

(R-2002-795)

RESOLUTION NUMBER R-295583

ADOPTED ON OCTOBER 16, 2001

WHEREAS, Johnson Communities of Southern California, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide a 4.69 acre site into six lots for six single-family detached dwelling units, and for one lot each for open space and a pump station, and utilizing a transfer of density for a noncontiguous 1.98 acre parcel to be preserved as permanent open space, known as the Hollywood and Vine project, located at the northwest intersection of Shaw Ridge Road and Del Vino Court (4.69 acres), and a noncontiguous landlocked parcel 0.5 miles to the northeast (the 1.98 acres), and legally described as Portions of the North Half of the Northeast Quarter, Northwest Quarter, Northeast Quarter, and the South Half of the Southeast Quarter, Southwest Quarter, Northwest Quarter, Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Del Mar Mesa Subarea V Specific Plan area, in the AR-1-2 zone (previously referred to as the A-1-1 zone); and

WHEREAS, on July 26, 2001, the Planning Commission of the City of San Diego considered Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-1274, and pursuant to Resolution No. 3163-1-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on October 16, 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. 99-1274:

**I. PLANNED RESIDENTIAL DEVELOPMENT FINDINGS - SAN DIEGO
MUNICIPAL CODE SECTION 101.0901:**

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

The development of two noncontiguous parcels of land, being 4.69 and 1.98 acres in size (6.67 acres total), for the subdivision of 6-lots for single-family residential dwelling units and one lot each for open space and a pump station on the larger parcel of land, located on the northwest corner of Shaw Ridge Road and Del Vino Court, with the smaller parcel of land, located approximately 0.5 mile to the northeast, being preserved as permanent open space and transferring density to the larger site, is in compliance with the City's Progress Guide and General Plan and the Del Mar Mesa Specific Plan.

The Del Mar Mesa Specific Plan designates the development of this AR-1-2 zoned land for residential use at one dwelling unit per acre and allows for the transfer of development rights when a site is designated as open space and a grant of fee title will be given to the City of San Diego. The development of the future dwelling units is guided by design guidelines adopted with the approval of the Planned Residential Development and Resource Protection Ordinance Permits and the accompanying tentative subdivision map.

The Progress Guide and General Plan and the Del Mar Mesa Specific Plan include the provisions of the City's Multiple Species Conservation Plan [MSCP] and the Multiple Habitat Planning Area [MHPA]. The Hollywood and Vine project is compliant with the MSCP and MHPA by preserving the sensitive areas shown for inclusion in the MHPA and granting fee title to the City in exchange for the transfer of density.

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

The subdivision and development of six residential dwelling units on a 4.69 acre parcel of AR-1-2 zoned land within the Del Mar Mesa Specific Plan area, with a transfer of density provision for a non-contiguous 1.98 acre parcel similarly zoned but designated as open space, 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 larger parcel is designated for residential development at one dwelling unit per acre while the smaller is preserved as open space by deed title to the City of San Diego in exchange for its density transfer to the larger parcel. Land slated for development will be developed and land valuable to the City for open space will be preserved as such. The site immediately east of the

4.69 acre parcel has an approved subdivision map and development permits while other lands designated for development are in process or being contemplated for application submittals. Draft conditions of approval will require street improvements and provisions for water and sewer services for the site and area. Design Guidelines adopted for the proposed six dwelling units will provide for compliance with the Del Mar Mesa Specific Plan and allow for the compatible and orderly buildout of the developable areas of this plan area.

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

The development of this combined 6.67 (4.69 and 1.98) acre site for six detached single-family residences, one open space lot, one pump station lot, and an MHPA lot for permanent open space, is subject to codes and regulations adopted prior to January 1, 2000, which include this Planned Residential Development and Resource Protection Ordinance Permit and the accompanying Tentative Subdivision Map. In addition, the project must conform to the Del Mar Mesa Specific Plan and the City of San Diego Progress Guide and General Plan. It has been determined that this project meets the purpose and intent of the regulations, has met specific requirements as to transfer of density and preservation of open space, will have to comply with all permit and map conditions and has been approved only after being reviewed at a noticed public hearing.

II. RESOURCE PROTECTION ORDINANCE FINDINGS - SAN DIEGO MUNICIPAL CODE SECTION 101.0462:

1. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

The development of these 4.69 and 1.98 acre parcels (combined 6.67 acre) for six residential dwelling units (1 unit/acre) and project open space, a pump station lot and permanent open space, meets the City of San Diego Progress Guide and General Plan by developing the anticipated uses and density/intensity of land use.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

The Del Mar Mesa Specific Plan has comprehensively designated this area of the City of San Diego for residential development and preservation of open space under the Multiple Species Conservation Program and inclusion in the Multiple Habitat Planning Area. The project to construct six dwelling units and provide an open space lot and pump station lot on the 4.69 acre parcel and preserve the 1.98 acre parcel as open space meets all development codes, ordinances and regulations applicable to the area. Design Guidelines have been adopted for the construction and accessory use of the building lots, and all required public improvements to serve the site and area shall be provided.

3. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.

The project consists of two non-contiguous parcels of land separated by a distance of approximately 0.5 mile. The larger 4.69 acre site will be developed with six detached single-family residences subject to adopted Design Guidelines, one open space lot and a pump station lot. The smaller 1.98 acre site will be required to be preserved as permanent open space in the City-wide system, and the density entitlement transferred to the larger parcel site. The larger site is within an area of the Del Mar Mesa Specific Plan area shown for development and the smaller site is shown within a large area to be preserved as natural habitat/permanent open space.

4. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open-space areas and will provide adequate buffer areas to protect such resources.

The Del Mar Mesa Specific Plan identifies the larger 4.69 acre parcel of the two parcels comprising this project for the development of single-family residences at one dwelling per acre. The smaller 1.98 acre site is noncontiguous and in the midst of a large area shown for natural habitat preservation/permanent open space. The combined density is being developed on the larger parcel under a density transfer provision of the plan. Five of the dwellings will share access off one common driveway, minimizing curb cuts and consolidating the development. Adjacent areas are also being developed or planned for development while the acquisition of the open space habitat areas are progressing. Design Guidelines adopted for the residential site development address height, floor area, materials, lighting, fencing and other features which contribute to the project not adversely affecting environmentally sensitive lands and resources located in adjacent or nearby open space areas. There are no public parks planned or located in the vicinity.

5. 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 buildable portion of this project, a 4.69 acre lot on the flat mesa area within the boundary of the Del Mar Mesa Specific Plan area, requires minimal grading to improve the public streets and create building pads conforming to Land Development Code provisions. All necessary public facilities shall be provided and adjacent development areas will also be served. The smaller 1.98 acre portion of this project area is located approximately 0.5 mile to the northeast and designated for preservation as open space/natural habitat area. The project has been reviewed by engineering, fire, environmental and geologist staff members and has been determined that the development shall not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The City of San Diego has a Brush Management plan for development in areas with the potential for fires and the buildout of these six single-family residences are subject to these provisions.

6. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value or the affected significant prehistoric or historic site or resource have been provided by the applicant.


An Environmental Impact Report [EIR] has been prepared for this project which consists of two non-contiguous parcels of land within the Del Mar Mesa Specific Plan area. The larger 4.69 acre site will contain residential development consisting of six single-family units at a density of one dwelling unit per acre (including a transfer of density from the smaller 1.98 acre site) while the non-contiguous site is preserved as permanent open space. The EIR identifies impacts for mitigation to Hydrology/Water Quality, Biology, Land Use, Landform Alteration, Traffic/Circulation, Light/Glare/Shading, Public Facilities and Services, Schools, Libraries, Water, Sewer, Fire, and Safety. No impacts to historical, architectural, archaeological, cultural, or prehistoric or historic sites has been identified as provided by the Resource Protection Ordinance.

The larger parcel of land comprising this project is relatively flat and surrounded by land designated for similar development. Minimal grading is proposed. The smaller site shall not be disturbed by any form of development and its preservation and inclusion in the MHPA is an asset to the City of San Diego.

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. 99-1274 is granted to Johnson Communities of Southern California, 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:lc
12/05/01
Or.Dept:Clerk
R-2002-795
Form=permitr.frm
Reviewed by Robert Korch

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 AND RESOURCE
PROTECTION ORDINANCE PERMIT NO. 99-1274
HOLLYWOOD AND VINE (MMRP)
CITY COUNCIL**

This Permit is granted by the Council of the City of San Diego to Johnson Communities of Southern California, Limited Liability Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0901 and 101.0462. The 6.67 acre site (composed of two parcels of 4.69 and 1.98 acres) is located at generally at the northwest intersection of Del Mar Mesa Road and Del Vino Court with the smaller parcel approximately 0.5 mile to the northeast in the AR-1-2 zone (previously referred to as the A-1-1 zone) of the Del Mar Mesa Subarea V Specific Plan area. The project site is legally described as Portions of the North Half, Northeast Quarter, Northwest Quarter, Northeast Quarter, and the South Half, Southeast Quarter, Southwest Quarter, Northwest Quarter, Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide a 4.69 acre site into six lots for single-family detached dwelling units and one lot each for open space and a pump station, utilizing a transfer of density for a non-contiguous 1.98 acre parcel to be preserved as permanent open space, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 16, 2001, on file in the Development Services Department. The facility shall include:

- a. Six (6) detached single-family residences subject to the, "Hollywood and Vine Estates, Design Guidelines," dated October 16, 2001; a common access driveway, a City pump station lot, a transfer of density from the 1.98 acre lot to the 4.69 acre lot and the preservation of open space as shown on the site plan; and

- b. Landscaping and Brush Management (planting, irrigation and landscape related improvements); and
 - c. Off-street parking facilities for residents and guests; and
 - d. Masonry walls and fences and all accessory structures added as future homeowner improvement, shall comply with the "Design Guidelines." Any request for "guest quarters" shall include an additional parking space on-site; 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 Land Development 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/Land Development 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 16, 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. The owner/permittee, as a condition of this permit, shall implement the mitigation measures required to reduce potential adverse impacts to hydrology/water quality, biological resources, land use, light/glare/shading, landform alteration, public facilities and services, paleontological resources, and safety as identified in the Mitigation, Monitoring and Reporting Program of the Findings to the Master Environmental Impact Report No. 95-0353, LDR No. 99-1274.

11. 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.

ENGINEERING REQUIREMENTS:

12. The requirements for the improvement of Del Mar Mesa Road and Del Vino Court at the project frontage needs to be provided with the Tentative Map accompanying this Permit. This option will allow the Final Map to be recorded prior to the improvements and acceptance of the roads by the city engineer.

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 City of San Diego Municipal Code 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 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. This PRD / RPO Permit shall conform to Tentative Map No. 99-1274.

17. Prior to the issuance of the first building permit, the project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

18. Additional geotechnical review and an updated report will be required as final improvement and grading plans are developed for the project.

19. Prior to the City Council hearing, the street vacation of Shaw Ridge Road and Road Survey No. 57 must be reviewed and all issues resolved to the satisfaction of the City Engineer.

PLANNING AND DESIGN REQUIREMENTS:

20. Standards for the development of the six (6) permitted single-family dwelling units are required to be satisfied as enumerated by the "Hollywood and Vine, Design Guidelines," dated October 16, 2001, including architectural themes, building materials and mass, setbacks and heights and other categories specified in the "Table of Contents."

21. No fewer than 18 off-street parking spaces, at a ratio of 3 parking spaces per residential lot (2-spaces for resident, 1-space for guest), shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated October 16, 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.

22. 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.

23. 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.

24. A topographical survey conforming to the provisions 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.

25. 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.

26. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Development Services Department Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

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

29. No material shall be stored on the roof of any building.

30. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

31. Prior to the 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.

LANDSCAPE REQUIREMENTS:

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

33. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated October 16, 2001, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

34. 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 October 16, 2001, on file in the Development Services Department.

35. 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 foot 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." Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. 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 October 16, 2001, on file in the Development Services Department.

36. 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 99-1274 (including Environmental conditions) and Exhibit "A," dated October 16, 2001, on file in the Development Services Department.

37. 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 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.

38. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

39. 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.

40. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the

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.

41. 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 PERMIT CONDITIONS:

42. Per San Diego Municipal Code Section 142.0412, 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 Marshall and the City Manager.

43. 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 October 16, 2001, on file in the Development Services Department.

44. 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 October 16, 2001, on file in the Development Services Department. A detail of the proposed fire masonry wall and the geogrid/vendra retaining wall, that show plant material in front and on top, shall be submitted as part of the engineering plans for construction documents.

45. 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 October 16, 2001, on file in the Development Services Department and shall comply with the Uniform Fire Code [SDMC § 55.0889.0201], the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance No. O-18451).

46. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

<u>Lot #</u>	<u>Zone One</u>	<u>Zone Two</u>
1	20'	40'
2	20' - 30'	30' - 40'
3	40'	

47. The construction documents shall conform to the Architectural features as described in Section 142.0412(d).

48. 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.

49. 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 Services Department to discuss and outline the implementation of the Brush Management Program."

50. In Brush Management zone(s), 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.

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

52. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

53. For Lot 1, Zones 1 and 2 for brush management shall be provided on the subject property unless a recorded easement is granted by the adjacent property owner to this project site's property owner for the purpose of establishment and maintenance of Brush Management Zone Two.

WATER REQUIREMENTS:

54. 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 Water Department Director and the City Engineer.

55. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of individual water services and meter, to serve each lot, within the Del Mar Mesa Road right-of-way in a manner satisfactory to the Water Department Director and the City Engineer.

56. The developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. All on-site fire hydrants shall be private served by a fire service connecting to public water facilities within Del Vino Court.

57. 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

58. Prior to the issuance of any building or grading permits, the developer shall dedicate, in fee title, Lot 9 to the City of San Diego Water Department in a manner satisfactory to the Water Department Director and the City Engineer. If the Water Department has obtained an alternative water pump station site, then Lot 9 may be eliminated on the final map.

WASTEWATER REQUIREMENTS:

59. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

60. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

61. 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.

MCAS:

62. The owner/permittee shall disclose to the purchasers of the lots created by this permit and accompanying Tentative map, that they lie within the "Miramar Airport Influence Area," that they will see and hear military aircraft of fixed wing and rotary wing varieties and experience varying degrees of noise and vibration. This condition shall be made a part of the Conditions, Covenants and Restrictions [CC&Rs] so that all subsequent purchasers are aware of this condition.

AFFORDABLE HOUSING PROVISION:

63. 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.

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 90 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 16, 2001, by Resolution No. R-295583.

12/5/01
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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.

**Johnson Communities of Southern California,
Limited Liability Corporation**
Owner/Permittee

By _____

By _____

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

12/5/01
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