

RESOLUTION NUMBER R-295386

ADOPTED ON AUGUST 7, 2001

WHEREAS, Sea Breeze Properties, LLC, Owner/Permittee, filed an application with the City of San Diego for Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-0729 to construct twelve single-family residential units known as the Duck Pond Ranch project, located on the east side of the extension of Carmel Mountain Road, south of the eastern terminus of Del Mar Mesa Road, and legally described as Portions of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter and the North Half of the Northeast Quarter of the Southwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Del Mar Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone); and

WHEREAS, on June 14, 2001, the Planning Commission of the City of San Diego considered PRD/RPO Permit No. 99-0729, and pursuant to Resolution No. 3152-2-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on August 7, 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 PRD/RPO Permit No. 99-0729:

I. PLANNED RESIDENTIAL DEVELOPMENT [PRD] PERMIT 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 subject 30.9-acre site is within the Del Mar Mesa Subarea V Plan area for North City Future Urbanizing Area and designated for estate residential use (one dwelling unit per 2.5 gross acre). The proposed project of twelve dwelling units has a density of one unit per 2.67 gross acres. The proposed twelve single-family residential development is consistent with the City of San Diego Progress Guide and 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, and hiking/equestrian trails are part of the project features. A set of Design Guidelines has been prepared for the project to ensure development standards consistent with the Del Mar Mesa Specific 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.

The development of these parcels as a twelve unit residential subdivision is subject to a concurrent Planned Residential Development and Resource Protection Ordinance Permit. The development is consistent with the adopted Del Mar Mesa Specific Plan and compatible with other adjacent properties within the area that are designated for residential use. The development of the twelve single-family residences will not be detrimental to persons or property within the vicinity or area of the subject property.

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

The development of twelve single-family residential units on this 30.9-acre site is determined to be in compliance with the Progress Guide and General Plan as well as the Del Mar Mesa Specific Plan, the Purpose and Intent of the Planned Residential Development regulations, the requirements of the Subdivision Map Act, and local regulations.

II. RESOURCE PROTECTION ORDINANCE FINDINGS - (San Diego Municipal Code Section 101.0462)

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 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 percent. Conditions have been imposed that will require mitigation measures to reduce impacts from soil erosion and loss of sensitive habitat.

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.

The proposed twelve unit project is not located adjacent to any parks or recreational areas. No sensitive habitat has been identified on the four acre future park identified as Lot 17. Padded lots have been designed to maintain a setback buffer to the adjacent Multiple Habitat Planning Area [MHPA] lands.

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.

The area of the sites to be graded will be limited to those portions of the site having slopes of less than 25 percent with only minimal encroachment into steep slope areas while 41 percent of the site will be maintained in its natural undisturbed condition. The slope revegetation plan designed for the project will be consistent with the requirements of the City Landscape Technical Manual and will contribute to minimizing the potential for adverse geologic and erosional impacts adjacent to the graded areas.

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

E. 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 twelve unit development will conform with the City's Progress Guide and General Plan and the Del Mar Mesa Specific Plan.

III. RESOURCE PROTECTION ORDINANCE/ALTERNATIVE COMPLIANCE FINDINGS PROVISION FOR SUBSTANTIAL CONFORMANCE DETERMINATION

The subdivision of this 30.9-acre site into twelve single-family residential lots and five open space lots has been designed according to the provisions of the adopted Del Mar Mesa Specific Plan. Section IV E of the Specific Plan regarding Resource Protection Ordinance [RPO]

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 59 percent of the site for the subdivision of twelve lots compatible with existing residential development within the specific Plan. The proposed subdivision and development of twelve residential units as indicated on Exhibit "A," dated August 7, 2001, on file in the Development Services Department, is consistent with the RPO, Multiple Species Conservation Program [MSCP] and Open Space provisions of the Specific Plan. The project is sited and designed to minimize adverse impacts to environmentally-sensitive areas.

IV. 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 set forth in 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 No. O-18451 and additional guidelines of the Landscape Technical Manual as shown on Exhibit "A," dated August 7, 2001, on file in the Development Services Department, will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code, appendix IIA. Plant materials in Brush Management Zone Two will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

B. The proposed brush management program, 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 the 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 No. O-18451, as shown on Exhibit "A," dated August 7, 2001, on file in the Development Services Department, 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 7, and incorporate low precipitation irrigation systems to minimize runoff.

C. 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 7, and brush management zones of the Land Development Code section 142.0412, Ordinance No. O-18451.

D. 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.

E. 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 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 No. O-18451) of the Landscape Technical Manual have been incorporated into the project per Exhibit "A," dated August 7, 2001, on file in the Development Services Department. No other fire resistive features are required by the Fire Chief.

F. 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.

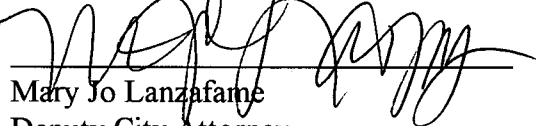
The site design complies with the Del Mar Mesa Specific Plan. However, site constraints, including the Multiple Habitat Planning Area of the Multiple Species Conservation Plan, preclude literal compliance with the provisions of the Uniform Fire Code without encroachment into sensitive habitat. Therefore, 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 No. O-18451, which references the Brush Management requirements of Section 142.0412 of the Land Development Code.

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. 99-0729 is granted to Sea Breeze, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL/mdw/lc
10/18/01
Or.Dept:Clerk
R-2002-438
Form=permitr.frm
Reviewed by Robert Gentles

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 RESIDENTIAL DEVELOPMENT/
RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0729**

DUCK POND RANCH (MMRP)

CITY COUNCIL

This Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit is granted by the Council of the City of San Diego to Sea Breeze Properties, LLC, Owner/Permittee pursuant to the San Diego Municipal Code [SDMC]. The 30.9 acre site is located at the easterly terminus of Del Mar Mesa Road in the AR-1-1 zone of the Del Mar Mesa Specific Plan area. The project site is legally described as a portion of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the City of San Diego.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to develop twelve single-family detached homes described and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated August 7, 2001, on file in the Development Services Department. The project shall include:

- a. The development of twelve single-family detached homes on seventeen lots subject to the development standards of Duck Pond Farm Ranch Design Guidelines, dated August 7, 2001, on file in the Development Services Department, two private drive lots, one future park site lot, and two Multiple Habitat Planning Area [MHPA] open space lots;
- b. A MHPA boundary adjustment permitting the encroachment of 0.25 acres of southern maritime chaparral to be removed from the MHPA while allowing the inclusion of another 0.25 acres of southern maritime chaparral (included within the development footprint delineated in the Master Environmental Impact Report) into the MHPA;
- c. Project Design Guidelines for future development standards including provisions for guest quarters;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities; and

- f. 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 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.
 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
 7. 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.

8. 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.

9. 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 August 7, 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.

10. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Findings to a Master Environmental Impact Report, LDR No. 99-0729, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permit or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Transportation/Circulation, Biological Resources, Hydrology/Water Quality, Landform Alterations/Visual quality, Historical and Paleontological Resources, Noise, Public Facilities and Services, and Public Safety.

12. Prior to the issuance of any grading permits, the permittee shall deposit \$3,200 with the Environmental Analysis Section [EAS] of the Development Services Department to cover the City's cost associated with ensuring the implementation of the Mitigation, Monitoring and Reporting Program.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.
14. The drainage system proposed with this development is subject to approval by the City Engineer.
15. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be developed, approved and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent [NOI] shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.
16. Prior to building occupancy, the applicant shall conform to SDMC section entitled "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
17. The proposed project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

PLANNING/DESIGN REQUIREMENTS:

18. A multi-purpose trail shall be located on the east side of Carmel Mountain Road. The trail shall include a 10 foot wide pathway and a 6 foot wide landscaped buffer that separates the trail from the roadway. In order to direct trail users away from the landscaped parkway, the 10 foot trail shall be separated from the 6 foot parkway by a 3 foot high split-rail fence.
19. Any proposed front and street side yard fencing shall be designed as post and rail and not exceed 4 feet in height.
20. Disclosure shall be made to all homebuyers 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.
21. 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 into the night sky and neighboring open spaces. The lighting of landscape elements and private recreational facilities, such as tennis courts and swimming pools shall not be permitted.

Swimming pools may be lighted for safety purposes only, using ground lighting that does not project more than 6 feet from the lighting source.

22. The location of the non-architectural elements of the garage (i.e. the garage doors) on the lots shall be subordinate to the main home. 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 and side-loaded).

23. Lots 1, 2, 4, 5, 8, 9, 10 and 11 shall use alternative garage orientation (detached, set back from the front elevation of the home and side-loaded).

24. Pedestrian walkways adjacent to the controlled access shall not be gated.

25. A hiking and equestrian trail shall traverse the urban amenity Lot 15 connecting the trail to the south with the multi-use trail on Carmel Mountain Road. The alignment and design shall be consistent with the Del Mar Mesa Specific Plan.

26. Lot 17 shall be reserved for a future park in accordance with the provisions of the Subdivision Map Act. In the event that Lot 17 is not purchased for public park purposes an amendment to this Planned Residential Development Permit shall be submitted to reflect land uses that are consistent with the provisions of the Del Mar Mesa Specific Plan. Additional residential density will only be considered from a site within Del Mar Mesa that is designated for resource based open space that would no longer have density associated with it and would be conserved by dedication to the City.

27. Future Guest Quarters facilities shall be in conformance with the provisions of Section W of the Design Guidelines for Duck Pond Ranch. Requests found to be inconsistent with the Guidelines shall require a Neighborhood Use Permit. No cooking facilities shall be permitted within any of the guest house units. Cooking facilities shall mean no stove, oven, sink basin or excessive counter space that would facilitate the preparation of regular meals. Guests and or the maid should be taking their meals in the main house.

28. The development will be designed to be consistent with approved design guidelines (see Exhibit "A," dated August 7, 2001, on file in the Development Services Department).

29. A Substantial Conformance Review [SCR] shall be submitted prior to the submittal of building permit applications. The SCR shall be reviewed by the Development Services and Planning Departments for conformance with the terms of the Specific Plan and Design Guidelines for the Del Mar Mesa Specific Plan, and the requirements of PRD 99-0729.

LANDSCAPE REQUIREMENTS:

30. No change, modification or alteration shall be made to the project unless appropriate application or amendment to this Permit has been granted by the City.

31. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.

32. 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 August 7, 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.
33. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Owner/Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.
34. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. The landscape construction document shall identify a 40 square feet water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "planting area for street tree." Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to final inspection. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.
35. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 99-1373 (including Environmental conditions) and Exhibit "A," dated August 7, 2001, on file in the Development Services Department.
36. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.
37. 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
38. The Owner/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 Landscape Standards 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.
39. 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 thirty days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM:

40. Due to alternative compliance per Landscape Technical Manual, Brush Management Zone 1 is measured from the outside wall of the primary structure towards the fire threat. Any structure, including but not limited to attached balconies, decks, and patio covers, located within Zone 1 must be constructed to achieve a minimum one-hour fire rating and be approved by the Fire Marshal and the City Manager.

- A. 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 August 7, 2001, on file in Development Services Department.
 - I. 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 August 7, 2001, on file in Development Services Department.
 - II. 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 August 7, 2001, on file in Development Services Department and shall comply with the Uniform Fire Code (SDMC section 55.0889.0201) and the Landscape Technical Manual.
 - III. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Landscape Technical Manual, alternative compliance:

	<u>Zone One</u>	<u>Zone Two</u>
Lots 1, 2, 4, 5, 7, 8, 9, 10, 11, 12	Min. 35'	Min. 15'
Lots 3 and 6	Min. 55'	

- IV. The construction documents shall conform to the Architectural features as described in the Landscape Technical Manual.
- V. Within Zone One combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.
- VI. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the

Owner/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.”

- VII. In zones one and two, 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.
- B. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.
- C. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual.

SEWER REQUIREMENTS:

- 41. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of the proposed public sewer facilities, necessary to provide sewer service to this development.
- 42. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
- 43. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current Sewer Design Guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
- 44. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department indicating that each lot will have its own sewer lateral or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

WATER REQUIREMENTS:

- 45. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of certain portions of public water facilities identified in accepted studies including, but not limited to, a water pump station and approximately 1,500 lineal feet of 8-inch pipe or approximately 15,000 lineal feet of minimum diameter 30-inch pipeline, necessary to provide service to this development in a manner satisfactory to the Director of the Water Department and the City Engineer
- 46. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of minimum 8-inch diameter public water facilities in Private Drive 'A' from Carmel Mountain Road to the easterly limits of grading, in a manner satisfactory to the Director of the Water Department and the City Engineer.
- 47. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of a minimum 8-inch diameter public water main connecting to the main in Private Drive "A" and extending through an easement connecting to

water mains in Mesa Verde Estates, in a manner satisfactory to the Director of the Water Department and the City Engineer.

48. The developer shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department and the City Engineer.

49. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto.

50. Prior to the issuance of any building or grading permits, the developer shall grant minimum 24-foot-wide, fully paved, water easements over all public water facilities not located within fully improved public rights-of-way in a manner satisfactory to the Director of the Water Department and the City Engineer. Easements shall be located within single lots. Easements containing public water facilities with services shall be a minimum of 30-foot-wide.

51. Prior to the issuance of any building or grading permits, the developer shall grant an easement over Lot 13, adjacent to Lots 9 through 12, from the southerly lot line of Lot 13 to the northerly subdivision boundary in a manner satisfactory to the Director of the Water Department and the City Engineer.

52. If the development is gated, then, prior to the issuance of any building permits, the developer shall provide keyed access to the Water Operations Division in a manner satisfactory to the Director of the Water Department. The City will not be held responsible for any issues that may arise relative to the availability of keys.

AFFORDABLE HOUSING REQUIREMENTS:

53. 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.

OPEN SPACE:

54. Acquisition of Lot 17 by the City for a neighborhood park shall cause the removal of said lot from the control of any and all CC&R's associated with this development including all recreational guidelines and review procedures established by the Duck Pond Ranch Design Review Committee.

OTHER:

55. Prior to recordation of the first final map, the applicant shall obtain a Certificate of Compliance or Exemption from the Del Mar Union School District and the San Dieguito Union School District that demonstrates project impacts on school facilities are adequately mitigated within each school district as required in the Del Mar Mesa Specific Plan.

56. The private gate shall be designed so as to be rural in character and reminiscent of a "ranch gate" and shall be transparent. The gate shall be unmanned.

INFORMATION ONLY:

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

Approved by the Council of the City of San Diego on August 7, 2001, by Resolution No. R-295386.

10/18/01

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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.

Sea Breeze Properties, LLC
Owner/Permittee

By _____

By _____

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

10/18/01

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