

RESOLUTION NUMBER R- 305132

DATE OF FINAL PASSAGE JUL 21 2009

APPROVING COASTAL DEVELOPMENT PERMIT
NO. 179545/PLANNED DEVELOPMENT PERMIT NO. 175270
- SCHROEDL/TORREY PINES RESIDENCE.

WHEREAS, David M. Schroedl and Frances C. Schroedl, Trustees of Schroedl Family Trust, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit and a planned development permit to split a lot, construct a new single-family residence on the newly-created lot and to retain existing, Historic Resources Site No. 854, single-family residence on the other lot to be known as the Schroedl/Torrey Pines Residence Project, located at 1821 Torrey Pines Road, and legally described as Pueblo Lot 1285, Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, in the La Jolla Community Plan area, in the RS-1-5 Zone, and Coastal (non-appealable), Coastal Height Limitation, Residential Tandem Parking, Parking Impact and Transit Area Overlay Zones; and

WHEREAS, on June 11, 2009, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 179545 and Planned Development Permit No. 175270, and pursuant to Resolution No. 4522-PC voted to recommend City Council approval of the Permits; and;

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

WHEREAS, the matter was set for public hearing on JUL 21 2009,

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 City Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 179545 and Planned Development Permit No. 175270:

A. COASTAL DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0708.

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 19,790 square foot project site is currently developed with an existing single-family residence constructed in 1952, which has been historically designated. The project site has been fully disturbed by this existing development. This project proposes to split the lot, retain the existing residence and construct a new 2-story, over basement, single-family residence, that would total approximately 5,833 square-feet of gross floor area. The proposed residential development is designed to be contained within the existing legal lot area (proposed to be split by the associated tentative map), which will not encroach upon any existing or proposed physical access to the coast. The project site is not located along the first public roadway away from the coast. The project site is located along the east side of Torrey Pines Road, which is identified as Scenic Overlook by the La Jolla/La Jolla Shores Local Coastal Program. The identified public views from Torrey Pines Road look out west and northwestward, away from the project site, which is situated on the eastern side of Torrey Pines Road. Staff has analyzed the proposed new single-family residence and concluded that the structure does not impact any of the identified public views and the project as designed was found to be in conformance with the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated within a well established, fully developed single-family residential area of La Jolla. The proposed new residence meets the development setbacks and height limit required by the underlying zone, except for two deviations involving the lot split, and the proposed development will not negatively impact any identified public view.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The 19,790 square foot project site is currently developed with an existing single-family residence, and does not contain any form of environmentally sensitive lands, except for the potential of buried archaeological resources. The

development proposes to retain the existing single family residence, split the lot and construct a 2-story, single-family residence, to total approximately 5,833 square-feet of gross floor area on the newly created lot. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology). Mitigated Negative Declaration No. 59455 was prepared in accordance with the California Environmental Quality Act [CEQA]. The project includes mitigation measures for potential impacts to Historical Resources (Archaeology), to reduce the potential impacts to a less than significant level. Thus, with the implementation of the Mitigation, Monitoring and Reporting Program, the proposed project would not adversely affect environmentally sensitive lands. The project's permit also includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. The project proposes approximately 410 cubic yards of cut grading for the foundation of the residential structure, located primarily within the area of the rear yard area of the existing residence which was previously disturbed, and will not result or propose any further encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed development is to split the lot, retain the existing residence and construct a 2-story, over basement, single-family residence, to total approximately 5,833 square-feet of gross floor area. The project is located on a site which has a Very Low Density Single-Family Residential land use designation by the La Jolla Community Plan. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology). Mitigated Negative Declaration No. 59455 was prepared in accordance with the CEQA. The project includes mitigation measures for potential impacts to Historical Resources (Archaeology), to reduce the potential impacts to a less than significant level. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of the RS-1-5 zone and Coastal Overlay Zone. The project site is located along the east side of Torrey Pines Road, which is identified within the La Jolla/La Jolla Shores Local Coastal Program as containing Scenic Overlooks. However, staff has analyzed the proposed new single-family residential structure and concluded that the structure does not impact any of the identified public views and the project as designed was found to be in conformance with the La Jolla/La Jolla Shores Local Coastal Program. The identified public views from Torrey Pines Road look out west and northwestward, away from the project site, which is situated on the eastern side of Torrey Pines Road. Thus, the public's coastal views would not be adversely impacted. The project site is situated within a well established, fully developed single-family residential area of La Jolla. The proposed development as a lot split with a new single-family residence meets the development setbacks and height limit required by the underlying zone and the proposed development will not negatively impact any identified public view. Due to these factors the proposed lot split and single-family development is in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan and General Plan.

4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The 19,790 square foot site, currently developed with an existing single-family residence, is located within a well developed single-family residential area of La Jolla approximately three blocks from the coastline. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the lot split and further residential development of this site. The proposed lot split with a new single family residence project is designed to take access from a non-exclusive access easement linked to the existing public streets, with adequate off street parking. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered.

B. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The project proposes to split the lot, retain the existing historically designated residence and construct a 2-story, over basement, single-family residence, to total approximately 5,833 square-feet of gross floor area. The project is located on a site which has a Very Low Density Single-Family Residential (0-5 dwelling units per acre) land use designation by the La Jolla Community Plan. The proposed development, its associated site improvements, and corresponding development density will comply with the development regulations of the RS-1-5 zone, the La Jolla Community Plan, the La Jolla/La Jolla Shores Local Coastal Plan, except for the proposed deviations to lot frontage on a publicly dedicated street and lot depth for proposed Parcel Two. Specifically, the project was designed to comply with the maximum allowed building height of 30 feet, with the maximum allowed floor area ratio of 0.54 and all front, side and rear yard building setbacks. The deviations are necessary in order to allow the project to retain a historically designated residence on the project site, and to address the unique circumstances surrounding the undedicated portion of Amalfi Street. The use as a new residential development is a permitted use by the RS-1-5 zone as a permanent use with the approval of a Planned Development Permit with the proposed deviations. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the La Jolla Community Plan relevant to land use intensity and site design.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code in effect for this site to assure that the project will not adversely affect the health, safety and general welfare of the persons residing or working in the area. These conditions include a requirement to submit and comply with a Water Pollution Control Plan, a requirement to maintain a minimum of four off-street parking spaces and control of exterior lighting.

The project's permit includes a condition requiring compliance with the State Water Resources Control Board and the Municipal Storm Water Permit by the City Engineer in order to meet the City's Storm Water Standards during construction of this facility. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. Mitigated Negative Declaration No. 59455 was prepared in accordance with the CEQA. The project includes mitigation measures to reduce potential impacts to Historical Resources (Archaeology), to a less than significant level. The environmental review included analysis of public health, safety and welfare. The Mitigated Negative Declaration did not identify any public health and/or safety impacts.

The continued use of this site for a single-family residential use is consistent with the existing character of the surrounding area and the very low density single-family residential land use designation of the La Jolla Community Plan. Furthermore, the project would not result in any significant environmental effects that could adversely affect the public health, safety and welfare. Therefore, the project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The project proposes to split the lot, retain the existing residence and construct a 2-story, over basement, single-family residence, to total approximately 5,833 square-feet of gross floor area. The project is located on a site which has a Very Low Density Single-Family Residential land use designation by the La Jolla Community Plan. The proposed development, its associated site improvements, and corresponding development density will comply with the development regulations of the RS-1-5 zone, the La Jolla Community Plan, the La Jolla/La Jolla Shores Local Coastal Plan, except for the proposed deviations to lot frontage on a publicly dedicated street and lot depth for proposed Parcel 2. Such deviations are necessary in order to allow the project to retain a historically designated residence on the project site and to address the unique circumstances surrounding the undedicated portion of Amalfi Street. The use as a single-family residential development is a permitted use by the RS-1-5 zone. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the La Jolla Community Plan relevant to land use density and site design.

4. The proposed development, when considered as a whole, will be beneficial to the community. The project proposes to split the lot, retain the existing historically designated residence and construct a 2-story, over basement, single-family residence, to total approximately 5,833 square-feet of gross floor area. When considered as a whole the project will benefit the community by retaining Historic Resources Site No. 854, the "Hufbauer House." This historic resource was found to be significant as a good example of Post and Beam architecture and an excellent example of Modern Movement Architecture in California. According to the submitted historical report, Mr. Hufbauer is considered to be a Master Architect. He is most known for his work as chief architect for the San Diego Unified School District. He is credited with designing and bringing in on budget seventy-nine schools in the San Diego area. The City's Environmental and

Historic Staff has reviewed the proposed lot split and construction of a new adjacent residence to determine if the project would result in adverse impacts to the historic residence. This proposal was also reviewed by the Design Assistance Subcommittee of the Historical Resources Board to ensure compliance with the U. S. Secretary of the Interior's Standards and to minimize impacts to the designated historic resource. A wood trellis and retaining wall historically present on the designated resource is required to be reconstructed to match the original trellis and retaining wall. Landscape conditions have also been added to provide screening of the proposed residence. Based upon the project design and conditions of approval, the project was found not to have a significant adverse impact on the historic Hufbauer residence. Because the project will result in the continued existence of a historic resource, the project as a whole will be a benefit to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The project proposes to split the lot, retain the existing historically designated residence and construct a 2-story, over basement, single-family residence, to total approximately 5,833 square-feet of gross floor area. This project proposes deviations under this Planned Development Permit for Lot Frontage on a publicly dedicated street, and Lot Depth of both proposed parcels. The code requires that a newly created lot front on a publicly dedicated street, more specifically the RS-1-5 zone requires a minimum of 60 linear feet of street frontage. This project proposes 142.9 linear feet of frontage along Amalfi Street for Parcel Two. However, this does not comply with the requirement because this portion of Amalfi Street is undedicated and not a publicly dedicated street. This portion of Amalfi Street adjacent to this project site is only 30 feet wide and undedicated as a public right-of-way. The City holds fee title to the subject parcel, having taken title from the County of San Diego in 1948 by purchase at a foreclosure sale for unpaid taxes. Nine property owners including the subject property abut this undedicated portion of Amalfi Street. The applicant has worked with the City to negotiate the purchase of a non-exclusive access easement over this undedicated portion of Amalfi Street. The applicant, based on a fair market value appraisal has agreed to pay for the easement rights. Due to this unique history and circumstances surrounding the undedicated portion of Amalfi Street, this proposed deviation is appropriate and will achieve or accomplish the same concept of providing "public access" to the proposed Parcel Two.


The RS-1-5 zone requires a minimum Lot Depth of 100 feet. Parcel One has a proposed Lot Depth of 84 feet 11 inches and Parcel Two has a proposed Lot Depth 60 feet and 5 inches. These deviations are needed as designed in order to retain the existing Historic Resource, the Hufbauer House. Originally the applicant had proposed to demolish the existing residence and split the lot with the new lot line running perpendicular to Torrey Pines Road. This proposed design would have had both lots fronting on Torrey Pines Road and would have met all of the RS-1-5 zone development regulations; no deviations would have been needed. However, during the processing of this project, the existing residence became historically designated, at which point, City Staff choose to support the

current design with the aid of the Planned Development Permit. The proposed deviation to Lot Depth to proposed Parcel Two will allow further development of the property and while allowing the existing historically designated residence to remain and provide a fairly comprehensive design to retain the historic resource. The project as a whole complies with all of the other applicable development regulations, except for these stated deviations, which will enable this historic resource to be retained as a community benefit.

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

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 179545 and Planned Development Permit No. 175270 is hereby granted to David M. Schroedl and Frances C. Schroedl, Trustees of Schroedl Family Trust, Owner/Permittee, under the terms and conditions set forth in the attached Permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:js
07/06/2009
Or.Dept: DSD
R-2010-16

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3831

**COASTAL DEVELOPMENT PERMIT NO. 179545/
PLANNED DEVELOPMENT PERMIT NO. 175270
SCHROEDL/TORREY PINES RESIDENCE - PROJECT NO. 59455 (MMRP)
CITY COUNCIL**

This Coastal Development Permit No. 179545/ Planned Development Permit No. 175270 is granted by the City Council of the City of San Diego to David M. Schroedl and Frances C. Schroedl, Trustees of Schroedl Family Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0602. The 19,790 square-foot site is located at 1821 Torrey Pines Road, in the RS-1-5 Zone and Coastal (non-appealable), Coastal Height Limitation, Residential Tandem Parking, Parking Impact and Transit Overlay Zones and within the La Jolla Community Plan area. The project site is legally described as a portion of Pueblo Lot 1285, Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to split the lot and construct a new single-family residence on one of the lots while retaining an existing historically-designated single-family residence on the remaining lot, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUL 21 2009, on file in the Development Services Department.

The project shall include:

- a. Construction of a 2-story single-family residence to total approximately 5,833 square feet of gross floor area with an attached 2-car garage on a newly created lot (Parcel Two, approx. 10,998 square feet of lot area). The existing historically-designated residence, Historic Resources Site No. 854, on Parcel One (approx. 8,792 square feet of lot area) is to remain. The 0.45-acre project site is proposed to be split under associated Tentative Map No. 179546;
- b. Deviations to the minimum street frontage on a publicly-dedicated street and minimum lot depth requirements of the RS-1-5 Zone.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Non-Exclusive Access Easement Agreement No. 654444; 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, the California Environmental Quality Act [CEQA] and CEQA Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the Permit unless an Extension of Time has been granted. Any such Extension of Time must meet all 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 Owner/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 Development Services Department.
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 continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this Permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and the Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by the Owner/Permittee.

ENVIRONMENTAL MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring and Reporting Program [MMRP]. These MMRP conditions are incorporated into this Permit by reference or authorization for the project.
12. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 59455, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 59455, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area(s):

HISTORICAL RESOURCES (Archaeology)

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices [BMPs] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, to the City Engineer's satisfaction.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, to the City Engineer's satisfaction.
17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of City standard curb and gutter at Amalfi Street, adjacent to the site, satisfactory to the City Engineer.
18. The drainage system proposed for this development is private and is subject to approval by the City Engineer.
19. New driveways and curb openings on the lot fronting Torrey Pines Road shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
20. This project proposes to export 20 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow

the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per Land Development Code [LDC] section 141.0620(i).

21. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit 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.

LANDSCAPE REQUIREMENTS:

22. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual's Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with this Permit (including Environmental conditions and Exhibit "A," on file in the Development Services Department.

23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall provide for a 40 square-foot area around each tree that shall be unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual's Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with the Landscape Concept Plan contained in Exhibit 'A', on file in the Development Services Department. Construction plans shall provide for a 40 square-foot area around each tree that shall be unencumbered by hardscape and utilities as set forth in LDC section 142.0403(b)(5).

25. Prior to final inspection, the Owner/Permittee or subsequent Owner shall install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

26. All required landscaping 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.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual's Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In such a case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

28. 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, whichever is earlier.

PLANNING/DESIGN REQUIREMENTS:

29. No fewer than four off-street parking spaces (two per residential parcel) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

30. A topographical survey conforming to the provisions of the SDMC 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.

31. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

HISTORIC RESOURCES REQUIREMENTS:

32. The building permit application and any associated permits (grading, etc.) shall be routed to City historic resources staff for review and approval prior to permit issuance.

33. The wood trellis and retaining wall historically present on the designated resource currently on site shall be reconstructed to match the original trellis and retaining wall, per the U.S. Secretary of the Interior's Standards, based on historic photographs. Detailed plans for the reconstruction of the wood trellis and retaining wall shall be submitted for review and approval to the Historic Resources staff prior to or concurrent with the building permit submittal for the new house. Construction on the trellis and retaining wall shall be completed prior to final inspection for the new house.

34. The proposed development has been reviewed by the Design Assistance Subcommittee [DAS] of the Historical Resources Board to ensure compliance with the U.S. Secretary of the Interior's Standards and to minimize impacts to the designated historic resource on site. The project's consistency with the Standards provides the basis for an exemption from a Site Development Permit in accordance with SDMC section 143.0220(a). The project scope detailed in this Permit and the plans stamped "Exhibit A", including the material and color board, reflect the project that was reviewed and approved by the DAS as consistent with the Standards. The approved materials include non-reflective dark grey metal roofing; horizontal unpainted Ipe wood siding; dark, matte, non-reflective aluminum frame windows; and dark, non-reflective metal balcony railings. No changes to these materials shall be made without review and approval by City historic resources staff.

35. As the project's exemption from a Site Development Permit was based on the project's consistency with the U.S. Secretary of the Interior's Standards, any future improvements or modifications to the new house fronting on Amalfi Street must be reviewed and approved by City historic resources staff for impacts to the designated resource and continued consistency with the Standards. This includes painting, replacement or modifications of any building materials, and removal or significant pruning of any landscaping. Any work which is not consistent with the Standards shall require an amendment to this Permit and a Site Development Permit for adverse impacts to a historic resource.

36. The final landscape plan shall be subject to review and approval by Historic Resources Board staff at the time of building permit application to ensure proper placement of species in order to achieve screening of the new house consistent with DAS direction.

37. No elements, either fixed or temporary, will be allowed to extend above the parapet at the roof deck.

38. The vertical two proposed evergreen trees located between the two parcels shall be maintained in perpetuity to provide the visual relief of the Amalfi Street project as viewed from Torrey Pines Road.

TRANSPORTATION REQUIREMENTS

39. The Owner/Permittee shall provide a minimum of two off-street parking spaces inside the parking garage on site at all times with a minimum distance of 18 feet (roll-up garage) from the curb to the garage door.

40. The Owner/Permittee shall construct a 20-foot asphalt concrete private driveway within the 30' right-of-way, along the project's frontage on Amalfi Street, to the City Engineer's satisfaction.

41. The Owner/Permittee shall provide curb and gutter along the project's frontage on Amalfi Street, to the City Engineer's satisfaction.

WASTEWATER REQUIREMENTS:

42. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities installed in or over the public right-of-way.

43. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

44. The Owner/Permittee shall design and construct any proposed public sewer facilities in accordance with the most current edition of the City of San Diego's Sewer Design Guide.

WATER REQUIREMENTS:

45. The Owner/Permittee shall design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facilities Design Guidelines and City regulations, standards and practices pertaining thereto.
46. Prior to the issuance of any building permits or approval of any Tentative Parcel Map, the Owner/Permittee shall assure, by permit and bond, the design and construction of appropriate public water facilities necessary to serve this project, in a manner satisfactory to the Water Department Director and the City Engineer.
47. Prior to the issuance of any building permits or approval of any Tentative Parcel Map, the Owner/Permittee shall install all water meters behind full height curb, and install all new services outside of any vehicular travel way including driveways.
48. If at any time the Owner/Permittee installs an irrigation system for landscape purposes and/or sprinkler system for fire protection on the existing residence or the proposed residence, a plumbing permit for the installation of the appropriate private back flow prevention device [BFPD] on each water service will be required, in a manner satisfactory to the Water Department Director and the City Engineer. The Water Department will not permit BFPD installations below grade or within structures.
49. The Owner/Permittee agrees that no trees and/or shrubs will be installed within ten feet of the outside edge of pipe of any water facilities.
50. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services and BFPD (if any) shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

GEOLOGY REQUIREMENTS:

51. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the issuance of any construction permit.
52. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close out.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit may protest the imposition of such conditions within ninety days of the approval of this Permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council City Council of the City of San Diego on JUL 21 2009, by Resolution No. 305132.

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.

DAVID M. SCHROEDL, Trustee of the Schroedl
Family Trust Owner/Permittee

By _____

By _____

FRANCES C. SCHROEDL, Trustee of the
Schroedl Family Trust Owner/Permittee

By _____

By _____

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