

RESOLUTION NUMBER R-293256

ADOPTED ON JUNE 6, 2000

WHEREAS, on January 1, 1999, Frank E. and Norma Anderson, Gary D. Anderson and Lori S. Anderson-Wolfe, Owners/Permittees submitted an application for a planned development/resource protection ordinance/hillside review permit and tentative map to develop an eight-lot (seven residential, one open space) development on a 19.5 acre site, located on both sides of Shaw Ridge Road approximately 6,000 feet east of Carmel Country Road, legally described as portions of the Southwest Quarter of the Southeast Quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Meridian, in the Del Mar Mesa Community Plan area, in the A-1-10 and HR zones; and

WHEREAS, on March 30, 2000, the Planning Commission of the City of San Diego considered Planned Residential Development/Resource Protection Ordinance/Hillside Review (PRD/RPO/HR) Permit No. 99-0023, pursuant to San Diego Municipal Code sections 101.0909, 101.0462, and 111.0510 and pursuant to Resolution No. 2945-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on June 6, 2000, testimony having been heard, evidence having been submitted, and the 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 Planned Residential Development/Resource Protection Ordinance/Hillside Review Permit No. 99-0023:

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

1. 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 subject 19.5-acre site is within the Del Mar Mesa Subarea V Plan area for North City Future Urbanizing Area and designated for Estate Residential (One dwelling unit per 2.5 gross acre) use. The proposed project of seven-dwelling units has a density of one unit per 2.67 gross acres. The proposed seven single-family residential dwelling is consistent with the City of San Diego General Plan and the adopted Del Mar Mesa Specific Plan and will meet the community need for residential housing as designated for this parcel. Design techniques, including contoured grading, split level pads and hiking/equestrian trails are part of the project features.

2. 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. The development of these parcels as a seven-unit residential subdivision, is subject to a concurrent Planned Residential Development and Resource Protection Ordinance Permit. The development is consistent to the adopted Del Mar Mesa Specific Plan and compatible with other adjacent properties within the area that are designated for residential use. No deviations from the underlying proposed zones are requested. The development of the seven single-family residences will not be detrimental to persons or property within the vicinity or area of the subject property.

3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. The development of seven single-family residential units on this 19.5-acre site is determined to be in compliance with the General and Del Mar Mesa Specific Plan of the City of San Diego, the Planned Residential Development Ordinance Purpose and Intent, the requirements of the State Subdivision Map Act, and local regulations.

RESOURCE PROTECTION ORDINANCE - (Municipal Code section 101.0462)

4. 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 proposed grading operation has been sited to minimize impacts to sensitive habitats to the extent possible. The proposed grading will occur on the least sensitive portions of the property where there are no slopes in excess of 25%. Conditions have been imposed that will require mitigation measures to reduce impacts from soil erosion and loss of sensitive habitat.

5. 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. The proposed seven unit project, is not located adjacent to any parks or recreational areas.

6. 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. The area of the sites to be graded will be limited to those portions of the site having slopes of less than 25%. The slope revegetation plan designed for the project will be consistent

with the requirements of the City Landscape Technical Manual (LTM) and will contribute to minimizing the potential for adverse geologic and erosional impacts adjacent to the graded areas.

7. 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 grading activity will be revegetated to take on the appearance of the existing vegetation in the immediate area. No grading is proposed within the Multiple Habitat Planning Area [MHPA] or other sensitive habitat areas of the property. Conditions have been included that require contoured grading and variable slopes to enhance visual quality.

8. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, or any other applicable adopted plans and programs in effect for this site. The proposed grading activity and the resulting seven unit development will conform with the City's Progress Guide and General Plan and the Del Mar Mesa Specific Plan.

RESOURCE PROTECTION ORDINANCE/ALTERNATIVE COMPLIANCE PROVISION FOR SUBSTANTIAL CONFORMANCE DETERMINATION

9. The subdivision of this 19.5-acre site into seven single-family residential lots and one open space lot has been designed according to the provisions of the adopted Del Mar Mesa Specific Plan. Section IV E of the Specific Plan (Resource Protection Ordinance) references City Council Policy 600-40 as to how RPO analysis was formulated for the entire Specific Plan area. The Plan specifies that, "if future project or permit applications within Del Mar Mesa are found to be consistent with the Specific Plan, then future RPO permits may be approved using the substantial conformity determination referenced in the alternative compliance subsection of the RPO." The project would grade 58.5 percent of the site for the subdivision of seven lots compatible with existing residential development within the specific Plan. The proposed subdivision and development of seven residential units as indicated on "Exhibit A," dated June 6, 2000, on file in the Office of Planning and Development Review, is consistent with the RPO, Multiple Species Conservation Program [MSCP], and Open Space provisions of the Plan. The project is sited and designed to minimize adverse impacts to environmentally-sensitive areas.

BRUSH MANAGEMENT FINDINGS:

10. 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 brush management zones of the Landscape Regulation in the Land Development Code as referenced by the Biology Guidelines adopted by the City Council under Ordinance - O-18451 and additional guidelines of the Landscape Technical Manual as shown on Exhibit "A," dated June 6, 2000, and on file in the Office of Planning and Development Review, 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 the Brush Management Zone Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

11. The proposed brush management program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces. The proposed Brush Management Program, by using Alternative Compliance Provision (Section 6.2 of the Landscape Technical Manual) and provisions of the Land Development Code Landscape Section 142.0412 (Brush Management), Ordinance - 18451, as shown on Exhibit "A," dated June 6, 2000, on file in the office of the City Clerk, 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.

12. The proposed brush management program will meet the purpose and intent of the Uniform Fire Code. The proposed development complies with the purpose and intent by providing an effective fire break while minimizing the potential for soil erosion by incorporating Zone Reduction and the Alternative Compliance provisions consistent with Landscape Technical Manual Section Seven, and brush management zones of the Land Development Code Section 142.0412, Ordinance - O-18451

13. 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. Requirements incorporated into the permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing revegetation to all slopes per the Landscape Technical Manual, Section Seven.

14. The provision as outlined in Section 6.6-2 of the document entitled "City of San Diego Landscape Technical Manual," (on file in the office of the City Clerk as Document Number RR-274506) shall be satisfied and the proposed development shall not violate other fire resistive features as required by the Fire Chief. The Architectural Features (Section 6.6-2 of the Landscape Technical Manual and Section 142.0412 of the Land Development Code, Ordinance - 18451) of the Landscape Technical Manual have been incorporated into the project per Exhibit "A," dated June 6, 2000, on file in the Office of Planning and Development Review. No other fire resistive features are required by the Fire Chief.

15. Compliance with the provision of this Section in addition to any other applicable adopted plans or ordinances would preclude any reasonable development on the site. The site design complies with the Del Mar Mesa Specific Plan. However, site constraints, including the MHPA of the MSCP, preclude literal compliance with the provisions of the Uniform Fire Code without encroachment into sensitive habitat. Therefore, the alternative compliance provision of the Landscape Technical Manual has been implemented to allow for reasonable development of this site while providing the necessary fire protection as required by the Uniform Fire Code on this site. An alternative compliance Brush Management Program is provided which

supports the purpose and intent of other applicable adopted plans and ordinances including the Biology Guidelines Ordinance - 18451, which references the Brush Management requirements of Section 142.0412 of the Land Development Code.

HILLSIDE REVIEW - (Municipal Code section 101.0454)

16. The site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas. The proposed project will grade portions of a 19.5 acre parcel. Only that portion of the site containing slopes of less than 25% will be graded. An environmental analysis has been prepared for the project which concluded that, with the proposed mitigation measures for erosion control there would be no significant unmitigated environmental impacts. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance of sensitive areas.

17. The grading and excavation proposed in conjunction with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the city engineer. Disturbed slopes are planted with native and self sufficient vegetation. The grading of 11.5 acres of a 19.5 acre site will result in 71,000 cubic yards of grading. The remainder of the site will remain in its natural condition. The Environmental review conducted for the project analyzed the geologic and soils conditions and concluded that, with proper engineering, the design of the grading concept would ensure that the potential for geologic impacts would be insignificant. Additionally, a grading permit, which includes a review of drainage flow to appropriate drainage facilities and erosion control measures from the site, is required as part of this permit. Therefore, the grading and excavation proposed in conjunction with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes will be planted with native and self sufficient vegetation.

18. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilization proper structural scale and character, varied architectural treatments, and appropriate plant material. Through the use of sensitive grading techniques including contoured grading, variable slopes and split pads, along the Del Mar Mesa Road and the edges of the property, the visual quality of the site has been enhanced. New landscaping would be placed within the front and side yard areas. The requirement of single story units and single story elements in conjunction with a maximum lot coverage of 20% will assist in retaining the rural character of the area. The proposed development would retain the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilization of proper structural scale and character, varied architectural treatments, and appropriate plant material.

19. The proposed development is in conformance with the open space element of the General Plan, the open space and sensitive land element of the community plan. The

proposed grading will occur on portions of the property outside of the Open Space and MHPA areas of the property. Conditions have been included into the Permit that will provide appropriate mitigation measures to avoid or minimize impacts to sensitive habitats that are adjacent to the property.

11. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129 "Hillside Design and Development Guidelines." The proposed grading will remove an average of 6 feet of material over a 11.5 acres in areas of the property. No grading is proposed within the MHPA area or steep slope areas of the property in accordance with the Hillside Design and Development Guidelines. The variable slopes and contoured grading concepts are consistent with the Hillside Design and Development guidelines.

a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.

b. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

c. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to Developments and tentative maps and meets the criteria and guidelines of the adopted Community Plan.

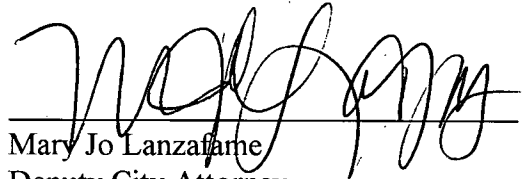
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Planned Residential Development/Resource Protection Ordinance/Hillside Review

Permit No. 99-0023 is hereby granted to Frank and Norma Anderson, Gary D. Anderson and Lori S. Anderson-Wolfe, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
10/10/00
Or.Dept:Clerk
R-2001-43
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RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION
ORDINANCE HILLSIDE REVIEW PERMIT NO. 99-0023 (MMRP)
SILVER OAKS**

CITY COUNCIL

This permit is granted by the Council of The City of San Diego to Frank E. and Norma Anderson, Gary D. Anderson and Lori S. Anderson-Wolfe, Owners/Permittees, pursuant to San Diego Municipal Code sections 101.091, 101.0462, and 111.0510. The 19.5-acre site is located on both sides of Del Mar Mesa Rd. in the A1-10 zone of the Del Mar Mesa Community Plan (Subarea V Plan). The project site is legally described as Portions of the Southwest Quarter of the Southeast Quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Meridian

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide and construct a 7-unit, single-family detached development, (1) one open space lot, through the PRD Ordinance described as, and identified by size, dimension, quantity, type, and location on the approved Exhibits "A," dated June 6, 2000, on file in the Office of Planning and Development Review. The facility shall include:

- a. Seven detached, single-family residential lots; and
- b. One open-space lot; and
- c. Landscaping (planting, irrigation, and landscape-related improvements); and
- d. Off-street parking facilities; 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 decisionmaker.

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 Planning and Development Review; 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. 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. § 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 June 6, 2000, on file in the Office of Planning and Development Review. No substantial 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" conditions(s) back to the discretionary body which approved the new 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 new permit and the condition(s) contained therein.

10. The Planned Residential Development and Resource Protection Ordinance Permit and Hillside Review Permit shall comply with the conditions of the final map of Silver Oaks, Tentative Map No. 99-0023

11. All projects shall be in compliance with Maximum Height of a Building or Structure and Procedural Requirements for Determination of Structure Height of the Municipal Code.

12. All projects shall be in compliance with Topographical Survey Requirements of the Municipal Code 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 the Municipal Code.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Findings to Master Environmental Impact Report No. 95 0353 (LDR No. 990023 to the satisfaction of the City Manager and the City Engineer. Prior to the issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- a. Light/glare/shading
- b. Hydrology/Water Quality
- c. Paleontological Resources
- d. Public Facilities and Services/Utilities.
- e. Land Use
- f. Biological Resources
- g. Safety

14. 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.

15. Lot 8 is to be granted to the city for open space, at no cost, and shall be free and clear of all private easements, private encroachments, private agreements and private liens.

PLANNING/DESIGN REQUIREMENTS:

16. No fewer than two off-street parking spaces shall be maintained on each developed lot. 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. The location of the garage doors shall be either side loaded or located to the rear of the homes when visible from public streets. All lots with a half-acre or more of flat, graded pad area shall utilize an alternative garage orientation (detached, set back from the front elevation of the home, side-loaded)

17. Prior to the issuance of any Building Permits for any of the residential lots, a Substantial Conformance Review shall be approved that will verify that each single family dwelling is in conformance with the development policies and design guidelines of the Del Mar Mesa Specific Plan.

18. Any proposed front and street side yard fencing shall be designed as post and rail and not to exceed five feet in height.

19. Disclosure shall be made to all buyers in Silver Oaks that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property provided that these horses are maintained in conformance with the San Diego Municipal Code.

20. In order to avoid potentially significant impacts associated with external lighting, all lighting from homes for the purposes of safety and security shall be designed to minimize the emission of light rays onto neighboring lots and open space. The lighting of private recreational facilities, such as tennis courts, shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than six feet from the lighting source.

21. 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

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

23. 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.

24. The developer shall construct a multi-purpose trail to be located on the north side of Del Mar Mesa Road. The trail shall include a ten foot wide pathway and a six foot wide landscaped buffer that separates the trail from the roadway. The ten foot trail shall be separated from the six foot parkway by a three foot high split-rail fence.

25. The subject property on site shall be maintained in a neat and orderly fashion at all times.

LANDSCAPE REQUIREMENTS

26. 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.

27. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit

28. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

30. Prior to issuance of any 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 June 6, 2000, on file in the Office of Planning and Development Review. No substantial change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

31. Prior to issuance of any 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 June 6, 2000, on file in the Office of Planning and Development Review and all other applicable conditions of related permits.

BRUSH MANAGEMENT PROGRAM:

32. The Permittee shall implement the following requirements in accordance with the Alternative Compliance and Standard Brush Management Program shown on Exhibit A Brush Management Program/Landscape Concept Plan, dated June 6, 2000, on file in the Office of Planning and Development Review.

- a. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated June 6, 2000, on file in the Office of Planning and Development Review.
- b. Prior to 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 Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated June 6, 2000, on file in the Office of Planning and Development Review, and shall comply with the Uniform Fire Code, M.C. § 55.0889.0201, the alternative compliance provision of Section Six of the Landscape Technical Manual (document number RR-274506) on file at the Office of the City Clerk and the Land Development Code Section 142.0412 (Ordinance -O-18451).
- c. The Alternative Compliance Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

Lot # [East of I-805]	Zone One	Zone Two
3, 4, and 5	30'	40'

- d. The Standard Brush Management Zone Depths shall be as follows:

Lot #	Hazard	Zone One	Zone Two	Zone Three
1 and 2	Low	30'	20'	0'
6 and 7	Moderate	35'	30'	20'

- e. The construction documents shall conform to the Architectural features as described in Section 6.6-2 of the Landscape Technical Manual.
- f. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc) while 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 Fire Marshall and the City Manager's approval.
- 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 the Planning and Development Review Department to discuss and outline the implementation of the Brush Management Program'.
- h. In zones One, Two, and Three plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

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

34. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.

AFFORDABLE HOUSING:

35. The Owner/Permittee is required under the North City Future Urbanizing Area Framework Plan and the Del Mar Mesa Specific Plan to provide for the provision of housing for low income households, as certified by the San Diego Housing Commission/Housing Authority of the City of San Diego. The owner/permittee has an option beyond the provision of the affordable units to pay in-lieu fees to the Executive Director of the Housing Authority to meet their affordable housing requirement. This project is eligible under the in-lieu fee option of the Del Mar Mesa Specific Plan to meet the affordable housing requirement in this manner, and the owner(s) have stated their intent to pay the then current in-lieu fee for Del Mar Mesa as required, at the time of issuance of building permits.

Approved by City Council on June 6, 2000, by Resolution No. R-293256.

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.

Frank E. Anderson
Owner/Permittee

By _____

Norma Anderson
Owner/Permittee

By _____

Gary D. Anderson
Owner/Permittee

By _____

Lori S. Anderson-Wolfe
Owner/Permittee

By _____

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

R- 293256