

DDZ

(R-2007-273)

RESOLUTION NUMBER R- 301990

DATE OF FINAL PASSAGE OCT 16 2006

WHEREAS, the Leon Perl Family Trust, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/coastal development permit/site development permit/neighborhood use permit to subdivide the 10.22-acre site into five single-family lots to allow development and construction of five single-family structures known as the Costa Del Mar II project [Project], located as 11655 Arroyo Sorrento Place, and legally described as those portions of Parcel 2 and 3 of Parcel Map 11968, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance, Doc. #95-0522519, recorded November 16, 1995, Lot Line Adjustment Plat 95-150 in the AR-1-1 zone (proposed AR-1-2 and OC-1-1 zones); and

WHEREAS, on May 11, 2006, the Planning Commission of the City of San Diego considered Planned Development Permit No. 38591/Coastal Development Permit No. 38589/ Site Development Permit No. 38590/Neighborhood Use Permit No. 295570, and Design Guidelines pursuant to Resolution No. 4023-PC voted to recommend City Council approval of the project; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on OCT 16 2006, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter 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 Planned Development Permit No. 38591/Coastal Development Permit No. 38589/Site Development Permit No. 38590/Neighborhood Use Permit No. 295570:

**A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604**

**1. Findings for all Planned Development Permits**

**a. The proposed development will not adversely affect the applicable land use plan.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. This property is designated in the 1975 Carmel Valley Community Plan for residential development up to five dwelling units per net acre and open space, subject to preparation of a precise plan for the neighborhood. A precise plan has not been adopted for this neighborhood (8b). In absence of a precise plan, development is limited to the density and uses permitted within the existing agricultural zones at a maximum density of one dwelling unit per acre typical of a rural residential land use designation. The proposed use of this site for residential uses would be consistent with the Carmel Valley Community Plan. The proposed project, being determined consistent with the community plan land use, would not adversely affect the relevant land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The permit controlling the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

**c. The proposed development will comply with the regulations of the Land Development Code.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a

Planned Development Permit. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

**d. The proposed development, when considered as a whole, will be beneficial to the community.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The provision of market rate housing in the community provides a benefit to the community by adding to the available housing stock of the City, is consistent with other approved land uses in the community, is consistent with the intended planning efforts of the City, and will enhance the neighborhood and community by its being developed as described by the submitted conceptual designs.

**e. Any proposed deviations pursuant to 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 proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The project has been designed to reduce impacts to sensitive steep slopes, biological resources and to create a grading concept compatible with the existing neighborhood. The applicants are requesting a deviation to allow access to Lots 2, 3, 4 and 5 via a private driveway through an access easement. The private driveway and easement will be located on Lot 1 at the northern terminus of Arroyo Sorrento Place. Access to Lot 1 would be via a cul de-sac at Arroyo Sorrento Place. An access easement will be recorded on Lot 1 to allow access to the other lots. Staff supports the deviation to allow greater flexibility in the design of the project. Staff has determined the deviation results in a superior design and elimination of impacts to environmentally sensitive steep slopes. The project would not adversely affect the Land Use Element and is consistent with the goals and policies of the Carmel Valley Community Plan.

**B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504**

**1. Findings for all Site Development Permits**

**a. The proposed development will not adversely affect the applicable land use plan.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The Carmel Valley Community Plan identifies this site for agricultural development. This property is designated in the 1975 Carmel Valley Community Plan for residential development up to five dwelling units per net acre and open space, subject to preparation of a precise plan for the neighborhood. Please see Planned Development Permit Finding No. 1.a. above.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The permit controlling the proposed development and its continued operation contains conditions addressing project compliance with applicable City, regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the project area. Please see Planned Development Permit No. 1.b. above.

**c. The proposed development will comply with the regulations of the Land Development Code.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The proposed development requires a Site Development Permit to assure compliance with the Carmel Valley Planned District Ordinance and the Environmentally Sensitive Lands Ordinance of the Land Development Code. The Carmel Valley Community Plan designates the subject property for Very Low Density Residential development at 0-5 dwelling units per acre. The density of the proposed project is 0.5, which is within the allowable density range. The proposed development with the exception of the street frontage requirement complies with all applicable Land Development Code regulations as allowed by a Planned Development Permit.

**C. COASTAL DEVELOPMENT PERMIT – SDMC SECTION 126.0708**

**1. Findings for all Coastal Development Permits**

**a. 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 project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The proposed site does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas. The proposed site is not identified in the Carmel Valley Community Plan or Local Coastal Program Land Use Plan as a proposed accessway to be utilized by the general public for providing access to the ocean or other scenic coastal area. The project site is located several miles east of the Pacific Ocean and the beaches and bluffs located there. The geographic location of the site will not obstruct views to and along the ocean and other scenic coastal areas as no such views are possible to these resources from the site.

**b. The proposed coastal development will not adversely affect environmentally sensitive lands.** The project proposes to create five parcels from a 10.22 acre site and allow the development of five single-family structures. The project site, located at 11655 Arroyo Sorrento Place, is within a semi-rural area of the Carmel Valley community. Environmental review of the proposed project did not identify any potential impacts to marine resources, steep slopes or archaeological resources. Site investigations and research revealed the project site does not contain nor would the proposed development adversely affect these resources. As specified within Mitigated Negative Deceleration No. 17013, significant impacts to biological and paleontology resources would be mitigated to a level below significance through conditions contained in the Mitigation Monitoring and Reporting Program [MMRP]. The Owner/Permittee has agreed to all conditions in the MMRP and the City will monitor compliance with these conditions.

**c. 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 project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. With the approval of the rezone

associated with this project, the proposed development would be consistent with the Carmel Valley Community Plan and the Certified Local Coastal Program both designate this site as agricultural development. The project would implement the goals and polices of theses documents by creating a planned residential development that accommodates a part of the housing needs within the community by providing five additional single family units while minimizing the environmental impacts of the development. The project would be developed with a combination of residential and open space zoning in accordance with the Community Plan, as amended by the amendment thereto, which contemplates two types of zoning for the proposed project area. To implement the goals and policies of the Community Plan, the 10.22-acre site would be rezoned from AR-1-1 to AR-1-2 and OC-1-1. The dual zoning would allow the project to subdivide the site wile preserving a significant amount of open space. The proposed project would be consistent with the land use designations of the Community Plan by providing development at one-dwelling unit per acre. This residential density is within the Community Plan's density range of 0-4 dwelling units per acre. The proposed project is consistent with the recommended land use, design guidelines and development standards in effect for this site per the AR-1-2 and OC-1-1 zones, Local Coastal Program, Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, the adopted Carmel Valley Community Plan and the City of San Diego Progress Guide and General Plan which designates this site for agricultural development.

**d. 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 proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The site is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Overlay Zone. The project site is several mile away from any public resources. There is no access across this site to any coastal resources. Therefore, this project is in conformance with the public access and recreation policies of the California Coastal Act and will not negatively affect public access recreation policies of the Coastal Act.

#### **D. NEIGHBORHOOD USE PERMIT – SDMC 126.0205**

##### **1. Findings for all Neighborhood Use Permits**

**a. The proposed development will not adversely affect the applicable land use plan.** The project proposes to create five parcels from a 10.22-acre site and allow the development of five single-family structures. The Carmel Valley Community Plan identifies this site for agricultural development. This property is designated in the 1975 Carmel Valley Community Plan for residential development up to five dwelling units per net acre and open space, subject to preparation of a precise plan for the neighborhood. Please see Planned Development Permit Finding No. 1.a. above.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to create five parcels from a 10.22 acre site and allow the development of five single-family structures. The permit controlling the proposed development and its continued operation contains conditions addressing project compliance with

applicable City, regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the project area. Please see Planned Development Permit No. 1.b. above.

**c. The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to create five parcels from a 10.22 acre site and allow the development of five single-family structures. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Please see Planned Development Permit Finding No.1.c. above.

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

BE IT FURTHER RESOLVED that Planned Development Permit No. 38591/Site Development Permit No. 38590/Coastal Development Permit No. 38589/Neighborhood Use Permit No. 295570 is granted to the Leon Perl Family Trust, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
09/11/06  
Or.Dept:DSD  
R-2007-273  
MMS#3750

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-1940

PLANNED DEVELOPMENT PERMIT NO. 38591  
COASTAL DEVELOPMENT PERMIT NO. 38589  
SITE DEVELOPMENT PERMIT NO. 38590  
NEIGHBORHOOD USE PERMIT NO. 295570  
**COSTA DEL MAR II [MMRP]**  
CITY COUNCIL

This Planned Development Permit No. 38591/Coastal Development Permit No. 38589/Site Development Permit No. 38590/Neighborhood Use Permit No. 295570 is granted by the City Council of the City of San Diego to the Leon Perl Family Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0201, 126.0502, 126.0708, and 126.0601. The 10.22 acre site is located at 11655 Arroyo Sorrento Place in the AR-1-1 zone (proposed AR-1-2 and OC-1-1 zones), of the Carmel Valley Community Plan area. The project site is legally described as those portions of Parcel 2 and 3 of Parcel Map 11968, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance, Doc. #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 to create five parcels from a 10.22 acre site and rezone the site from AR-1-1 to AR-1-2 and OC-1-1. The subdivision would allow the development of five single-family structures described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated OCT 16 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Subdivision of a 10.22-acre lot into five single-family lot; to allow development and construction of five single-family structures;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Ten off-street parking spaces;

- d. Adoption of Design Guidelines; 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 SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the



building and 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." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit shall have been granted.

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

### **PLANNING/DESIGN REQUIREMENTS**

10. This Coastal Development Permit shall become effective after the Local Coastal Program Amendment is certified by the California Coastal Commission.

11. 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 Exhibits "A." Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. 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. The project was granted a deviation to allow access to lots 2, 3, 4 and 5 via an access easement located on portions of lot 1. 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.

13. 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.

14. 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 regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

15. Prior to submitting an application for a building permit on any lot, the Owner/Permittee shall submit an application for a Process Two, Substantial Conformance Review for each lot to determine conformance with the terms of this permit and the Design Guidelines (Exhibit "B" on file with Development Services Department), the approved Exhibit "A," the Community Design Guidelines and all other relevant development requirements of the Carmel Valley Community Plan.

16. 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.

17. Due to Brush Management zone 1 requirements and Environmentally Sensitive Lands restrictions, the proposed buildings and structures shall be located within the pad areas as shown on approved Exhibit "A." There shall not be additional encroachments.

18. Steep hillsides shall be preserved in their natural state and no additional encroachments into steep hillsides shall be permitted.

19. There shall be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas. All drainage from the development of the site shall not be impacted by additional runoff from the developed portion of the site.

20. Prior to issuance of any permits, the applicant shall record a covenant of easement restricting further development within all open space zones as shown on approved Exhibit "A."

21. The maximum elevations within the building pad of each graded lot shall not exceed the maximum elevation of the existing landform within each lot as generally depicted on the proposed grading plan, Exhibit "A."

22. The total size of structures enclosed on two or more sides within each lot shall not exceed the maximum number of square feet shown for each lot on Exhibit "A," dated January 2006.

23. All open space to be conserved by the tentative map, including areas inside and outside the Multiple Habitat Planning Area [MHPA], shall be placed within a conservation easement.

24. All water quality control structures and improvements shall be placed within the useable lot area and outside open space areas protected by the conservation easement.

25. All water quality control structures and improvements shall be permanently sized and maintained to avoid offsite impacts to adjacent properties and public drainage facilities.

### **ENGINEERING REQUIREMENTS**

26. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

27. Prior to the final inspection for each structure on each lot, the Owner/Permittee shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

28. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

29. This project proposes to export 15,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and/or sale of the export material. All such activities require the approval of a Conditional Use Permit.

30. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

31. Prior to the issuance of any construction permits, the Owner/Permittee shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent [NOI] filed with the State Water Resources Control Board.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices [BMPs] on the final construction drawings, consistent with the approved Water Quality Technical Report.

33. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

### **GEOLOGY REQUIREMENTS**

34. Prior to the issuance of any building permits, an updated geotechnical report will be required, as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.

35. Prior to issuance of building permits, additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review.

### **LANDSCAPING REQUIREMENTS**

36. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Development Plan.

37. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

38. Prior to issuance of any grading permit, the Owner/Permittee shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

39. Prior to issuance of a grading permit, the Landscape Architect of Record shall demonstrate to the satisfaction of the City Engineer that a phasing and soil stock-piling plan is in place. The first six to eight inches of native top soil shall be retained and stock piled in an area designated on the plans. The stock piled top soil shall be re applied to the slope surface in a method satisfactory to the City Engineer.

40. Prior to any grading permit, the Landscape Architect of Record shall demonstrate to the satisfaction of the City Engineer that the soil cut or back fill shall sustain long-term plant growth. The soil of the cut and fill slope shall be amended and specification shall be submitted based on the soil type and plant material selected.

41. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

42. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydroseeding and 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 with Exhibit "A."

43. Prior to issuance of any engineering permits for grading, complete Brush Management planting and irrigation plans, details and specifications shall be submitted to the City Manager for approval. All plans shall indicate the brush management zones depths by dimension.

44. Prior to any construction or grading, it shall be the responsibility of the Owner/Permittee to schedule a preconstruction meeting on site with the contractor and the Mitigation, Monitoring & Conservation section of the Development Services Department to discuss and outline the implementation of the Brush Management Program.

#### **WASTEWATER REQUIREMENTS**

45. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all sewer facilities necessary to serve this development.

46. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&Rs for the operation and maintenance of private sewer facilities that serve more than one lot.

47. The Owner/Permittee shall design all proposed public or private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.

48. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall provide an Encroachment Maintenance and Removal Agreement for all private sewer mains located within City right-of-ways.

49. 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**

50. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water meters and fire service(s), outside of any vehicular use area, in a manner satisfactory to the Water Department Director and the City Engineer.

51. Owner/Permittee shall construct eight 2-inch water services and one 8-inch fire service per Improvement Drawing Number 32617-D.

52. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permits for the installation of private back flow prevention devices on all proposed water services to the development, including all domestic, fire and irrigation services, if applicable, in a manner satisfactory to the Water Department Director and the City Engineer.

53. Prior to final inspection, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants shall be located a minimum of five feet from any structures above, at or below grade. All on-site fire hydrants shall be private.

54. All on-site water facilities shall be private including all domestic fire systems.

55. Prior to final inspection, public water facilities necessary to serve the development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

56. Prior to final inspection, the Owner/Permittee shall design and construct new public water facilities, in acceptable alignments and rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer.

57. The Owner/Permittee 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. Water facilities shall be modified to comply with standards at final engineering.

58. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity, then prior to final inspection, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

## **FIRE REQUIREMENTS**

59. Prior to issuance of any building permit on any lot, the Owner/Permittee shall submit plans for review and approval indicating the single family residences on Lots 2, 3,

4 and 5 shall be equipped with a residential fire sprinkler system, satisfactory to the Fire Marshal.

**INFORMATION ONLY**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this permit map, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the City Council of the City of San Diego on OCT 16 2006, 2006 by Resolution No. 304990.

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 FAMILY TRUST**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04



Passed by the Council of The City of San Diego on OCT 1 6 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 1 6 2006

AUTHENTICATED BY:

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R-200990