

RESOLUTION NUMBER R-295567

ADOPTED ON OCTOBER 9, 2001

WHEREAS, Farschin Samimi and Kian Samimi, Individuals, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit/Hillside Review Permit to construct a 3,219 square-foot two-story residence (the Farshin Samimi Residence) above a 1,059 square-foot finished basement with attached two-car garage, located at 7666 Hillside Drive, and legally described as Parcel 4 of Parcel Map 7723, in the La Jolla Community Plan area, in the RS-1-5 zone (previously referred to as the R1-8000 zone and Costal Overlay); and

WHEREAS, on June 7, 2001, the Planning Commission of the City of San Diego considered Coastal Development/Hillside Review [CD/HR] Permit No. 99-1360, and pursuant to Resolution No. 3146-2-PC voted to approve the project; and

WHEREAS, Orrin Gabsch, President, La Jolla Town Council, appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on October 9, 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 CD/HR Permit No. 99-1360:

I. COASTAL DEVELOPMENT PERMIT FINDINGS:

1. 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 LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The project site is located approximately one mile from the Pacific Ocean. No physical accessways as identified in the adopted La Jolla-La Jolla Shores Local Coastal Program Land Use Plan, utilized by the public exist on or near the property, nor are any proposed with this development. The project will develop an existing undeveloped legal parcel, in an existing developed neighborhood. There are no public vantage points on or near the property as identified in the adopted Local Coastal Program Land Use Plan, from which public views could be obstructed.

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

An Environmental Initial Study has been prepared in accordance with The California Environmental Quality Act (CEQA) Guidelines, as a part of the environmental review for this proposed project. A Mitigated Negative Declaration (MND) has been prepared in accordance with CEQA Guidelines and distributed for public review. Environmental Review has indicated that there are no marine resources on or near the subject property. The MND did identify environmentally sensitive areas pertaining to cultural resources (Archaeology). No paleontological resources were identified on or near the subject property. A Mitigated Negative Declaration has been prepared pursuant to CEQA Guidelines, which identifies mitigation measures which, when implemented, will reduce potential adverse project impacts to a level below significance. These mitigation measures have been included as conditions of the permit and Mitigation, Monitoring and Reporting Program (MMRP).

3. 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 subject property does include biologically and potentially sensitive cultural resources. Conditions required as part of a Mitigation, Monitoring and Reporting Program have been established and incorporated into the permit, to address these identified issues. These conditions will be implemented prior to issuance of grading and/or building permits as appropriate. No significant prehistoric nor historic resources were identified. This property is also subject to the requirements of the Hillside Review Overlay Zone, and the Coastal Zone requirements therein. These requirements regulate the intensity of proposed development including the amount of encroachment into sensitive slopes (natural slopes of a gradient of 25% or greater).

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

There are no recreational or visitor-serving facilities, or coastal scenic resources on or adjacent to the subject property to be adversely affected. The La Jolla Community Plan and the La Jolla-La Jolla Shores Local Coastal Program Land Use Plan does not identify the site as having recreational or visitor-serving facilities, nor being a coastal scenic resource.

5. 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 development will be located on a presently undeveloped site which does contain Multiple Habitat Planning Area (MHPA) and environmentally sensitive vegetation. There are no parks or recreation areas immediately adjacent to the site and therefore, no need to provide a buffer area. The permit does contain conditions related to the MHPA adjacency and all impacts would be adequately mitigated pursuant to State laws.

6. 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.

As indicated on the submitted plans the grading of the site is proposed to accommodate the development. The encroachment into natural 25% or greater slopes is minimized to the maximum extent possible by condition number 18 of the permit. A total of 5,215.40 square feet of the 9,586 square foot lot does contain slopes of 25% or greater gradient. The property, also located in the Hillside Review Overlay Zone, will utilize provisions of the Hillside Review Design and Development Guidelines, which encourage split/multi-level and the embedding of homes into the hillside, to better fit the topography. The proposed development will also utilize a retaining wall and slab foundation type, designed to further minimize any negative impacts from development of the residence with the hillside.

Although the site is in close proximity to several known earthquake faults, submitted geotechnical information indicates that the site is suitable for the proposed development of a single-family residence. Prior to issuance of building permits, structural review of proposed building plans will further determine the suitability of design and modifications may be required as appropriate. Incorporating any required changes into the structural design of the residence will mitigate any undue risks from geologic or erosional forces and/or flood and fire hazards. Native vegetation will be retained to the extent possible pursuant to the Brush Management Program, which will further mitigate any undue risks from erosional forces.

A report of geologic reconnaissance has been prepared and reviewed by Development Services staff. The site has been determined to be adequate for the intended use for a single-family residence. Prior to issuance of Engineering permit, further information will be required to determine the adequacy of the proposed residence for the site.

7. 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.

The proposed development includes the construction of a multi-level structure incorporating an attached two-car garage. This new construction of a flat-roofed structure

incorporating a parapet, will complement the neighborhood of existing multi-level residences and will visually enhance the surrounding area. Several other properties within a 300-foot radius have been developed with multi-level structures, utilizing designs compatible with the Hillside Design and Development Guidelines.

8. 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.

The development will comply with development regulations of the R1-8000 Zone, the Hillside Review Overlay Zone, the adopted La Jolla-La Jolla Shores Local Coastal Program and is consistent with the residential land use designation in the La Jolla Community Plan and the City's Progress Guide and General Plan.

II. HILLSIDE REVIEW PERMIT FINDINGS:

1. 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 0.22 acre undeveloped site is the remaining parcel left from a four-lot parcel map approved in 1978. It is among approximately twelve parcels located along the south side of Hillside Drive, and is northwesterly of La Jolla Park. This area is designated and zoned for single-family residential development in the applicable community plan for the area. 54.4% of the site is located within areas of 25% or more slope (steep/sensitive slopes), and the proposed development is sited and designed to utilize the most developable portion of the property. Vehicular access is to be provided via adjacent parcels as was recorded with the approval of the parcel map in 1978. The development will be sited away/southerly from a steep portion of the lot located immediately adjacent to Hillside Drive, and northerly of a sensitive portion of the lot located to the south [MHPA]. The proposed development would encroach no more than 6.9% into the natural 25% or greater sloped area where 10.0% is allowed.

A Mitigated Negative Declaration has been prepared which contains a Mitigation Monitoring and Reporting Program. Conditions contained within this Program require that adverse project impacts be mitigated. This Mitigation Monitoring and Reporting Program has been provided to the public for review and the MND would be certified at the scheduled public hearing.

2. The grading proposed in connection 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.

The project proposes grading quantities of 940 cubic yards of cut and 120 cubic yards of fill (export of 820 cu. yds.). Conditions added to the draft permit require that the owner/permittee obtain a grading permit. City standards will be observed in grading activities. Foundations for the

proposed residence will include the use of retaining walls to embed a significant portion of the home into the hillside, and reduce grading impacts to the site. A geologic reconnaissance report has been submitted and reviewed by staff, and concludes that the proposed development is appropriate for the site.

Prior to issuance of Engineering permits further information must be submitted by the permittee, to further establish that the design of the residence and the grading proposed is adequate. With the implementation of these conditions, the obtaining of permits and the performance of the work to City standards with the approval of the City Engineer, it is not anticipated that the grading proposed in connection with this development will result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety or general welfare.

3. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

The proposed development will retain the visual quality of the site by its multi-level design, and embedment into the hillside. It also utilizes adjacent properties for vehicular access as provided by the approved parcel map and retaining walls to minimize grading to the extent possible to accommodate the desired residence. Landscaping and Alternative Compliance to the Brush Management Ordinance will be utilized to provide landscaping and fire protection, while blending the development with the surrounding hillside and adjacent properties. The residence will be constructed using similar architectural treatments to those of surrounding homes, such as wood, stucco and concrete walls. These will enhance the compatibility of the proposed residence with those of the surrounding area.

4. The proposed development is in conformance with the open space element of the City's Progress Guide and General Plan, the Open Space and Sensitive Land Element of the applicable community plan, any other adopted applicable plan in effect for this site, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.

The proposed development is in conformance with the Open Space and Residential Land Use Elements (Hillside Development) of the La Jolla Community Plan, which designates the site for very low density (single-family).

The development also addresses plan recommendations for hillside development such as the designing of structures on slopes to adapt to existing conditions, avoiding standard prepared pads, appropriate foundation types. The proposed development utilizes a combination of split/multi-level, and pier supports to minimize grading and also obtains vehicular access via an adjacent property, as provided for in a parcel map approved in 1978. These provisions minimize to the extent possible, negative site impacts from the proposed development.

An environmental analysis has been made in accordance with CEQA Guidelines, and a Mitigated Negative Declaration prepared.

The design of the proposed structure will utilize provisions of the Hillside Design and Development Guidelines which recommend that structures fit into the hillside (retaining wall and slab), limit coverage through the use of multi-level structures, limitations on the amount of impervious surfaces, retention of existing landscaping including brush management zones to enhance fire safety, and a variation in architectural design. The scale and character of the residence is designed to harmonize with similar developments in the surrounding area. A geological reconnaissance report has been prepared, and concludes that the proposed development is compatible with the existing site conditions.

5. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines."

The development also addresses plan recommendations for hillside development such as the designing of structures on slopes to adapt to existing conditions, avoiding standard prepared pads, appropriate foundation types. The proposed development utilizes a combination of split/multi-level, and pier supports to minimize grading and also obtains vehicular access via an adjacent property, as provided for in a parcel map approved in 1978. These provisions minimize to the extent possible, negative site impacts from the proposed development.

An environmental analysis has been made in accordance with CEQA Guidelines, and a Mitigated Negative Declaration prepared.

The design of the proposed structure will utilize provisions of the Hillside Design and Development Guidelines which recommend that structures fit into the hillside (retaining wall and slab), limit coverage through the use of multi-level structures, limitations on the amount of impervious surfaces, retention of existing landscaping including brush management zones to enhance fire safety, and a variation in architectural design. The scale and character of the residence is designed to harmonize with similar developments in the surrounding area. A geological reconnaissance report has been prepared, and concludes that the proposed development is compatible with the existing site conditions:

III. BRUSH MANAGEMENT FINDINGS:

1. 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 two brush management zones and additional guidelines of the Landscape Technical Manual as shown on Exhibit "A," will completely avoid the MHPA and 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. Brush Management Zone One will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used. Brush Management in Zone Two shall be exclusively a thinning and pruning program as outlined in the Landscape Technical Manual.

2. 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), as shown on Exhibit "A," will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code. All new plantings on slopes will conform to the Revegetation Standards of the Landscape Technical Manual, Section Seven and incorporate low precipitation irrigation systems to minimize runoff.

3. 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 Alternative Compliance Brush Management Zones as shown on Exhibit "A" and in accordance with the Alternative Compliance Provision (Section 6.2), the Architectural Features (Section 6.6-2) and Zone Reduction Application (Section 6.6-3 and 5) of the Landscape Technical Manual.

4. 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.

5. 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 provide other fire resistive features as required by the Fire Chief.

The fire resistive Architectural Features (Section 6.6-2) of the Landscape Technical Manual have been incorporated into the project per Exhibit "A." No other fire resistive features are required by the Fire Chief.

6. 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 La Jolla Community Plan. However, site constraints which include the Multiple Habitat Planning Area (MHPA) of the Multiple Species Conservation Plan [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. In addition, an alternative compliance Brush Management Program is provided for this project to support the purpose and intent of all applicable adopted plans and ordinances.

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 appeal of Orrin Gabsch, President, La Jolla Town Council, is denied; the decision of the Planning Commission is sustained with amendments; and Coastal Development/Hillside Review Permit No. 99-1360 is granted to Farschin Samimi and Kian Samimi, Individuals, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof, and subject to the following amendments listed below:

1. Shift the entire project forward by at least five feet to the maximum extent of ten feet from the front hillside.

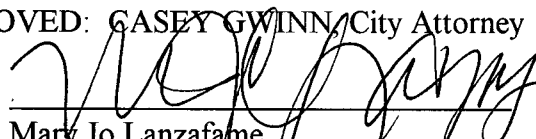
2. Shift the project off the back hillside where it is encroaching into the steep hillside.

Do not widen Hillside Drive (which would require the construction of a retaining wall).

3. Grant an open space easement in favor of the City against that portion of the property containing 25% or greater slopes.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:lc

11/21/01

Or.Dept:Clerk

R-2002-566

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Reviewed by Jeannette Temple

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

COASTAL DEVELOPMENT/HILLSIDE REVIEW PERMIT NO. 99-1360
FARSHIN SAMIMI RESIDENCE (MMRP)
CITY COUNCIL

This Permit is granted by the Council of the City of San Diego to Farschin Samimi and Kian Samimi, Individuals, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] sections 111.1202 and 101.0454. The 0.22-acre site is located at 7666 Hillside Drive in the RS-1-5 zone (previously referred to as the R1-8000 zone and Costal Overlay), the Hillside Review Overlay zone, the Coastal Zone (Nonappealable Area 1) and the Proposition "D" 30'0" Height Limit Area of the La Jolla Community Plan area. The project site is legally described as Parcel 4 of Parcel Map 7723.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct a 3,219 square foot two-story residence above a 1,059 square foot finished basement with attached two-car garage on a vacant lot described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 9, 2001 on file in the Development Services Department. The facility shall include:

- a. A 3,219 square foot two-story residence above a 1,059 square foot finished basement with attached two-car garage; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Various retaining walls with a maximum height of eight feet; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement

requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. 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 Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 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 October 9, 2001, on file in the Development Services Department. No

changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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:

10. Outdoor lighting should be directed away from the MHPA open space and shielded if necessary.

11. Barrier or security fencing may be permitted at the boundary of the MHPA. Fencing transparent to wildlife, such as split rail, is recommended for the portion of the lot within the MHPA.

12. The Permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration LDR No. 99-1360, satisfactory to the City Manager and the City Engineer. Prior to grading and clearing/grubbing activities, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area:

- Historical Resources

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") prepared by a registered civil engineer for the grading proposed for this project. All grading shall conform to requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
14. This project proposes export 820 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.
15. The drainage system proposed with this development is subject to approval by the City Engineer.
16. Prior to the issuance of any permits, the applicant shall provide evidence of a shared access agreement for the driveway satisfactory to the City Engineer.
17. Prior to building occupancy, the applicant shall conform to the Municipal Code, "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.

PLANNING/DESIGN REQUIREMENTS:

18. Submit a revised Exhibit "A" to the Development Services Department, Project Manager, to show that the residential structure has been moved at least five feet, up to ten feet forward from the rear of the lot in order to minimize encroachment into sensitive slopes at the rear, while protecting sensitive vegetation at the front of the lot. The Revised Exhibit "A" shall be approved by the City Manager or City Engineer prior to submittal of any engineering or construction permits.
19. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated October 9, 2001, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
20. 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.

21. 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.

22. A topographical survey conforming to the provisions of Section 101.0216 of the Municipal/Land Development 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 regulations 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. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

25. Prior to the issuance of grading permits, the applicant shall record a Declaration of Restrictions (open space easement) against that portion of the subject property that contains 25% or greater slopes that are to remain natural and undisturbed.

LANDSCAPE REQUIREMENTS:

26. The Permittee or subsequent Owner shall be responsible for the maintenance of all landscape improvements consistent with the standards of the Landscape Technical Manual.

27. 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.

BRUSH MANAGEMENT PROGRAM

28. The Permittee shall implement the following requirements in accordance with the Alternative Compliance Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated October 9, 2001, on file in the Development Services Department.

- 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," Brush Management Program/Landscape Concept Plan, dated October 9, 2001, on file in the Development Services Department.
- 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," Brush Management Program/Landscape Concept Plan, dated October 9, 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 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 No. 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:

Legal Description: Parcel 4 of Parcel Map No. 7723, Lot 66, located west of I- 805. At the front of the lot, Zone One depth shall range from 13' to 35' and Zone Two shall range from 36' to 42'. At the rear of the lot, Zone One depth shall be 10' as determined by the MHPA boundary traversing the site. Zone Two shall extend into the MHPA, ranging from 52' to 56'.
- d. The construction documents shall conform to the Architectural features as described in Section 6.6-2 of the Landscape Technical Manual. In addition, one-hour rated retaining walls to 6' in height shall separate Zones One and Two, and continue around either side of the residence along the east and west property lines. All south facing exterior walls of the residence shall be of two-hour fire rated construction and all south facing windows shall have a minimum sixty-minute rating.
- e. 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.
- f. 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."

- g. In Zone One, 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. Zone Two brush management shall be exclusively accomplished by a thinning and pruning program as outlined in the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

29. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

30. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego Landscape Technical Manual, Section Six and Appendix C. 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.

INFORMATION ONLY

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.

Approved by the Council of the City of San Diego on October 9, 2001, by Resolution No. R-295567.

11/21/01
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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.

FARSCHIN SAMIMI
Owner/Permittee

By _____

KIAN SAMIMI
Owner/Permittee

By _____

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

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