

RESOLUTION NUMBER R-295254

ADOPTED ON JULY 31, 2001

WHEREAS, City of San Diego, Owner/Permittee, and San Dieguito Partnership, applicant, filed an application with the City of San Diego for Planned Industrial Development/Coastal Development [PID/CD] Permit No. 99-0036 to subdivide the site into two lots and develop a planned industrial development known as the Headquarters Point Research Park project, located between Wateridge Circle and Lusk Boulevard, and legally described as a Portion of Lot 10 of Corporate Research Park II, Map No. 13605, filed July 27, 1998, in the Mira Mesa Community Plan area, in the RS-1-1 zone (previously referred to as the R1-40000 zone) which is proposed to be rezoned to the IL-2-1 zone (previously referred to as the M1-B zone); and

WHEREAS, on December 7, 2000, the Planning Commission of the City of San Diego considered PID/CD Permit No. 99-0036, and pursuant to Resolution No. 3060-PC voted to recommend denial of the permit; and

WHEREAS, the matter was set for public hearing on July 31, 2001, 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 it adopts the following findings with respect to PID/CD Permit No. 99-0036:

**I. PLANNED INDUSTRIAL 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 subdivision of this property to create two building lots through a vesting tentative map and Planned Industrial Development/Coastal Development [PID/CD] Permit will fulfill a community need by providing additional sites within the community for industrial development. The site is identified by the Mira Mesa Community Plan and the City's Progress Guide and General Plan for development with industrial uses. The proposed uses on this site, which are consistent with the land use policy documents guiding development in the community, will not adversely affect the community or City.

**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 found within the Vesting Tentative Map Resolution and Planned Industrial Development/Coastal Development Permit No. 99-0036 address the health, safety, and general welfare of persons residing or working the area and properties in the vicinity to preclude detrimental effects from the existing development. Compliance with all building, electrical, plumbing, and zoning regulations as allowed through a Planned Industrial Development, will be achieved by the proposed development at this site.

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

As allowed through a Planned Industrial Development, the proposed development and subdivision will comply with all relevant regulations of the San Diego Municipal Code [SDMC]. The project design has been determined to be in conformance with and consistent with the regulations and findings of all relevant sections of the SDMC in effect at the site, including and not limited to the Hillside Review Overlay Zone, SDMC section 101.0454; the Coastal Development Overlay Zone, SDMC section 105.0200; and the Planned Industrial Development Ordinance, SDMC section 101.0920. No deviations or variances are required to approve the project.

## **II. COASTAL DEVELOPMENT PERMIT FINDINGS**

**A. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.**

The proposed development is located entirely within legally owned private property which is not identified in the Local Coastal Program Land Use Plan as an accessway to be utilized by the public or proposed to be accessed by the public. The improvements will be located within the development envelope of the site and completely outside the required setbacks of the site. As

such, the proposed development will not obstruct any views to and along the ocean and other scenic coastal areas from public vantage points.

**B. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.**

The proposed project will be located on a site which is designated for industrial development. The site characteristics and resources have been inventoried and evaluated to determine if marine resources, environmentally sensitive areas, archaeological or paleontological resources are present on the site. Resources found to exist on the site will be mitigated to avoid a direct adverse affect on these resources.

**C. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462, of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.**

The existing site, to be developed as an industrial property, contains biologically sensitive lands as defined by the Resource Protection Ordinance. As such, the proposed development is required to provide mitigation. The required mitigation is included in the permit prepared for the proposed project.

**D. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.**

The proposed site is located on an undeveloped lot within a larger existing industrially developed area. The development of the site with industrial uses will have no adverse affects on recreational, visitor-serving facilities or coastal scenic resources located in other areas of the City of San Diego. The site is designated in the Local Coastal Program and the Mira Mesa Community Plan for industrial development.

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

The proposed development is adjacent to other developed industrial lots zoned M1-B and is not adjacent to parks or recreation areas. The proposed improvements will not be visible from the Torrey Pines State Park, which is west of the site or from the Pacific Ocean. The proposed development does not require any buffer to protect the resources located in the parks or recreation areas nearest to the site.

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

See above-referenced Finding C.

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

See above-referenced Finding D.

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

See above-referenced Finding E.

### **III. BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS**

**A. 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 by means of an Alternative Brush Management Zones, as shown on Exhibit "A," dated July 31, 2001, on file in the Development Services Department, and the Alternative Compliance Provision (Landscape Technical Manual section 6.2), the Architectural Features (Landscape Technical Manual section 6.6-2) and Zone Reduction Application (Landscape Technical Manual sections 6.6-3 and 6.6-5).

**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.**

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 7.

**C. 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 No. RR-274506) shall be satisfied and the proposed development shall offer other fire resistive features as required by the Fire Chief.**

The Architectural Features set forth in Section 6.6-2 of the Landscape Technical Manual have been incorporated into the project.

**D. 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 Mira Mesa Community Plan. However, site constraints 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.

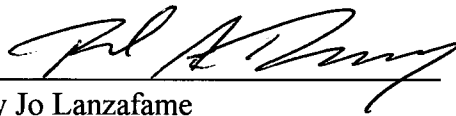
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is overruled, and Planned Industrial Development/Coastal Development Permit No. 99-0036 is granted to City of San Diego, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof and specifically subject to the good faith efforts and substantial compliance by City of San Diego to satisfy the following conditions, all of which have been mutually agreed upon by the City of San Diego and San Dieguito Partnership:

1. All mitigation associated with the Headquarters Point Research Park, including the loss of open space and the mitigation associated with the development itself, must occur within the coastal zone.
2. Direct the City Manager to report back to Council within sixty days prior to marketing the Headquarters Point property with a full financial analysis that examines both selling and leasing options.
3. Include the boundary adjustment for the Multiple Habitat Planning Area as requested by staff.

4. Any revenues received from the property either through sale or lease should be used to further the City's open space goals.

APPROVED: CASEY GWINN, City Attorney

By   
for Mary Jo Lanzafame  
Deputy City Attorney

MJL/mdw/lc

10/02/01

Or.Dept:Clerk

R-2002-436

Form=permitr.frm

Reviewed by John Fisher

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501**

**AND WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED INDUSTRIAL DEVELOPMENT/COASTAL DEVELOPMENT  
PERMIT NO. 99-0036  
HEADQUARTERS POINT RESEARCH PARK (MMRP)**

City Council

This Planned Industrial Development/Coastal Development [PID/CD] Permit is granted by the Council of the City of San Diego to City of San Diego, a municipal corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0920 and 105.0200. The 10.3 acre site is located between Wateridge Circle and Lusk Boulevard in the in the RS-1-1 zone (previously referred to as the R1-40000 zone) which is proposed to be rezoned to the IL-2-1 zone (previously referred to as the M1-B zone) of the Mira Mesa Community Plan. The project site is legally described as a Portion of Lot 10 of Corporate Research Park II, Map No. 13605, filed July 27, 1998.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide the site into two lots and develop a planned industrial development described and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated July 31, 2001, on file in the Development Services Department. The project shall include:

- a. Two lot subdivision, including approximately 35,000 cubic yards of grading, a local industrial road;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. A Planned Industrial Development consistent with the approved Design Guidelines; 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 SDMC in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC

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 the Development Services Department; 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 No. 99-0036 shall supersede Permit No. 96-0265 as it applies to this 10.3 acre site only.

5. Prior to the issuance of any building permit for any of the parcels within the subdivision, the Owner/Permittee shall construct detention basins as required per City Ordinance No. O-17068, to the satisfaction of the City Engineer.

6. This Permit shall comply with the conditions of the final map for Headquarters Point Vesting Tentative Map No. 99-0036.

7. 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.

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

9. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within ninety days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

10. 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.

11. 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 Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*)

12. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building or site improvements to comply with applicable Building, Fire, Mechanical and Plumbing codes and state law requiring access for disabled people may be required.

13. Before issuance of any building permits, individual lot development shall be processed through a Substantial Conformance Review, as referenced in the design and development guidelines for Headquarters Point Research Park Planned Industrial Development, marked on approved Exhibit "A," dated July 31, 2001, on file in the office of the Development Services Department.

14. 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 July 31, 2001, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendments to this permit have been granted.

15. 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 entitled 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 proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

16. Rezoning of the subject property shall become effective with the adoption of the Local Coastal Program [LCP] amendment by the Coastal Commission.

17. This Coastal Development Permit shall become effective after the adoption of the Local Coastal Program amendment by the Coastal Commission.

18. 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 July 31, 2001, on file in the Development Services Department.

19. Prior to issuance of a grading permit or building permit, a fee consistent with the requirements of the SDMC shall be deposited in the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by the Development Services Department.

20. Due to the adjacency to the Multiple Habitat Planning Area [MHPA], the development shall conform with the applicable Land Use Adjacency Guidelines, Section 1.4.3 of the Multiple Species Conservation Program [MSCP] Subarea Plan. In particular, lighting, drainage, landscaping, grading, access and noise must not adversely affect the MHPA. Lighting shall be directed away from the MHPA, and shielded if necessary. Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales or mechanical trapping devices. No invasive non-native plant species shall be planted in or adjacent to the MHPA. The landscape design section of the PID should be revised to delete non-native plant species (i.e. Eucalyptus spp. and Schinus molle) from the planting legend for areas adjacent to the MHPA. All manufactured slopes and Zone 1 brush management must be included within the development footprint and outside the MHPA. Access to the MHPA, if any, should be directed to minimize impacts and reduce impacts associated with domestic pet predation. Due to the site's proximity to coastal sage scrub, noise impacts related to construction will need to be avoided, if possible, during the breeding season of the California gnatcatcher (3/1-8/15). If grading is proposed during the breeding season a survey will be required. If no gnatcatchers are identified within the MHPA no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms. If a survey is not conducted, presence would be assumed and a temporary wall/berm would be required.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

21. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Supplement to Environmental Impact Report, LDR No. 99-0036, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit or recording of the first final map and/or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use
- Biology
- Hydrology/Water Quality
- Traffic/Circulation and
- Paleontological Resources

Mitigation for impacts to biological resources shall be located within the Coastal Zone within the MHPA at a site acceptable to the Environmental Review Manager.

Mitigation measures for Land Use and Hydrology/Water Quality require continued implementation for as long as the permit is valid.

22. 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.

23. All uses permitted shall be consistent with the IL-2-1 zone (previously referred to as the M-1B zone) and the IP-1-1 zone (previously referred to as the SR zone) zones except where prohibited by the Headquarters Point Research Park Planned Industrial Development Permit guidelines.

24. 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.

25. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations and with any more restrictive standards identified in the design and development guidelines for Headquarters Point Planned Industrial Development.

26. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned industrial development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Director of the Development Services Department.

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

28. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

29. 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 no merchandise, material or equipment shall be stored higher than any adjacent wall.

30. 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 enclosed structure whose top and sides may include grillwork, louvers and latticework.
31. No merchandise, material or equipment shall be stored on the roof of any building.
32. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated July 31, 2001, on file in Development Services Department.
33. 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 July 31, 2001, on file in the Development Services Department. No change, modification or alteration shall be made unless appropriate application or amendment to this Permit has been granted.
34. 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 and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated July 31, 2001, on file in the Development Services Department and all other applicable conditions of related permits.
35. 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 Owner/Permittee shall initiate such measures within forty five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.
36. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Owner/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.
37. 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.
38. 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 or replaced in kind and equivalent size per the approved plans within thirty 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.

39. All landscaping and irrigation for future development on the site shall conform, at a minimum, with the requirements of the City-wide Landscape Regulations and the City of San Diego Landscape Technical Manual.

40. Modified Brush Management Program:

The Owner/Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated July 31, 2001, on file in the Development Services Department:

- a. 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 July 31, 2001, on file in the Development Services Department, and shall comply with the Uniform Fire Code (SDMC § 55.0889.0201), the alternative compliance provision of section 6 of the Landscape Technical Manual (Document No. RR-274506) on file at the Office of the City Clerk and the Land Development Code section 142.9412 (Ordinance No. O-18451);
- b. The Modified Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of the SDMC section 142.0412 as follows:

Lot #	Zone One	Zone Two
1 and 2	35'	50'
- c. The construction documents shall conform to the Architectural features as described in Section 6.6-2 of the Landscape Technical Manual;
- 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 exist;
- f. The following note shall be provided 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 Development Services Department to discuss and outline the implementation of the Brush Management Program."

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

42. Brush management areas shall be identified as fire hazard reduction zones on non-title sheets as part of the final map submittal.

43. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, section 6.

APPROVED by the Council of the City of San Diego on July 31, 2001, by Resolution No. R-295254.

10/2/01

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

**CITY OF SAN DIEGO**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

10/2/01

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