

RESOLUTION NUMBER R-291150

ADOPTED ON JANUARY 11, 1999

WHEREAS, Dewitt Partnership, Owner, and Laguna Bernardo Company, Permittee, filed an application with The City of San Diego for a permit to develop a forty lot single-family development with private streets, landscaping, and open space for the Saddle Club Estates project, located 18009 Pomerado Road, and legally described as Parcels 1 and 2 of Parcel Map 6480, in the Rancho Bernardo Community Plan area, in the A-1-1 and A-1-10 zones (proposed R-1-10 and A-1-10 zones); and

WHEREAS, on November 19, 1998, the Planning Commission of The City of San Diego considered Planned Residential Development/Resource Protection Ordinance [PRD/PRO] Permit No. 98-0197, and pursuant to Resolution No. 2732-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on January 11, 1999, 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 PRD/RPO Permit No. 98-0197:

PLANNED RESIDENTIAL DEVELOPMENT FINDINGS

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.

The proposed Saddle Club Estates project will provide a significant benefit to the City of San Diego by providing fifteen point one acres of open space adjacent to the Multiple Habitat Preservation Area. The infill residential project will provide a balance of residential home size and

cost within the range of existing developments in the immediate vicinity. The proposed design and development of single family homes shall be controlled by Design Guidelines which serve to establish minimum standards of design and construction within the proposed forty lot subdivision. The proposed project will be consistent with the Progress Guide and General Plan and the Rancho Bernardo Community Plan.

B. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.

Conditions of approval required by the Planned Residential Development/Resource Protection Ordinance Permit control the development and continued use of the single family project proposed for this site. Conditions requiring compliance with the San Diego Municipal Code and other regional, state and federal regulations will prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. The conditions of approval require compliance with several operational constraints and development controls to assure the continued health, safety and general welfare of persons residing or working in the area. Conditions of approval address lighting, generation of noise, appearance of landscaping, placement of buildings, and the development of the site to preclude adverse impacts from the development of the site. All Uniform Building, Fire, Plumbing, Electrical, Mechanical, and San Diego Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

C. The proposed use will fully comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Municipal Code effective for this site and have been written as such into the Permit No. 98-0197. Development of the single family lots shall meet the requirements of the R-1-10 development criteria with regard to setbacks, floor area ratio, as allowed through a Planned Residential Development permit. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

RESOURCE PROTECTION ORDINANCE FINDINGS

A. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

The Biology Report prepared for the Saddle Club Estates project concluded that the project would have a significant direct impact to zero point six acres of Coastal Sage Scrub while the majority of the seventeen point five acres of disturbance would occur in the previously developed portion of the site. None of the sensitive species identified on the site will be impacted.

Mitigation is required by the Mitigation Monitoring and Reporting Program for all direct impacts identified by the environmental review process to result in an impact which is less than significant.

The majority of the development will be sited in the least sensitive portion of the site which is currently developed as a equestrian riding and boarding facility. The proposed development is consistent with the encroachment allowances of the Resource Protection Ordinance. Fifteen point one acres contiguous to the City's Multiple Habitat Preservation Area, the most sensitive areas of the site, will be preserved by a dedication, in fee simple, to The City of San Diego for open space purposes. Adverse impacts to sensitive natural resources and environmentally sensitive areas will not result with the implementation of the proposed project.

B. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

Dedication of fifteen point one acres adjacent to the City's Multiple Habitat Preservation Area will prevent adverse impacts and buffer the environmentally sensitive habitats and resources located in adjacent parks and recreation areas. This fifteen point one acre buffer will prevent potential impacts resulting from the proposed development of forty single family lots.

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

Geotechnical information indicates the site is physically suitable for the proposed grading design and building locations as shown on the proposed plans. Due to the conditions of approval which require contoured landform grading, revegetation of all slopes, and the sensitive placement of buildings, the proposed design of the project will result in the least disturbance to the site as possible.

All slopes adjacent to open space areas will be revegetated with native plants capable of providing deep rooting characteristics for added slope stability and will be low spreading varieties to provide erosion control and protection. The planting and continued maintenance of these slopes, and all slopes within the project, will prevent soil erosion, silting of lower slope areas or geologic instability which would affect health, safety and general welfare by covering the manufactured slopes with living deep rooted low spreading shrubs. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within Planned Residential Development/Resource Protection Ordinance Permit No. 98-0197 require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

Plantings proposed for the project are common in the region and immediate area. The plant species selected for the project will be viable for this site, require a minimum of irrigation and care, and will thrive in the intended locations. All proposed landscape plant species approved for the project will be common throughout the area and have no known diseases or associated pests.

D. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

The proposed single family development is located between two other similar existing single family developments. If the proposed project is approved without the proposed gated entry, the design of the project would be compatible with the surrounding existing developments in the immediate area. The Saddle Club Estates will complement the existing Trials and Montelena projects to the east and west, respectively, of this site.

The proposed site plan and tentative map create a natural curvilinear alignment of proposed streets. The placement of the proposed streets further creates an identity of smaller individual neighborhoods within the larger development to establish a sense of place in relation to the natural site features and physical setting. The grading plan proposes slopes, both in cut and fill, which maximize the use of contoured, landform grading techniques to achieve a blend between the natural slopes and the proposed manufactured slopes.

The landscape concept plan uses as its theme the indigenous natural plant materials of the inland region. Manufactured slopes will be revegetated with native species to achieve a seamless visual blend of these slopes with the immediately adjacent natural slopes. These design features and future landscaping of each lot will restore and enhance the degraded site to complement the surrounding existing developments.

E. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, the Local Coastal Program, or any other applicable adopted plans and programs in effect for this site.

With the adoption of the proposed community plan amendment and rezoning of the A-1-1 and A-1-10 portions of the site to R-1-10, the proposed development will conform with the Progress Guide and General Plan, the Rancho Bernardo Community Plan, the relevant policies of the City of San Diego, and the relevant San Diego Municipal Code regulations as allowed by a Planned Residential Development. With the adoption of the amended community plan and rezoning of a portion of the site, if approved without a gated entry, the proposed development will be consistent with the relevant regulations of the Municipal Code.

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 as described in the Landscape Technical Manual shown on Exhibit "A," will modify the existing vegetation to the least practical extent and reduce the risks associated from fires to

persons and property as required by the Uniform Fire Code, Appendix IIA. Plant materials proposed to be used in Brush Management Zones One and Two will be selected to blend visually with the existing hillside vegetation and no invasive species will 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 utilizing Zone Reductions of Sections 6.6-2, 6.6-3 and 6.6-5 of the Landscape Technical Manual, including a proposed four to one (4:1) manufactured slope as shown on Exhibit "A," will modify the existing vegetation to the least practical extent and provide the necessary reduction of risks from fire 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 will 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 Planned Residential Development/Resource Protection Ordinance Permit No. 98-0197 is hereby granted to Dewitt Partnership, Owner, and Laguna Bernardo Company, 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
03/17/99
Or.Dept:Clerk
R-99-828
Form=permitr.frm
Reviewed by John Fisher

**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

Planned Residential Development/
Resource Protection Ordinance Permit No. 98-0197
SADDLE CLUB ESTATES
City Council

This Permit is granted by the Council of The City of San Diego to Dewitt Partnership, Owner, and Laguna Bernardo Company, a California corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462, 101.0901, and 102.0307. The 34.46 acre site is located at 18009 Pomerado Road in the A-1-10 and R-1-10 Zones of the Rancho Bernardo Community Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map 6480.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to develop a 40 lot single family development with private streets, landscaping, and open space described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated January 11, 1999, on file in the Office of Development Services. The facility shall include:

- a. Forty single family structures on private individually owned lots ranging in size from approximately 2,800 to 4,200 square feet; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Eight-foot high, meandering stucco block wall, no higher than six feet six inches when viewed from Pomerado Road with landscape berming; and
- e. 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 final approval by the City, following all appeals. 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. Development on this site is governed by the Exhibit "A," dated January 11, 1999, the approved Design Guidelines and Development Standards and this permit. It is the intention of these Design Guidelines and Development Standards to provide flexibility in the development of the architecture and the site plan within the constraints of grading and the Vesting Tentative Map [VTM]. The Design Guidelines and Development Standards define the limits of the project flexibility. Use of the word "shall" throughout the text indicates those elements of the project design which are not flexible.

3. Prior to an application for any building permit being filed with Development Services, a determination of substantial conformance shall be required for all development authorized by this permit. Accurate and detailed plans shall be submitted to Development Services to determine that all proposed site development meets or exceeds the requirements of this permit, and by reference, the Design Guidelines and Development Standards incorporated into this permit. Fees shall be charged at the time of submittal as allowed by the approved fee schedule for substantial conformance reviews in effect at the time of application. Site plans not approved through substantial conformance will require an amendment to this permit, possible additional environmental review and a noticed public hearing.

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

- a. The Owner/Permittee signs and returns the Permit to Development Services; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

5. 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.

6. This permit is a covenant running with the subject property and shall be binding upon the Owner/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.

7. The Owner/Permittee shall post a copy of the approved permit in the sales office for consideration by each prospective buyer or tenant.

8. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee 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.

10. Prior to the issuance of any grading or building permits, a final map consistent with Vesting Tentative Map No. 98-0197 shall be recorded on the subject property. Rezoning of the subject property shall become effective with the recordation of the final map. This permit shall become void if the final map is not recorded.

11. 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 January 11, 1999, 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.

12. 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.

13. Development of the site is controlled by Vesting Tentative Map No. 98-0197.

14. 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 Exhibit "A," dated January 11, 1999, on file in the Office of Development Services.

15. **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

- a. Prior to the issuance of building permits, a site plan shall be submitted and approved by the City Manager which demonstrates that:
 1. Barriers (e.g., fences or walls) are located along the portions of Lots 11-18 fronting MHPA and open space areas to reduce domestic animal predation and intrusion. Other barriers (e.g., non-invasive vegetation, rocks/boulders, fences and/or signage) shall be used, where necessary, to direct public access away from MHPA and open space areas.

2. Lighting from Lots 11-18 shall be directed away, and shielded as necessary, from the MHPA in order to minimize effects on wildlife.
 3. Best Management Practices (BMPs) should be used to ensure that untreated surface runoff from the project does not drain directly into the MHPA. These requirements shall be noted on the site plan.
- b. Prior to the issuance of building permits, a landscape plan shall be submitted and approved by the City Manager which demonstrates that no invasive plants will be planted on Lots 11-18. This requirement shall be noted on the landscape plan.
 - c. The drainage system shall be cleaned and maintained every four months, or as necessary, to ensure the system functions properly. An annual letter report prepared by the Owner/Permittee identifying the quarterly clean-out dates, system conditions and required maintenance shall be provided to the City Engineer. Spot checks of the drainage system may be made by the City Engineer to ensure proper clean-out and maintenance.
 - d. Prior to issuance of building permits for Lots 1, 2, 3, 4 and 40, a 6-foot-high minimum sound attenuation barrier located at the rear property lines fronting Pomerado Road shall be shown on the building plans to the satisfaction of the City Manager to achieve a 65 dB(A) exterior noise level for the exterior usable areas. The proposed sound attenuation barrier shall be solid and continuous with no gaps or openings with the exception of a gated opening for a pedestrian walkway and an emergency vehicle entrance between Lots 3 and 4. The wall shall extend on Lot 3 from the terminus along Pomerado Road to the cul-de-sac in order to control noise from the opening.
 - e. Prior to final inspection of building permits on Lots 1, 2, 3, 4, and 40, the City Manager shall verify that the sound attenuation barrier has been installed in accordance with the approved building plans.
 - f. Prior to the issuance of building permits on Lots 1, 2, 3, 4 and 40, a final acoustical report and specific interior noise attenuation measures shall be submitted to and approved by the City Manager to achieve a 45 dB(A) interior noise level for the residences on Lots 1, 2, 3, 4 and 40. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound rated as high as STC 45, which generally requires a double, double-paned slider. Baffling or elimination of attic vents, and resilient channels in exterior walls may also be required. Sound attenuation greater than 30 dB(A) requires special construction techniques.
 - g. Prior to final inspection of the first building permit, the Owner/Permittee shall modify the traffic signal at the intersection of Pomerado Road and Mirasol Drive/Street "A." This condition shall be noted on the site plan.
 - h. Prior to the issuance of building permits, the Owner/Permittee shall provide proof that it has executed a mitigation agreement with the Poway Unified School District [PUSD] to annex the proposed project into PUSD Communities Facilities District #1, satisfactory to the City Manager.

- i. Prior to the recordation of the first final map, the mitigation monitoring and reporting program will require an additional deposit of \$3,200 to be collected to ensure the successful completion of the monitoring program

16. The issuance of this permit by The City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

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.

17. No fewer than eighty off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated January 11, 1999, on file in the Office of Development Services. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

18. 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 a 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.

19. 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.

20. All signage associated with this development shall be consistent with sign criteria established by City-Wide Sign Regulations.

21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
22. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
24. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
25. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.
26. No merchandise, material or equipment shall be stored on the roof of any building.
27. All storm drain piping and temporary desiltation basins which discharge drainage into any area of undisturbed open space shall utilize velocity reducing ring pipe and rip rap energy dissipaters in the design and construction of the drainage system, to the satisfaction of the City Engineer.
28. Prior to issuance of any 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 to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated January 11, 1999, on file in the Office of Development Services. All trees indicated on the Landscape Concept Plan in the parkway adjacent to Pomerado Road shall be a minimum thirty to thirty-six inch box specimens. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.
29. Prior to 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. All plans shall be in substantial conformance to Exhibit "A," dated January 11, 1999, on file in the Office of Development Services and all other applicable conditions of related permits.
30. The timely erosion control including planting and seeding of all graded areas, slopes and future construction building pads consistent with the approved plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. 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. All slopes and building pads

shall be reviewed annually to assure the prevention of erosion until the entire project is completed. Remedial hydroseeding shall be required at the direction of the City Engineer.

31. Prior to 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. Copies of these approved documents must be submitted to the City Manager.

32. 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.

33. If any required 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.

34. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of high. 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 January 11, 1999, on file in the Office of Development Services:

- a. Prior to the issuance of any grading or building permits, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A," dated January 11, 1999, on file in the Office of Development Services. The construction documents (site plan, landscape/brush management plan) shall show Zone One as "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," dated January 11, 1999, on file in the Office of Development Services, 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 indicated on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated January 11, 1999, 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 risks still exist.
- 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."

35. Prior to final inspection of any building permit, the approved Brush Management Program shall be implemented.

36. 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 January 11, 1999, on file in the Office of Development Services, 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.

37. Laguna Bernardo Company will assist in the relocation of the equestrian facilities to a location to be determined in the San Pasqual Valley.

APPROVED by the Council of The City of San Diego on January 11, 1999, by Resolution No. R-291150.

3/4/99

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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.

DEWITT PARTNERSHIP

Owner

By _____

LAGUNA BERNARDO COMPANY

a California corporation

Permittee

By _____

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

3/4/99

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