100.0	76,664	34.7

PARCEL 1 SLOPE ANALYSIS/S				IMPACTS BY GRADING	
LEGEND	SLOPE	AREA (SQ.FT.)	PERCENT (% OF AREA)	ENCROACHMENT AREA (SQ. FT.)	PERCENT (% OF SLOPE AREA)
	0-25%	55,004	100.0	10,166	34.8
	25-35%	0	0	0	0
	OVER 35%	0	0	0	0
	TOTAL	55,004	100.0	19,166	34.8

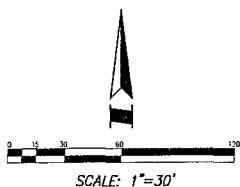
PARCEL 2 SLOPE ANALYSIS				IMPACTS BY GRADING	
LEGEND	SLOPE	AREA (SQ.FT.)	PERCENT (%) OF AREA	ENCRUSTMENT AREA (SQ. FT.)	PERCENT (%) OF SLOPE AREA
	0-25%	4,891	76.0	19,602	45.6
	25-35%	11,592	20.6	0	0
	OVER 35%	1,936	3.4	0	0
	TOTAL	58,339	100.0	19,602	34.6

PARCEL 3 SLOPE ANALYSIS				IMPACTS BY GRADING	
LEGEND	SLOPE	AREA (SQ.FT.)	PERCENT (%) OF AREA	ENCRUSTATION AREA (SQ. FT.)	PERCENT (%) OF SLOPE AREA
	0-25%	41,912	75.4	19,166	46.3
	25-35%	1,899	3.1	0	0
	OVER 35%	11,874	21.5	0	0
	TOTAL	55,035	100.0	19,166	34.8

PARCEL 4 SLOPE ANALYSIS			IMPACTS BY GRADING		
LEGEND	SLOPE	AREA (SQ.FT.)	PERCENT (%) OF AREA	ENCRAGEMENT AREA (SQ. FT.)	PERCENT (%) OF SLOPE AREA
	0-25%	49,476	90.9	18,730	37.5
	25-35%	314	0.6	0	0
	OVER 35%	4,651	8.5	0	0
	TOTAL	54,451	100.0	18,730	34.4

[illegible]

BENCH MARK	
DESCRIPTION:	NORTHEAST BRASS PLUG AT TOP OF INLET
LOCATION:	WESTERLY OFF RAMP STATE HIGHWAY 56 AT INTERSECTION OF CLAMMING RAIL AND CARVEL VALLEY ROAD
RECORD FROM:	CITY OF SAN DIEGO
ELEVATION:	21.004'
	DATE: M.S.L.

[illegible]

CIVIL ENGINEERING • LAND PLANNING • SURVEYING • 4849 RONSON COURT, SUITE 105, SAN DIEGO, CA 92111 • (858)569-7377 FAX (858)569-0830



PROPERTY LAND USES FOR VIA DEL MAR ESTATES



LEGEND

- BUILDING ENVELOPE WITH FRONT YARDS AND SIDE YARDS.
- BRUSH MANAGEMENT ZONE 1 (BMZ1).
- BRUSH MANAGEMENT ZONE 2 (BMZ2).
- PUBLIC STREET SLOPE BANKS.
- PROPOSED DRIVEWAY.
- EXISTING NATIVE VEGETATION.
- COASTAL ZONE LINE.
- PROPERTY BOUNDARY.

Prepared By:  
Name: J.P. ENGINEERING, INC.

Address: 4849 Ronson Court, Suite 105  
SAN DIEGO, CA 92111  
Phone #: (858) 569-7377  
FAX #: (858) 569-0830

Project Address:  
Via Del Mar  
San Diego, CA 92130

Project Name:  
Via Del Mar Estates  
San Diego, CA 92130

Sheet Title:  
Property Land Uses

- Revision 14:
- Revision 13:
- Revision 12:
- Revision 11:
- Revision 10:
- Revision 9:
- Revision 8:
- Revision 7:
- Revision 6:
- Revision 5:
- Revision 4:
- Revision 3:
- Revision 2:
- Revision 1:

Original Date: OCTOBER 22, 2013

Sheet 6 of 6

DEP#

J.O. No.

BENCH MARK	
DESCRIPTION:	NORTHEAST BRASS PLUG AT TOP OF INLET
LOCATION:	WESTERLY OFF RAMP STATE HIGHWAY 56 AT INTERSECTION OF EL CAMINO REAL AND CARMEL VALLEY ROAD
RECORD FROM:	CITY OF SAN DIEGO
ELEVATION:	21.084
DATUM:	M.S.L.

L.C. 278-1695 CCS 1938-6255

C-4

SHEET 6 OF 6

PROJECT NO. 944-13

DESIGNER: JHP

DRAWN: AL

CHECKED: JHP

DATE:

BY

NO.

DATE

PROJECT TITLE:

PROPERTY LAND USES

VIA DEL MAR ESTATES

APN. 307-060-71-00

PROJECT NAME:

JORGE H. PALADIOS

R.C.E. 32031

DATE:

CIVIL ENGINEERING • LAND PLANNING • SURVEYING

4849 RONSON COURT, SUITE 105, SAN DIEGO, CA 92111

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J.P.E.







■ CIVIL ENGINEERING  
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■ SURVEYING

**ENGINEERING**

**ATTACHMENT 13**

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# **VIA DEL MAR ESTATES**

## **DESIGN GUIDELINES**

**CITY OF SAN DIEGO  
PROJECT NO. PTS 347254**

**DECEMBER 2014**

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## **Introduction**

Via del Mar Estates is a 5.07 acre infill residential subdivision within the Carmel Valley Neighborhood 8 in the City of San Diego. The project consists of 4 single family residential lots, which range in size from 1.25 acre to 1.29 acre.

The vacant property is bordered on two sides by public streets, Via del Mar to the east and Tierra del Sur to the Southeast. Existing development to the north, east, southeast and south consists of single-family homes within lots that range in size from 1.0 acre to 6.23 acre. West of the property is the City Multiple Habitat Planning Area (MHPA). The proposed lots are designed to fit well within the size and density of the surrounding neighborhood for proper integration. See Exhibit 1.

The proposed parcels are designed to comply with the City's Steep Hillside Guidelines within the density of the surrounding neighborhood. The development is consistent and complies with the Planned Development Permit (PDP) Regulations of the Municipal Code Sections 143.0410, 143.0420 and 143.0440. The development will meet all the regulations outlined in the above mentioned sections.

The front yard and side yard setbacks deviations are permitted as a part of the PDP.

The density and intensity of the development conform to the Development regulations. Off-street parking spaces will be sufficient in size and quantity to accommodate the proposed residential uses on the premises.

The landscaping will comply with the requirements of the landscape regulations of Chapter 14, Article 2, Division 4. All the landscaping issues are addressed on the Site Landscape Plan.

Fences and walls on the individual lots will be located within the developed portion of the premises and will not encroach into the premises designated to be preserved as open space. Except for street addresses, there will not be other signs within the Development. All the criteria for the main residence and accessory structures are addressed within the Design Guidelines.

The minimum total open space required per dwelling unit will exceed the 17,400 square feet required for the Base Zone AR-1-2 under Section 143.0420.

## **Purpose**

The purpose of these Design Guidelines are to ensure that each home in Via del Mar Estates has a standard and quality design to maintain the character and attractiveness of Via del Mar Estates.

The Design Guidelines addresses site design, architecture and landscaping. The Design Guidelines identify elements that will provide consistency and quality throughout the project and compatibility design between new and existing development in Carmel Valley Neighborhood 8. City Staff will use these guidelines and other exhibits to review Engineering and Building Permit submittals and associated construction documents for substantial conformance with the approved Planned Development Permit.

A Substantial Conformance Review (SCR) shall be required prior to building permits for the development of each lot. A SCR in the Coastal Overlay Zone shall be processed in accordance with process 2.

## **Site Design Guidelines**

### **Building Envelopes, Lot Pads and Setbacks**

The area within the setbacks where building is permitted is called the building envelope. This area is shown for each lot on the Planned Development Permit. This plan also shows the pad elevation. Building height shall be determined from the approved pad elevations.

Grading, drainage, utilities and mechanical equipment shall be designed to comply with the City Engineering Regulations, Standards and Guidelines. All Engineering features and issues are addressed on the Site/Grading Plan.

The building pads shall be in substantial conformance with the approved Exhibit "A".

<b><u>Setbacks</u></b>	<b><u>Required</u></b>	<b><u>Proposed Setback Deviations</u></b>
Front yard residence:	25 feet minimum	15 feet minimum
Side yard:	20 feet minimum	10 feet minimum between units
Rear yard:	25 feet minimum	

### **Exceptions to Setbacks**

Architectural projects and encroachments may be permitted in accordance with the regulations in Section 131.0461 of the Municipal Code.

## **Lot Coverage, Floor Area Ratio, and Building Height**

### **Lot Coverage**

No building shall cover more than 20 percent of the lot. Lot coverage shall be calculated per Section 113.0240 of the Municipal Code.

### **Minimum Floor Area**

Each dwelling unit shall have a minimum gross floor area of at least 650 square feet, not including the garage.

### **Building Height - Thirty (30) Feet, Two-stories**

The structure height for the Base Zone AR-1-2 is 30 feet and is subject to Municipal Code Section 131.0344.

## **Architectural Design Objectives**

### **Design Character**

The qualities of the site are so unique that the design of the Architectural improvements must be based on the following considerations:

- Consideration of the attributes of each site: such as views, wind and sun orientation, and letting those characteristics determine the plan and massing.
- Create a neighborhood identity that is unique, yet compatible with surrounding development.
- Retain the overall landform while allowing reasonable grading to maximize public and private view opportunities and preserve key environmental features where feasible.

### **Building Materials**

Building materials and features should be appropriate to the style and design of the custom home and be used harmoniously throughout the design including all building elevations and accessory structures. Materials shall be high quality, durable and efficient.

Due to the lack of full brush management zones, the following alternative compliance conditions shall apply:

All materials shall meet criteria for fire-resistive construction as set forth in Chapter 7A of the California Building Code. See Exhibits 2 and 3.

### **Alternative Compliance Measures for Brush Management For Lots 1, 2 & 4**

(See Development Plans for specific requirements)

The following additional alternative compliance modifications requirements are required to achieve an equivalent level of fire protection:

- (1) In addition to the requirements of the CBC 7A, portions of any structure adjacent to BM zone one that is less than the standard 35 feet, shall have upgraded opening protection as follows: dual-glazed, dual-tempered panes including 10 FT perpendicular returns along adjacent wall faces.

### **Exterior Wall Surfaces**

The use of natural materials such as stone and wood and natural-like materials such as concrete and stucco are recommended. Iron and wood may be used for balconies, pot shelves, accents, privacy screens or fences and gates, etc.

### **Colors**

High contrast colors shall be avoided. The primary color scheme should be earth tones of tan and brown, and variations in the same family. Colors and materials shall complement one another. Bright, vibrant colors shall be reserved for accents and/or to highlight architectural features.

### **Windows and Doors**

Windows and door openings shall be recessed or framed on elevations to accentuate the appearance of wall depth. Use of wood windows and doors are recommended. Recessed openings may be achieved through the construction of building projections and bay windows. Glazing shall be low-reflective. See Exhibit 4.

### **Awnings, Trellises and Overhangs**

Awnings, trellises and overhangs may be used but shall be incorporated into the Architectural style of the custom home. See Exhibit 5.

### **Chimneys**

Chimneys shall comply with the 30-foot height limit. Chimney caps shall complement the Architectural style of the custom home and meet minimum standards for spark arresting.

### **Skylights**

Skylights shall be designed as an integral part of the roof with framing and flashing materials compatible with roof materials. Skylight glazing shall be low-reflective.

**Flashing and Sheet Metal**

All exposed flashing and sheet metal, shall be in a color consistent with adjacent material.

**Vents**

Vent Stacks and pipes shall be consistent in color and compatible with exterior architectural elements of the custom residence.

**Appurtenant Structures**

All patios, balconies, sunshades, pools, spas, gazebos, decking, trash enclosures and other appurtenant structures shall be compatible with the exterior architectural elements of the custom residence in materials, colors and texture.

**Solar Panels**

Solar panels shall be integrated into the roof or landscape design. Solar equipment, including plumbing and conduits, shall be screened from view from abutting property and public rights-of-way.

**Antennas and Satellite Dishes**

Antennas and Satellite dishes shall be integrated into the custom home residential architecture and screened from public views, to the extent possible, and shall comply with all applicable City of San Diego Ordinances. The custom residences shall be wired for cable reception and internet access.

**Utility Meters and Cabinets**

All gas and electric meters shall be screened from public right-of-way by enclosures, building recesses, or walls that are compatible with the exterior elements of the custom residence. Equipment cabinets shall be consistent with the general character of the neighborhood.

**Mechanical Equipment**

Air-conditioning, heating, pool, fountain pumps, soft-water tanks and similar mechanical equipment shall be screened from abutting property and public rights-of-way by sound-attenuating enclosures, building recesses or walls that are compatible with the exterior architectural elements of the custom residence.

**Garages and Onsite Parking Spaces**

Each custom residence shall have a garage that provides a minimum of two parking spaces. Garages shall be consistent with the architectural elements of the custom residences. Each garage driveway shall be a minimum of 16 feet wide and 20 feet long, as measured from back of public sidewalk. Other configurations will be acceptable, provided the driveway can accommodate two onsite parking spaces. Parking shall conform to Chapter 14, Article 2, Division 5 of the Municipal Code.

**Fences and Walls**

Walls and fences shall complement and reinforce the architectural style of the custom residence in terms of form, materials, texture and color. Materials such as wood, stone, stucco, and/or rock may be used alone or combined with other acceptable materials such as brick, CMU, block, wrought iron, extruded aluminum or other decorative metal. Wall heights shall be in accordance with the City of San Diego Municipal Code Regulations.

Walls or fences located within Zone One Brush Management shall be of non-combustible, one hour fire-rated, and/or heavy timber construction. See Exhibit 6.

### **Lighting**

The private exterior lighting shall be of high quality and shall complement the architectural style of the custom residence. Exterior lighting shall be directed away from adjoining properties and shielded so as to eliminate light spill and glare and reduce impacts to neighboring residences. See Exhibit 4.

### **Roofs**

Roofs shall be consistent with the architecture of the residence in both style and materials. Flat roofs systems will be acceptable where strong horizontal lines are needed to reinforce the architectural style. All roofs shall be of fire-resistive construction, and shall comply with the City of San Diego building and fire protection regulations. Roofs shall be designed to prevent water damage and stains on building facades. See Exhibits 2 and 3.

### **Gutters**

Gutters and down spouts shall be integrated into the architecture or concealed. Gutters and down spouts shall drain into landscaped areas, rain barrels, bioswales, rain gardens, flow-through planters or yard drain systems.

### **Landscaping**

Landscaping shall complement the architectural style and scale of the custom home. Plant material should relate to the scale and character used in the community landscape areas and to the lot improvements. Low-water using species shall be part of the plant palette to minimize potable water demand. No invasive plant material shall be used adjacent to natural vegetation areas.

Hardscape colors and finishes shall be simple and consistent. Natural materials such as boulders, cobbles, gravels and aggregates are recommended to facilitate permeability and create texture and visual interest. Strategic use of permeable materials will minimize runoff. Permanent irrigation shall be fully automatic. In non-turf areas, low flow systems shall be used.

Maintenance for planted areas within the residential lot shall be the responsibility of the individual lot owner. Maintenance shall include irrigation, pruning, fertilization, weeding and litter removal. Brush Management zone two areas shall be maintained by the lot owner.

See Exhibits 7 and 8.

### **Brush Management Program**

Brush management is required in all base zones on publicly or privately owned premises that are within 100 feet of a structure and contain native or naturalized vegetation.

The brush management program for this project shall conform to the requirements and criteria set forth in Section 142.0412 of the landscape regulations. This project has a modified BM program to avoid impacts to sensitive biological resources in the Multi-Habitat Planning Area (MHPA) and minimize encroachments into steep hillsides, consistent with the Environmentally Sensitive Lands Regulations, Section 143.0101.

Refer to Development Plans specific zone dimensioning and implementation criteria, including; alternative compliance measures.

**Low-Impact Development**

Low Impact Development (LID) features and treatment control Best Management Practices (BMPs) shall be designed into each lot, as required by the City's Guidelines. The use of permeable pavement, flow through planters, subdrain system, landscape areas, bioswales and detention areas that meet water quality requirements shall be used.

The City of San Diego Water Department's "San Diego Low Impact Development Design Manual" dated July 2011 shall be used for design of each lot.

**Multiple Habitat Planning Area (MHPA) Guidelines**

Exterior lighting shall be directed away from MHPA. No grading will be allowed in the MHPA. No invasive species in or adjacent to the MHPA.

Brush Management must be consistent with City Municipal Code Section 142.0412 (particularly (d) and (h) (4) to insure that inadvertent impacts to Environmental Sensitive Lands (ESL) do not occur.

Development will provide permanent signs at the end of BMZ 2 adjacent to MHPA boundary. Sign shall read "END BMZ 2 - MHPA BEYOND".





EXHIBIT 1: PROJECT LOCATION





EXHIBIT 2:     EXAMPLES OF BUILDINGS  
EXTERIOR ELEVATIONS,  
MATERIALS, COLORS AND  
ROOFS





EXHIBIT 3:      EXAMPLES OF BUILDINGS EXTERIOR  
ELEVATIONS, MATERIALS, COLORS AND  
ROOFS



EXHIBIT 4:      EXAMPLES OF WINDOWS, DOORS AND  
LIGHTING



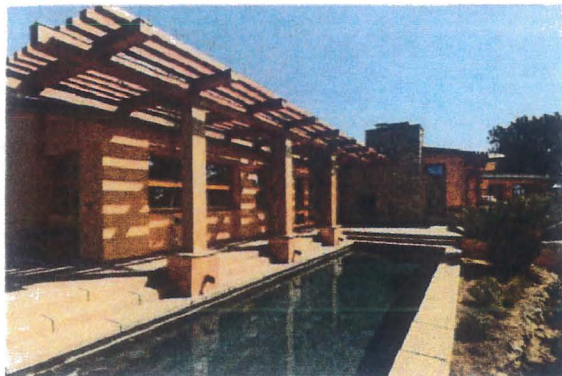


EXHIBIT 5:      EXAMPLE OF AWNINGS, TRELLISES  
AND OVERHANGS

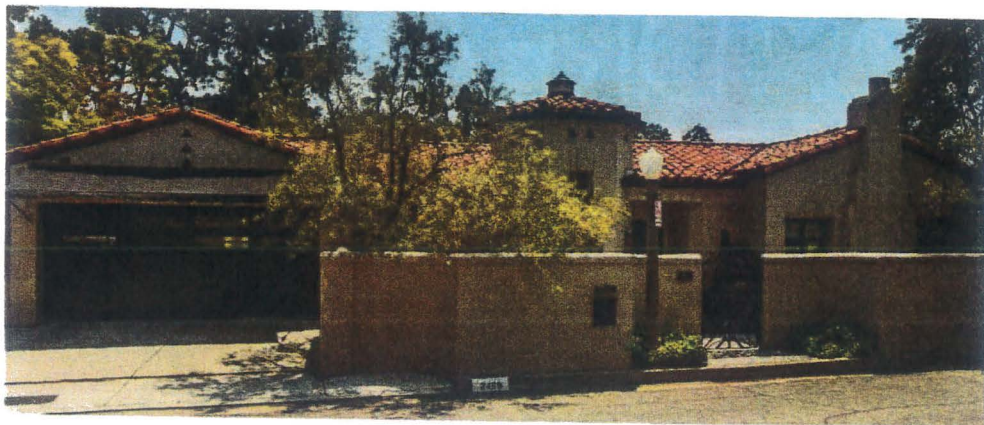


EXHIBIT 6:      EXAMPLES OF FENCES AND WALLS





EXHIBIT 7:    EXAMPLES OF LANDSCAPING



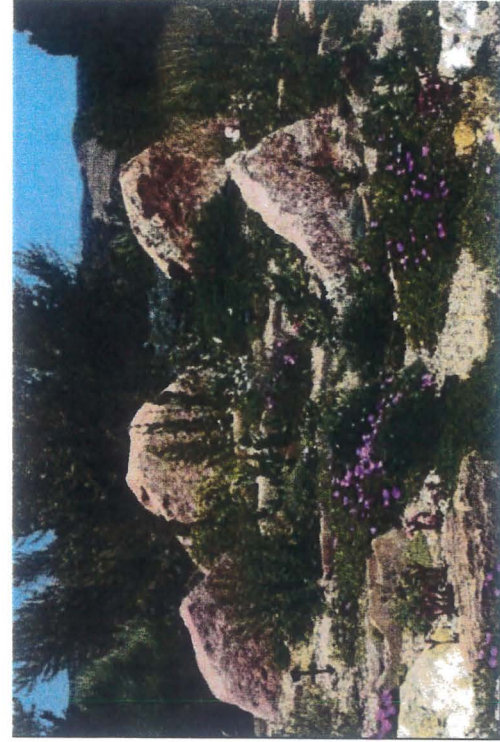


EXHIBIT 8: EXAMPLES OF LANDSCAPING

**CARMEL VALLEY COMMUNITY PLANNING BOARD  
MEETING MINUTES**

**7 p.m., 23 October 2014**

Carmel Valley Library, Community Room  
3919 Townsgate Drive, San Diego, CA 92130

**CALL TO ORDER AND ATTENDANCE**

<b>Board Member</b>	<b>Representing</b>	<b>Present</b>	<b>Excused</b>	<b>Absent</b>
1. Rick Newman	Neighborhood 1	X		
2. Nancy Novak	Neighborhood 3		X	
3. Hollie Kahn	Neighborhood 4/4A	X		
4. Debbie Lokanc	Neighborhood 5	X		
5. Christopher Moore	Neighborhood 6	X		
6. Steven Ross	Neighborhood 7	X		
7. Frisco White, Chair	Neighborhood 8	X		
8. Anne Harvey	Neighborhood 8A & 8B	X		
9. Steve Davison	Neighborhood 9	X		
10. Laura Copic	Neighborhood 10	X		
11. Shreya Sasaki	Pacific Highlands Ranch, District 11	X		
12. Jonathan Tedesco	Pacific Highlands Ranch, District 12	X		
13. VACANT	Business Representative			
14. Victor Manoushakian	Business Representative		X	
15. Allen Kashani, Secretary	Developer Representative	X		
16. Christian Clews	Investor Representative		X	
17. Brian Brady	Investor Representative	X		

**APPROVAL OF MINUTES**

Board Member Copic noted that the word "typo" was misspelled as "type" under Approval of Minutes. She also asked that the date of the Prescription Drug Take-Back event discussed under Police Report be added (September 27).

A motion was made by Board Member Copic to accept the minutes, as corrected. The motion was seconded by Board Member Lokanc and passed on a vote of 8-0-4.

**CONSENT AGENDA**

None.

**PUBLIC COMMUNICATION**

Ken Farinsky announced that the Carmel Valley Recreation Center is having its 15th anniversary celebration on Saturday, October 25. He then thanked Anne Harvey for providing information on historic Carmel Valley documents. He will be posting documents online.

and the development. It was also suggested to provide a more "organic" connection to the polo fields.

A concern was raised about whether there will be too much fill imported. Questions also arose about whether this use is allowed on this site, and whether the project has to be voted on by the public under Prop A.

Chair White indicated that this project will go forward to the Regional Issues Subcommittee where details can be debated.

---

## ACTION ITEMS



### 1. **Via Del Mar Estates:** Consider 4-parcel Tentative Parcel Map

- Applicant - Jorge Palacios, JP Engineering

John Dean appeared on behalf of the property owner to present the project. He provided a history of the property, which is located in one of the oldest areas of Carmel Valley. The community is a rural area and the residents want to keep it that way. Via Del Mar Estates is 5 acres and they are asking for 4 lots.

Jorge Palacios presented details of the proposal. The surrounding area has been developed with a road and a water/sewer. The property owner is allowed five lot on the property, but is asking for four with the remainder to be dedicated as open space.

Board Member Harvey commented that she does not want there to be a minimum house size. Everything else fits with the requirements for the area. Board Member Moore would like to hear more about the biological study that was done. Mr. Palacios said there is coastal sage scrub, maritime chaparral, existing Torrey Pines, and manzanita on the property and they will have to mitigate for impacts to the habitat. They will pay into a fund to acquire property for mitigation elsewhere, and it will be mitigated to the ratio required by the city. Board Member Tedesco asked how other residents felt about the project. Mr. Palacios answered that there has not been any neighborhood opposition.

Board Member Kashani made a motion to support the TPM, SDP, CDP, and PDP for the project. The motion was seconded by Board Member Tedesco and passed on a vote of 12-0.

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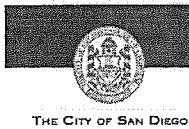
### 2. **Village at PHR:** Consider Neighborhood Use Permit for Temporary Construction Yard

- Applicant - Tara Lake, Latitude 33

Tara Lake presented information about a neighborhood use permit request for a temporary construction parking lot (220 spaces) in the Village at Pacific Highland Ranch. The parcel is about 25,000-30,000 square feet. They are asking for a 7-year permit, but it will likely be used for 3-years while the village commercial is constructed.

Board Member Newman asked if there would be any hourly restrictions so construction parking can only be there at certain times a day. Ms. Lake answered that they will abide by city regulations regarding this. Board Member Kashani asked about the landscaping plans. Ms. Lake explained what





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**

Via Del Mar Estates

**Project No. For City Use Only**

347254

**Project Address:**

Via Del Mar, San Diego, CA 92130

### 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):**

Thomas J. and Melinda L. Kelley

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

**Street Address:**

2658 Del Mar Heights Road, Suite 201

**City/State/Zip:**

San Diego, CA 92014

**Phone No:**

(858) 775-2355

**Fax No:**

11/1/13

**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:**

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**Signature :**

**Date:**