

(R-99-504)

RESOLUTION NUMBER R-290681

ADOPTED ON SEPTEMBER 8, 1998

WHEREAS, Torrey Pines Investment Group, Owner/Permittee, filed an application with The City of San Diego for a Carmel Valley Planned Development [CVPD] Permit and Resource Protection Ordinance [RPO] Permit to construct 89 single family dwelling units called the Torrey Pines Estates project, located south of State Route 56, at the east end of Arroyo Sorrento Road, and legally described as a portion of Section 30, Township 14 South, Range 3 West, San Bernardino Meridian, in the Carmel Valley Community Plan area, in the A-1-10 zone (proposed SF-2 and OC-1-1 zones); and

WHEREAS, on July 2, 1998, the Planning Commission of The City of San Diego considered CVPD/RPO Permit No. 96-7573, and voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on September 8, 1998, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to CVPD/RPO Permit No. 96-7573:

**CARMEL VALLEY PLANNED DEVELOPMENT/RESOURCE PROTECTION
ORDINANCE FINDINGS:**

A. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

The proposed development, a mix of single family residential and open space, is consistent with land use recommendations of the recently adopted Neighborhood 8A Specific Plan/Precise Plan as well as the Carmel Valley Community Plan and the City of San Diego's Progress Guide and General Plan. The proposed development is also consistent with adopted housing, open space, and public facilities elements of the General Plan by providing the type of residential units (single family detached) anticipated by the adopted Carmel Valley Community Plan and through the provision of public utilities and services.

B. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

The type of land use proposed (single family residential and open space) and the density of development proposed (89 dwelling units) are consistent with the recommendations of the adopted Neighborhood 8A Specific Plan/Precise Plan and Carmel Valley Community Plan. The project also is in compliance with Municipal Code section 103.0607 with the processing of a Carmel Valley Planned Development Plan and incorporation of Carmel Valley design standards.

C. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.

The City's Multiple Species Conservation Program (MSCP) Subarea Plan identifies a Multi-Habitat Planning Area (MHPA) in the City for preservation of core biological resource areas and corridors targeted for preservation. Adoption of the Neighborhood 8A Specific Plan/Precise Plan by the City Council on September 8, 1998, identified the area proposed by this application for residential development as the most appropriate for development and area proposed for open space as the most appropriate for maintaining the preservation and corridor goals of MHPA. The development area includes the transfer of residential units from another portion of Neighborhood 8A. That other area was considered important to maintain as undeveloped open space.

D. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer areas to protect such resources.

There are no identified parks on adjacent lands. The project will be dedicating approximately 30 acres of environmentally sensitive land for open space which has connectivity to other lands proposed as open space in the Neighborhood 8A Specific Plan/Precise Plan area.

E. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

Proposed conditions of project approval will eliminate risks resulting from geological and erosional problems and flood and fire hazards. The development plan minimizes alterations of the natural landform through preservation of the ridge top on site and by concentrating development next to other existing or proposed development areas.

F. Feasible measures as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of affected significant prehistoric site or resource have been provided by the applicant.

The site is vacant and no significant archaeological features as defined by RPO exist in the area proposed for development.

BRUSH MANAGEMENT FINDINGS:

A. The proposed Brush Management Program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance (San Diego Municipal Code section 101.0462).

The proposed Brush Management Program, by providing the required brush management zones of the Landscape Technical manual as shown on Exhibit "A," will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code, Appendix IIA. Plant materials in Brush Management Zones One and Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

B. The proposed Brush Management Program, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

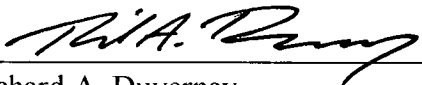
The proposed Brush Management Program, by using Zone Reduction (Sections 6.6-2, 6.6-3 and 6.6-5 of the Landscape Technical Manual) as shown on Exhibit "A," will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code. All new plantings on slopes will conform to the Revegetation Standards of the Landscape Technical Manual, Section Seven, and incorporate low precipitation irrigation systems to minimize runoff.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Carmel Valley Planned Development Permit and Resource Protection Ordinance

Permit No. 96-7573 is hereby granted to Torrey Pines Investment Group, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
11/24/98
Or.Dept:Clerk
R-99-504
Form=permitr.frm
Reviewed by Nick Osler

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CARMEL VALLEY PLANNED DEVELOPMENT PLAN AND RESOURCE
PROTECTION ORDINANCE PERMIT NO. 96-7573
TORREY PINES ESTATES
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Torrey Pines Investment Group, a Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 103.0607. The 53.9 acre site is located in Carmel Valley Neighborhood 8A at the easterly end of Arroyo Sorrento Road in the A-1-10 (proposed SF2 and OC-1-1) Zones. The project site is legally described as a portion of Section 30, Township 14 South, Range 3 West, SBM.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct an 89 unit single family residential subdivision described on the approved Exhibits "A," dated September 8, 1998, on file in the Office of Development Services. The facility shall include:

- a. 89 single family detached homes;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of the permit (September 8, 1998). Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to Development Services; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
 4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 6. Issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.)
 7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
 8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 8, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
 9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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 new 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.

10. All projects submitted for plan check for the purpose of obtaining building permits shall concurrently submit building plans which meet the submittal requirements of the "Applicant's Guide to Project/Permit Applications," items 11 through 29, as applicable; together with appropriate plan check fees.

11. All projects shall be in compliance with SDMC section 101.0214 (Maximum Height of a Building or Structure) and SDMC section 101.0215 (Procedural Requirements for Determination of Structure Height).

12. All projects shall be in compliance with SDMC section 101.0216 (Topographical Survey Requirements) and all building plans shall be predicated upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in SDMC section 101.0101.24 (Grade).

13. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated September 8, 1998, on file in the Office of Development Services).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

TRAFFIC CIRCULATION:

14. Prior to the issuance of building permits for houses for any parcel of Neighborhood 8A, the applicant(s) shall provide adequate left turn capacity at the intersection of Carmel Mountain Road and "C" Street.

15. Prior to the issuance of building permits for houses, the applicant(s) shall contribute fair share to the cost of signaling the intersection of Sorrento Valley Road and Carmel Mountain Road.

16. Prior to the issuance of building permits for houses, the applicant(s) shall be responsible for the construction of Carmel Creek Road/Street "A" through Neighborhood 8A. Portions of this roadway may be included in the Carmel Valley South FBA. If this inclusion occurs, each project applicant shall pay its fair share for the construction of Carmel Creek Road/Street "A" through required FBA contributions.

17. With implementation of the following mitigation measures (conditions 19-23), up to 766 building permits for houses may be issued in Neighborhood 8A.

18. Prior to the issuance of building permits for houses, the applicant(s) shall re-stripe the westbound left turn lane at the Sorrento Valley Road/Carmel Mountain Road intersection.

19. Prior to the issuance of building permits for houses, the applicant(s) shall be responsible for the provision of a westbound right turn lane and an additional southbound right turn lane at the El Camino Real/Carmel Mountain Road/Carmel Creek Road South intersection.

20. Prior to the issuance of building permits for houses and if more than 550 dwelling units are approved in Neighborhood 8A, the applicant(s) shall contribute fair share towards the construction of a westbound right turn lane, a southbound left turn lane, a northbound left turn lane and a northbound right turn lane at the El Camino Real/Carmel Mountain Road/Carmel Creek Road South intersection.

21. Prior to the issuance of building permits for houses, the applicant(s) shall construct an exclusive eastbound right turn lane and a third northbound through lane at the SR-56/El Camino Real intersection. Also within the median area south of the eastbound ramp, the applicant(s) shall provide a northbound left turn storage area.

22. Prior to the issuance of building permits for houses and if Sorrento Valley Road is closed to vehicular traffic, the applicant(s) shall construct a triple left turn lane at the intersection of El Camino Real/Carmel Mountain Road/Carmel Creek Road South.

BIOLOGICAL RESOURCES:

23. Prior to the issuance of a grading permit, the Environmental Review Manager of Development Services shall review the Tentative Map to ensure that mitigation includes on-site preservation of 28.06 acres, and off-site acquisition of 11 of the 14 small property owner parcels in Neighborhood 8A for dedication in fee to the City as open space.

24. Prior to the issuance of building permits for houses, a permanent, four foot high or greater fence shall be installed along the open space/MHPA boundary as indicated on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services, for the Loma Sorrento and Torrey Pines Estates parcels. The specific design of the fence will be subject to review and approval by the Environmental Review Manager. Upon review of the fence type, the Environmental Review Manager may require that wire mesh be attached to the fence as part of it's installation.

GEOLOGY/SOILS:

25. Prior to the issuance of building permits for houses, the City Engineer shall review and approve all construction documents to ensure adherence to the applicable foundation recommendations contained in the geotechnical investigation.

PUBLIC FACILITIES:

26. Prior to issuance of any building permit for houses, the applicant shall provide written verification to the Environmental Review Manager confirming participation in a Special Assessment District formed by the applicants and the affected school districts to ensure the payment of appropriate school impact fees.

The above Mitigation Monitoring and Reporting Program will require an additional deposit of \$3,200 to be collected prior to the issuance of certificates of occupancy to ensure the successful completion of the monitoring program.

ENGINEERING REQUIREMENTS:

27. The project shall comply with the conditions of the final map for Vesting Tentative Map No. 96-7573.

28. Prior to the issuance of any building permits for houses, the Permittee shall:
- a. Provide building address numbers visible and legible from streets or roads fronting the property or use a directory (UFC 901.44).
 - b. Show the location of all fire hydrants on a plot plan to conform with Fire Department Policy No. F-85-1 (UFC 903.2).
 - c. Provide access in conformance with Fire Department Policy A-93-1 for roadways, signs, red curbs and/or turning radius (UFC 901 & 902).
 - d. Comply with the City of San Diego Landscape Technical Manual regarding brush and landscaping or building location relative to open space property lines.

29. This development will be served by a system of non-dedicated, named, privately maintained private streets. Private streets shall be designed and constructed to the same structural, geometrical and drainage standards as dedicated streets in accordance with the Street Design Manual.

30. Interior streets having only 28 feet of pavement width shall have parking restricted to one side of the street only.

31. The City Engineer shall approve the design and location of the project entry gate and any related gatehouse prior to their construction.

PLANNING/DESIGN REQUIREMENTS:

32. No fewer than two covered and one covered or uncovered off-street parking spaces shall be maintained on each residential lot at all times in the approximate locations shown on the approved Exhibits "A," dated September 8, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with SDMC Chapter X, Article 1, Division 8, and shall not be converted for any other use unless otherwise authorized by the City Manager.

33. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

34. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

35. A topographical survey conforming to the provisions of SDMC section 101.0216 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

regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

36. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

37. Any temporary or permanent subdivision signs shall be consistent with the adopted Carmel Valley Signage Guidelines and Criteria.

38. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

39. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

40. 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 ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon 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 Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in 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 Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

41. This project shall comply with the Carmel Valley Transportation Phasing Plan.

42. Prior to the issuance of a grading permit, a conservation easement shall be placed over the open space portion of the site.

43. Prior to the issuance of any building permits for houses, a permanent, four foot high or greater fence shall be installed along the open space/MHPA boundary as indicated on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services. The specific design of the fence will be subject to review and approval by the Environmental Review Manager. Upon review of the fence type, the Environmental Review Manager may require that mesh be attached to the fence as part of it's installation.

44. The developer shall inform all renters or purchasers of homes that this development is subject to potential visual and noise impacts from military aircraft operating out of MCAS Miramar.

LANDSCAPE REQUIREMENTS:

45. The Exhibit "A," Site Plan and Landscape Concept Plan, dated September 8, 1998, on file in the Office of Development Services, shall be revised to provide the following landscape related improvements:

- a. Provide a Brush Management Plan that includes a zone depth chart and brush management notes.
- b. Provide a revegetation plan that includes that all slopes steeper than 6:1 and in excess of five feet in vertical height shall be planted with herbaceous or prostrate shrubby groundcover. A minimum of 50% of the total slope area shall be planted with deep rooting groundcovers. Seeded plantings at least 50% of the seed shall be deep rooting. All slopes greater than 15 feet in vertical height shall be planted with a combination of trees and shrubs, minimum one gallon at an average rate of 1 per 100 square feet of slope area.
- c. Provide on the Landscape Concept Plan notes on the minimum separation distance between street trees and street improvements (traffic signals - 20 feet; underground utility lines - 5 feet; above ground utility structures - 10 feet; driveway entries -10 feet; and intersecting curb lines of two streets - 25 feet).

46. Landscape areas for trees: The openings for trees planted in paved areas shall be a minimum 40 square feet in area and water permeable. Unconsolidated mulch materials must be covered by tree grates or unattached pavers.

47. All landscape and irrigation shall conform to the standards of the City Wide Landscape Regulations and the Landscape Technical Manual and all other related City and regional standards.

48. An irrigation system shall be provided as required for proper irrigation, development and maintenance of the vegetation. The design of the system shall provide adequate support for the vegetation selected.

49. All required landscape areas shall be maintained by the Owner. The landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.

50. Prior to the issuance of grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system, unless otherwise approved) shall be submitted for that phase of the project to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 8, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this permit shall have been granted.

51. Prior to the issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads) shall be submitted to the satisfaction of the City Manager (including the Environmental Section)

and City Engineer for that phase of the project. All plans shall be in substantial conformance to Exhibit "A," dated September 8, 1998, on file in the Office of Development Services.

52. The timely erosion control, including planting and seeding of all slopes and pads consistent with the approved plans, is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be completed. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

53. Prior to the issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on going maintenance of all street trees associated with that phase of the development. Copies of these approved documents must be submitted to the City Manager.

54. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this permit. The Permittee, or subsequent owner, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

55. If any landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

BRUSH MANAGEMENT REQUIREMENTS:

56. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of Moderate. The permittee shall implement the following requirements in accordance with the Brush Management program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated September 8, 1998, on file in the Office of Development Services:

- a. Prior to the issuance of building permits for houses, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A." The construction documents (site plan, landscape/brush management plan) shall show Zone One as a "Building Restricted Area" and Zones Two and Three as "Negative Open Space Areas."
- b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A," and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, and Section Six of the Landscape

Technical Manual (Document Number RR-274506) on file at the Office of the City Clerk.

- c. The Brush Management Zone Depths shall be as shown on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services.
- d. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager.
- e. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
- f. Plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted.
- g. Provide the following note on the Brush Management Construction Documents, "It shall be the responsibility of the permittee to schedule a pre-construction meeting on site with the contractor and Development Services to discuss and outline the implementation of the Brush Management Program."

57. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

58. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual as shown on Exhibit "A," dated September 8, 1998, on file in the Office of Development Services.

APPROVED by the Council of The City of San Diego on September 8, 1998, by Resolution No. R-290681.

11/24/98

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AUTHENTICATED BY THE CITY MANAGER

By _____

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

TORREY PINES INVESTMENT GROUP
a Partnership
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

11/24/98

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