

RESOLUTION NUMBER R-296028

ADOPTED ON JANUARY 29, 2002

WHEREAS, Lynn and Scott Stiers, Trish and Ned Daughtery, Jan and Able Vigil, Yilis Volpato, Wan Lim and Matt Wells, Owners/Permittees, filed an application with the City of San Diego for a Site Development Permit/Planned Development Permit [SDP/PDP] to construct six custom single-family residences known as the Canonlands [Project], located on the northeast side of Canon Street (former State Route 209) between Willow Street and Del Mar Avenue, and legally described as Lots 2 and 3 of Fleetridge Unit No. 5, Resubdivision of Lot 209, according to Map thereof No. 5365, and Parcel 1 of Parcel Map No. 18625, in the Peninsula Community Plan area, in the RS-1-4 zone; and

WHEREAS, on November 1, 2001, the Planning Commission of the City of San Diego considered SDP/PDP No. 40-0219, and pursuant to Resolution No. 3187-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on January 29, 2002, 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 SDP/PDP No. 40-0219:

I. FINDINGS FOR SITE DEVELOPMENT PERMITS - SAN DIEGO MUNICIPAL CODE SECTION 126.0504:

a. Findings for all Site Development Permits:

1. The proposed development will not adversely affect the applicable land use plan.

The Project proposes to develop six single dwelling units on six lots pursuant to a Site Development Permit and a Planned Development Permit. The configuration of the lots is being modified through a Tentative Parcel Map. The lots are located on a south-facing slope along Canon Street in the City of San Diego neighborhood of Point Loma. Point Loma is within the Peninsula Community Plan [Community Plan] area.

The Peninsula Community Plan describes the area of the lots as a transitional area, an area "experiencing some type of transition or having a high potential for future transition." Figure 4 of the Community Plan identifies the area as "vacant - development likely." The Project's six single-family dwelling units are consistent with the Community Plan land use map which designates the property as "single family residential."

The Community Plan calls for providing housing opportunities for residents of all income levels and age groups "through new construction and rehabilitation of deteriorating structures." The Project is a cooperative effort of five Peninsula families who will be moving from their current homes into the proposed homes. These owners have a variety of income levels ranging from families with young children to retirees with grown children and grandchildren. The construction of their new homes will free up their existing homes for others to live on the Peninsula.

The Community Plan also calls for the conservation of existing open space, including open space on hillsides. While the site is not designated open space the houses are designed to be a part of the hillside, preserving the natural terrain of the slope. The houses will blend into the hillside by stepping-up and tucking-into the slope. A total of 1.13-acres that contain steep hillsides, located at the rear portion of the property, will be preserved in its natural state.

The properties lie between two Fletridge neighborhoods, which were developed in the 1950s and early 1960s. Many of the original Fletridge houses are one story; however, some are two-story houses stepping up or down the slope. Over the years, a number of the original one-story homes have been remodeled with additions into slopes, making their design similar to the proposed Project's homes. In order to maintain and complement the existing scale, architectural features and vegetation in the area, as directed by the Peninsula Community Plan, the homes are designed to follow the slope of the hillside much like the Fletridge developments, which surround the properties.

Other residential objectives of the Community Plan are the "encourage[ment of] sensitive placement of structures in a steeply sloped residential area to minimize removal of natural vegetation, grading and land form alteration," "minimize grading and maintain the natural topography to greatest extent feasible" a preserve the natural features of [the] hillside." An urban design objective of the Community Plan is to "maintain and complement the existing scale and character of the residential areas of Peninsula." The Project's placement of structures, grading, reconstruction of natural features and its complement to the existing scale and character of the area are discussed in (c) below.

Therefore, development of the six homes will not adversely affect the Peninsula Community Plan, and the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The draft permit prepared for this development application includes a variety of requirements and referenced exhibits of approval relevant to achieving Project compliance with the applicable regulations of the Land Development Code in effect for this site to assure that the health, safety and general welfare of persons residing or working in the area shall be adequately maintained. These conditions include minimum standards for building height, landscaping, maximum floor area ratio, off-street parking, building design, and visual compatibility of the proposed structures with the surrounding neighborhood.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The Project complies with all applicable Land Development Code regulations except for the steep hillside development area regulations, which are satisfied by alternative compliance (see (c) below).

b. Supplemental Findings - Environmentally Sensitive Lands:

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The design and placement of the proposed homes are compatible with the existing topographical features of the site, which comprises a steep southwest-facing slope. This element of the Project design is achieved by stepping the building foundations into the hillside to mimic the site's natural terrain. Portions of the buildings' foundations will be partially subterranean in an effort to minimize

structural bulk and scale, and achieve an acceptable level of visual compatibility with surrounding land uses.

The Biological Technical Report prepared for the Project concluded, “[t]here will be no impacts to sensitive plant or wildlife species” (RECON No. 3360B, 8/17/00). Therefore, based upon the preceding circumstances cited for the Project, it is concluded that the site is physically suitable for the design and siting of the proposed structures and will result in the minimum disturbance of sensitive areas.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The Project avoids the unnecessary scarring of natural landforms on the properties by disturbing only those portions of the site necessary to accommodate the footprint/foundation for the homes, required usable open space, driveways and emergency access roadway. The Project’s grading plan also includes various measures to reduce potentially adverse impacts associated with erosion and slope instability resulting from landform alteration activities on the subject property, including the use of native trees, flowering shrubs, and groundcover plantings on disturbed slopes to minimize the possibility of runoff and resultant soil erosion on the Project site and adjoining properties. Additionally, re-vegetation of existing disturbed areas (jeep trails) is proposed to repair current erosion problems and to help mitigate loss of non-native grassland habitat.

The Geological Survey prepared for the Project concluded that the design of the proposed buildings would be constructed in accordance with applicable geotechnical standards of the City Engineer and that the development would not result in any adverse impacts associated with slope instability, erosion, or the unnecessary scarring of sensitive areas on site or on adjoining properties.

The existing hillside is covered in grasses that currently pose a serious fire hazard. Each year these grasses are required to be cut by the City’s weed abatement program. By planting and irrigating those site areas around the proposed homes (approximately half the site), the risk of fire will be reduced dramatically resulting in a major reduction of fire hazard to the surrounding neighborhood.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

According to the Biological Technical Report, “The site is located within a residential community, and is surrounded by housing or streets on most of its border. This site is not being used as a wildlife corridor.” It continues, “The

project site is not within or adjacent to the MHPA” (Multiple Habitat Planning Area).

4. **The proposed development will be consistent with the City of San Diego’s Multiple Species Conservation Program [MSCP] Subarea Plan.**

The Project is located outside of the MSCP Subarea Plan.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

While this Project is located on a peninsula, it is a good distance away from the ocean and bay shorelines and will not contribute to the erosion of either.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

Mitigated Negative Declaration [MND] No. 40-0219 was prepared for the Project which identified Paleontology and Land Use. A Mitigation, Monitoring and Reporting Program [MMRP] has been prepared for the Project which reduces the impacts to below a level of significance.

According to the *Geology of the San Diego Metropolitan Area, California*, the subject property is underlain by the Cabrillo-Sandstone formation, which has produced diverse assemblages of marine vertebrates and invertebrates and has been assigned a moderate resource potential for fossils. The Project is proposing approximately 3,200 cubic yards of grading, with cuts reaching depths of up to 17 feet. This would constitute a potentially significant impact to paleontological resources.

As a result, a MMRP is required. The MMRP requires that a qualified paleontological monitor be present during all grading activities into undisturbed formations of the property. If significant fossil resources are discovered, a recovery and documentation program would be implemented. Implementation of a paleontological monitoring program would reduce potential impacts to below a level of significance.

Due to the steep topography of portions of the site, it is subject to the Environmentally Sensitive Lands [ESL] regulations. ESL requires that when there is encroachment into any portions of a site containing steep hillsides that are not part of the developable area that it be left undeveloped and in their natural state.

A total of 1.13-acres of the site is impacted by this. A recorded conservation easement is required to preserve the 1.13-acres of undeveloped steep hillsides located at the rear portion of the property.

**c. Supplemental Findings - Steep Hillsides Development Area Regulations
Alternative Compliance:**

1. The proposed development is in conformance with the Steep Hillside Guidelines

Standard 1: Development on steep hillsides shall respect existing natural landforms.

All of the development has been concentrated on the lowest portion of the steep hillside bottom preserving, to the greatest extent possible, the non-native grasslands that occur on the majority of the site and maintaining the upper portion of the slope in its natural state.

The homes are sited to align with the natural contours of the slope and to take advantage of the views down the canyon to the south. Only the portion of the site immediately adjacent to each home has had to have the natural landform interrupted. Portions of the buildings' foundations will be partially subterranean in an effort to minimize structural bulk and scale, and achieve an acceptable level of visual compatibility with surrounding land uses. To the greatest extent possible, the natural slope around and between the homes has been maintained thus avoiding alterations to the entire steep hillside.

Standard 2: The development shall be designed to minimize grading.

To the greatest extent possible, the access road and associated driveways have been located to take into consideration the contours of the natural terrain. The main roadway is situated nearest the bottom of the site in order to minimize the additional grading effort required if it were to climb-up the steep hillside. It has been limited to the minimum required twenty-foot width for fire and emergency vehicle access.

In lieu of grading for guest parking, guest parking is distributed along the access road for convenience. Landscaping in the form of street trees and screening shrubs is used to minimize the visual impact.

The Project uses retaining walls rather than manufactured cut or fill slopes so that less developed land area is wasted. This results in a more compact design ultimately helping to meet development area requirement. Although some proposed retaining walls exceed six feet in height, most are designed to terrace or

step down the slope. The majority of the walls occur in non-prominent locations behind the proposed residences. These walls are necessary for providing the required useable open space and to enable the houses to step-up the steep hillside, reducing the overall mass and scale of the structures. The retaining walls along Canon Street, which take up the grade differential between the on-site roadway and the existing right-of-way, vary in both height and length providing a rolling natural appearance in relation to the existing landform. The proposed wall design will incorporate a variety of natural colors, textures and landscape screening to give it an indigenous appearance.

As discussed in *Standard 1*, the lowest least sloping portion of the site nearest the street frontage has been developed first. Unfortunately, limited access from the street required more on-site vehicle circulation than normal resulting in an increase of site development area. This and the community's desire for a well planned varied development as well as their request to keep a reasonable buffer between the development and the well traveled highway has forced the design to exceed the maximum allowable development area resulting in a request for alternative compliance.

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

The adjacent land's natural topography transitions smoothly onto the subject land by maintaining, to the greatest extent possible, the existing landform on-site. Additionally, native landscaping in the form of non-native grasses and coastal scrub will be re-vegetated on existing and newly disturbed areas of the site. The existing street trees will be kept and augmented with like species. Ornamental and non-invasive wild grasses are used throughout the developed area of the site to continue the natural landscape scheme of the Project and to blend into the adjacent hillsides. No manufactured slopes are proposed in this development. All grade changes are to be facilitated through retaining structures as discussed in *Standard 2*.

Standard 4: Site improvements shall minimize impacts to the steep hillside areas.

As discussed in *Standard 1*, the lowest least steep area of the site nearest to the street frontage has been developed first. This preserves, to the greatest extent possible, the natural terrain of the upper portion of the slope. Only to the extent needed to achieve a design that acknowledges the site's topography does the development encroach into the steeper portions of the site. The structures are utilized to screen the majority of the retaining walls as discussed in *Standard 2*. The homes are, to the greatest extent possible, staggered on the slope to allow for variation in height/mass/scale/street-presence and to provide breaks between

structures for visual access to steep hillside areas. Other than for health and life/safety reasons, fences will not be used to enclose natural steep hillside areas that are protected by way of conditions of this permit.

Standard 5: The placement of structures within the subdivision shall respect the steep hillside character of the site.

Each of the homes has been designed to carefully step-up the hillside utilizing multi-level strategies and embedding structures within the hillside in order to avoid creating standard prepared building pads, further limiting the amount of grading necessary as well as reducing the structural bulk and scale. This bulk-saving strategy is also used to achieve an acceptable level of visual compatibility with surrounding residential land uses.

Architecturally, the volumes and massing of the homes have been broken down, mimicking the undulating terrain and creating variation in scale and roof form. The highest roof elevation of the six proposed homes is on the Daugherty Residence. At an elevation of 173.0 it is well below the 180.0 elevation at the top of the steep slope behind the home and clearly not projecting higher than the closest ridge line above the structure. Additionally, the adjacent existing homes at the top of the hill behind the subject land have finished floor elevations exceeding 194.0, with their roof heights another fifteen or sixteen feet above that. None of the proposed homes are sited at the top of the steep hillside or on a rim of a canyon.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

The homes are, to the greatest extent possible, staggered on the lowest portions of the slope to provide breaks between structures for visual access to steep hillside areas beyond. The "easement for light and air and unobstructed view over and above an elevation of 175 feet above sea level, over lots 2 and 3" identified in the Grant Deeds for the Volpato, J. Vigil, Lim+Wells and Daugherty lots has been respected. The highest projection of the development is the roof of the Daugherty Residence at 173.0 feet. The Project's street is single-loaded. There are no designated *public* view corridors along or over the property.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

Since, as stated in *Standards 1 and 2*, the existing landform, to the greatest extent possible, is to remain in its natural state, so too will the natural drainage patterns remain intact. This is specifically outlined in the Biological Technical Report

under the section on *U.S. Army Corps of Engineers Jurisdictional Waters of the U.S.* The development area maintains a safe distance from such sensitive areas. Where the natural terrain is interrupted for development, natural drainage patterns will be augmented by an on-site storm drain system. This system will collect run-off waters and re-direct them to established storm drain receptors off-site per the Grading and Drainage Plans.

2. The proposed development conforms to the applicable land use plan.

See (a)(1) above.

3. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

Strict compliance with the steep hillside development area regulations would preclude development of the site consistent with the Peninsula Community Plan which calls for design to "adapt to hillside conditions and incorporate existing features into the Project design to perpetuate or create unique environmental conditions." Strict application would force the six houses to be sited either immediately adjacent to Canon, creating a wall of development which would destroy the openness of the canyon, or along the ridge line, resulting in a monotonous line of houses. Neither of these designs would "perpetuate or create unique environmental conditions."

II. FINDINGS FOR PLANNED DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE SECTION 126.0604:

1. The proposed development will not adversely affect the applicable land use plan.

See (a)(1), above.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

See (a)(2), above.

3. The proposed development will comply with the regulations of the Land Development Code.

The Project complies with all applicable Land Development Code regulations except for the steep hillside development area regulations, which are satisfied by alternative compliance (*see (c) above*).

4. The proposed development, when considered as a whole, will be beneficial to the community.

The Peninsula was developed over a number of decades with the last major development occurring in the 1960s. The result is an eclectic combination of neighborhoods with a wide variety of architecture and development styles. Many of the Peninsula's steep slopes were developed with houses cascading down the slope - the garage at the street level and living areas on the upper levels. The design of this Project is to respect that early development pattern. As a result, a well-traveled canyon will retain its open and natural character.

The Community Plan calls for providing housing opportunities for residents of all income levels and age groups, "through new construction and rehabilitation of deteriorating structures." The Project is a cooperative effort of five Peninsula families who will be moving from their current homes into the proposed homes. These owners have a variety of income levels ranging from families with young children to retirees with grown children and grandchildren. The construction of their new homes will free up their existing homes for others to live on the Peninsula.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The Project complies with all applicable Land Development Code regulations except for the steep hillside development area regulations, which are satisfied by alternative compliance. Strict compliance with the steep hillside development area regulations would preclude development of the site consistent with the Peninsula Community Plan which calls for design to "adapt to hillside conditions and incorporate existing features into the Project design to perpetuate or create unique environmental conditions." Strict application would force the six houses to be sited either immediately adjacent to Canon, creating a wall of development which would destroy the openness of the canyon, or along the ridge line, resulting in a monotonous line of houses. Neither of these designs would "perpetuate or create unique environmental conditions."

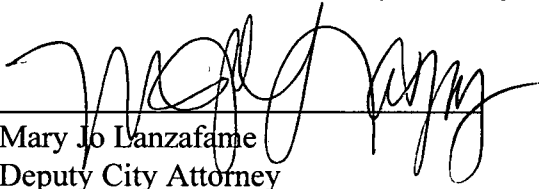
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit/Planned Development Permit No. 40-0219 is granted to Lynn and Scott Stiers, Trish and Ned Daughtery, Jan and Able Vigil, Yilis Volpato, Wan Lim

and Matt Wells, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:lc

04/04/02

Or.Dept:Clerk

R-2002-1047

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Reviewed by PJ Fitzgerald

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

SITE DEVELOPMENT PERMIT/PLANNED DEVELOPMENT PERMIT
NO. 40-0219 (MMRP)
CANONLANDS

CITY COUNCIL

This Site Development Permit/Planned Development Permit [SDP/PDP] is granted by the Council of the City of San Diego to Lynn and Scott Stiers, Trish and Ned Daughtery, Jan and Able Vigil, Uilis Volpato, Wan Lim and Matt Wells, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The vacant 2.42-acre site is located at the northeast side of Canon Street (State Route 209) between Willow Street and Del Mar Avenue in the RS-1-4 Zone of the Peninsula Community Plan area. The project site is legally described as Lots 2 and 3 of Fleetridge Unit No.5, Resubdivision of Lot 209, according to Map hereof No. 5365, and Parcel 1 of Parcel Map No. 18625.

Subject to the terms and conditions set forth in this permit, permission is granted to Owners/Permittees to subdivide a vacant 2.42-acre site into six parcels to construct six custom single-family residences described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated January 29, 2002, on file in the Development Services Department. The facility shall include:

- a. Subdivide a vacant 2.42-acre site into six parcels to construct six custom single-family residences; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. No fewer than 24 parking spaces shall be maintained at all times on this 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 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 Permittees 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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 Owners/Permittees 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 January 29, 2002, 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. The Owners/Permittees shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration (MND) LDR No. 40-0219 satisfactorily to the City Manager and City Engineer. Prior to the issued of any grading and/or building permit, all mitigation measures as specifically outline in the MMRP shall be implemented for the Land Use and Paleontology.

PLANNING/DESIGN REQUIREMENTS:

10. 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 that the corresponding regulation of the underlying zone, then the condition shall prevail.

11. The height(s) of the buildings(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.

12. A topographical survey conforming to the provisions of the 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 Permittees.

13. 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.

ENGINEERING REQUIREMENTS:

14. The Site Development Permit/Planned Development Permit No. 40-0219 shall comply with the conditions of the Final Map for Tentative Map No. 40-0219.
15. 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.

LANDSCAPE REQUIREMENTS:

16. 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 conference with Exhibit "A," Landscape Concept Plan, dated January 29, 2002, on file in the Development Services Department.
17. 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 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, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated January 29, 2002, on file in the Development Services Department.
18. 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. 40-0219 (including environmental conditions) and Exhibit "A," dated January 29, 2002, on file in the Development Services Department.
19. 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.

20. Prior to final inspection, it shall be the responsibility of the Owners/Permittees or 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.

21. 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.

22. The Owners/Permittees shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way 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.

23. 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.

TRANSPORTATION PLANNING REQUIREMENT:

24. Prior to the recordation of the first Final Map, the subdivision shall provide a Shared Access Agreement between the lots on the site, satisfactory to the City Engineer.

25. The access road/private drive may provide access for no more than the six parcels shown in Tentative Map No. 40-0219. Any change in the access road/private drive to allow additional properties ingress and egress to Canon Street shall require an amendment to the permit and may not be achieved through the substantial conformance process.

WATER AND SEWER REQUIREMENTS:

26. 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 service this development.

27. The developer shall design 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.

28. 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.

29. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

30. Prior to the issuance of any building permits, the applicant shall provide evidence satisfactory to the Metropolitan Wastewater Department Director, indicating that each dwelling unit will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

31. 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.

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 January 29, 2002, by Resolution No. R-296028.

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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.

OWNERS/PERMITTEES:

Lynn Stiers

Scott Stiers

Trish Daughtery

Ned Daughtery

Jan Vigil

Able Vigil

Uilis Volpato

Wan Lim

Matt Wells

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

4/4/02
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