

RESOLUTION NUMBER R-292424

ADOPTED ON NOVEMBER 8, 1999

WHEREAS, Fruit Juicee, Inc. and Manhigim Hadashim, Inc., Owners and San Diego Jewish Academy, Permittee, filed an application with The City of San Diego for a permit to develop, construct, and operate on a 40.59 acre site a private educational academy with grades pre-kindergarten through high school, located at 11860 Carmel Creek Road, legally described as Lot 1, portions of Parcels 1, 2, and 3 of Parcel Map 11968, filed February 26, 1982 and Lot 2, a portion of the east half of the northeast quarter of the northwest quarter of Section 30, Township 14 South, Range 3 West; and a portion of the east half of the southeast quarter of the southwest quarter of Section 19, Township 14 South, Range 3 West, all in San Bernardino Meridian, in the Carmel Valley Community Plan area, in the A-1-10, SF2 and OS zones; and

WHEREAS, on September 30, 1999, the Planning Commission of The city of San Diego considered Resource Protection Ordinance/Coastal Development/Conditional Use Permit No. 98-0837, and pursuant to Resolution No. 2851-PC voted to recommend approval of the permit; and

WHEREAS, the matter was set for public hearing on November 8, 1999, 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 this Council adopts the following findings with respect to Resource Protection Ordinance/Coastal Development/Conditional Use Permit No. 98-0837:

COASTAL DEVELOPMENT FINDINGS:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The proposed project is located at 11657 Arroyo Sorrento Place south of the Carmel Valley Restoration Project [CVREP] and Carmel Creek, west of Carmel Creek Road, north of Arroyo Sorrento Place, and east of El Camino Real. The site is not located within any existing physical accessway legally utilized by the public to gain access to any resources located in the coastal zone, nor is the site located in a proposed accessway identified in an adopted Local Coastal Program Land Use Plan. The proposed project meets all regulations of the Municipal Code governing the height of the proposed building and will not obstruct public views to or along the ocean or other scenic coastal areas from public vantage points.

2. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The proposed development will be located on a site which is currently vacant undeveloped land. The site characteristics and resources have been inventoried and evaluated to determine if marine resources, environmentally sensitive areas, archaeological or paleontological resources are present on the site. Resources have been found to exist on the site and will be mitigated to avoid a direct adverse affect to these resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, San Diego Municipal Code [SDMC] section 101.0462, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom. The proposed development complies with the requirements of the Resource Protection Ordinance addressing biologically sensitive lands, significant prehistoric and historic resources. Mitigation has been required in the Mitigation Monitoring and Reporting Program to reduce any potential adverse impacts resulting from developing the site to a level below significance consistent with the requirements of the California Environmental Quality Act and the Resource Protection Ordinance.

4. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources. The proposed site is located within an undeveloped area. The development of the site with the proposed academy will have no adverse affects on recreational, visitor-serving facilities or coastal scenic resources located in other areas of the City of San Diego. The site is designated in the Local Coastal Program and the Carmel Valley Community Plan for residential development and the proposed use is allowed at this location with the approval of a Conditional Use Permit.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources. Recreational areas do exist adjacent to this site located within the CVREP. The

location of the proposed development has been designed to limit and avoid impacts to the environmentally sensitive habitats and scenic resources located in CVREP. No other parks or recreation areas are adjacent to the site. Buffer areas have been included into the site planning and are necessary to protect the resources located within the community from the proposed development. The proposed development will not create adverse impacts to these resources.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The proposed development includes the minimum necessary alteration of the natural landforms while allowing a reasonable use of the property. Preliminary geotechnical reports have been submitted to and reviewed by the City's geologist to confirm the owner's geotechnical consultant has adequately addressed the soil and geologic conditions present on the site. A "Notice of Geologic and Geotechnical Conditions" was required and has been recorded for the project at the County of San Diego prior to project approval.

The proposed landscape concept plan includes provisions to address erosion control for all slopes created by the development of the property to prevent soil erosion and downstream silting of water courses and estuaries. By planting of groundcovers, shrubs, and trees of varying rooting depth, the proposed erosion control will provide additional stability to manufactured slopes. Adverse impacts from flooding will not occur with the development of the site. Engineering and site design will direct, capture, and control all runoff from the site to preclude adverse impacts from potential runoff. In some areas of the site, runoff will be directed to the existing wetlands adjacent to the property to improve the viability of the wetlands.

The proposed brush management plan will provide the necessary protection of persons and property from the risks of potential wildfires. Features have been included into the design of the development to assure effective measures will be implemented by the site development to reduce the risks from wildfires.

7. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas. The site is not visually degraded nor in an area which is visually degraded, therefore, no restoration or enhancement to the visual quality of the site or neighborhood would be necessary to achieve visual compatibility with the character of the surrounding area. The design of the proposed structures has included terracing, architectural detailing, use of regionally indigenous colors, and appropriate landscape palettes to blend the site development to its location.

8. The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site. The proposed development conforms with the Carmel Valley Community Plan which designates this site for residential development and allows for the proposed use with the approval of a conditional use permit. The implementing policy of the Progress Guide and General Plan and the Local Coastal Program is the community plan for this

neighborhood with which the project is consistent. A Local Coastal Program amendment will be required to approve the rezone for a portion of the site.

RESOURCE PROTECTION ORDINANCE FINDINGS:

9. 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 proposed development is located in the least sensitive steep slope and biologically sensitivity areas of the site. As required by the regulations of the Resource Protection Ordinance, the proposed development will minimize adverse affects to sensitive natural resources and environmentally sensitive areas. The proposed project is consistent with the regulations of the Resource Protection Ordinance.

10. 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 development is sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in the adjacent Multiple Habitat Planning Area [MHPA], CVREP, and within the sensitive slopes and biologically sensitive resources. The location of the proposed development has been designed to limit and avoid impacts to the environmentally sensitive habitats and scenic resources located in CVREP and the MHPA. No other recreation areas are adjacent to the site. Buffer areas have been included into the site planning and are necessary to protect the resources located within the community from the proposed development and have been included in the proposed design to achieve the necessary buffer. The proposed development will not create adverse impacts to these resources.

11. 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 development includes a series of retaining walls and site terracing to reduce the impact and alteration of the natural landforms while allowing a reasonable use of the property. Preliminary geotechnical reports have been submitted to and reviewed by the City's geologist to confirm the owner's geotechnical consultant has adequately addressed the soil and geologic conditions present on the site. The City's geologist has determined the proposed design is appropriate for this site.

The proposed landscape concept plan includes provisions to address erosion control for all slopes created by the development of the property to prevent soil erosion and downstream silting of water courses and estuaries. By planting of groundcovers, shrubs, and trees of varying rooting depth, the proposed erosion control will provide additional stability to manufactured slopes. Adverse impacts from flooding will not occur with the development of the site. Engineering and site design will direct, capture, and control all runoff from the site to preclude adverse impacts from potential runoff.

The proposed brush management plan will provide the necessary protection of persons and property from the risks of potential wildfires.

12. 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 site development, architecture, and landscaping will be consistent with the present character of Carmel Valley. The landscaping associated with the development will enhance the site by the planting of groundcovers, shrubs, and trees.

13. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, the Local Coastal Program, or any other applicable adopted plans and programs in effect for this site. The proposed educational academy at this site is consistent with the Carmel Valley Community Plan which designates the site for residential uses and allows an educational facility with the approval of a conditional use permit. The project is consistent with the Progress Guide and General Plan. A Local Coastal Program amendment will be required to approve the rezone of a portion of the site.

CONDITIONAL USE FINDINGS:

14. The proposed use will fulfill an individual and/or community need and will not adversely affect the City's Guide and General Plan or the adopted community plan. The proposed project to create an educational academy by means of a Resource Protection Ordinance/ Coastal Development/Conditional Use Permit will fulfill a community need by providing a modern, technologically advanced academy to address the needs of the community for educational facilities. The site is identified by the Carmel Valley Community Plan and the City's Progress Guide and General Plan for development with residential uses and an academy would be allowed with the approval of a Conditional Use Permit. The proposed uses on this site, which are consistent with the land use policy documents guiding development in the community, will not adversely affect the community or City.

15. The proposed use will comply with the relevant regulations in the Municipal Code in effect for this site. As required by a Resource Protection Ordinance/Coastal Development/Conditional Use Permit, the proposed development will comply with all relevant regulations of the Municipal Code. Variances or deviations to the Municipal Code are not required nor are being requested or granted by the approval of the proposed project.

BRUSH MANAGEMENT FINDINGS:

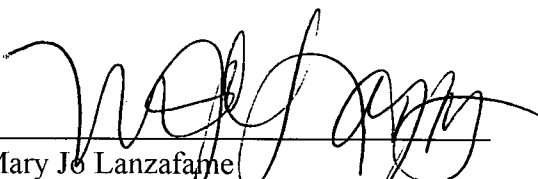
16. The proposed Brush Management Program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462. The proposed Brush Management Program, by using the standard zone requirements established for properties with a low rating and identified in the Landscape Technical Manual, 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 Brush Management Zones have been selected to visually blend with the existing hillside character and no invasive species shall be used.

17. **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 consistent with the standards outlined in the Landscape Technical Manual. The alterations to existing vegetation is accomplished in order to increase the stability of the slope and all new plantings on the slopes will conform to the revegetation standards of the Landscape Technical Manual, Section Seven.

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 decision of the Planning Commission is sustained, and Resource Protection Ordinance/Coastal Development/Conditional Use Permit No. 98-0837 is hereby granted to Fruit Juicee, Inc., and Manhigim Hadashim, Inc. Owners and San Diego Jewish Academy, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
11/16/99
12/8/99 Cor.Copy
Or.Dept:Clerk
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RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Resource Protection Ordinance/Coastal Development/Conditional Use
Permit 98-0837 **(MMRP)**

SAN DIEGO JEWISH ACADEMY
City Council

This Permit is granted by the Council of The City of San Diego to Fruit Juicee, Inc., a California Corporation, and Manhigim Hadashim, Inc., a California Non-profit Public Benefit Corporation, Owners and San Diego Jewish Academy, a Non-profit Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0510, 101.0462, and 105.0202. The 40.59 site is located at 11860 Carmel Creek Road in the A-1-10, SF2, and OS zones of the Carmel Valley Community Plan. The project site is legally described as portions of Parcels 1, 2, and 3 of Parcel Map 11968, filed February 26, 1982, and a portion of the east half of the northeast quarter of the northwest quarter of Section 30, Township 14 South, Range 3 West, and a portion of the east half of the southeast quarter of the southwest quarter of Section 19, Township 14 South, Range 3 West, all in San Bernardino Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to develop, construct, and operate on a 40.59 acre site a private educational academy with grades pre-kindergarten through high school operated by a non-profit corporation described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 8, 1999, on file in the Office of Planning and Development Review. The facility shall include:

- a. Eleven buildings with approximately 189,075 square feet of floor area; and
- b. A maximum of 1008 general student population with a maximum of 252 high school students are allowed at this site; and
- c. Landscaping, hardscape/paved areas, retaining walls (planting, irrigation and landscape related improvements); and
- d. Off-street parking facilities; and
- e. Drop-off for elementary students shall not be designated as the secondary access from Shaw Ridge Road; and
- f. 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 Municipal Code in effect for this site.

1. 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 Code 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 Planning and Development Review;
 - 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 Owner/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 agencies.
6. 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.)
7. 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.

8. Large special events shall not be scheduled on weekdays during the AM/PM peak hours.

9. All parking demand for special events shall be accommodated on site.

10. 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.

11. 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 November 8, 1999, on file in the Office of Planning and Development Review. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

12. 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.

13. Rezoning of the subject property shall become effective with the adoption of the Local Coastal Program amendment by the Coastal Commission.

14. This Coastal Development Permit shall not become effective for the portion of the property to be rezoned until after the adoption of the Local Coastal Program amendment by the Coastal Commission. Grading permits may be issued and grading may begin pursuant to the grading plan dated October 25, 1999 once Condition 2 has been satisfied, however, no grading or other development shall be permitted in the portion of the site zoned Open Space until approval of the Local Coastal Program amendment by the State Coastal Commission.

15. Prior to issuance of any grading permit, a fee shall be deposited with Planning and Development Review 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.

16. Prior to issuance of any building permit, a fee shall be deposited with Planning and Development Review for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis 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 Planning and Development Review.

17. Carmel Creek Road is classified as a modified 2-lane collector. Prior to the issuance of any permits, Owner/Permittee shall dedicate a 60-foot right-of-way and provide full width improvements with pavement, curb, gutter and a 5-foot wide sidewalk, within a 10-foot curb-to-property line distance, to the satisfaction of the City Engineer.

18. Prior to building occupancy, the Owner/Permittee shall conform to 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.

19. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

20. The drainage system proposed with this development is subject to approval by the City Engineer.

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

22. No fewer than 383 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated November 8, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

23. 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.

24. 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.

25. A topographical survey conforming to the provisions of the Municipal 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. All signage associated with this development shall be consistent with Carmel Valley Sign Guidelines and Criteria.

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

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

29. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

30. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A" dated November 8, 1999, on file in the Office of Planning and Development Review.

31. Prior to the issuance of building permits, construction documents shall illustrate trees and shrubs at the base of the retaining and crib walls, in addition to vines and other plants in and on the walls. The wall system is located along the property line directly north of the Learning Center/Administration Building.

32. Prior to issuance of any grading permit, plans shall indicate the manufactured slope along the most northern portion of the westerly property line and adjacent to Shaw Ridge Road shall be undulated in accordance with the approved Exhibit "A" dated November 8, 1999, on file in the Office of Planning and Development Review.

33. All walls shall be constructed in accordance to the adopted building codes, in order to not impact St. Ephrem's property.

34. Staff shall work with the Carmel Valley Community Planning Board and the Clew's Family, to identify appropriate traffic calming and pedestrian/equestrian crossing devices for Carmel Creek Road, to be provided by the applicant.

35. 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 City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 8, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

36. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated November 8, 1999, on file in the Office of Planning and Development Review and all other applicable conditions of related permits.

37. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

38. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

39. All required 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 severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

40. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction 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.

41. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of HIGH. The Owner/Permittee shall implement the Brush Management Program in accordance with the plan shown on Exhibit "A," Landscape Concept and Brush Management Plan, dated November 8, 1999, on file in the Office of Planning and Development Review:

- a. Prior to the 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 Chief. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, SDMC § 55.0889.0201, and Section Six of the Landscape Technical Manual (Document Number RR-274506) on file at the Office of the City Clerk.

- b. The construction documents shall conform to the architectural features as described in Section 6.6-2 of the Landscape Technical Manual.
- c. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One subject to approval by the Fire Chief and the City Manager.
- d. All requirements for fire-resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief 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 risks still exist.
- e. No invasive plant material shall be permitted.
- f. Provide the following note on the brush management construction documents: It shall be the responsibility of the Owner/Permittee to schedule a preconstruction meeting on site with the contractor and Planning and Development Review staff to discuss and outline the implementation of the Brush Management Program.
- g. Prior to issuance of any Certificate of Occupancy or final inspection for any building, the Brush Management Program shall be implemented.
- h. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual and as shown on Exhibit "A" dated November 8, 1999, on file in the Office of Planning and Development Review.

42. WATER REQUIREMENTS:

- a. Prior to the issuance of any building or grading permits or the approval of any public improvement drawings, the Owner/Permittee shall provide a water study satisfactory to the Water Department Director. The study shall plan the pressure zone(s) and water facilities necessary to serve this development.
- b. Prior to the issuance of any building permits, the Owner/Permittee shall install all facilities, as required in the accepted water study, necessary to serve this development and extending to the property boundary. Water facilities, as shown on the approved development plan, will require modification based on the accepted water study.
- c. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) equivalent dwelling units are located on a dead-end main then the developer shall install a redundant water system.

SEWER REQUIREMENTS:

- a. Prior to the issuance of any building or grading permits or the approval of any public improvement drawings, the Owner/Permittee shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public gravity sewer facilities and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- b. Prior to the issuance of any building permits, the Owner/Permittee shall install all facilities, as required by the accepted sewer study, necessary to serve this development and extending to the property boundary. Sewer facilities, as shown on the approved development plan, will require modification based on the accepted sewer study.

WATER AND SEWER REQUIREMENTS:

- a. The Owner/Permittee agrees to design all proposed public water and sewer facilities in accordance with established criteria in the most current edition of the "City of San Diego Water & Sewer Design Guide."
 - b. The Owner/Permittee shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Directors. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Director. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or trees shall be installed in or over any access easement.
 - c. Providing water and sewer service for this development is dependent upon prior construction of certain water and sewer facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water and sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.
43. This Permit may be developed in phases.
44. Prior to issuance of the first grading permit, the applicant shall assure the construction of Shaw Ridge Road from Carmel Creek Road to the cul-de-sac at approximately 800 feet west of Carmel Creek Road as a two-lane modified street with pavement width of 28 feet within a 48-foot right-of-way with widening to a 40-foot pavement width within a 56-foot right-of-way at the approach to the intersection with Carmel Creek Road to provide a 100-foot eastbound to northbound left-turn pocket, satisfactory to the City Engineer.

45. Prior to issuance of the first grading permit, the applicant shall provide an Irrevocable Offer of Dedication for Shaw Ridge Road from the cul-de-sac at approximately 800 feet west of Carmel Creek Road to the west end of the property as a two-lane modified street with pavement width of 28 feet within a 48-foot right-of-way, satisfactory to the City Engineer.

46. The Owner/Permittee shall comply with the Mitigation Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 98-0837, satisfactory to the City Manager and the City Engineer. Prior to the issuance of any building or grading permit, all mitigation measures specifically outlined in the MMRP shall be implemented for the following issue areas:

- A. Biological Resources
- B. Geology
- C. Visual Quality
- D. Land Use
- E. Historical Resources
- F. Transportation/Circulation
- G. Hydrology/Water Quality
- H. Paleontological Resources

47. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Planning and Development Review, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the property shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Planning and Development Review Manager.

APPROVED by the Council of The City of San Diego by Resolution No. R-292424, on November 8, 1999.

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.

FRUIT JUICEE, INC.
Owner

By _____

MANHIGIM HADASHIM, INC.
Owner

By _____

SAN DIEGO JEWISH ACADEMY.
Permittee

By _____

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

A-292424