

**DECISION ON ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT**  
**CDP21-005**

A STATEMENT OF THE CITY OF DEL MAR'S DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT REGARDING ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT CDP21-005 SETTING FORTH FINDINGS AND A DECISION TO APPROVE THE REQUESTED APPLICATION FOR THE CONSOLIDATION OF TWO LOTS INTO ONE DEVELOPMENT SITE AND THE CONSTRUCTION OF A MULTI-UNIT RESIDENTIAL DEVELOPMENT LOCATED WITHIN THE CALIFORNIA COASTAL ZONE AND THE CITY'S NORTH COMMERCIAL ZONE, FLOODPLAIN OVERLAY ZONE, LAGOON OVERAY ZONE, BLUFF SLOPE AND CANYON OVERLAY ZONE, AND THE APPEALS JURISDICTION OF THE CALIFORNIA COASTAL COMMISSION AT THE SOUTHERN CORNER OF JIMMY DURANTE BOULEVARD AND SAN DIEGUITO DRIVE, IN DEL MAR, CALIFORNIA (APN(S) 299-200-47 AND 299-100-48)

WHEREAS, the City of Del Mar is mandated by the State of California to provide a "Housing Element" to its General (Community) Plan that conforms with the regulatory requirements set forth in the California Government Code, and update its Housing Element in eight year planning periods (Cycles); and

WHEREAS, 5th Cycle Housing Element Program 2G requires, pursuant to California Government Code Sections 65583.2(h) and (i), that the City rezone APNs 299-100-47 and 299-100-48 located in the North Commercial Zone to allow multiple dwelling unit residential use "by-right" at a density range of 20-25 dwelling units per acre with an affordability component; and

WHEREAS, the term "by-right" within the context of Government Code Sections 65583.2(h) and (i) shall have the meaning as to be processed and approved by "ministerial" action; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the approval of a ministerial action is Statutorily Exempt from environmental review pursuant to CEQA Guideline Sections 15268 (a); and

WHEREAS, Effective January 1, 2020 and through its expiration on January 1, 2025 (five years), California Senate Bill SB 330 (the "Housing Crisis Act of 2019" - Government Code Section 65941.1) expands and amends existing State legislation, including the Permit Streamlining Act and Housing Accountability Act, with the broad goals of facilitating increased production of new residential units, protecting existing units, and providing for an expedited review and approval process for housing development projects through submittal of a "Preliminary Application" prior to submittal of any required development permits; and

WHEREAS, on November 24, 2020, the Watermark DM, LP (Applicant) applied for a Preliminary Application (PDA20-001) in conformance with the Housing Crisis Act of 2019, for development of a new 48-unit, 131,389 square-foot residential development with an affordable

housing component (10 units), and to perform associated site improvements on two legal lots to be consolidated into one development site and located within the California Coastal Zone and the City's North Commercial (NC) Zone, Floodplain Overlay Zone, Lagoon Overlay Zone, Bluff Slope and Canyon Overlay Zone and the Appeals Jurisdiction of the California Coastal Commission at the southern corner of Jimmy Durante Boulevard and San Dieguito Drive, (APN'S 299-100-47 and 299-100-48); and

WHEREAS, pursuant to the Housing Crisis Act of 2019, the City's acceptance of Preliminary Application PDA20-001, assures the Applicant that all continued review of the project submitted will be conducted pursuant to the ordinances, standards, and policies in effect as of November 24, 2020; and

WHEREAS, pursuant to the Housing Crisis Act of 2019, the City's acceptance of PDA20-001 started a 180-day period in which the Applicant was to submit to the City any and all required entitlement applications for the project, provided that the number of residential units or square footage of construction not change by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision; and

WHEREAS, on April 8, 2021, Watermark DM, LP (Applicant), applied for an Administrative Coastal Development Permit (CDP21-005) to construct a new 50-unit, 132,894 square-foot residential development with an affordable housing component (10 units), and to perform associated site improvements on two legal lots to be consolidated into one development site and located within the California Coastal Zone and the City's North Commercial (NC) Zone, Floodplain Overlay Zone, Lagoon Overlay Zone, Bluff Slope and Canyon Overlay Zone and the Appeals Jurisdiction of the California Coastal Commission at the southern corner of Jimmy Durante Boulevard and San Dieguito Drive, (APN'S 299-100-47 and 299-100-48); and

WHEREAS, on April 8, 2021, the Applicant applied for a Boundary Adjustment (BA22-001) to consolidate the two parcels located at the southern corner of Jimmy Durante Boulevard and San Dieguito Drive (APN'S 299-100-47 and 299-100-48) into one legal development site; and

WHEREAS, the proposed development can further be described as a three-story multi-family residential project with associated recreational facilities over an open parking garage podium, at a resulting density of 21.1 dwelling units per net acre, and consistent with Del Mar Municipal Code Section 24.21.030, containing six units to be designated affordable in the "low" income category, two units in the "very low" income category, and two units in the "extremely low" income category; and

WHEREAS, the proposed development site totals approximately 2.37 acres, or 103,282 square-feet of area, and contains environmental resources in the forms of jurisdictional wetland (coastal brackish marsh) and steep slopes in potential Environmentally Sensitive Habitat Area (ESHA), reducing the net developable area to approximately 1.52 acres; and

WHEREAS, the proposed development site is located within the City's Lagoon Overlay Zone, which requires a minimum non-developable buffer of at least 50-feet from the extent of any mapped wetland; and

WHEREAS, the proposed development site is located within the City's Bluff, Slope and Canyon Overlay Zone, which limits by-right development to a height limit of 14 feet above natural or finished grade, whichever is lower; and

WHEREAS, the proposed development site is located in the City's Floodplain Overlay Zone, meaning the site is designated by FEMA's Flood Insurance Rate Map (FIRM) as special flood hazard area (AE) Zone and must have the "lowest floor" of its first-level dwelling units elevated between 0-6 feet above existing grade in order to comply with FEMA design standards for development within the AE Zone; and

WHEREAS, given that there are topographical, environmental, flood hazard constraints to developing and achieving a density of 20-25 dwelling units per acre on the site, as required by the City of Del Mar 5th Cycle Housing Element Program 2G, the Applicant submitted a Density Bonus Report seeking certain "concessions" and "waivers" from development standards currently in place; and

WHEREAS, California Government Code Section 65915 (State Density Bonus Law) provides the granting of concessions and incentives that result in identifiable and actual cost reductions to provide for affordable housing costs; and

WHEREAS, pursuant to State Density Bonus Law a proposed project is entitled to two concessions/incentives if the project includes at least 17% of the total units for lower income households. The proposed project includes 20% of the total units for lower income households and is therefore entitled to two concessions or incentives; and

WHEREAS, the Applicant is requesting two concessions, as are allowed per State Density Bonus Law to increase the maximum Lot Coverage allowed for the project site from 40 percent to 51 percent; and to allow a reduction in the required on-site wetland buffer from 100-feet to 50-feet; and

WHEREAS, based on City staff analysis and the applicant's justification documented in the Density Bonus Report, it has been determined that the Applicant has provided adequate justification that the requested concessions would result in identifiable and actual cost reductions to provide for affordable housing costs; and

WHEREAS, pursuant to Government Code Section 65915(e)(1), the Applicant is entitled to request a waiver or reduction of development standards that would have the effect of physically precluding the construction of the development at the density allowed and sought for the production of affordable housing; and

WHEREAS, the applicant is requesting the following waivers from development standards of the DMMC in order to physically construct the proposed 50-unit development on approximately 1.52 (net) acres of developable area located within a special flood hazard area:

1. An increase in maximum number of stories from a maximum allowance of two to four (includes parking level below podium).
2. An increase in maximum allowed height from 14-feet in the Bluff, Slope and Canyon Overlay Zone to 47 ft, 6 inches.
3. Allowance for up to 10% encroachment into substantially steep slopes, as defined in the Bluff, Slope and Canyon Overlay Zone.
4. An increase in maximum floor area ratio (FAR) from 0.3 to 1.29

WHEREAS, due to the topographical, environmental and flood hazard site constraints and the Applicant's justifications documented in its Density Bonus Report, application of the development standards sought to be waived would, in fact, physically preclude the construction of the development at the densities permitted and with the concessions requested; and

WHEREAS, Del Mar Municipal Code (DMMC) Section 24.70.030(A) specifies that the Director of Planning and Community Development shall serve as the issuing authority on the application for a Lot Line Adjustment which also includes a Boundary Adjustment; and

WHEREAS, on April 19, 2022 the Director of Planning and Community Development of the City of Del Mar considered and conditionally approved application BA22-001; and

WHEREAS, Del Mar Municipal Code (DMMC) Section 30.75.080(E)(2) specifies that the Director of Planning and Community Development shall serve as the issuing authority for Coastal Development Permits for Lot Line Adjustments which includes Boundary Adjustments; and

WHEREAS, the project site is located within the California Coastal Zone and is subject to compliance with the City of Del Mar's certified Local Coastal Program (LCP), Land Use Plan (LUP), and Implementing Ordinances, therefore, while the development of the site is also subject to California Government Code Sections 65583.2(h) and (i) and the "by-right" provisions that Code affords, the proposed lot consolidation and development are required to obtain an Administrative Coastal Development Permit issued by the Director of Planning and Community Development, and shall not be subject to jurisdictional appeal; and

WHEREAS, a Coastal Development Permit shall be approved if findings can be made in accordance with DMMC Section 30.75.140 that the proposed development is consistent with the requirements of the certified Local Coastal Program and, for properties located between the nearest public road and the sea, the proposed development conforms with the public access and public recreation policies of Chapter 3 (commencing with Section 30200); and

WHEREAS, the property is located within the Appeals Jurisdiction of the California Coastal Commission (CCC); and

WHEREAS, the Director of Planning and Community Development decision of CDP21-005 is appealable to the California Coastal Commission in accordance with DMMC Section 30.75.030(B)(1); and

WHEREAS, application materials submitted and reviewed for Administrative Coastal Development Permit CDP21-005 included the following plans and documents:

- Preliminary architectural and civil engineering plans(1/17/2022)
- Preliminary landscape plans (1/12/2022)
- Density Bonus Report (11/15/2021)
- Public View Analysis (7/16/2021)
- Biology Report and Wetland Delineation (12/6/2018)
- Wetland ESHA Analysis (12/6/2018)
- Biology Report Addendum (11/16/2021)
- Geotechnical Report and Update (5/28/2021)
- CDFW Correspondence (1/18/2022)

NOW THEREFORE, based on the project information and materials received, the Director of Planning and Community Development makes the following findings with respect to Administrative Coastal Development Application CDP21-005 and the consistency of said application with the applicable standards of the review contained in the certified City of Del Mar Local Coastal Program (LCP), including the LCP Implementing Ordinances:

1. The use for which the CDP is requested, a 50-unit residential development with a 20% affordable housing component (10 units) and associated site improvements, is a permitted use within the underlying zoning classification of North Commercial (NC) Zone and the Bluff Slope and Canyon (BSC-OZ), Lagoon (L-OZ), and Floodplain Overlay Zones (FP-OZ) due to compliance with the City of Del Mar 5th Cycle Housing Element Program 2G, which requires, pursuant to California Government Code Sections 65583.2(h) and (i), that the City rezone APNs 299-100-47 and 299-100-48 (subject site) located in the North Commercial Zone to allow multiple dwelling unit residential use “by-right” at a density range of 20-25 dwelling units per acre with an affordability component; and
2. As conditioned, the proposed project meets the criteria of the standards of review of the applicable Chapters of the LCP Land Use Plan and Implementing Ordinances. Specifically, although there are sensitive resources in the form of wetlands and steep sloping hillsides on the site, the project has been designed, to the maximum extent possible, to avoid and protect these valuable on-site resources. Further, approval of the Coastal Development Permit application has been conditioned to ensure that construction activities will be designed and implemented in a manner that will avoid encroachment upon or impact to sensitive resources; and
3. As conditioned, the granting of such Administrative Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP) in that, as conditioned, the project does not violate any of the provisions of the applicable chapters of the certified LCP Implementing Ordinances; and
4. For all development proposals located seaward of the first public roadway, such as the one proposed in Administrative Coastal Development Permit CDP21-005, the proposed development, as conditioned, is consistent with and implements the applicable requirements

for provision of public access contained in Title 30 of the Del Mar Municipal Code and in the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project would not result in any change to public access routes to or along coastal areas; and

5. The proposed project site is located within the Coastal Commission Appealable Jurisdiction, pursuant to Public Resources Code Section 30613; and
6. The project does not involve the construction or placement of a shoreline protection device; and
7. Based on the “View Study for the Watermark Del Mar Apartment Project dated July 16, 2021,” the project is consistent with and implements the provisions of public view protection policies of the City of Del Mar LCP, including Policies IV-22 through IV-27 of the LCP Land Use Plan. There are no identified public views of the coast over or across the site from adjoining public streets that would be impeded by the proposed development; and
8. The project site contains a coastal brackish marsh (wetland) and the proposed development is consistent with and implements the applicable provisions of the Lagoon Overlay Zone in that the wetland resource will be preserved and protected through the implementation of a 50-foot wetland buffer, for which the California Department of Fish and Wildlife has provided acceptance of the proposed buffer width.

#### Density Bonus – Concessions and Waivers

1. The Project qualifies under State Density Bonus Law for incentives and waivers as it provides 20% of the total number of units for lower income households.
2. The two requested concessions included an increase of the maximum Lot Coverage allowed for the project site from 40 percent to 51 percent; and to allow a reduction in the required on-site wetland buffer from 100-feet to 50-feet. Based on staff analysis the requested concessions would result in identifiable and actual cost reductions to provide for affordable housing costs.
3. Requested waivers include the following:
  - a. An increase in maximum number of stories from a maximum allowance of two to four stories.
  - b. An increase in maximum allowed height from 14-feet in the Bluff, Slope and Canyon Overlay Zone to 47 ft, 6 inches.
  - c. Allowance for up to 10% encroachment into substantially steep slopes, as defined in the Bluff, Slope and Canyon Overlay Zone.
  - d. An increase in maximum floor area ratio (FAR) from 0.3 to 1.29

Based on State Density Bonus Law the City may not apply any development standard that will have the effect of physically precluding the construction of development which includes affordable housing units at the density and with the concessions requested pursuant to State

Density Bonus Law (Government Code section 65915(e)(1)). Where an Applicant provides justification for the conclusion that the development standards would physically preclude construction the project at the density and with the concessions requested the City must approve the waivers. *Wollmer v. City of Berkely* (2011) 193 CA4th 1329; *Bankers Hill v. City of San Diego* (2022) The requested waivers are approved based on the analysis and justification provided by the Applicant's Density Bonus Report and confirmed by staff that due to the topographical, environmental and flood hazard site constraints the application of the development standards sought to be waived would, in fact, physically preclude the construction of the development at the densities permitted and with the concessions requested.

**BASED ON THE ABOVE FINDINGS, THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT APPROVES ADMINISTRATIVE COASTAL DEVELOPMENT APPLICATION CDP21-005, SUBJECT TO THE FOLLOWING CONDITIONS:**

**General Conditions**

(Note: gaps in lettering and numbering are intentional)

G-1 *[Business License]*

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain required Business License and shall retain copies of said permits on site for verification by City staff.

G-2 *[Utility Undergrounding Threshold]*

If the total cost of new construction exceeds \$7,500 (as determined by the Building Department), all new utility service connections shall be placed underground consistent with the provisions of Section 30.86.210 of the Del Mar Municipal Code.

G-3 *[Development Authorization Limited to Plan Set]*

This permit is granted based on submitted plans dated **January 17, 2022** and so identified by the staff of the Del Mar Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-4 *[Encroachment Permit for Work in Right-of-Way]*

Any work proposed or required within a City of Del Mar public right-of-way or access easement, or required within a public right-of-way or access easements pursuant to the conditions of approval of this Permit, shall be subject to the prior receipt of a City of Del Mar Encroachment Permit. Applications for Encroachment Permits shall include plans depicting all proposed private and public improvements including, but not limited to, improvements involving drainage, grading and/or public utilities. The required Encroachment Permit shall be subject to review and approval by the City of Del Mar in accordance with the procedures set forth in the DMMC and may include requirements for inspections and/or submittal of a security deposit(s). Please note that Design Review Board or Planning Commission approval of plans indicating right-of-way improvements does not constitute approval of the separately required Encroachment Permit.

G-5 *[Requirement for Building Permits]*

Prior to commencement of work, the applicant or agent shall obtain all required Building Permits.

G-6 *[Construction and Demolition Waste Recycling Requirement]*

Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11. This includes, but is not limited to, the submittal of a Construction Waste Management Plan and a minimum diversion of 65% of non-hazardous construction and demolition waste. Signage shall be posted on-site with information identifying materials to be diverted.

G-7 *[Code Compliance]*

Approval of this application shall not waive the requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

G-8 *[Height and Setback Certifications Prior to Framing Sign-off]*

Prior to sign-off on the framing inspection for the project, the applicant shall provide a statement from a Licensed Surveyor certifying that the building height and setbacks are in conformance with the approved plans for the project. The survey required herein shall be prepared using City of Del Mar approved vertical benchmarks for building height certification and reported to 0.01 of a foot. The setback certification shall be based on surveyed property corners as necessary to establish property lines and reported to 0.01 of a foot.

G-9 *[Fence/wall Height Limitations]*

All fencing, walls, and gates shall conform with all applicable fence height and pool security fencing requirements of the DMCC.

G-11 *[Plan for Construction-Phase Impacts]*

Prior to issuance of Building Permits or commencement of project implementation (whichever comes first), the applicant shall provide a plan for construction-phase parking and equipment/materials storage for the project. The plan must include the following:

- a. Identification of an on-site material storage location;
- b. Identification of an on-site equipment storage location;
- c. Identification of at least two on-site parking space which will remain available throughout the duration of the project;
- d. Location of any temporary sanitary facilities;
- e. A note stating that "If on-street parking is utilized, a minimum street access clearance of 20ft. will be maintained";
- f. Map displaying any/all haul routes; and
- g. Contact information (phone number and Email) for the on-site supervisor(s);  
This information must also be posted on-site in a location which is readily visible from the public right-of-way for the duration of the project.

The plan required herein shall be subject to the review and written approval of the Planning and Community Development Director, working in consultation with Community Services Parking Enforcement and Public Works Departments. Haul routes and work and/or storage of material or equipment within a City right-of-way will require an Encroachment Permit. The requirements mentioned above may be modified by the Planning and Community Development Director upon a determination that sufficient alternatives have been proposed which achieve a similar level of compliance.

G-11A In addition to the submittal of a Construction Phase Impact Plan, the applicant must place a Construction Parking Placard in all vehicles associated with the project which will be parked off-site. The placard must remain in plain view on the dashboard of the vehicle throughout the duration of the project. A Construction Parking Placard can be obtained from the City of Del Mar Planning Department.

G-13 *[Permit Expiration]*

This permit shall expire three years from the date of approval, on [insert date] unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

G-14 *[Preconstruction Meeting]*

Prior to any demolition, construction, and/or land disturbances occurring on-site, a pre-construction meeting shall be held. Attendees to this meeting shall include representatives from the City of Del Mar's Planning and Community Development Department, City Engineer, the Project Contractor/Superintendent, the Project Architect, the Project Engineer, the property owner and any others essential for the proper implementation and completion of this project. At a minimum, the following issues shall be reviewed at this meeting:

- a. City of Del Mar inspection requirements.
- b. Process for requests for plan modification and determinations of substantial conformance.
- c. Discretionary permit conditions and requirements.
- d. Construction hour limitations and noise standards.
- e. Construction access and parking including equipment/materials storage and maintenance.
- f. Work within public rights-of-way and/or easements.
- g. Stormwater Best Management Practices.
- h. Tree-preservation requirements.
- i. Demolition permit requirements.
- j. Signage requirements/limitations.
- k. Neighborhood impact issues.
- l. Key contact information.
- m. Business license requirements.

- n. Construction and demolition waste diversion requirements
- o. Any other pertinent construction related activities and or information.

G-16 [*Compliance with City Noise Regulations*]

The applicant and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. / Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page ([www.delmar.ca.us](http://www.delmar.ca.us)).

G-17 [*Dig Alert*]

Prior to excavation or trenching, the applicant shall call Underground Service Alert of Southern California (Dig Alert- 1-800-227-2600) for a mark out of service utilities.

G-18 [*Rules for Construction-related Signage*]

All construction-related signage posted at the project site shall comply with DMMC Chapter 30.84 (Signs). The pertinent sections of the Sign Chapter allow installation of a total 5.5 square feet of temporary signage on a residential property (that is cumulative of all signs posted). Such signs may be posted for a maximum of sixty (60) days in a calendar year.

The restrictions noted above do not apply to the Development Pending, Construction Noise Notice and Building Permit signs required by the City as part of the project review process.

All construction related signage, including City required signs, shall be removed prior to final approval of the project.

**Engineering Department Conditions**

E-1 [*Roadway/Utility Plan*]

Prior to issuance of Building Permits, the applicant shall prepare and receive approval for surface improvements of both Jimmy Durante Blvd. and San Dieguito Drive. The Improvement Plan shall include the installation of those measures necessary to provide sewer, water, storm drain, and other utilities to serve the proposed project.

In addition to identifying the manner in which access and utilities are to be provided via Jimmy Durante Blvd. and San Dieguito Drive, the Improvement Plan required herein shall address the following:

- E-1A The manner in which storm water from the project site and its impervious surfaces will be collected and conveyed onto the public right-of-way;
- E-1B The location of the existing or proposed water and sewer laterals to serve the proposed project;
- E-1C The location of all required access, utility, drainage, or other easements, if required;

- E-1D The applicant shall construct street repairs/improvements for full width on that portion of San Dieguito Drive that abuts the corresponding frontage of the property. The required repairs/improvements shall include dig-out and replacement of deteriorated sections of the roadway along San Dieguito Drive and shall include all other improvements as deemed necessary by the City Engineer. Said improvements shall be subject to inspection and approval by the City Engineer;
- E-1E All proposed utilities within the project shall be installed underground in accordance with current utility engineering practices. Existing aerial utilities (to the project) shall be removed and/or placed underground, as required by the City Engineer;
- E-1F The plans shall comply with all applicable NPDES requirements to the satisfaction of the City Engineer;
- E-1G Improvement Plan shall indicate the site distance for vehicles exiting the proposed underground parking. Provide delivery truck turning radii in and out of the proposed parking structure and onto San Dieguito Drive;
- E-1H Provide a pedestrian friendly cover for the sewer manhole at the southeast corner of Jimmy Durante Blvd. and San Dieguito Drive;
- E-1I Applicant shall install a “NO U TURN” and “RIGHT TURN ONLY” signs, in the median island, adjacent to the emergency exit along Jimmy Durante Blvd, at the southwest portion of the site;
- E-1J Following construction completion, the project Engineer shall inspect as-built improvements. Significant discrepancies, if any, between the approved plans and as-built conditions shall be brought to the attention of the Planning and Community Development Department and City Engineer. An as-built plan prepared by the project Engineer will be required. Prior to final sign-off by the City Engineer, the project designer shall sign the as-built plan indicating that the project was completed in accordance with said plan; and
- E-1K The public improvements listed above the applicant shall post a security in the form of a bond or cash deposit valued at 150% of the estimated costs of the required improvements. The development agreement shall include the stipulation that all improvements for which security is being posted will be completed within 24 months of the date of approval of the plans. Upon completion of the work to the satisfaction of the City Engineer, the cash deposit or security shall be returned to the applicant, less any amount utilized by the City as outlined in the agreement, and less 25% of approved engineer’s estimate, which will be retained as a warranty security. The warranty security shall be held pending City inspection one (1) year following completion of the work. The warranty security may be used at that time to correct deficiencies, if any, and the remainder returned to the applicant. Agreements shall be of a form and type acceptable to the Planning and Community Development Director, City Engineer and City Attorney.

- a) Full width grind and overlay together with dig-out repairs of San Dieguito Drive adjacent to property and areas damaged by construction.
- b) Replace all concrete sidewalk or asphalt pavement adjacent to property frontage along Jimmy Durante Blvd that is damaged by construction.

E-2 *[Separate Permits for Off-site Work]*

All improvements to off-site facilities, including the provision of access road and/or utility lines as proposed or required pursuant to the conditions of this Permit, shall be subject to the receipt of separate City permits, as applicable.

E-3 *[Engineering Fee]*

Prior to issuance of Building Permits, the applicant shall provide fees as delineated in the City's Engineering Review Fee Schedule as funds necessary for Engineering Department review of the proposed site improvements. If additional review beyond the scope outlined in the Engineering Review Fee Schedule becomes necessary, a supplemental deposit(s) will be required.

E-5 *[Private Drains]*

Unless specifically authorized in permit plans, drains in landscape areas discharging to public rights-of-way shall not be allowed. Drains discharging into public rights-of-way may be authorized, subject to review by the City Engineer and only if warranted by unique site conditions. In such cases, design elements shall be incorporated into the plans which reduce the potential for stormwater pollution and nuisance drainage to the maximum extent practicable. The project engineer's evaluation shall include, but not be limited to, consideration of the potential effect of proposed construction on site groundwater and moisture conditions. All hardscape drains, roof drains, wall drains, and other private drains shall be shown in detail on improvement plans. Site drainage shall be designed such that, in the event of plugged or overloaded inlets/outlets, storm flows will be conveyed in a manner that is not detrimental (including flooding and erosion) to the site or other properties. Drainage offsite shall be conveyed to the nearest storm drain facility.

E-6 *[Grading Calculations and Requirements for a Grading Permit]*

Prior to the issuance of Building Permits, the applicant shall provide grading calculations, including cross sections, and other supporting documentation, to verify the quantity of earthwork proposed outside the building footprint(s). If over 200 cubic yards, or five (5) vertical feet of earthwork is proposed, the applicant shall obtain a Grading Permit. Additionally, a Land Conservation (LC) permit may be required, pursuant to the provisions of the Del Mar Municipal Code (DMMC).

E-7 *[Grading]*

The grading for the project shall be performed under the observation of a Registered Civil Engineer and/or a Geotechnical Engineer whose responsibility shall be to coordinate site inspection and testing to ensure compliance with the approved Grading Plan. The project Engineer shall submit reports to the City Engineer to verify compliance, as deemed necessary.

E-8 *[Grading Plan]*

Prior to issuance of Building Permits, the applicant shall obtain a Grading Permit from the City. A Grading Plan shall be prepared in accordance with the latest edition of City's "Applicant's Guide to Procedures for a Grading Permit." The Grading Plan shall be prepared to the satisfaction of the City Engineer and shall:

- E-8A Be prepared in accordance with the City's "Applicant's Guide to Procedures for a Grading Permit," latest edition. In addition, a topographic map shall be prepared by a Registered Civil Engineer or a Licensed Land Surveyor. The topographic map shall indicate property lines, topographic features and existing and/or proposed structures. Said map shall include two-foot contour lines and/or sufficient spot elevations to clearly represent existing and proposed topographical features, and existing and proposed drainage patterns. Survey shall extend minimum 25 feet beyond limits of work. Said map shall also show entire property boundary including any assumed found monuments, and bearings and distances based on record information;
- E-8B Depict the location of property lines and topographic features of the site that adequately address how private storm water is to be collected, conveyed, and discharged on or across the subject site with respect to the proposed project;
- E-8C Include a grading cost estimate for review, based on the City of San Diego's Unit Price List;
- E-8D Depict the limits of grading and all three levels of the proposed site together with a minimum of two cross section;
- E-8E Include provisions to collect, convey, and discharge storm water in an appropriate manner, considering the added impact of impervious surface area to the site;
- E-8F Include provisions to ensure that storm water will not be concentrated and discharged across adjacent properties;
- E-8G Include a Hydrology/Hydraulic Report prepared by a Registered Engineer that addresses how storm water will be adequately collected and conveyed on and across the subject property. The Report shall also address:
  - a) The tributary area for run-off directed to and across the subject property.
  - b) Calculations and details demonstrating that if proposed inlets/outlets, etc. are plugged or overloaded, the site is capable of conveying storm flows in a manner that is not detrimental (including flooding and erosion) to surrounding properties.
  - c) Shall address both existing and proposed conditions.

- d) Shall provide calculations for the 2-year, 10-year and 100-year events for pre and post conditions.
  - e) Emergency/secondary overflow safeguards are you proposing for the cistern in the parking garage.
  - f) Shall provide sizing of sump pump with 100% backup;
- E-8H Incorporate all recommendations pursuant to the Hydrology/Hydraulic Report prepared for the project;
- E-8I Include mitigation measures and project modifications as recommended in the required Geotechnical Report prepared for the project;
- E-8J Depict the location of existing or proposed easements within the property boundary;
- E-8K Depict the existing sewer and water mains and laterals serving the residence, and if they are to be replaced;
- E-8L Depict the location of erosion control devices to be implemented in the event of rainfall;
- E-8M The methods for providing temporary erosion control during the construction phase of the project, complete with the inclusion of standard grading and erosion control notes on the plans;
- E-8N Ensure that the development will minimize the amount of impervious surface area and maximize the on-site dissipation of storm water run-off;
- E-8O Include methods to ensure retaining wall sub-drains and sump pumps will not discharge onto City streets, as they contribute to nuisance water. Sub-drains and sump pumps shall discharge on private property to allow percolation back into the soil;
- E-8P Include storm drain run-off "Best Management Practices" that minimize the volumes of urban run-off discharge to City rights-of-way, as acceptable to the City Engineer;
- E-8Q Include landscaping plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water run-off, use efficient irrigation, rain harvesting and minimize the use of fertilizers, herbicides and pesticides;
- E-8R Include plans showing source control BMPs in place with an accompanying certified letter noting the implementation plans for said BMPs;
- E-8S Ensure that the grading and other construction activities meet the provisions specified in the California Regional Water Quality Control Board (RWQCB),

San Diego Region, Order R9-2013-0001, NPDES No. CAS0109266 – Section D.2 and subsequent orders;

- E-8T The following note shall be added to the plans since shoring is required: “Unless a shorter duration is recommended by the geotechnical engineer, the proposed temporary shoring shall remain for no longer than 60 calendar days. At the conclusion of the originally allotted time, 30-day extensions may be obtained if acceptable to the City Engineer, Director of Public Works and the project geotechnical consultant. At the conclusion of the permitted time period, the temporary shoring shall be replaced with an approved permanent structure in accordance with the structural and geotechnical engineer’s recommendation.”

All excavation slopes should meet the minimum requirements of the Occupational Safety and Health Association (OSHA) Standards. Maintaining safe and stable slopes and shoring on excavations is the responsibility of the contractor and will depend on the nature of the soils and groundwater conditions encountered and the method of excavation. Excavations during construction should be carried out in such a manner that failure or ground movement will not occur.

A survey-monitoring program shall be implemented to monitor shoring displacements during construction. In addition, nearby improvements shall also be surveyed and photographs and/or video taken to document baseline conditions, prior to commencement of grading operations. The deflection at the top of the shoring should be limited to 1 inch. If the shoring exceeds 1 inch or if distress or settlement is noted adjacent to the top of shoring, an evaluation should be performed and corrective measures taken;

- E-8U Following construction completion, the project designer shall inspect as-built improvements. Significant discrepancies, if any, between the approved plans and as-built conditions shall be brought to the attention of the Planning and Community Development Department and City Engineer. An as-built plan prepared by the project designer will be required. Prior to final sign-off by the City Engineer, the project designer shall sign the as-built plan indicating that the project was completed in accordance with said plan; and

- E-8V Prior to issuance of Building Permits, the applicant shall post a security in an amount approved by the City Engineer for the proposed grading. Said security shall be in a form acceptable to the City and shall remain in place until completion of the grading and final approval by the City.

E-9 *[Geotechnical Report Requirement]*

Prior to issuance of Building Permits, the applicant shall provide a Geotechnical Report for the project. The Report shall be prepared, signed and sealed by a Certified Engineering Geologist and a Geotechnical Engineer or Registered Civil Engineer. This Report shall be subject to review and approval by the City Engineer, City Building Department, and if deemed necessary, a third-party with expertise in geotechnical issues. The report required herein shall:

- E-9A Include all standard information as required by the City's Grading Ordinance;
  - E-9B Evaluate existing site constraints;
  - E-9C Evaluate potential effect of proposed construction on nearby slopes, sensitive topographic features and neighboring properties;
  - E-9D Include a geotechnical evaluation of the long term stability of adjacent slopes;
  - E-9E Provide any mitigation measures as necessary;
  - E-19F Provide recommendations for any special construction methods as necessary;
  - E-9G Include the preparation of field tests to be performed at the site during construction, so as to ensure that field conditions are suitable for the approved construction. The results of such tests may necessitate revisions to the project with such revisions subject to review by the appropriate City entities;
  - E-9H If retaining walls are required, give recommendations for back-cuts for the construction of retaining walls. These recommendations shall include a time limit that the back-cuts can remain in place without either creating a stable backfill, or completing construction of the approved retaining walls. If the recommended time deadlines are not met, the applicant, by signing these conditions, grants the City permission to work on their private property to secure the back-cuts, and use the cash security to perform the work;
  - E-9I If temporary shoring is required, the geotechnical consultant shall provide necessary geotechnical parameters and recommendations, including maximum cuts and time limits;
  - E-9J Address the feasibility of long term infiltration of stormwater runoff onsite, and if sub-drains will be required for any proposed infiltration BMPs;
  - E-9K Address the presence of groundwater and the need to provide sub-drains for groundwater extraction. If extracted groundwater is discharged to surface waters, the project must comply with State RWQCB Order No. R9-2008-0002; and
  - E-9L Provide R values for pavement sections of San Dieguito Drive;
- E-10 *[Authorization for Off-site Work]*
- E-10A Prior to the issuance of Building Permits, the applicant shall obtain letters of permission from any affected property owners if construction or construction access is required across property lines. This includes temporary rights of access; and
  - E-10B The following note shall be included on the plans for the Permit: "No grading shall occur outside the limits of the approved grading plan unless prior written

authorization is obtained from the City and the owners of any other affected properties.”

E-11 *[Grading – Separate Permits for Borrow or Disposal Site]*

A separate Grading Plan shall be submitted and approved and a separate Grading Permit issued for any off-site borrow or disposal site, if located within City limits. An Encroachment Permit will be required to identify the haul route proposed for this purpose. If the borrow or disposal site is located outside of the City, the applicant shall provide evidence of receipt of required permits/authorizations. A haul route shall be submitted and approved by the City Engineer.

E-11A A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.

E-11B The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.

E-11C Trucks shall be spaced so as to discourage a convoy effect.

E-11D There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.

E-12 *[Hold Harmless Agreement for Off-site Drainage]*

Prior to issuance of Development Permits, the applicant shall process, execute, and record a hold harmless Agreement with the City of Del Mar regarding off-site drainage associated with the project. The form and content of said agreement shall be prepared to the satisfaction of the City Engineer and the Planning and Community Development Director.

E-13 *[Priority Storm Water Mitigation Plan (SWMP)]*

Prior to issuance of Development Permits, the applicant shall submit a Priority SWMP for City review and approval that addresses the following:

E-13A Control the post-development peak storm water run-off discharge rates and velocities to maintain or reduce pre-development downstream erosion;

E-13B Minimize pollutants of concern from urban runoff through implementation of source control BMPs;

E-13C Remove pollutants of concern from urban runoff through implementation of structural BMPs;

E-13D Include storm drain stenciling and signage;

E-13E Include properly designed outdoor material storage areas;

E-13F Include properly designed trash storage areas; and

E-13G Ensure that post-development runoff does not contain pollutant loads which have not been reduced to the maximum extent practicable.

E-13H Comply with the City Standard Urban Stormwater Mitigation Plan (SUSMP);

E-13I Include a detailed Operations and Maintenance Plan (O&M Plan) for all treatment control BMPs, that includes a minimum, the designated responsible parties to manage the stormwater BMPs, employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of any additional required permits; cost estimate for implementation of the O&M Plan. Demonstrate the funding mechanism to ensure ongoing long-term maintenance of all structural post construction Best Management Practices (BMPs);

E-13J Identify affected receiving water bodies; and

E-13K Include an exhibit that clearly shows the limits and quantities of impervious area in both the pre and post development conditions.

The structural BMPs required herein shall be designed so as to filter or treat the volume or flow outlined in the numeric sizing criteria outlined below:

Volume

Volume-based BMPs shall be designed to filter or treat the volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or

E-14 *[BMP details]*

Prior to issuance of Development Permits, all post construction BMPs shall be shown in detail on the construction plans and submitted to the City for review and approval. For all post-construction treatment control BMPs, submit an operation and maintenance manual detailing requirements for the property owner to maintain BMPs into perpetuity. An easement shall be granted to the City for inspection of post-construction treatment control BMPs as needed. The project shall comply with the existing and subsequent Del Mar Jurisdictional Urban Runoff Management Plan and the State of California and National Pollutant Discharge Elimination System (NPDES).

E-15 *[Soil Stabilization]*

The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.

E-18A The applicant shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans;

E-18B The applicant shall minimize exposure time of disturbed soil areas;

E-18C The applicant shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent revegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible; and

E-18D The applicant shall stabilize all exposed slopes per City approved method.

E-16 *[Required Backflow Prevention]*

If the project authorized by this permit will involve installation or retention of any plumbing drainage fixtures at a level below that of the PUBLIC sewer main serving the project site, the applicant shall install a private backflow prevention device on their private lateral per the requirements shown below.

The plans shall be submitted prior to the issuance of Building Permits and shall be according to the Uniform Plumbing Code and subject to the review and written approval of the Planning and Community Development Director and City Engineer. Once installed, the private backflow prevention device(s) shall be subject to inspection by the City Engineer prior to final sign off for the project.

E-17 *[Access to Water Meters]*

Access to proposed or existing water meters located on or immediately adjacent to the property shall remain open and unobstructed at all times. Prior to the issuance of Building Permits, the applicant shall demonstrate that no structure or vegetation is proposed so as to restrict access to the water meter. In the event access is blocked by project implementation, the applicant shall be responsible for the removal any obstruction at his/her expense or shall pay for the cost of relocating the water meter to allocation acceptable to the Public Works Department.

E-18 *[Updated Title Report]*

Prior to the issuance of Building Permits, the applicant shall prepare an updated title report for the property.

E-19 *[Compliance with City of Del Mar JURMP]*

This project shall conform to the construction component in the latest edition of the City's Jurisdictional Urban Runoff Management Program (JURMP).

E-20 *[Compliance with Floodplain Regulation]*

Prior to issuance of Building Permits, project plans shall be designed to comply with all the requirements and terms of the City's Floodplain Overlay Zone and Federal Emergency Management Agency (FEMA) regulations, and shall be subject to the review and approval of the City Engineer and Planning and Community Development Department Director.

E-21 *[Design of inlets/outlets]*

Site drainage shall be designed such that, in the event of plugged or overloaded inlets/outlets, storm flows will be conveyed in a manner that is not detrimental to the site or other properties.

E-22 *[Sewer Service]*

The sewer connection to the public main must be a gravity connection. If a pump is required in order to service the residence, it must transition to gravity flow prior to connection to the public system. A sewer backflow prevention device will also be required if a pump is proposed. The existing Sewer lateral shall be videoed and certified clear of obstructions or damage by a licensed plumber. Should the lateral be damaged, a new lateral shall be installed to service the residence.

E-23 *[Backflow Prevention]*

A reduced pressure backflow prevention device is required for the water system and must be designed to the satisfaction of the City Engineer, Public Works, and Building Department.

E-24 *[Sight Distance Analysis]*

Due to the restricted access of the driveway in San Dieguito Drive, a sight distance analysis will be required at the point of entry to public street traffic. The analysis (exhibit) will require review and approval prior to issuance of Building Permit. The sight distance exhibit should demonstrate that the minimum sight distance in both directions from the proposed driveway can be achieved to the satisfaction of the City Traffic Engineer.

E-25 *[Proposed Retaining Wall]*

The proposed retaining walls shall be designed and constructed completely within the property. No portion of the wall or footing shall extend across the property line. The limits of the footing of the proposed retaining walls shall be depicted on the grading plan. The limits of any retaining wall footing shall be depicted on the grading plan. The applicant shall provide a plan and profile view of the proposed retaining wall that will depict top of wall and top of footing elevations.

E-26 *[Peak Runoff Mitigation]*

The proposed improvements shall result in a net decrease in impervious area. If this is considered infeasible, the applicant must submit a Hydrology and Hydraulics report. The report must demonstrate that the project mitigates the increase in peak runoff through the use of acceptable LID features.

E-27 *[Public Improvements]*

The public Street Improvements for this project shall be per a separate Improvement Plan set. A separate cost estimate is required for the work within the public right-of-way. Additional review fees will be required based on the City's standard fee schedule for public improvements.

E-28 *[Existing Easements]*

Prior to issuance of Building Permits the applicant must provide a letter from any easement holder authorizing the proposed improvements within the existing easement.

E-29 *[Maneuverability Exhibit]*

The applicant must provide a maneuverability ("turning template") exhibit to the satisfaction of Public Works, Planning, and Traffic Engineering. The exhibit must show the path of vehicular egress from the proposed garage to San Dieguito Drive.

E-30 *[Material Hauling and Construction Worker Parking]*

For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route that conforms to City of Del Mar Municipal Code or to the approval of the City Engineer. A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works and the City Engineering Department, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work.

The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Department of Public Works and the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits.

E-31 *[Site conditions]*

E-31A Per DMMC Chapter 9.20 (Noise Regulations) the applicant shall restrict hours of work for the use of heavy equipment during grading and improvements between the hours of 7AM to 7PM Monday -Friday and 9 AM- 7PM Saturdays, this includes the warmup of equipment. Sunday and City holiday work is prohibited;

E-31B Any relocation or under grounding of SDG&E facilities or other utilities shall be done at the applicant's expense;

E-31C All construction activities undertaken shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code, these standard conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) City's Municipal Code regulations; 2) City's General Plan; 3) Standard Conditions; and

E-31D Pedestrian access along the Jimmy Durante Blvd., property frontage, shall be maintained at all times unless material is being deliver to the site. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.

E-31E At least three (3) months prior to the opening of the County Fair and the Del Mar Racing season, the applicant (or applicants' contractor) shall contact the Del Mar Department of Public Works, to coordinate the installation of any necessary

traffic controls, warning and speed limit signs, crosswalk and pavement markings required to continue construction activities and not hinder traffic to the fair grounds. The Department of Public Works, in consultation with the City Traffic Engineer, shall determine what signs, pavement markings, and other traffic control measures should be installed by the applicant prior to the County Fair and the Del Mar Racing season.

E-42 *[Survey Monuments]*

E-42A The perpetuation of survey monuments is required and intended to protect both public and private property rights in accordance with federal and state law. Monument perpetuation shall be performed with every Drainage/Grading Plan and Street Improvement Plan. A land surveyor shall, upon completion of Drainage/Grading Plan, or new improvements, reset any monuments that have been destroyed due to the construction of the project and must file a post-construction Corner Record or Record of Survey with the County Surveyor.

E-42B A hold will be placed on the final inspection for all right of way permits and other types of permits that affect survey monuments. When Engineering Department receive confirmation of the filing of the post-construction Corner Record, Record of Survey or Parcel/Final Map from the land surveyor, the hold will be released, and final inspection can be performed.

**Fire Department Conditions**

F-1 *[Class A Roof]*

All structures shall be provided with a Class "A" Roof covering to the satisfaction of the California Building and Fire Code. NO wood shake shingles are allowed.

F-2 *[Access Road Minimum Dimensions]*

Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.

F-3 *[Wet Standpipe System]*

A Class I wet standpipe system is required. Standpipe system shall be designed and installed per NFPA 14 and Del Mar Fire Department requirements.

F-4 *[Fire Hydrants and Fire Flows]*

The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Del Mar Fire Department and Del Mar Municipal Code 10.04. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (1) 4" inch and two (2) 2 1/2" inch NST outlets. Residential fire hydrants shall have one (1) 4" inch NST outlet, and one (1) 2 1/2" inch NST outlets.

F-5 *[Fire Alarm System]*

A California State Fire Marshal listed fire alarm system is required and shall be designed and installed per NFPA 72 and Del Mar Fire Department requirements. Plans shall be submitted for approval prior to building permit issuance.

F-6 *[Posting or Striping Public and Private Roadways "No Parking Fire Lane]*

Fire Department access roadways shall be properly identified in accordance with Del Mar Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

F-7 *[Gates]*

All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Del Mar Fire Department standards.

F-8 *[Grade]*

The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).

F-9 *[Construction Materials]*

Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:

1. All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency;
2. As a minimum the first lift of asphalt paving shall be in place to provide a permanent all weather surface for emergency vehicles; and
3. Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.

F-10 *[Address Numbers]*

**STREET NUMBERS:** Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

F-11 *[Dead Ends]*

All dead-end fire access roads in excess of 150 feet in length shall be provided with approved provision for the turning around of emergency apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.

F-12 *[Automatic Fire Sprinkler System]*

All structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction to the satisfaction of the Del Mar Fire Department.

F-17 *[Basement]*

All basements shall be designed and equipped with emergency exit systems consisting of operable windows and lightwells. All lightwells if serving as one or more exits from a basement shall be equipped with fixed metal ladders as part of the exit. Lightwells that intrude into sideyard or backyard setbacks of five feet or less shall require a hinged grating covering the lightwell opening. The grating shall be capable of supporting a weight of 250 pound person; yet able to be opened by someone of minimal strength with no special knowledge, effort or key or tool. Any modification of previously approved plans related to this condition (F-17) shall be subject to re-submittal and review by appropriate City of Del Mar staff (Fire, Planning and Building).

F-18 *[Roadway Clearance During Construction]*

In accordance with the California Fire Code and California Vehicle Code, during project construction, all roadways shall maintain a minimum travel clearance width of 20 feet, with such area free of project equipment or materials, including the parking of construction-related vehicles.

F-21 *[Solar Photovoltaic Installations - Solar Panels]*

Solar Photovoltaic Systems shall be installed per California State Fire Marshal installation guidelines.

F-22 *[Response Maps]*

Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in one of the following formats (AutoCad, DWG, DXF, ESRI shapefile, ESRI personal geodatabase, or XML format) and shall be charged a reasonable fee for updating all response maps.

**Floodplain Conditions**

FP-1 *[Plan review Federal Emergency Management Agency (FEMA) compliance]*

Prior to the issuance of Building Permits, the project plans shall be subject to the review and approval of the City Engineer. The City Engineer shall review all aspects of the project plans to ensure conformance with all applicable flood protection requirements. Pursuant to the requirements of FEMA, the plans shall be subject to the review and approval by the City Engineer to specify that:

FP-1 A *[Mechanical equipment elevation]*

No machinery or equipment shall be installed within the attached garage, (including, but not limited to furnaces, air conditioners, heat pumps, hot water heaters, washers, dryers, elevator lift equipment, electrical junction and circuit breaker boxes, or food freezers), shall be placed, installed, or constructed below the level of the base flood elevation of [18.00] NGVD.

FP-1 B *[Restriction on improvements below base flood elevation]*

All interior wall, floor, and ceiling materials located below the base flood elevation of [18.00] feet NGVD shall be unfinished and resistant to flood damage.

FP-1 C *[Flotation/lateral movement construction]*

The walls of any enclosed area below the base flood elevation of [18.00] feet NGVD shall be constructed in a manner to prevent flotation, collapse, and lateral movement of the structure.

FP-1 D *[Flood proofing]*

The walls of any enclosed area below the base flood elevation of [18.00] feet NGVD shall be constructed and flood-proofed so as to be in conformance with FEMA regulation #44 CFR 60.3(c)(5).

FP-2 *[Finished floor certification]*

Per the requirements of the Federal Emergency Management Agency, prior to final approval/Certificate of Occupancy, the applicant shall submit an Elevation Certificate prepared by a licensed surveyor or registered civil engineer, certifying the elevation of the lowest floor elevation(s) of the structure.

**Housing Condition**

H-1 *[Reservation of housing units]*

Prior to the issuance of Grading Permit, the developer shall execute and record an Affordable Housing Agreement satisfactory to the City Attorney reserving **10 units** of the project as affordable housing units in accordance with the provisions of the State Density Bonus Law and Del Mar Municipal Code. Said Agreement shall include language specifying that these inclusionary (affordable) housing units will be reserved for at least 55 years and shall consist of six units to be designated affordable in the “low” income category, two units in the “very low” income category, and two units in the “extremely low” income category.

**Landscape Conditions**

L-1 *[Landscape Improvements in the Right-of-way]*

Provided an Encroachment Permit is obtained, as may be required by the Municipal Code, the applicant may make landscape improvements in City rights-of-way and easements compatible with those on the adjacent private property. The landscape improvements shall be detailed in a Landscape/Irrigation Plan submitted for City review and approval. Large or fast growing trees or shrubs which could affect power or other utility lines, vehicle travel way, parking, or site

distances shall be prohibited. Unless otherwise authorized via written City approval, turf areas shall be limited and maximum use shall be made of drought tolerant ground cover and shrubs. Where no formal improved sidewalk is provided, any vegetation to be installed within five (5) feet of the improved street edge shall be “walkable” groundcover appropriate for pedestrian travel. The property owner shall also be required to maintain installed trees, shrubs, turf, ground cover, irrigation, and other improvements in the right-of-way to the City’s satisfaction and may be required to record a Covenant Agreement memorializing this requirement.

*L-2 [Torrey Pine tree fencing/replacement of damage trees]*

Prior to the issuance of Building Permits or site grading/disturbance, whichever comes first, a temporary fence shall be placed around all Torrey Pine trees to be retained on-site. Any Torrey Pine tree proposed for retention that is irreparably damaged due to implementation of the project shall be replaced in accordance with determinations by the City Landscape Architect regarding the appropriate size and siting of the replacement tree.

*L-3 [Torrey Pine Tree Preservation Plan]*

Prior to the issuance of Building Permits or site grading/disturbance, whichever comes first, the applicant shall submit a Tree Preservation Plan for the review and approval of the Planning and Community Development Director. The plan shall address construction methodologies and construction-phase measures to be implemented to ensure preservation, in a healthy and thriving condition, of those Torrey Pine trees to be retained on the property pursuant to the approved plans for the project.

**LCP Conditions**

*LCP-1 [Prohibition on grading during the rainy season]*

In accordance with DMMC Sections 30.52.120 A-4 and 30.53.140-C, no grading shall occur between November 15<sup>th</sup> of any year and March 31<sup>st</sup> of the following year, unless specifically authorized through the written approval of the Planning and Community Development Department Director.

*LCP-2 [Retained Open Space Deed Restriction – Wetland and Buffer]*

Prior to issuance of the building permits for the project, the applicant shall record an open space deed restriction against the deed for the property, to the satisfaction of the City Attorney. The open space deed restriction shall apply to the area of on-site wetland and 50-foot wetland buffer.

The purpose of the deed restriction is to ensure the future protection of the wetland/buffer from encroachment, disturbance, or degradation. The deed restriction shall prohibit the development and/or placement of structures or landscaping in the affected area, unless approved by the appropriate entity of the City of Del Mar.

*LCP-3 [Retained Open Space Deed Restriction – Substantially Steep Slopes]*

Prior to issuance of the building permits for the project, the applicant shall record an open space deed restriction against the deed for the property, to the satisfaction of the City Attorney. The open space deed restriction shall apply to the area of substantial steep slopes as indicated on submitted plans and contained within project files. The deed restriction shall also apply to those

steep slope setback areas of a minimum 20-foot width, unless encroachment into such setback has otherwise been permitted by the City.

The purpose of the deed restriction is to preclude development that would encroach into or cause erosion or destabilization of the steep slopes. The deed restriction shall prohibit the development and/or placement of structures or landscaping in the affected area, unless approved by the appropriate entity of the City of Del Mar subject to a finding that such development will not contribute to the de-stabilization or steep slopes.

*LCP-4 [Landscape Plan Review]*

Prior to the issuance of building permits, the applicant shall submit a detailed landscape plan for review by the Planning and Community Development and Fire Department to ensure that all re-vegetated areas incorporate native and naturalized, low fire fuel materials that integrate with the adjacent natural canyon and hillside environment.

**Special Conditions**

*SC-1 [Certificate of Compliance]*

Prior to the issuance of a Grading Permit, the applicant shall submit evidence, in the form of a *Certificate of Compliance* document recorded with the County of San Diego, that parcels 299-100-47 and 299-100-48 have been consolidated in accordance with application BA22-001 into one legal parcel.

**Water Conservation Conditions**

*WC-01 [Compliance with City and State Water Conservation Policies and Regulations]*

Prior to issuance of building permits, the applicant shall provide a Landscape Documentation Package (LDP) for the project prepared by a landscape architect or landscape contractor licensed by the State of California. The LDP required herein shall include anticipated water use calculations for the project's landscape and irrigation components. The LDP shall be accompanied by a certification from the preparer that the LDP is in compliance with the City's adopted water conservation policies in effect at the time of LDP preparation, including Del Mar Municipal Code Chapter 23.60 (Water Efficient Landscape Ordinance) and any guidelines adopted by the City for such ordinance. The preparer shall also certify that the LDP is in compliance with the Governor's Executive Order Nos. B-29-15 and B-36-15, which call for compliance with landscape/irrigation water use standards set by the California Building Standards Commission and the California Department of Housing and Community Development.

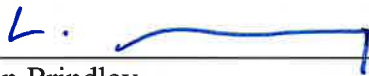
The LDP shall be subject to the review and written approval of the Director of Planning and Community Development (Director). The Director shall, as deemed necessary, work in consultation with the City's Landscape Architect, with the costs for such consultation to be borne by the applicant or his/her designee. If the submitted LDP is found *not* to be in compliance with the standards referenced herein, it shall be revised accordingly and resubmitted for compliance review.

In the event that compliance with this condition results in the need to modify a landscape or irrigation plan approved as part of a discretionary permit granted by the City, the Director shall

have discretion to authorize changes of landscape materials in a manner that retains like-for-like consistency with the parameters of the project's approved discretionary permit, with such parameters to include: the size of landscape material to be installed and its anticipated mature height; and the location of any trees to be installed.

*WC-02 [City Inspection for Compliance with Project's Landscape Documentation Package]*

Prior to final sign-off on implementation, the project shall be subject to inspection by City staff for compliance with the Landscape Documentation Package (LDP) required pursuant to the project's conditions of approval. The inspections shall include review for compliance with the irrigation and landscape plans included as component parts of the LDP.

  
\_\_\_\_\_  
Karen Brindley  
Director of Planning and Community Development

\_\_\_\_\_  
April 19, 2022  
Date