

CORRECTED COPY

(R-2002-1302) (COR. COPY)

RESOLUTION NUMBER R-296135

ADOPTED ON FEBRUARY 26, 2002

WHEREAS, Leon Perl, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide a ten acre parcel into four custom home lots of a minimum of one-acre lot size each to allow development of four custom homes known as the Estates at Costa Del Mar project, including the approval of a Multiple Habitat Planning Area [MHPA] boundary adjustment, on a site located at 11650 Arroyo Sorrento Place, and legally described as those Portions of Parcel 2 and Parcel 3 of Parcel Map 11968, in the City of San Diego, County of San Diego, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance Document #95-0522519 recorded November 16, 1995, Lot Line adjustment Plat 95-150, in the Coastal Overlay Zone of the Carmel Valley Community Plan area, in the AR-1-1 zone, which is proposed to be rezoned to the AR-1-2 and OC-1-1 zones; and

WHEREAS, on November 29, 2001, the Planning Commission of the City of San Diego considered Coastal Development Permit/Planned Development Permit/Site Development Permit No. 40-0247, including the approval of a Multiple Habitat Planning Area [MHPA] boundary adjustment, and pursuant to Resolution No. 3203-PC, voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 26, 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 Coastal Development Permit/Planned Development Permit/Site Development Permit No. 40-0247 and Multiple Habitat Planning Area [MHPA] boundary adjustment:

A. FINDINGS FOR PLANNED DEVELOPMENT PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604:

1. The proposed development will not adversely affect the applicable land use plan. The project site is designated for Very Low Density Residential development in the Carmel Valley Community Plan, which allows 0-5 dwelling units per acre. The proposed development would subdivide the ten acre project site into four parcels for the development of four custom home lots with lot size ranging from 1.2 acres to 3.3 acres, and is therefore consistent with the land use designation in the Community Plan. The proposed rezone to AR-1-2 (one unit per acre) and OC-1-1 (Open Space-Conservation) is consistent with this land use designation and with the surrounding properties, which consist of custom single family homes on large lots with open space. The proposed development will therefore not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project has been designed to locate development on the mesa top while preserving the environmentally sensitive north facing bluff face. Adopted grading and brush management standards will be applied to the development to preserve public health and safety. Emergency vehicles and crew will have access through the entry gate and the internal private driveway is design to accommodate emergency vehicles.

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 of the neighborhood zoning. The project meets the proposed zoning requirements of the AR-1-2 and OC-1-1 zones. All lots meet the minimum gross acreage requirements, and proposed development will comply the height limits, setback requirements, and maximum lot coverage requirements. The proposed project will comply with the Fencing Ordinance. The lack of public street frontage for some of the lots and use of a common private gated driveway system is permitted by the Planned Development Permit [PDP] regulations. The rural neighborhood has a history of panhandle lots and shared driveways. The proposed development is in compliance with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project includes the subdivision of a ten acre parcel into four legal lots for the development of four custom single family residences. The proposed lots would

range in size from 1.2 acres to 3.3 acres. This project will be beneficial to the community as it is consistent with the neighborhood character of one unit per acre and will preserve the rural nature of the community. The homeowners have requested since 1992 to maintain a one unit per acre density with an agricultural designation. The proposed project layout, which splits ten acres into four lots, is less dense than neighboring properties, which are developed at one unit per acre.

Approximately 3.52 acres of the ten acre project site are currently within the Multiple Habitat Planning Area [MHPA]. The project proposes to adjust the boundary lines of the MHPA for a net gain of 2.35 acres of MHPA open space on the project site. This boundary adjustment has been approved by the California Department of Fish and Game and U.S. Fish and Wildlife Services staff, and will be beneficial to the community as a whole.

5. Any proposed deviations pursuant to San Diego Municipal Code [SDMC] 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 includes a request to deviate from the AR-1-2 zone requirement for each lot to have at least 60 feet of frontage on a public street cul-de-sac. Three of the four proposed lots would have access via a private gated driveway from the northern terminus of Arroyo Sorrento Place, with no frontage on a public right-of-way. The shared frontage and common access driveway proposed for this development is permitted by the PDP regulations 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 extension 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 site.

B. FINDINGS FOR ALL SITE DEVELOPMENT PERMIT APPROVAL - SDMC SECTION 126.0504(A):

1. The proposed development will not adversely affect the applicable land use plan. The adopted Carmel Valley Community Plan designates the subject property and neighborhood for Very Low Density residential development (0-5 dwelling units per acre). The proposed four home sites and rezoning to the AR-1-2 zone (one dwelling unit per acre) and OC-1-1 zone (Open Space - Conservation) are consistent with that plan designation and with the existing rural residential character of the area. The proposed development will therefore not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Estates at Costa Del Mar project will not be detrimental to the public health, safety or welfare. The project has been designed to locate development on the mesa top while preserving the environmentally sensitive north facing bluff face. Adopted grading and brush management standards will be applied to the development to preserve public health and safety. The proposed development will be graded in accordance with the San Diego Grading Regulation. Drainage will conform to the San Diego Drainage Design Manual. Lots 1 through 4

will direct runoff to grass-line swales and rip-rap energy dissipaters. Graded slopes will be landscaped per the San Diego Landscape Standards Manual. Brush management will also be consistent with the Landscape Standards. Emergency vehicles and crew will have access through the entry gate and the internal private driveway is designed to accommodate emergency vehicles.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project meets or exceeds all applicable regulations of the Land Development Code for residential development, with the exception of the requested deviation from the street frontage requirement. The project requests a deviation from the AR-1-2 zone requirement that each lot have at least 60 feet of frontage on a public street cul-de-sac. Three of the four proposed lots would have access via a private gated driveway from the northern terminus of Arroyo Sorrento Place, with no frontage on a public right-of-way. The shared frontage and common access driveway proposed for this development is permitted by the PDP regulations 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 extension 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 site.

All proposed lots and proposed custom home development will meet the minimum gross acreage requirements, setbacks, height limits, and maximum lot coverage requirements, and will be consistent with the Fencing regulations. The Design Guidelines for the Estates at Costa Del Mar further enhances standards for development.

C. FINDINGS FOR SITE DEVELOPMENT PERMIT APPROVAL, SDMC SECTION 126.0504(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 Estates at Costa Del Mar project proposes to subdivide the ten acre project site into four legal lots of a minimum one 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 and the site is therefore physically suitable for the proposed project. The project has been designed to locate development on the mesa top while preserving the environmentally sensitive north facing bluff face. The proposed house pads will be located in the disturbed portions of the property. The natural, undisturbed areas will be dedicated into open space areas.

Approximately 3.52 acres of the ten acre project site are currently within the MHPA. The project proposes to adjust the boundary lines of the MHPA for a net gain of 2.35 acres of MHPA open space on the project site. This boundary adjustment has been approved by the California Department of Fish and Game and U.S. Fish and Wildlife Services staff, and will be beneficial to

the community as a whole. The proposed development will therefore result in minimum disturbance to environmentally sensitive lands.

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. Grading is proposed on previously disturbed areas of the site. The house pads will be graded on the flatter portions of the development. The graded slopes will be landscaped per the Landscape Standards. Brush management zones will be implemented per the Landscape Standards Manual to reduce fire hazards. The project will not encroach into steep coastal hillsides containing sensitive biological resources or into lands described as viewshed or geological hazards on Map C-720. 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 locate development on the mesa top while preserving the environmentally sensitive north facing bluff face. The proposed house pads will be located in the disturbed portions of the property. Fences will be installed to keep residents from encroaching into the designated open space areas. Drainage from the pads will be directed into grass-lined swales, desilting ponds, and energy dissipaters. The proposed development has therefore been sited and designed to prevent adverse impacts to 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 Paleontological Resources, Hydrology/Water Quality, and Biological Resources. Implementation of the

Mitigation, Monitoring and Reporting Program, as required for the proposed project, would reduce potential impacts to below a level of significance.

D. FINDINGS FOR ALL COASTAL DEVELOPMENT PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE SECTION 126.0708:

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed Estates at Costa Del Mar project protects public views by locating house pads on existing flat areas of the site. The northerly and westerly facing slopes that are visible to the public would be dedicated as open space. The project is not adjacent to public open space access, Carmel Valley Restoration and Enhancement Project [CVREP] trail, or public accessway identified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project as proposed would be developed on mostly disturbed or previously developed areas of the property. The project as proposed would not encroach into steep coastal hillsides containing sensitive biological resources or into lands described as viewshed or geological hazards on Map C-720. The project site currently has 3.52 acres of MHPA onsite. An additional 2.35 acres would be added to the MHPA with this project, for a total of 5.87 acres onsite lands dedicated as MHPA open space.

An Environmental Initial Study was completed for the proposed project and it was determined that the project could have a significant environmental impact on Paleontological Resources, Hydrology/Water Quality, and Biological Resources. 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 development will therefore not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed project conforms to the land use designation of AR-1-2 zone and the surrounding neighborhood properties. The proposed AR-1-2 and OC-1-1 zones are consistent with the Carmel Valley Community Plan land use designation of 0-5 Dwelling Units [DU] per acre.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project is in conformance with the public access and public recreation policies of Chapter 3 of the

California Coastal Act. The proposed Estates at Costa Del Mar project is not located between a public road and the sea or the shoreline of any body of water located within the coastal overlay zone.

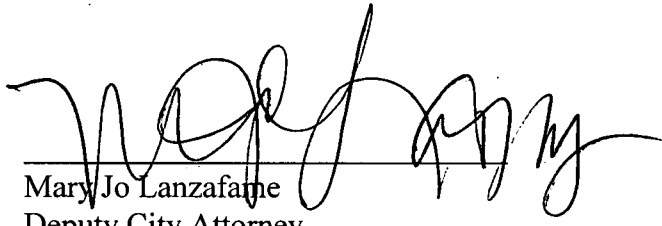
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit/Planned Development Permit/Site Development Permit No. 40-0247 is granted to Leon Perl, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on Vesting Tentative Parcel Map No. 40-0247 is approved.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

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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

**COASTAL DEVELOPMENT PERMIT/PLANNED DEVELOPMENT PERMIT/
SITE DEVELOPMENT PERMIT NO. 40-0247 (MMRP)
ESTATES AT COSTA DEL MAR
CITY COUNCIL**

This Coastal Development Permit/Planned Development Permit/Site Development Permit No. 40-0247, is granted by the City Council of the City of San Diego to Leon Perl, Owner/ Permittee pursuant to the Land Development Code of the City of San Diego. The 10 acre site is located at 11650 Arroyo Sorrento Place in the AR-1-1 zone (proposed AR-1-2 zone and OC-1-1 zone) and the Coastal Overlay Zone of the Carmel Valley Community Plan area. The project site is legally described as those portions of Parcel 2 and Parcel 3 of Parcel Map 11968, in the City of San Diego, County of San Diego, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance Document #95-0522519 recorded November 16, 1995. Lot Line adjustment Plat 95-150.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee LEON PERL to subdivide a 10 acre site into four 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 26, 2002, on file in the Development Services Department. The facility shall include:

- a. four (4) custom home lots of a minimum one (1) acre size for single family residences. The custom homes would range in size from 4,500 square feet to 12,000 square feet, with a maximum of two stories or 35 feet in height;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities, a minimum of 2 per lot; 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 26, 2002, on file in the office of 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 or building permits for this project, a final parcel map shall be recorded on the subject property.

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

13. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 40-0247, 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:

Paleontological Resources
Hydrology/Water Quality
Biological Resources

15. Prior to the issuance of building permit, certificates of occupancy and/or final maps, the applicant shall submit a deposit of \$3,200 to the Environmental Analysis Section (EAS) of Development Services to cover the City's costs associated with implementation of the MMRP

MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) REQUIREMENTS:

16. The Multiple Habitat Planning Area Land Use Adjacency measures required in the biological resources report shall be implemented. Any drainage outlets that extend into the MHPA shall conform with City standards regarding use of energy dissipation structures at drainage outlets.

17. 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.).

18. 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:

19. No fewer than two off-street parking spaces shall be maintained on each lot at all times in the approximate locations shown on the approved Exhibit "A," dated February 26, 2002, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
20. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
21. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.
22. A topographical survey conforming to the provisions of the Municipal/Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.
23. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
24. No building additions, including patio covers, shall be permitted unless approved by the homeowners committee and the Development Services Department Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
25. Prior to issuance of any building permit, a Substantial Conformance Review by the City will be required. Five sets of plans (site, floor, elevations, roof, landscaping/irrigation, etc.) approved by the Design Review Committee, if one exists, and the SCR processing fees shall be submitted to the City for review.
26. All structures shall be reviewed for conformance to the Estates at Costa Del Mar Design Guidelines stamped Exhibit "A," dated February 26, 2002, on file in the Development Services Department, and City's development regulations.

27. 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 The Estates at Costa Del Mar Design Guidelines and Exhibit "A," dated February 26, 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.
28. No encroachments are permitted within steep coastal hillsides containing Sensitive Biological Resources, or mapped as Viewshed or Geological Hazard as shown on Map C-720.
29. Prior to the issuance of any building permit, the applicant shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved development to the satisfaction of the City Manager.
30. Prior to issuance of any building permit the applicant needs to provide a shared access agreement satisfactory to the City Engineer between project and Parcel 1 of COC 95-150.
31. Structure height shall be measured in conformance to section 113.0270.
32. Prior to recordation of this permit with the County Recorder, a fee shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by Development Services.
33. All signage associated with this development shall be consistent with sign criteria established by either of the following:
 - a. Approved project sign plan (Exhibit "A," dated February 26, 2002, on file in the Development Services Department); or
 - b. Citywide sign regulations.
34. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
35. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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

LANDSCAPE REQUIREMENTS:

37. 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.

38. 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 February 26, 2002, 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."

39. 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 26, 2002, on file in the Development Services Department.

40. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square feet 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 26, 2002, on file in the Development Services Department.

41. 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. 40-0247 (including environmental conditions) and Exhibit "A," Landscape Concept Plan, dated February 26, 2002, on file in the Development Services Department.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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:

47. 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 26, 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 26, 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 26, 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 Land Development Code 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:

Parcels	East of I-805	Zone One	Zone Two
1 and 2		55'	N/A
3 and 4		30'	40' to 50' **

** Zone 2 width varies, see Exhibit "A," Brush Management Program/Landscape Concept Plan, dated February 26, 2002, on file in the Development Services Department

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 zones One and Two plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

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

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

WASTEWATER REQUIREMENTS:

50. 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.
51. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one lot.
52. The developer shall design all proposed public or private 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 re-designed, satisfactory to the Metropolitan Wastewater Department Director.
53. 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.

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 water services (domestic, irrigation and fire) and meters within the Arroyo Sorrento Place right- of-way, behind full height curb, to provide service to each lot in a manner satisfactory to the Water Department Director and the City Engineer. Water facilities as shown on the approved site plan will require modification in accordance with current standards.
55. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
56. All on-site water facilities shall be private, including fire hydrants.
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. Proposed facilities or easements that do not meet the current standards shall be redesigned or private.

ENGINEERING REQUIREMENTS:

58. The permit shall comply with the conditions of the final map for Vesting Tentative Parcel Map No. 40-0247.

TRANSPORTATION REQUIREMENTS:

59. Prior to issuance of any building permits, the construction of Arroyo Sorrento Road from east of El Camino Real to Arroyo Sorrento Place shall be completed to the satisfaction of the City Engineer.

60. Prior to the recordation of the first final map, the applicant shall construct Arroyo Sorrento Place from Arroyo Sorrento Road to the northern cul-de-sac. The applicant shall dedicate a minimum of 40' of right-of-way and shall provide a minimum pavement width of 20' including curb and gutter within a 6' to 10' curb to property line distance, satisfactory to the City Engineer.

61. Prior to the recordation of the first final map, the applicant shall construct the cul-de-sac at the northern end of Arroyo Sorrento Place. The applicant shall dedicate 60' of right-of-way and shall provide a minimum pavement radius of 50' including curb and gutter within a 10' curb to property line distance, satisfactory to the City Engineer.

62. Prior to the recordation of the first final map, the applicant shall construct Arroyo Sorrento Place from Arroyo Sorrento Road to the northern cul-de-sac with a standard structural section, satisfactory to 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 26, 2002, by Resolution No. R-296135.

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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.

LEON PERL

Owner/Permittee

By _____

By _____

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