

(R-97-643)

RESOLUTION NUMBER R-288074

ADOPTED ON NOVEMBER 19, 1996

WHEREAS, CONGREGATION BETH AM, a California Non-Profit Organization, Owner/Permittee, filed an application for a permit to construct a religious facility, including a preschool and a 10 residential lot single-family home development, located on the north side of Black Mountain Road, between Landsdale Drive and Carmel Valley Road, described as a Portion of the Northeast $\frac{1}{4}$ of Section 17, T14S, R3W, SBBM, in the SF-1A and OS (Open Space) zones of the Carmel Valley Planned District; and

WHEREAS, on November 19, 1996, the City Council of the City of San Diego held a public hearing to consider a Carmel Valley Planned District Development/Resource Protection Ordinance and Conditional Use Permit No. 94-0541 for the phased development of a religious facility, preschool and ten lot single-family residential development, pursuant to Sections 103.0606, 101.0454 and 101.0510 of the Municipal Code of The City of San Diego; and

WHEREAS, the City Council of the City of San Diego has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED by the City Council of City of San Diego, that this Council adopts the following findings with respect to Congregation Beth Am Carmel Valley Planned District Development/Resource Protection Ordinance and Conditional Use Permit No. 94-0541 as follows:

RESOURCE PROTECTION ORDINANCE FINDINGS:

- A. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, AND CONSTRUCTED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS UPON SENSITIVE NATURAL RESOURCES AND ENVIRONMENTALLY SENSITIVE AREAS.**

The 10.2-acre project site contains sensitive slopes in 5.6 percent of the site, which is to be preserved in an open space easement. Six isolated Summer Holly shrubs are to be transplanted to the open space as a condition of the permit.

- B. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.**

The proposed project has manufactured slopes adjacent to open space which are to be contoured to blend into the open space. The site is not adjacent to any current or proposed park or recreation area.

- C. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

The proposed project is designed to utilize the flatter portions of the site and preserve the steeper portion in an open space easement. Manufactured slopes will be contoured to blend into the natural area. The project also includes a brush management plan to reduce hazards from fire.

- D. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.**

The proposed project has been designed to prevent encroachment into sensitive slope areas with manufactured slope faces that are contour graded and blended into the natural areas.

- E. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN, THE COMMUNITY PLAN, THE LOCAL COASTAL PROGRAM, OR ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**

The project is a combination of a religious facility on one portion of the site and single-family residential on the other portion. The Carmel Valley Community Plan designates the site for institutional use with a residential option. This project is accompanied with a Precise Plan Amendment to allow up to 650 students from the previous 200, however the proposed development does not exceed 150 students.

CONDITIONAL USE PERMIT FINDINGS:

- A. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.**

The proposed religious facility and preschool has been designed to route vehicular traffic to Del Mar Heights Road, to design plot and mass the structures sensitive to the adjacent residential use and include screening of parking lot areas. The outdoor stage and amphitheater area is limited in hours of operation through a condition of the permit. Noise walls are also required to mitigate noise to and from the site.

- B. THE PROPOSED USE, WILL COMPLY WITH ALL THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**

The proposed religious facility and 150 student preschool complies with the institutional land use designation of the Carmel Valley Community Plan and Precise Plan for Neighborhood 4A. The proposed development complies with all the development regulations, except for deviations to building height from 35 feet to 45 feet, and driveway width from 30 feet to 45 feet, on Lot 1 only.

BRUSH MANAGEMENT FINDINGS:

- A. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL NOT ADVERSELY AFFECT FLOODPLAINS, BIOLOGICALLY LANDS, HILLSIDES, SIGNIFICANT PREHISTORIC SITES AND RESOURCES AND WETLANDS AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE, SAN DIEGO MUNICIPAL CODE SECTION 101.0462.**

The proposed brush management program, by using the zone reduction provision of section 6.6 of the Landscape Technical Manual and the alternative compliance provision including the 6' high block wall along lots 5, 6, & 7, will modify the existing vegetation to the least practical extent while still providing the necessary

fire protection to persons and property as required by the Uniform Fire Code, appendix IIA. Plant material in the brush management zone one will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

B. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL MINIMIZE THE ALTERATIONS OF VEGETATION AND WILL NOT RESULT IN UNDUE RISKS FROM EROSIONAL FORCES.

The proposed brush management program will alter the existing vegetation for purposes of fire protection by providing an effective fire break which incorporates section 6.6 of the Landscape Technical Manual and the alternative compliance provision. The alterations to existing vegetation will be minimized and all the new plantings on the slopes will conform to the revegetation standards of the Landscape Technical Manual and incorporate low precipitation irrigation systems to minimize runoff.

BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS:

A. THE PROPOSED BRUSH MANAGEMENT PROGRAM WILL MEET THE PURPOSE AND INTENT OF APPENDIX II A OF THE UNIFORM FIRE CODE.

The proposed development complies with the intent by providing an effective fire break by means of a 30' zone one setback for lots 3, 10 and additional alternative compliance conditions.

B. THE PROPOSED BRUSH MANAGEMENT PROGRAM, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA.

Conditions incorporated into the permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides.

C. THE PROVISIONS AS OUTLINED IN SECTION 6.6-2 OF THE DOCUMENT ENTITLED "CITY OF SAN DIEGO LANDSCAPE TECHNICAL MANUAL" (ON FILE IN THE OFFICE OF THE CITY CLERK AS DOCUMENT NUMBER RR-274506) SHALL BE SATISFIED AND THE PROPOSED DEVELOPMENT SHALL PROVIDE OTHER FIRE RESISTIVE FEATURES AS REQUIRED BY THE FIRE CHIEF.

The architectural features outlined in section 6.6-2 of the Landscape Technical

Manual have been incorporated into the project. Other fire resistive features have also been incorporated into the site design such as the 6' high masonry wall on lots 5,6, and 7.

D. COMPLIANCE WITH THE PROVISIONS OF THIS SECTION IN ADDITION TO ANY OTHER APPLICABLE ADOPTED PLANS OR ORDINANCES WOULD PRECLUDE ANY REASONABLE DEVELOPMENT ON THE SITE.

Literal compliance with the provisions of Appendix IIA of the Uniform Fire Code would require encroachment into sensitive habitat and the adjoining property thereby increasing the impacts generated by this project. Granting this site alternative compliance to the brush management requirements allows reasonable development of the site.

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 proposed Development Plan is consistent with the 4A Neighborhood North City West Precise Plan and the SF-1A and OS (Open Space) zones as set forth in City Manager's Report No. P-96-265, dated November 12, 1996, a copy of said City Manager's Report by this reference is incorporated herein.

BE IT FURTHER RESOLVED, Carmel Valley Planned District Development/Resource Protection Ordinance and Conditional Use Permit No. 94-0541, is hereby GRANTED to CONGREGATION BETH AM, a California Non-Profit Organization, Owner/Permittee in the form and with the terms and conditions set forth in Carmel Valley Planned District Development /Resource Protection Ordinance and Conditional Use Permit No. 94-0541, a copy of which is

attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PMD:cdk

12/05/96

Or.Dept:Clerk

R-97-643

Reviewed by Glenn R. Gargas

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT/RESOURCE
PROTECTION ORDINANCE AND CONDITIONAL USE PERMIT NO. 94-0541
CITY COUNCIL

DEL MAR HEIGHTS I (CONGREGATION BETH AM)

This Planned District Development/Resource Protection Ordinance and Conditional Use Permit is granted by the City Council of The City of San Diego to CONGREGATION BETH AM, a California Non-Profit Organization, ("Permittee"), for the purposes and under the terms and conditions as set out herein pursuant to the authority contained in Sections 103.0600, 101.0454 and 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Permittee to develop a project entitled Del Mar Heights I (the "Project"), located on the north side of Black Mountain Road between Landsdale Drive and Carmel Valley Road in the SF-1A and OS (Open Space) zones subject to the provisions of this Planned District Development/Resource Protection Ordinance and Conditional Use Permit as set forth below. The project site is legally described as a Portion of the Northeast ¼ of Section 17, T14S, R3W, SBBM. The Conditional Use Permit applies only to the religious facility and preschool (Lot 1 of the proposed Tentative Map No. 94-0541).

2. The Project shall include the total of the following facilities:

- a. A 56,553-square-foot religious facility and preschool, on CUP site Lot No. 1 consisting of:
 - 25,099-square-foot Sanctuary/ Social Hall/Teen Center
 - Minor Hall Building - 18,156-square-foot, Jewish Learning Center, Administration Building -
 - 4,320-square-foot Multi-Purpose Building; An
 - 8,978-square-foot preschool for up to 150 students with
 - a 21,950-square-foot playground area;

- b. Ten single-family residential lots for future home development to comply with the development standards of the SF1A Zone and the Carmel Valley Design Element;
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined and approved by the Development Services Manager subject to applicable provisions of the Municipal Code.
3. Prior to the issuance of any building permits, the accompanying subdivision map or maps shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Manager.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites.
5. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
6. Development under this Permit is subject to the provisions of Exhibit A for Permit No. 95-0541, dated November 19, 1996, on file in the Development Services Department. No change, modifications or alterations shall be made to any provision of Exhibit A unless appropriate application for Substantial Conformance Review of the proposed revision or an amendment of this Permit is granted by the appropriate decision maker.
7. Prior to the issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with the Landscape Concept Plan as shown in Exhibit 'A.'

Prior to approval of improvement plans for publicly dedicated streets and private streets within the Project, an area of not less than forty (40) square feet shall be indicated on the improvement plans for the planting of street trees. The location of street trees shall conform to the Landscape Concept Plan as shown in Exhibit "A", and to the Landscape Technical Manual. Other improvements such as driveways, utilities, drains, water and sewer laterals, shall be designed and located so as not to prohibit the placement of street trees and the associated rootzone area, all to the satisfaction of the City Manager.

8. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all approved landscape and obtain all required landscape inspections.

9. All approved landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" of trees is not permitted unless specifically noted in this permit.

10. If any existing or installed landscape (including hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

11. The Brush Management Program is based on a Fire Department Severity Classification of "High". The applicant shall implement a modified brush management program in accordance with the alternative compliance provision and the approved Brush Management Plan for the site as shown in Exhibit 'A', including the following measures:

- a. Prior to the issuance of any building permits, complete brush management construction documents shall be submitted for the approval of the Development Services Director and the Fire Marshall. The plans shall be in substantial conformity to the approved Brush Management Plan as shown in Exhibit 'A', and shall comply with the Uniform Fire Code, MC 55.0889.0201, and Section Six of the City of San Diego Landscape Technical Manual, (document number RR-274506), on file at the office of the City Clerk. The approved Brush Management Program shall be implemented before issuance of any certificate of occupancy for any building.

The brush management program shall be maintained at all times in accordance with the guidelines of the City of San Diego's Landscape Technical Manual.

b. Zone depths shall be:

	Zone One	Zone Two	Zone Three
Lots 3-10*	30'	40'	40'

*A 6' high wall shall be constructed along the northwest side of lot 5, all of lot 6 and the west perimeter of lot 7. The project incorporates zone reduction provisions of section 6.6 of the Landscape Technical Manual, particularly 6.6-2, 6.6-3 and 6.6-5.

- c. The portion of zone one that is shown to be revegetated shall be planted, irrigated and maintained in accordance with Section Six of the Landscape Technical Manual and as shown on Exhibit 'A'. Plant material must be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be allowed.
- d. Combustible accessory structures are not permitted within the designated zone one brush management area, including but not limited to: wood decks, trellises, gazebos etc. Non-combustible accessory structures may be approved within the designated zone one area subject to approval by the fire Marshall and Development Services manager.
- e. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
- f. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and regional building code standards.
- g. It shall be the responsibility of Permittee to schedule a preconstruction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

12. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the Development Services Department, for approval. The plans shall be in substantial conformity to the Landscape Concept Plan, as shown in Exhibit 'A.'

13. Two-hundred twenty-eight (228) total parking spaces shall be provided for the total project. Of those spaces, 198 spaces shall be provided for the religious facility and preschool, 20 spaces (two each) for the 10 homes and 10 spaces shall be provided for residential guests (at a ratio of one space per dwelling unit). Ten curb spaces may be included in the calculation for residential guest parking. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Each space shall be maintained on the subject property in the approximate location as shown in Exhibit "A." Parking spaces and aisles shall conform to Development Services Department standards. No charge shall be made at any time for use of these off-street parking spaces.

14. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

15. Building additions shall conform to the underlying zone. No building additions, including patio covers, shall be permitted unless approved by the homeowners association, if an association exists, and by the Development Services Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

16. No manufactured slope shall be steeper than a ratio of 2:1.

17. The applicant shall post a copy of the Permit in the sales office for consideration by each prospective buyer.

18. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Development Services Manager and shall be consistent with the criteria established by the SF-1A Zone.

19. Sidewalks shall be provided from each unit to the sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk.

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

21. Prior to issuance of the first building permit, a six-foot-high sound attenuation barrier located at the top of slope of Units 1 and 2 adjacent to the future alignment of Del Mar Heights Road shall be shown on the building plans to the

satisfaction of the Principal Planner of EAS and the Acoustical Plan Check Section of the Development Services Department to achieve a 60 dB(A) exterior noise level for the amphitheater and playground areas of Unit 1 and 65 dB(A) exterior noise level for the usable outdoor residential space of Units 2 and 3. The proposed sound attenuation barrier shall be solid and continuous with no gaps or openings. An effort should be made to avoid visually obtrusive measures such as a six-foot-high masonry or stucco barrier. A berm or combination of berm and barrier would be preferable. Prior to issuance of the first certificate of occupancy, the Acoustical Plan Check Section shall verify that the sound attenuation barrier has been installed in accordance with the approved building plans.

22. Prior to issuance of the first building permit, a final acoustical report and specific noise attenuation measures shall be submitted to and approved by the Acoustical Plan Check Section to achieve a 45 dB(A) interior noise level for the preschool/school, synagogue and single-family residences. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound rated as high as STC 45, which generally require a double, double-paned slider (a window inside of a window). Baffling or elimination of attic vents, and resilient channels in exterior walls may also be required. Sound attenuation greater than 30 dB(A) requires special construction techniques.

23. Prior to issuance of the first building permit for Phase 2 of the proposed development, the easterly extension of Del Mar Heights Road shall be constructed from Carmel Canyon Road to Lansdale Drive East, satisfactory to the City Engineer.

24. Prior to recordation of the first Final Map, the applicant shall enter into a bonded biological monitoring and maintenance agreement with the City for a period of two years. The monitoring and maintenance agreement shall be developed to ensure the establishment of Summer Holly (*Comarostaphylis diversifolia* ssp. *diversifolia*) plantings, including the identification of specific criteria for measuring success, and shall stipulate that the applicant is responsible for maintenance of the plantings. The applicant shall provide verification that a stock certified biologist or licensed landscape architect has been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Principal Planner of EAS of the Development Services Department. The stock certified biologist or licensed landscape architect shall oversee the planting and maintenance of the plants for a period of 2 years and submit semi-annual status reports to the Principal Planner of

EAS. If the plants are not surviving and thriving at the end of two years, planting of new specimens will be required and the monitoring and maintenance agreement will be extended for an additional two years. This would be repeated until the Summer Holly are thriving after two years from planting.

25. Prior to the commencement of grading, the transplanting of approximately 12 individuals of Summer Holly (occurring on Lots 5 and 6 and in the Emerald Drive right-of-way) to the northern portion of the site (in the open space easement of Lots 7 and 8 adjacent to the Multiple Species Conservation Program boundary) shall be accomplished to the satisfaction of the Principal Planner of EAS. As an alternative, replacement plantings of Summer Holly shall be accomplished on a 3:1 basis (i.e., 36 individuals planted for the approximately 12 that will be lost) in the open space easement described above. Such planting shall be of local origin and a minimum 15-gallon size.

26. Prior to recordation of the first Final Map, a detailed grading plan shall be submitted to and approved by the Principal Planner of EAS of the Development Services Department. This plan shall demonstrate that the proposed manufactured slopes imitate, to the extent feasible, the existing landform features through the use of: (1) contour grading and terracing to avoid extreme slope faces, (2) undulation to avoid straight slope faces, (3) rounding the tops and toes of slopes to simulate natural contours and (4) variable slope ratios.

27. Prior to recordation of the first Final Map, the Permittee shall enter into a bonded landscape monitoring and maintenance agreement with the City for a period of two years or until such time as the maintenance is assumed by the Carmel Valley Landscape Maintenance District. The monitoring and maintenance agreement shall be developed to ensure the establishment of the landscape plan, including the identification of specific criteria for measuring success, and shall stipulate that the applicant is responsible for the landscape maintenance of all manufactured slopes and landscape screening for retaining walls and noise attenuation barriers.

28. Prior to issuance of certificates of occupancy, the Permittee shall revegetate all manufactured slopes and provide landscape screening for retaining walls and noise attenuation barriers in accordance with the landscape plan approved by the Development Services Department. The landscape plan shall be implemented to the satisfaction of the Landscape Review Section and adequate proof shall be provided to the City that a qualified landscape architect has been retained to monitor the establishment of the landscaped areas.

29. Prior to recordation of the first Final Map, the Permittee shall file a Notice of Intent with the State Water Resources Control Board (SWRCB). A Notice of Receipt from the SWRCB, a Storm Water Pollution Prevention Plan (SWPP) and Monitoring Program Plan shall be submitted, satisfactory to the City Engineer. The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce the amount of pollutants in post-construction surface runoff before it is discharged to Gonzales Canyon. BMPs may include structural controls such as grassed swales, infiltration trenches and/or stormceptors.

30. Prior to recordation of the first Final Map, the Permittee shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the approved mitigation and monitoring program (Exhibit 'A' to Resolution No. R-288072, certifying Mitigated Negative Declaration No. 96-0541/35-0372). Verification shall be in the form of a letter from the applicant to the Principal Planner of EAS of the Development Services Department. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY EAS.

31. The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans.

32. The Paleontologist or paleontological monitor shall be on-site full-time during original cutting of previously undisturbed sediments of the Linda Vista and Mission Valley formations to perform periodic inspections of excavations and, if necessary, to salvage exposed fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated and the abundance of fossils.

33. If well-preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. AT THE TIME OF DISCOVERY, THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY EAS STAFF OF SUCH FINDING. EAS shall approve salvaging procedures to be performed before construction activities are allowed to resume.

34. All collected fossil remains shall be cleaned, sorted and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).

35. Prior to the issuance of building permits, a monitoring results report shall be submitted to and approved by the Principal Planner of EAS. The monitoring results report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

36. The Owner/Permittee shall eliminate and relocate the two standard parking spaces immediately easterly of the westerly driveways on Lot 1.

37. Prior to the issuance of any building permits, the Owner/Permittee shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide temporary street signs.
- d. Comply with the City of San Diego *Landscape Technical Manual* regarding brush and landscaping.

38. The Owner/Permittee shall provide interim left turn pockets into the two access driveways on Black Mountain Road.

39. Until Del Mar Heights Road has been constructed and is open to traffic (from Carmel Canyon Road to the easterly subdivision boundary), the Permittee is permitted to construct only 28,000 square feet of the facilities's sanctuary and have a maximum of 100 preschool students. When Del Mar Heights Road has been constructed and is open to traffic (from Carmel Canyon Road to the easterly subdivision boundary), Permittee may proceed with full buildout of 56,553-square-foot sanctuary, and 150 preschool students.

40. Parking shall be provided at one parking space per thirty-five square feet of floor area for the main sanctuary/house of worship. Exhibit "A" illustrates this area as 6,400 square feet in floor area.

41. Noise walls, decorative pavements and other public right-of-way improvements shown on Exhibit "A," shall be permitted by an Encroachment Permit obtained from the City Engineer.

42. The hours of operation of the outdoor stage and amphitheater shall be limited, beginning at 9:00 a.m. and ending by 9:00 p.m.

43. Prior to building permit issuance for any building to be located on Lot 1 of the Tentative Map, the owner/permittee shall record a shared parking lot agreement with the adjacent church to the west. This agreement should clearly state the parking demand time frame, when the sanctuary will exceed 6,400 square feet in floor area, the number of shared parking spaces involved and indicate that there will not be conflicting parking demand periods between the two religious facilities. This agreement must be maintained throughout the life of the proposed sanctuary. This agreement shall be reviewed and approved prior to recordation by the City Manager.

44. Prior to building permit issuance on Lot 1 of the Tentative Map, the design of the proposed retaining wall along White Emerald Drive shall be modified to be terraced, pursuant to Municipal Code Section 101.0620E. The wall shall also be of decorative material and landscaped pursuant to the Landscape Technical Manual.

45. If the Permittee intends to change the use of the religious facility to include an elementary school, an amendment to this permit must be processed and approved by the City.

46. The proposed Multi-Purpose building is not detailed in Exhibit "A" with floor plans and building elevations. Prior to building permit issuance for that building, the Permittee shall submit for approval, conceptual building elevations and floor plans for Substantial Conformance Review, in order to establish detailed conformance with the overall architecture, site design and landscaping of other approved portions of religious facility site.

47. All parking lot lighting for Lot 1, the religious facility, shall be shaded and adjusted to fall on the same premises where such lights are located.

48. Regrading and vegetation shall be required for areas of Lots 3 through 9, previously disturbed or disturbed during development. These manufactured slopes adjacent to open space areas shall be undulated to produce a natural appearance. Pad elevations shall be varied.

49. Proposed siting of residential structures on development Lots 2 through 11 shall incorporate a variety of building setbacks satisfactory to the City Manager and consistent with requirements of the SF1-A Zone, Precise Plan and the Carmel Valley Design Element to avoid a potentially linear appearance along White Emerald Drive and Open Space. The minimum front yard setback is ten feet for the dwelling unit and 15 feet for the garage.

50. Phase one, the temporary modular buildings shall be permitted to occupy the site (Lot 1 of TM) for a period of three years with inspection of the site and review of overall permit compliance by the City Manager for a possible extension for three additional years of modular building use.

51. Any proposed signs for the religious facility shall substantially conform with the Carmel Valley Sign Guidelines Criteria - Public Facilities Signage Section to the Satisfaction of the City Manager.

52. The proposed preschool shall adhere to all State Department of Social Services licensing requirements for child care centers.

53. A minimum three-foot-high screening wall or solid fence maybe required to be placed along the northern edge of the parking lot; located on Lot No. 1 (the Religious Facility), if it is determined by the City Manager that auto headlights shining off-site becomes a public nuisance to adjacent residences. This wall or fence will need to be constructed by the Owner/Permittee within 120 days of written notification by the City Manager.

54. The effective date of this permit shall be the date of final action by the City Council.

55. No development shall commence, nor shall any permit for construction be issued, until the Permittee signs and returns the permit to the Development Services Department.

56. The property included within this Planned District Development Plan/Resource Protection Ordinance and Conditional Use Permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless specifically authorized by the Development Services Manager or the permit has been revoked by The City of San Diego.

57. This Planned District Development Plan/Resource Protection Ordinance and Conditional Use Permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City, or Permittee.

58. This Planned District Plan/Resource Protection Ordinance and Conditional Use Permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

59. The Owner/Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

60. The Carmel Valley Planned Development/Resource Protection Ordinance/Conditional Use Permit shall comply with the conditions of the final map for Tentative Map No. 94-0541.

61. The approval of this permit will automatically terminate CVPD/RPO/CUP No. 90-0160; which shall become null and void and be of no further force or effect.

62. If any condition of this Permit, on a legal challenge by the 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, if a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services Manager shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

63. The issuance of this permit by the City of San Diego does not authorize the Permittee to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the City Council of The City of San Diego on November 19, 1996, by Resolution No. R-288074.

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.

Congregation Beth Am, a
California Non-Profit Corporation
Owner/Permittee

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
12/05/96