

(R-89-1594)

RESOLUTION NUMBER R-272836

ADOPTED ON FEBRUARY 7, 1989

WHEREAS, the Carmel Mountain Ranch Community Plan was approved by the Council of The City of San Diego (the "Council") on August 14, 1984, at a noticed public hearing; and

WHEREAS, the 1984 Carmel Mountain Ranch Community Plan was a comprehensive revision of the 1981 Community Plan and, as such, analyzed the community-wide public facility needs and impacts associated with development by evaluating the impact of proposed development on: the capacity of each major public facility; the percentage of capacity used at various levels of development; and community plan development capacity; and

WHEREAS, the 1984 Carmel Mountain Ranch Community Plan required that roads, sewer and water systems, and financing for schools be assured prior to occupancy of new residential development; and

WHEREAS, on November 12, 1985, The City of San Diego entered into a development agreement with Carmel Mountain Ranch which established a vested right and specifically stated that:

6.5 Rules, Regulations, Official Policies: The City rules, regulations, ordinances, laws, general plans, and official policies governing development, density, permitted uses, growth management, environmental consideration, and design criteria for purposes of this Agreement shall be those in force and effect upon the commencement of the term of this Agreement.

WHEREAS, the City Council adopted the Interim Development Ordinance (hereinafter called "IDO") on July 21, 1987, which

RECEIVED
CITY CLERK'S OFFICE

PC

89 MAR 21 PM 2:44

SAN DIEGO, CALIF.

[Faint, mostly illegible text, possibly a header or address block]

[Large block of very faint, illegible text, likely the main body of a letter or document]

among other things, restricted the issuance of the number of residential building permits and imposed regulations for development on sensitive lands.

WHEREAS, on November 24, 1987, the Council adopted by Resolution No. R-269824, guidelines and criteria to be used in determining that a community may be released from the provisions of the IDO; and

WHEREAS, on November 30, 1987, the Council released the community of Carmel Mountain Ranch from the requirements of the IDO by the adoption of Resolution No. R-269888, resolving that Carmel Mountain Ranch complies with the provisions of the IDO and is released from the provisions imposed thereby and furthermore finding that the timing and phasing is adequate and Carmel Mountain Ranch may proceed with development; and

WHEREAS, on August 7, 1987, the Council adopted by Resolution No. R-269095, conditions relating to the IDO to be imposed on all discretionary approvals, including rezonings, general and community plan amendments, conditional use permits, special permits, tentative maps, including vesting tentative maps, and development agreements for residential development; and

WHEREAS, on January 19, 1988, the Subdivision Board and Planning Director of the City imposed the following conditions pursuant to Council Resolution No. R-269095 on Carmel Mountain Ranch Planned Residential Development Permit ("PRD") and Vesting Tentative Map ("VTM") Nos. 86-0839:

Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development: (a) the allocation schedule of the

Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987 and any successor plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.

This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.

[IDO Conditions, VTM Condition Nos. 19 and 20 and PRD Condition Nos. 32 and 33.]

WHEREAS, the Subdivision Board and Planning Director intend to continue to impose the IDO conditions on all Carmel Mountain Ranch residential discretionary permits unless directed otherwise by the City Council; and

WHEREAS, Carmel Mountain Ranch appealed the decisions of the Subdivision Board and Planning Director to the Planning Commission based, in part, on the imposition of the IDO conditions; and

WHEREAS, on December 15, 1988, the Planning Commission denied the appeal of the IDO conditions; and

WHEREAS, Carmel Mountain Ranch appealed the decision of the Planning Commission to the Council; and

WHEREAS, the Carmel Mountain Ranch community planning documents contain a needs analysis for each major public facility

based on full-plan buildout; levels of service standards for each major public facility; a development program for each major public facility including a financing plan and construction schedules; a timed and phased residential building program which is coordinated with the public facility program and ensures adequate public facilities at the time of their need; and requirements for development upon environmentally sensitive habitats, floodplains, hillsides and wetlands; and

WHEREAS, in arriving at their decision, the Council considered the staff report, plans and materials submitted prior to and at the public hearing, and heard public testimony presented at the hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Carmel Mountain Ranch planning documents, including but not limited to the Community Plan, Development Agreement and Community Facilities Financing Plan, contain adequate timing and phasing of public facilities and private development and that these documents contain adequate requirements for development upon environmentally sensitive habitats, floodplains, hillsides and wetlands.

BE IT FURTHER RESOLVED, that the City rules, regulations, ordinances, laws, general plans, and official policies governing development, density, permitted uses, growth management, environmental consideration, and design criteria, subject to the limitations of the Carmel Mountain Ranch Development Agreement, are those in force and effect upon the commencement of the term of the Development Agreement, i.e. November 12, 1985.

BE IT FURTHER RESOLVED, that in arriving at its decisions, the Council made the following findings with respect to Planned Residential Development Permit No. 86-0893:

1. The Carmel Mountain Ranch Community Plan contains separate elements addressing park and recreation, schools, public facilities and transportation. These elements identify the number of parks, schools, libraries and fire stations needed to serve the community at plan buildout. The community plan also identifies the number of and classifications of roadway improvements. The provisions of the public facility needs determined by the Community Plan are ensured through the Development Agreement and Community Facilities Financing Plan.

2. The elements of the Carmel Mountain Ranch Community Plan identify the major public facilities needed to serve the community at full plan buildout. The City's Progress Guide and General Plan goals and standards for levels of service were used as the basis in determining service levels and needs for the community.

3. The Council in March, 1985, approved a community facilities financing plan for the Carmel Mountain Ranch Community Plan area. The financing plan identifies the source of funding for public facilities and establishes a facility threshold program for the provisions of facilities. The finance plan establishes eight (8) threshold phases for the community. Each threshold includes a list of public facilities which assures construction prior to the development of a specific number of residential units and nonresidential acres.

4. The timing and phasing of residential development is regulated by the facility threshold program established under the Community Facilities Financing Plan for Carmel Mountain Ranch. The facility threshold program, as provided for in the Community Facilities Financing Plan for Carmel Mountain Ranch, times and phases residential development and coordinates residential development with the provision of public facilities. Public facilities have been made available at the time of need consistent with Council Policy No. 600.10. The Community Facilities Financing Plan will ensure that in the future public facilities will continue to be made available at the time of need.

5. On August 14, 1984, the Council certified, by adoption of Resolution No. R-261373, Environmental Mitigated Negative Declaration No. 84-0222 with the attached thereto Initial Study finding that the project, as revised, avoids or mitigates the potentially significant environmental effects.

6. The Carmel Mountain Ranch Community Plan contains a separate element entitled "Community Environment, Conservation and Design." This element establishes a community identity for Carmel Mountain Ranch through a consistent focus on topographic character and landscaping. The guidelines presented in this element address the implementation of the community theme, the treatment of environmental resources, the grading design for urbanized areas, design compatibility within the community and with adjacent developments, streetscape design and site planning considerations.

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

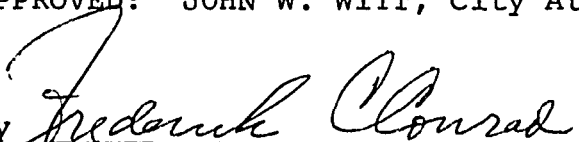
BE IT FURTHER RESOLVED, that the appeal of Carmel Mountain Ranch is hereby granted; the decision of the Planning Commission is overruled, and VTM and PRD Nos. 86-0839 are hereby granted to Carmel Mountain Ranch, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the IDO conditions are unnecessary and inapplicable for any and all discretionary permits and approvals, including, but not limited to, VTM and PRD Nos. 86-0839, and, therefore, the IDO conditions imposed upon any past Carmel Mountain Ranch discretionary permits or approvals are deemed satisfied and IDO conditions or other similar conditions shall not be imposed on any future Carmel Mountain Ranch discretionary permits or approvals.

BE IT FURTHER RESOLVED, that the decision of the Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
03/16/89
Or.Dept:Clerk
R-89-1594
Form=r.none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 86-0839
CARMEL MOUNTAIN RANCH UNIT NO. 22

CITY COUNCIL

This Planned Residential Development Permit ("Permit") is granted by the Council of The City of San Diego to CARMEL MOUNTAIN RANCH, a California partnership ("Owner/Permittee"), under the conditions contained in Section 101.0900 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to construct a planned residential development described as a portion of Rancho de Los Penasquitos and a portion of Pompeii Farms Subdivision, Map No. 1738, located south of the planned alignment of North City Parkway at the southeast corner of the community of Carmel Mountain Ranch, in the A1-10, proposed A1-10, R1-6000 Zone.

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

- a. 362 detached single-family residential dwelling units;
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director; and

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Rezoning of the subject property has been approved by the City Council and becomes effective with the recordation of the subdivision map. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

4. The subdivider shall assure the maintenance of the negative open space easements via the homeowners' association or other suitable alternative in a manner satisfactory to the Park and Recreation Department.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated February 7, 1989, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this Permit shall have been granted. If any existing hardscape or landscape indicated on the approved plans is damaged

or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

6. The construction and continued use of this Permit shall be subject to the regulations of this or other governmental agencies.

7. One thousand eighty-six (1,086) total parking spaces shall be provided (at a ratio of 3:1 spaces per dwelling unit). Of those spaces, three hundred sixty-two (362) shall be provided for guests (at a ratio of 1:1 space per unit). Three hundred sixty-two (362) curb spaces may be included in the calculation. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated February 7, 1989. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these off-street parking spaces.

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

9. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

10. No manufactured slope shall be steeper than a ratio of 2:1 excepting slopes less than five feet in height which may be at a ratio of 1.5:1.

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

12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-6000.

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

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

15. The effective date of this Permit shall be the date of final action by the Planning Director. If an appeal is filed, the effective date shall be the date of final action by the

Planning Commission or, if appealed, the date of City Council action. The Permit must be utilized within thirty-six (36) months after the effective date. Failure to utilize the Permit within thirty-six (36) months will automatically void the Permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Municipal Code. 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 Planning Director.

16. No development shall commence, nor shall any Permit for construction be issued, until:

a. The Permittee signs and returns the permit to the Planning Department; and

b. The Permit is recorded in the Office of the County Recorder.

If the signed Permit is not received by the Planning Department within ninety (90) days of the decision of the Planning Director, Planning Commission or City Council, the Permit shall be void.

17. The property included within this planned residential development shall be used only for the purposes and under the terms and conditions set forth in this Permit unless authorized by the Planning Director or the Permit has been revoked by The City of San Diego.

18. This Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this Permit. Cancellation or revocation may be instituted by the City or Permittee.

19. This planned residential development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the Permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

20. All accessory structures less than one hundred (100) square feet require the approval of the Planning Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.

21. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to Carmel Mountain Ranch Special Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

22. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," "Row," or "Square." Public refuse collection shall not be permitted unless

approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.

23. Vehicular access to the dwelling units within the PRD shall be by means of a system of named, non-dedicated, privately maintained private streets constructed in a manner satisfactory to the City Engineer.

24. This Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of this Permit.

25. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

26. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within ninety (90) days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances, shall be installed in accordance with the plans approved by the Planning Director and City Engineer and the landscaping shall be properly maintained to insure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a homeowners' association which will assure responsibility for the landscape maintenance. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

The slopes designated for timely landscaping as described above include all slopes. All other slopes are to be landscaped as shown.

27. The following are noise mitigation measures outlined in EIR No. 86-0839:

a. Prior to the issuance of final occupancy permits, a minimum five-foot-high solid masonry wall shall be constructed at the top of slope along the northern lot line of lots 1-5 of Unit No. 2 to the satisfaction of the Deputy Director of the Environmental Quality Division and the Planning Director.

b. Structural attenuation shall be provided for units on lots adjacent to North City Parkway to ensure interior noise levels do not exceed 45 db(a) as a result of transportation noise in the following manner, interior/exterior air exchange systems or air conditioning.

c. Blasting shall be limited to Monday through Friday between the hours of 9:00 a.m. to 5:00 p.m.

d. A brush management program consistent with Exhibit "A," dated February 7, 1989, and to the satisfaction of the Deputy Director of the Environmental Quality Division shall be implemented to reduce the potential for wildfire spreading from natural open space to residential areas as well as reduce potential visual, erosion and biological impacts. The program shall include: selective thinning (with hand held tools) of brush, hydroseeding of native species for groundcover to prevent erosion; and maintenance of fuel management zones by the homeowners' association.

28. Residential units shall have tile roofs for fire safety.

29. The subdivider shall provide an emergency access as shown on Exhibit "A," dated February 7, 1989. This emergency access shall be maintained by the homeowners' association and shall be gated in a manner satisfactory to the Fire Department.

30. 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.

PASSED AND ADOPTED by the City Council on February 7, 1989.

Passed and adopted by the Council of The City of San Diego on..... **FEB 7 1989**,
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

..... **MAUREEN O'CONNOR**,
 Mayor of The City of San Diego, California.

..... **CHARLES G. ABDELNOUR**,
 City Clerk of The City of San Diego, California.

(Seal)

By..... *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	R-272836 Adopted FEB 7 1989

100-100000

[Handwritten signature]

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

REPORT OF INVESTIGATION
OF THE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

1. Name of the person or organization investigated
2. Address of the person or organization investigated
3. Date of investigation
4. Name of the investigator
5. Title of the investigator
6. Name of the supervisor
7. Title of the supervisor
8. Name of the field office
9. Title of the field office
10. Name of the district office
11. Title of the district office
12. Name of the division
13. Title of the division
14. Name of the office
15. Title of the office

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

This report contains information that is confidential and should be handled accordingly.

SEP 1 1950

334c