

RESOLUTION NUMBER R-296049

ADOPTED ON FEBRUARY 5, 2002

WHEREAS, Elizabeth Riis, an Individual, Owner, and Sorrento Sand Company, Inc., a California corporation, Permittee, filed an application with the City of San Diego for a permit to develop eight custom homes known as the Torrey View Estates project, located at 4049 Arroyo Sorrento Road, and legally described as Lot 6 of Sorrento Estates, Map 8735, in the Carmel Valley Community Plan area, in the AR-1-1 zone, which is proposed to be rezoned to the AR-1-2 zone; and

WHEREAS, on November 15, 2001, the Planning Commission of the City of San Diego considered Site Development/Planned Development [SD/PD] Permit No. 40-0179, and pursuant to Resolution No. 3196-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 5, 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 SD/PD Permit No. 40-0197:

I. FINDINGS FOR PLANNED DEVELOPMENT PERMIT PER LAND DEVELOPMENT CODE SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed project would subdivide an existing 11.85 acre site into 8 lots of a minimum one acre each and create pads for the future development of custom single family homes. The adopted Carmel Valley Community Plan designates the subject property for a combination of Very Low Density Residential (0-5 dwelling units per acre) and open space. The proposed rezoning to the AR-1-2 Zone (one unit per acre) is consistent with the density recommendation of the community plan and consistent with the goal of the Arroyo Sorrento neighborhood to retain the rural one acre residential pattern already established in the area. The most

environmentally sensitive portions of the site would remain in open space as recommended by the adopted community plan. Therefore, the proposed development would not adversely affect the community plan.

2. The proposed development will not be detrimental to the public health, safety and welfare. Conditions of approval found within the draft Vesting Tentative Map, Planned Development Permit and Site Development Permit address health, safety and general welfare issues. Compliance with applicable building, plumbing, electrical and grading regulations will also be required at the construction phase. The project has been designed to control drainage runoff, and complies with brush management requirements for fire safety. .

3. The proposed development will comply with the regulations of the Land Development Code. Conditions of the permit and the inclusion of the Design Guidelines assure that the project will meet or exceed the development requirements for the neighborhood zoning. The project meets the requirements of the AR-1-2 zone. The proposed lots range in size from 1.0 acre to 3.30 acres. All lots meet the minimum gross acreage requirement, and proposed development will comply with the height limits, setback requirements, and maximum lot coverage. The lack of public street frontage for three of the lots and use of a common private gated driveway is permitted by the Planned Development Permit ordinance. The proposed development scale and density are consistent with a pattern already established in the neighborhood and the project is in compliance with the applicable regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed development would benefit the community by continuing a development pattern already established and desired in the neighborhood, while preserving natural habitat on the property. The proposed development would allow the construction of 8 single family homes on the 11.85 acre project site, which is consistent with the very low density land use designation of the Community Plan. Implementation of the Design Guidelines, as required by the project, would ensure that the development be in harmony with the surrounding community.

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 proposes to subdivide an existing 11.85 parcel into 8 lots of a minimum one acre each for the future development of custom single family homes. As allowed by the Planned Development Permit ordinance, the project proposes a deviation from the required street frontage for three of the eight lots. These three lots, on the southern half of the property, would have access via a private driveway off of Arroyo Sorrento Road, with no frontage on a public right-of-way. The shared frontage and common access driveway proposed for this development is permitted by the Planned Development Permit ordinance, and is often found with PDP approved projects. The gated access meets the criteria of Council Policy 600-42 for Limited and Controlled Access Development (Gated Communities). The shared driveway reduces the landform alteration impacts that the construction of a public street onto the property would otherwise cause. The

requested deviation would be beneficial, since it allows the development of pads in the least sensitive areas of the project site.

II. FINDINGS FOR SITE DEVELOPMENT PERMIT PER 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 proposed project would subdivide an existing 11.85 acre site into 8 lots of a minimum one acre each and create pads for the future development of custom single family homes. The adopted Carmel Valley Community Plan designates the subject property for a combination of Very Low Density Residential (0-5 dwelling units per acre) and open space. The proposed rezoning to the AR-1-2 Zone (one unit per acre) is consistent with the density recommendation of the community plan and consistent with the goal of the Arroyo Sorrento neighborhood to retain the rural one acre residential pattern already established in the area. The most environmentally sensitive portions of the site would remain in open space as recommended by the adopted community plan. Therefore, the proposed development would not adversely affect the community plan.

2. The proposed development will not be detrimental to the public health, safety and welfare. Conditions of approval found within the draft Vesting Tentative Map, Planned Development Permit and Site Development Permit address health, safety and general welfare issues. Compliance with applicable building, plumbing, electrical and grading regulations will also be required at the construction phase. The project has been designed to control drainage runoff, and complies with brush management requirements for fire safety.

3. The proposed development will comply with the applicable regulations of the Land Development Code. Conditions of the permit and the inclusion of the Design Guidelines assure that the project will meet or exceed the development requirements for the neighborhood zoning. The project meets the requirements of the AR-1-2 zone. The proposed lots range in size from 1.0 acre to 3.30 acres. All lots meet the minimum gross acreage requirement, and proposed development will comply with the height limits, setback requirements, and maximum lot coverage. The lack of public street frontage for three of the lots and use of a common private gated driveway is permitted by the Planned Development Permit ordinance. The proposed development scale and density are consistent with a pattern already established in the neighborhood and the project is in compliance with the applicable regulations of the Land Development Code..

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 Torrey View Estates project proposes to subdivide the 11.85 acre project site into 8 lots of a minimum 1 acre each in size for the future development of custom single

family homes. Although the project site contains steep slopes and sensitive habitat, the project has been designed to minimize disturbance to the environment. Development would be limited to portions of the site that were previously disturbed by an earlier horse stable operation on the property and to areas that were previously approved for grading under Hillside Review Permit No. 94-0277.

An Environmental Initial Study was completed for the proposed project and it was determined that the project could have a significant environmental impact on Land Use (MSCP Subarea Plan Compliance), Hydrology/Water Quality, Paleontological Resources, and Biological Resources. A draft Mitigated Negative Declaration was prepared, and a Mitigation, Monitoring and Reporting Program (MMRP) was developed to ensure that the project would not have a significant negative environmental impact. Subsequent to public review of the draft MND, the project design was revised in response to community concerns, and additional mitigation measures were added to the MMRP. A Revised MND was prepared in accordance with CEQA, Implementation of the Mitigation, Monitoring and Reporting Program, as required for the proposed project, would reduce potential impacts to below a level of significance. The site is therefore physically suitable for the proposed development and the project will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The development proposed with Torrey View Estates project would be sited on portions of the site that were previously disturbed by horse stabling activities or are authorized for grading under a previously approved Hillside Review Permit. Recommended conditions of approval address drainage and geologic issues. Grading is proposed on previously disturbed areas of the site. The house pads would be graded on the flatter portions of the development. Brush management zones would be implemented per the Landscape Standards Manual to reduce fire hazards. The project would not encroach into steep coastal hillsides containing sensitive biological resources or into lands described as viewshed or geological hazards. The proposed development will minimize and reduce erosional forces and flood hazards with the installation of desilting ponds, grass-lined swales, and a floodwater storage easement. The proposed development will therefore minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project has been designed to minimize disturbance to the environment. The proposed house pads will be located in the disturbed portions of the property. An Environmental Initial Study was completed for the proposed project and it was determined that the project could have a significant environmental impact on Land Use (MSCP Subarea Plan Compliance), Hydrology/Water Quality, Paleontological Resources, and Biological Resources. A draft Mitigated Negative Declaration was prepared, and a Mitigation, Monitoring and Reporting Program (MMRP) was developed to ensure that the project would not have a significant negative environmental impact. Subsequent to public review of the draft MND, the project design was revised in response to community concerns, and additional mitigation measures were added to the MMRP. A Revised MND was

prepared in accordance with CEQA, Implementation of the Mitigation, Monitoring and Reporting Program, as required for the proposed project, would reduce potential impacts to below a level of significance.

3.75 acres of the site were previously reserved for open space preservation via Hillside Review Permit No. 94-0277. This included 1.03 acres running east to west across the center of the property and 2.72 acres at the south edge of the site. This latter area has been added to the MHPA and has connectivity to the larger Neighborhood 8A open space system. An additional 0.36 acres of open space will be added to the on-site open space system by this project for a total of 4.11 acres. Fences will be erected to protect on-site open space from the residential activity areas. The siting and design of the proposed development will therefore prevent adverse impacts to any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project is consistent with the MSCP Subarea Plan. The proposed project will implement permit conditions with regards to drainage, grading, and lighting to minimize the impacts to the adjacent MSCP/MHPA area. Environmental impacts will be mitigated on-site and steep slopes will be preserved.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project site is located approximately two miles from the shoreline. Conditions of the project require erosion control measures to minimize the potential for stormwater pollution. The proposed project will drain into the City of San Diego storm drainage system and would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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. An Environmental Initial Study was completed for the proposed project and it was determined that the project could have a significant environmental impact on Land Use (MSCP Subarea Plan Compliance), Hydrology/Water Quality, Paleontological Resources, and Biological Resources. A draft Mitigated Negative Declaration was prepared, and a Mitigation, Monitoring and Reporting Program (MMRP) was developed to ensure that the project would not have a significant negative environmental impact. Subsequent to public review of the draft MND, the project design was revised in response to community concerns, and additional mitigation measure were added to the MMRP. A Revised MND was prepared in accordance with CEQA, Implementation of the Mitigation, Monitoring and Reporting Program, as required for the proposed project, would reduce potential impacts to below a level of significance.

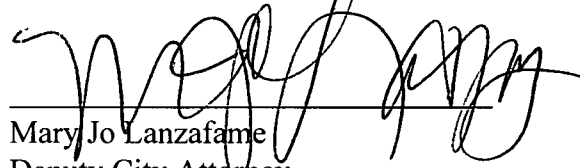
The proposed project will be reserving a total of 4.11 acres of on-site habitat. A Mitigation, Monitoring and Reporting Program will be implemented over a three year period to monitor transplanting in the onsite MHPA open space area.

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. 40-0197 is granted to Elizabeth Riis, an Individual, Owner, and Sorrento Sand Company, Inc., a California corporation, 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
03/23/02
Or.Dept:Clerk
R-2002-1298
Form=permitr.frm
Reviewed by Vicky Gallagher

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. 40-0197
TORREY VIEW ESTATES (MMRP)
CITY COUNCIL

This Site Development Permit/Planned Development Permit No. 40-0197 is granted by the City Council of the City of San Diego to Elizabeth Riis, an Individual, Owner and Sorrento Sand Company, Inc., a California Corporation, Permittee pursuant to the San Diego Municipal Code [SDMC]. The 11.85 acre site is located at 4049 Arroyo Sorrento Road in the AR-1-1 zone (proposed AR-1-2) of the Carmel Valley Community Plan. The project site is legally described as Lot 6 of Sorrento Estates, Map 8735, in the City of San Diego, County of San Diego.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and/or Permittee to subdivide a 11.85 acre site into eight custom home lots of a minimum 1-acre size for single family residences described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated February 5, 2002, on file in the Development Services Department. The facility shall include:

- a. Eight (8) custom home lots of a minimum one acre size for single family residences. The custom homes shall be developed in accordance with the Design Guidelines for the project, and would range in size from 2,800 - 6,500 square feet, with a maximum of 2 stories and 30 feet in height for Lots 2 - 8, said heights may be increased to a maximum of 35 feet with increased setbacks pursuant to Land Development Code Section 131.0344, and a maximum one story residence on Lot 1 with a maximum height of 18 feet on the westerly 40 feet of the lot and a maximum height of 25 feet on the easterly 90 feet portion of the lot.
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and

- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.
2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 7. 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.).
 8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 5, 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.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is 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 new 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.

11. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

12. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report or Mitigated Negative Declaration, LDR No. 40-0197, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Land Use-MSCP Subarea Plan compliance
Hydrology/Water Quality

Paleontological Resources
Biological Resources

14. Prior to the issuance of a grading permit or the approval of any construction change to a grading permit, the project biologist shall flag the boundaries of Open Space Easement A, B, and C, as identified on Exhibit "A," dated February 5, 2002, on file in the Development Services Department, to distinguish them from Brush Management Zone 2.

MULTI-SPECIES CONSERVATION PROGRAM (MSCP) REQUIREMENTS:

15. The issuance of this permit by the City of San Diego does not authorize the applicant 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.).

16. 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.

PLANNING/DESIGN REQUIREMENTS:

17. No fewer than four off-street parking spaces per dwelling unit shall be maintained on the property at all times as indicated on the approved Exhibit "A," dated February 5, 2002, on file in the Development Services Department. A minimum of two of the four parking spaces shall be located within a garage. Parking spaces shall comply at all times with SDMC, Chapter 14, Article 2, Division 5 and not be converted for any other use unless otherwise authorized by the City Manager.

18. This permit shall supersede and replace previously approved Hillside Review Permit No. 94-0277.

19. 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.

20. 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.

21. 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 permittee.

22. 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.

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

24. All accessory structures shall be subject to review and permitting as necessary and shall be in compliance with all applicable development regulations.

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

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

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

28. Prior to the issuance of any building permit, plans shall be reviewed by the Development Services Department for conformance with the approved design guidelines for this project. Plans

shall be submitted to the Land Development Review section and shall consist of five (5) sets of the following scaled drawings: grading, site plan, floor plans, building elevations (which shall include exterior materials and color information), roof plan, and landscape and irrigation plan. Plans shall be accompanied by a nonrefundable fee.

29. The building pads shall not exceed the pad elevations shown on Sheet 1 of the Exhibit "A" plans Titled Vesting Tentative Map/Grading Plan No. 40-0197, dated February 5, 2002, to the satisfaction of the City Manager. Lot 1 shall not exceed the pad elevation of 208.7 feet above sea level. Lot 2 shall not exceed the pad elevation of 217 feet. Lot 3 shall not exceed the pad elevation of 222 feet. Lot 4 shall not exceed the pad elevation of 229 feet. Lot 5 shall not exceed the pad elevation of 236 feet. Lot 6 shall not exceed the pad elevation of 264 feet. Lot 7 shall not exceed the pad elevation of 263 feet. Lot 8 shall not exceed the pad elevation of 267 feet.

30. Prior to the recording of the final map, a four foot (4') walking path along the southern portions of Lot 6 and 7, configured in such a manner so as not to destroy trees (as shown on Exhibit "A") shall be offered for dedication as a pedestrian-only public right-of-way. Prior to the issuance of any certificate of occupancy, the walking path shall be improved with decomposed granite and a ranch-style fence made of either wood or PVC vinyl. The walking path shall be maintained by the owners of Lots 6 and 7 until the acceptance of the dedication to the City of San Diego. Upon acceptance of the dedication, the walking path will be maintained by the City. If the City does not accept the dedication within three years of the recording of the final map, the offer shall terminate.

LANDSCAPE REQUIREMENTS:

31. Prior to the issuance of a grading permit, all invasive Pampas Grass shall be removed from the site.

32. Prior to the recordation of the (parcel/final map), the subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City Manager.. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated February 5, 2002, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.

33. Prior to recordation of the (parcel/final map), the Permittee or subsequent Owner/ Developer shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," Landscape Concept Plan, dated February 5, 2002, on file in the Development Services Department. These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be

provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per SDMC section 142.0412 of the Land Development Code."

34. 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.

35. Prior to issuance of any construction permits for structures (including shell), 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 February 5, 2002, on file in the Development Services Department.

36. 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. Improvement plans shall include a Street Tree Location Plan, which identifies a station point for each street tree location that takes into account a 40 square foot area around each tree which is unencumbered by utilities. 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 February 5, 2002, on file in the Development Services Department.

37. 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. 40-0197 (including Environmental conditions) and Exhibit "A," dated February 5, 2002, on file in the Development Services Department.

38. 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.

39. Prior to final inspection, it shall be the responsibility of the Owner/Permittee 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.

40. 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.

41. The Owner/Permittee 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.

42. 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 prior to final inspection.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

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 February 5, 2002, 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 February 5, 2002, 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 February 5, 2002, on file in the Development Services Department, and shall comply with the Uniform Fire Code (SDMC § 55.0889.0201), the Landscape Standards and the SDMC section 142.0412 (Ordinance No. O-18451).
- c. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the SDMC section 142.0412 as follows: Legal Description: Lot 6 of Sorrento Estates, Map 8735, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey. East of Interstate 805 and El Camino Real; Zone One (30') Zone Two (40').

- d. The construction documents shall conform to the Architectural features as described in SDMC section 142.0412(d).
 - e. 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.
 - 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 Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.
44. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.
45. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

TRANSPORTATION REQUIREMENTS:

46. Prior to issuance of any building permit, the construction of Arroyo Sorrento Road from east of El Camino Real to the eastern boundary of the Torrey View Estates project shall be completed to the satisfaction of the City Engineer.

WATER REQUIREMENTS:

47. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of water services and meters within the Arroyo Sorrento Road right-of-way to provide service to each lot in a manner satisfactory to the Water Department Director and the City Engineer.
48. The developer shall install private fire hydrants at locations on-site satisfactory to the Fire Department and the City Engineer.
49. Prior to the issuance of any building or engineering permits, the developer shall provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of the

on-site private water facilities that serve or traverse more than a single lot, including the fire hydrant and service.

50. All on-site water facilities shall be private.

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

WASTEWATER REQUIREMENTS:

52. 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.

53. 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.

ENGINEERING REQUIREMENTS:

54. The permit shall comply with the conditions of the final map for Vesting Tentative Map No. 40-0197.

55. Prior to the issuance of a grading permit or the approval of any construction change to a grading permit, the subdivider shall grant to the City of San Diego additional Open Space for each of the existing three Open Space easements as follows:

- a. Grant .120 additional acres to the existing .710 acres for a net Open Space Parcel "A" of .830 acres;
- b. Grant .117 additional acres to the existing .313 acres for a net Open Space Parcel "B" of .430 acres;
- c. Grant .127 additional acres to the existing 2.723 acres for a net Open Space Parcel "C" of 2.850 acres.

The combined total of all Open Space parcels shall equal 4.11 acres satisfactory to the Environmental Review Manager and the City Engineer.

56. Prior to the issuance of a grading permit or the approval of any construction change to a grading permit, the applicant shall provide documentation stating that the Torrey Woods (City project reference Torrey Pines Estates VTM 96-7573) Homeowner's Association [HA], the

adjacent easterly upstream development, will maintain the desiltation basin silt removal areas and access roads satisfactory to the City Engineer.

57. Prior to the issuance of a grading permit or the approval of any construction change to a grading permit, the applicant shall provide CC&Rs for each of the following: Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5 for the onsite maintenance of the private slopes, open space areas, the 42" RCP storm drain pipe undercrossing Private Driveway "A", rip rap areas east and west of Private Driveway "A" and the Floodwater Storage Easement. The private storm drain detention basin system will be maintained by their respective owners under a Declaration of Covenants and Restrictions recorded against each parcel satisfactory to the City Engineer. The responsibility to operate and maintain the private storm detention basin system shall be recorded against each property and disclosed to each property owner as part of the escrow closing.

58. Prior to the issuance of a grading permit or the approval of any construction change to a grading permit, the applicant shall grant a floodwater storage easement for Lot 2, Lot 4 and Lot 5 satisfactory to the City Engineer.

59. The individual lot's drainage systems shall be operated and maintained privately and are subject to approval of the City Engineer.

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 February 5, 2002, by Resolution No. R-296049.

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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.

**ELIZABETH RIIS, AN INDIVIDUAL,
Owner**

By _____

**SORRENTO SAND COMPANY, INC.,
A CALIFORNIA CORPORATION
Permittee**

By _____

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

6/11/02
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