

RESOLUTION NUMBER R-294385

ADOPTED ON DECEMBER 12, 2000

WHEREAS, Leslie and Gary Schotz, Owner/Permittee, filed an application with the City of San Diego for a permit for development of the Schotz Estates project, located approximately .15 miles east of Carmel Country Road along both sides of Shaw Ridge Road, and legally described as being the West Half of the Southwest Quarter of the Northeast Quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Base Meridian, in the Del Mar Mesa Specific Plan (Subarea V) of the North City Future Urbanizing Area and partially within the Multiple Habitat Planning Area [MHPA] of the Del Mar Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone); and

WHEREAS, on November 16, 2000, the Planning Commission of the City of San Diego considered Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-1350, and pursuant to Resolution No. 3050-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on December 12, 2000, 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 PRD/RPO Permit No. 99-1350:

I. PLANNED RESIDENTIAL DEVELOPMENT FINDINGS, SAN DIEGO MUNICIPAL CODE SECTION 101.0901

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.

The Schotz Estates project is a 19.45-acre site is within the Del Mar Mesa Specific Plan, Subarea V, in the North City Future Urbanizing Area and is zoned AR-1-1 (agricultural, one dwelling unit per 2.5 acre). The proposed seven residential dwelling units are consistent with the community plan's land use designation, zoning and density.

The project will incorporate a number of design features that will preserve the rural character of the community including, but not limited to using contour grading, fitting the project with the topography, providing a hiking and equestrian trail throughout the project, preserving open space and incorporating design guidelines to implement the Del Mar Mesa Specific Plan. Design guidelines will ensure that future homes are visually compatible with the character of the surrounding areas by regulating architectural theme, scale and massing, setbacks, building materials, lighting and landscaping.

The project will construct Del Mar Mesa Road along the project's frontage, contribute its fair share towards providing affordable housing units in the community, and implement Best Management Practices on-site to reduce runoff of pollutants and erosion.

B. The proposed use 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 properties in the vicinity.

The design of the Schotz Estates project together with the development permit and Mitigation, Monitoring and Reporting Program [MMRP] includes specific conditions of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code [SDMC] to assure that the health, safety and general welfare of persons residing and working in the area will not be adversely affected.

Design features and project conditions include, but are not limited to the following: design guidelines to ensure compliance with the Del Mar Mesa Specific Plan, to ensure that future homes are visually compatible with the character of the surrounding area by regulating architectural theme, scale and massing, setbacks, building material, lighting and landscaping; implement Best Management Practices on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Peñasquitos Lagoon and other water; implement the Multiple Habitat Planning Area [MHPA] "Land Use Adjacent Guidelines" to minimize or eliminate potential impacts to MHPA areas including conditions regulating lighting, drainage, landscaping, noise, as well as water and sewer conditions to assure these facilities are available to serve the proposed project.

C. The proposed use will fully comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

The project design will be consistent with the relevant regulation of the site per the SDMC including design standards and development regulations required under the PRD and RPO permit

process. The project will also comply with the land use designation, densities, and design standards of the adopted Del Mar Mesa Specific Plan, therefore, the proposed use will comply with the relevant regulations of the SDMC in effect for the site.

II. RESOURCE PROTECTION ORDINANCE FINDINGS, SAN DIEGO **MUNICIPAL CODE SECTION 101.0462**

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.

As conditions of the Schotz Estates project, the following mitigation measures will be required to reduce potential impacts to biological resources.

1. Prior to issuance of grading permits, impacts to 10.14 acres of habitat shall be mitigated as follows: 1.46 acres of Southern maritime chaparral (SMAC), 0.22 acre of disturbed Diegan coastal sage scrub (Dcss), 0.03 acre of Southern mixed chaparral (SMC), 5.14 acres of Chamise chaparral (CC), 0.05 acre of Scrub oak chaparral (SOC), 0.66 acre of valley needlegrass (VNG), and 1.48 acres of Non-native grassland (NNGL) habitats shall be mitigated to the satisfaction of the City Manager through a combination of the following:

- (a) off-site acquisition of 1.31 acres of habitat within the MHPA, and
- (b) preservation of 4.20 acres of MHPA habitat on-site, and
- (c) preservation of 0.348 acre of on-site habitat outside the MHPA but contiguous with the MHPA, thereby preserving a total of 4.548 acres of native habitat.

2. The Owner/Permittee shall record a Conservation Easement in favor of the City of San Diego for the on-site preservation of 4.20 acres, including 0.85 acre of Tier I, and 3.35 acres of Tier IIIA/B habitat within the MHPA. The easement shall name the U.S. Fish and Wildlife Service and the California Department of Fish and Game as third party beneficiaries, define the location of the mitigation area, and provide that no clearing, grubbing, grading or disturbance of the native vegetation shall occur within the area.

3. The Owner/Permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 1.31 acres, including 1.115 acres of Tier I and 0.195 acre of Tier II habitat located off-site, in the City of San Diego's MHPA.

4. The Owner/Permittee shall record a Covenant of Easement for the area located outside of and south of the MHPA and north of the proposed Del Mar Heights Road for on-site preservation of 0.348 acre, to include 0.31 acre of Tier I, and 0.038 acre of Tier II habitat located contiguous with the MHPA. The easement shall name the U.S. Fish and Wildlife Service and the California Department of Fish and Game as third party beneficiaries, define the location of the

mitigation area, and provide that no clearing, grubbing, grading or disturbing of the native vegetation shall occur within the area.

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.

There are no parks or recreational areas located adjacent to the Schotz Estates subdivision. Los Peñasquitos Canyon is located about one mile south of the project site. The portion of the site within the MHPA is required to be dedicated to the City for open space. Permit conditions and the MMRP for the project require the applicant to implement Land Use Adjacent Guidelines, including shielding lighting from the MHPA, directing drainage away from the MHPA to prevent any impacts to environmentally sensitive habitats.

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 project has been designed to incorporate a number of design features that preserve the rural character of the community and minimize alterations to the natural landform including, but not limited to incorporating contour grading, landform alteration in harmony with the existing topography, and preservation of 7.73 acres as permanent open space.

The project site is located in a seismically active region of California where the potential for geologic hazards, such as earthquakes and ground failure exists. According to the City of San Diego Seismic Safety Study (1995 Edition) the property is mapped with Geologic Hazard Zones 23 (Friars Formation: neutral or favorable geologic structure) and 53 (level or sloping terrain, unfavorable geologic structure).

A Preliminary Geotechnical Evaluation (November 8, 1999) prepared by GeoSoils, Inc., for the project site indicated that no faulting had been mapped or observed within the project site. The Rose Canyon Fault is located approximately 5 miles west of the project site and is considered active and capable of a maximum probable earthquake of magnitude of 6.5. The estimated peak ground acceleration for the site is 0.50 g to 0.74 g, but would not preclude development of the project site. Groundwater was not encountered during the geotechnical evaluation for this parcel, and is not anticipated during site development.

The geotechnical report further concluded that based on field exploration, laboratory testing and geotechnical engineering analysis the site appears to be suitable for the proposed development. Proper engineering design of all new structures will ensure that the potential for geologic impacts on-site and regional hazards will not be significant.

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 site and surrounding area are currently in a rural setting. The project features will minimize erosion during and after project construction and reduce off-site drainage impacts as a result of the project. The project's design will also incorporate Best Management Practices for storm water runoff. Single-family homes and associate uses are located to the west, south and east of the development boundaries. Homes within the vicinity of the proposed project consist of one-story or two-story units and are constructed from a variety of materials. The homes vary in size and are located on large lots and some have horse corrals.

The Schotz Estates project will implement design guidelines to ensure that future homes are visually compatible with the character of the surrounding areas by regulating architectural theme, scale and massing, setbacks, building materials, lighting and landscaping. Each lot will include areas intended for recreational accessory uses such as tennis courts, pools, gazebos and horse corrals. The project will also provide a hiking and equestrian trail throughout the project, and will preserve 7.73 acres as permanent open space.

E. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, or any other applicable adopted plans and programs in effect for this site.

The Schotz Estates project proposes seven single-family homes on 19.45 acres and is located in an area designated in the Del Mar Mesa Specific Plan for Estate Residential Development at a density of one dwelling unit per 2.5 acres. The project together with the proposed permit and design guidelines is consistent with both the adopted Specific Plan and the permitted land uses and development regulations of the underlying AR-1-1 zone.

III. BRUSH MANAGEMENT PROGRAM FINDINGS

A. 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 at San Diego Municipal Code section 101.0462.

The proposed Brush Management Program, by providing the brush management zones of the Landscape Regulation in the Land Development Code as referenced by the Biology Guidelines adopted by Ordinance No. O-18451, and additional guidelines of the Landscape Technical Manual, on file in the Office of the City Clerk as Document No. RR-274506 and as shown on Exhibit "A," dated December 12, 2000, on file in the Development Services Department, 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 materials in Brush Management Zone Two 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, by using Alternative Compliance Provision (Section 6.2 of the Landscape Technical Manual) and provisions of the SDMC section 142.0412, adopted by Ordinance No. O-18451, and as shown on Exhibit "A," dated December 12, 2000 and on file in the Development Services Department, 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. All new plantings on slopes will conform to the Revegetation Standards of the Landscape Technical Manual, section 7 and incorporate low precipitation irrigation systems to minimize runoff.

C. The proposed brush management program will meet the purpose and intent of the Uniform Fire Code.

The proposed development complies with the purpose and intent by providing an effective fire break while minimizing the potential for soil erosion by incorporating Zone Reduction and the Alternative Compliance provisions consistent with Landscape Technical Manual section 7, and brush management zones of the SDMC section 142.0412, adopted by Ordinance No. O-18451.

D. 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.

Requirements incorporated into the permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing revegetation to all slopes per the Landscape Technical Manual, section 7.

E. The provisions as outlined in section 6.6-2 of the document titled "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 not violate other fire resistive features as required by the Fire Chief.

The Architectural Features (Section 6.6-2 of the Landscape Technical Manual and SDMC section 142.0412, adopted by Ordinance No. O-18451) of the Landscape Technical Manual have been incorporated into the project per Exhibit "A," dated December 12, 2000, and on file in the Development Services Department. No other fire resistive features are required by the Fire Chief.

F. Compliance with the provision of this section in addition to any other applicable adopted plans or ordinances would preclude any reasonable development on the site.

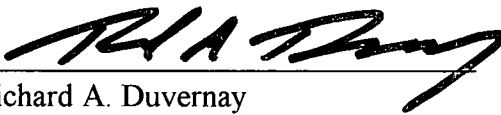
The site design complies with the Del Mar Mesa Specific Plan. However, site constraints which include the MHPA of the Multiple Species Conservation Plan [MSCP], preclude literal compliance with the provisions of the Uniform Fire Code without encroachment into sensitive habitat. Therefore, the alternative compliance provision of the Landscape Technical Manual has

been implemented to allow for reasonable development of this site while providing the necessary fire protection as required by the Uniform Fire Code. In addition, an alternative compliance Brush Management Program is provided for this project to support the purpose and intent of all applicable adopted plans and ordinances including the Biology Guidelines, adopted by Ordinance No. O-18451. Note that Ordinance No. O-18451 references the Brush Management requirements of SDMC section 142.0412.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Residential Development/Resource Protection Ordinance Permit No. 99-1350 is granted to Leslie and Gary Schotz, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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04/23/01
Or.Dept:Clerk
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Form=permitr.frm
Reviewed by Patricia Grabski

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

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED RESIDENTIAL DEVELOPMENT PERMIT/
RESOURCE PROTECTION ORDINANCE PERMIT
NO. 99-1350
SCHOTZ ESTATES**

CITY COUNCIL

This Planned Residential Development [PRD] Permit and Resource Protection Ordinance [RPO] Permit is granted by the Council of the City of San Diego to Leslie and Gary Schotz, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 101.0901. The 19.45 acre vacant site is located approximately 0.15 mile east of Carmel Country Road along both sides of Shaw Ridge Road within the Del Mar Mesa Specific Plan (Subarea V) of the North City Future Urbanizing Area [NCFUA] and partially within the Multiple Habitat Planning Area [MHPA] in the AR-1-1 zone (previously referred to as the A-1-10 zone) of the Del Mar Mesa Community Plan. The project site is legally described as the West Half of the Southwest Quarter of the Northeast Quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Base Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee, Leslie and Gary Schotz to subdivide 19.45 acres into nine lots (Lots 2 through 4 and Lots 6 through 9 for residences, Lot 1 for open space, and Lot 5 for recreational uses), described and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated December 12, 2000, on file in the Development Services Department. The project shall include:

- a. A nine lot subdivision. Lots 2 through 4 and Lots 6 through 9 are for residential use. Lot 1 is for open space and Lot 5 is for recreational uses;
- b. Street vacation of a portion of Shaw Ridge Road;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. A multi-purpose trail is located on the north side of Del Mar Mesa Road. The trail shall include a 10-foot-wide pathway and a 6-foot-wide landscaped buffer that separates the trail from the roadway. In order to direct trail users away from the landscaped parkway and to provide an additional buffer from the roadway for safety purposes, the 10-foot trail shall be separated from the 6-foot parkway by a 3-foot high

split-rail fence. A 4-foot-wide hiking/equestrian trail shall be located within the MHPA; 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.
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 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. § 1531 *et seq.*).
 7. 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.
 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 conformance with Exhibit "A," dated December 12, 2000, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendments 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 to which the holder of the Permit is entitled 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 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. In accordance with the authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the Endangered Species Act [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:

- a. 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
- b. 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.

11. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Findings to a Master Environmental Impact Report [MEIR], LDR No. 99-1350 (Findings to MEIR No. 95-0353) satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading and/or building permit, all mitigation measures as

specifically outlined in the MMRP shall be implemented for the following issue areas: Hydrology/Water Quality; Biological Resources; Land Use; Light/Glare/Shading; Landform Alteration; Public Facilities and Services (Schools, Libraries, Water, Sewer, Fire); Paleontological Resources; and Safety.

ENGINEERING REQUIREMENTS:

12. The property contains a right-of-way which must be vacated to implement the final map in accordance with SDMC section 102.0307. The tentative map must be approved by the Council.
13. The subdivider shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any claims, demands, causes or actions, liability or loss because of, or arising out of the partial vacation of Shaw Ridge Road.
14. The final map shall not be recorded until Del Mar Mesa Road as shown on City Drawing No. 29261-D, is dedicated, improved and accepted by the City Engineer.
15. The subdivider shall enter into a bonded maintenance agreement with the City agreeing to maintain in perpetuity the multi-use trail or until such time a maintenance district or other such mechanism is established and assumes the maintenance responsibility.
16. The subdivider shall dedicate the trail as a Pedestrian, Non-Motor Vehicle Easement.

PLANNING/DESIGN REQUIREMENTS:

17. A multi-purpose trail shall be located on the north side of Del Mar Mesa Road. The trail shall include a 10-foot-wide pathway and a 6-foot-wide landscaped buffer that separates the trail from the roadway. In order to direct trail users away from the landscaped parkway and to provide an additional buffer from the roadway, the 10-foot trail shall be separated from the 6-foot parkway by a 3-foot high split-rail fence.
18. The location of the non-architectural elements of the garage (i.e., the garage doors) on the lots shall be subordinate to the main home. All lots with a half-acre or more of flat, graded pad area shall utilize an alternative garage orientation (detached, set back from the front elevation of the home, side-loaded).
19. Any proposed front and street side yard fencing shall be designed as post and rail and not exceed 5 feet in height.
20. Disclosure shall be made to all homebuyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property provided that these horses are maintained in conformance with the SDMC.
21. In order to avoid potentially significant impacts associated with external lighting, all lighting from homes for the purposes of safety and security shall be designed to minimize the emission of light rays into the night sky and neighboring open spaces. The lighting of private recreational facilities, such as tennis courts and swimming pools shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than 6 feet from the lighting source.

22. 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.
23. 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.
24. A topographical survey conforming to the provisions of SDMC section 101.0216 may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.
25. 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.
26. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
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. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

LANDSCAPE REQUIREMENTS:

30. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
31. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated December 12, 2000, on file in the Development Services Department.

32. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40-square-foot area around each tree which is unencumbered by utilities. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated December 12, 2000, on file in the Development Services Department.

33. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 99-1350 (including environmental conditions) and Exhibit "A," dated December 12, 2000, on file in the Development Services Department.

34. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

35. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner, to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

36. 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.

37. The Permittee, or subsequent owner, shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a landscape planner.

38. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

TRANSPORTATION PLANNING REQUIREMENTS:

39. The project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

40. The applicant shall construct Del Mar Mesa Road along the project's frontage as a two-lane residential local street with a minimum pavement width of 28 feet within 50 feet of right-of-way, satisfactory to the City Engineer.

SEWER AND WASTE WATER REQUIREMENTS:

41. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the construction of all public sewer facilities as required by the accepted sewer study necessary to serve this development, including vehicular access within easements. Sewer facilities, as shown on the approved Site plan, may require modification based on the accepted sewer study.

42. The developer shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.

43. The developer shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Water and Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

44. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of an 8-inch water main in "private drive" from Del Mar Mesa Road to the southerly cul-de-sac, in a manner satisfactory to the Director of the Water Department and the City Engineer.

45. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

46. Prior to the issuance of any building or grading permits, the developer shall grant a minimum 24-foot-wide, fully paved, water easement over "private drive" in a manner satisfactory to the Director of the Water Department and the City Engineer.

47. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guide.

48. Providing water for this development is dependent upon prior construction of certain water 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 facilities, as required by the City Engineer, will become off-site improvements required for this development.

OPEN SPACE REQUIREMENT:

49. Lot 1 is required to be granted to the City, in fee, at no cost, for open space. The lot shall be free and clear of all private encroachments, private easements, private agreements and liens.

AFFORDABLE HOUSING REQUIREMENT:

50. The Owner/Permittee is required under the NCFUA Framework Plan and the Del Mar Mesa Specific Plan to provide for the provision of housing for low income households as certified by

the San Diego Housing Commission/Housing Authority of the City of San Diego. The Owner/Permittee has an option beyond the provision of the affordable units to pay in-lieu fees to the Executive Director of the Housing Authority to meet their affordable housing requirement. This project is eligible for the in-lieu fee option under the Del Mar Mesa Specific Plan to meet the affordable housing requirement in this manner, and the Owner(s) have stated their intent to pay the then current in-lieu fee for Del Mar Mesas required, at the time of issuance of building permits.

APPROVED by the Council of the City of San Diego on December 12, 2000, by Resolution No. R-294385.

4/23/01

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AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

LESLIE AND GARY SCHOTZ
Owner/Permittee

By _____

By _____

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

4/23/01

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