

Department of Planning & Land Use

MEMORANDUM

DATE: SEPTEMBER 15, 1989
TO: PAT BROWN
FROM: ANN EWING *AE*
RE: OPEN SPACE EASEMENTS IN JULIAN ESTATES

The three types of open space easements found in Julian Estates, as approved by the Planning and Environmental Review Board, are:

- Type A: Biological Mitigation Open Space
- Type B: Wm. Heise County Park Buffer
- Type C: Policy I-4 (40% open space requirement)

and have the following restrictions on them:

Types A and B shall remain in a natural condition, with no ground vegetative or wildlife disturbing activities, uses, or structural improvements including but not limited to lot line fencing, grading, structures of any kind, vegetation removal or introduction of non-native species, corralling or keeping of animals, damming or changing the stream course, except as required for fire protection, forest management or the installation of wells, water or sewer leach lines as shown on the approved site plans for lots 12, 20-24, 34-37. Construction and maintenance of wells and loose rock drop structures is allowed. Road access across the open space easement in Lot 12 is allowed via the site plan review process.

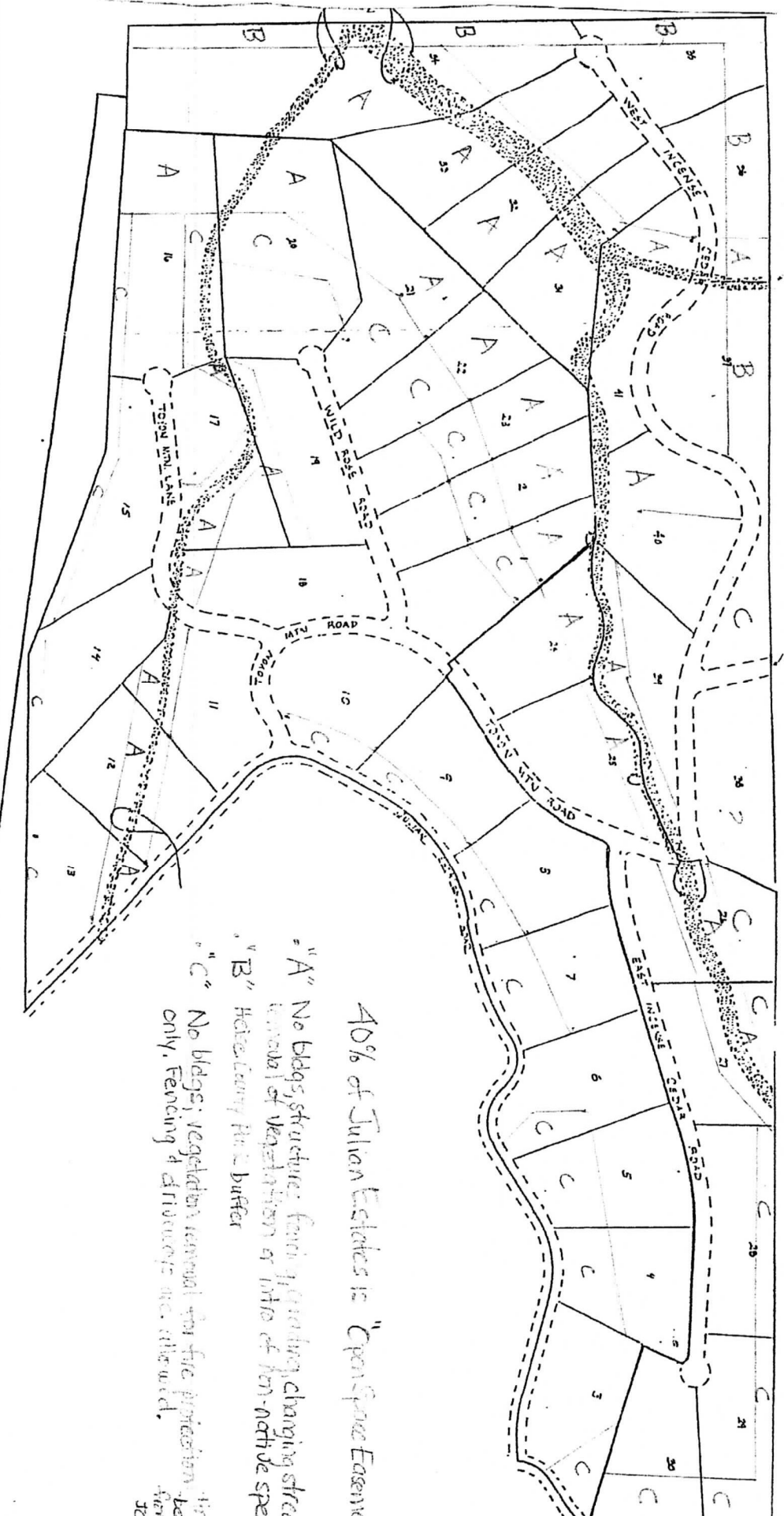
Type C allows grading for driveway access and erection of fences but precludes placement of structures, or any other thing, damming or changing of the stream course, or vegetation addition or removal within the easement area, except that vegetation may be selectively removed upon written order of the appropriate fire control authority for the express purpose of reducing an identified fire hazard. Construction and maintenance of wells and loose rock drop structures is allowed.

Thus, no types of structures, including water storage tanks, are allowed in any of the open space easements, except for lot line fences in easement Type C.

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Julian Estates - Open Space

- (1) Perpetual easements for open space over, upon, across, and under the subject land designated area "A" with no buildings, structures, fencing, grading, damming or changing of the stream course and vegetation removal or introduction of non-native species, and area "C" with no buildings or structures shall be constructed, erected, placed or maintained on the subject land except fences and driveways and as may be permitted by the "D" designator of the zoning ordinance or a major use permit issued pursuant to the zoning ordinance of the County of San Diego.
- (2) The perpetual right, but not the obligation, to enter upon the subject land and remove any buildings, structures or other things whatsoever constructed, erected, placed or maintained on the subject land contrary to any term, covenant or condition of these easements and to do any work necessary to eliminate the effects of any excavation or grading or placement of sand, soil, rock or gravel or any other material done or placed on the subject land contrary to any term, covenant or condition of this easement. Grantor covenants and agrees for itself and its successors and assigns as follows:
 - (a) That it shall not erect, construct, place or maintain, or permit the erection, construction, placement or maintenance of any building or structure or other thing whatsoever on the subject land other than such buildings, structures or other things as may be permitted by the zoning "D" designator or a major use permit issued pursuant to the zoning ordinance of the County of San Diego, and all necessary public utility lines, fences and driveways.
 - (b) That it shall not use the subject land for any purpose except as open space to be left in its natural state in area "A" for the protection of native vegetation, wildlife, and stream course, and area "C" for the purpose of prohibiting erection, construction, placement or maintenance of any buildings or structures except that which is allowed for fire protection, forest management, and per the zoning "D" designator without the written authorization of the County of San Diego or its successors or assigns.
 - (c) That it shall not excavate or grade or permit any excavating or grading to be done, or place or allow to be placed any sand, soil, rock, gravel or other material whatsoever on the subject land without the written permission of the County of San Diego or its successors or assigns, except that which is expressly allowed herein; provided however, that grantor may excavate, grade, or place sand, soil, rock or gravel, or other material on the subject land for driveway purpose in Area "C", as allowed per the zoning "D" designator, and as may be permitted by a major use permit issued pursuant to the



40% of Julian Estates is "Open Space Estate"

- "A" No bldgs, structures, fence, grading, changing stream channel of vegetation or intro of non-native species
- "B" Heterogeneous Buffer
- "C" No bldgs; vegetation removal for fire protection, tree removal, fencing & drainage are allowed.

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