

(R-91-782)

RESOLUTION NUMBER R-276724

ADOPTED ON OCTOBER 16, 1990

WHEREAS, Baldwin Builders, by JoAnn Shannon, appealed the decision of the Planning Commission in approving, with modifications, Planned Development Permit No. 89-1305 (Carmel Del Mar Neighborhood 4 South) submitted by Baldwin Builders for the development of 225 single-family detached residences and a neighborhood commercial center, located on the north side of Carmel Valley Road, between Carmel Knolls Drive and Carmel Country Road, and described as Parcels 9 through 13 of Parcel Map No. 14460, in the North City West Community Plan area and the North City Local Coastal Program area, in the SF-1 and NC (proposed SF-2 and NC) zones; and

WHEREAS, the matter was set for public hearing on October 16, 1990, 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 finding with respect to Planned Development Permit No. 89-1305:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the North City West Community Plan.

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2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to planned developments and tentative maps and meets the criteria and guidelines of the adopted North City West Community Plan.

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BE IT FURTHER RESOLVED, that the appeal of Baldwin Builders by JoAnn Shannon is withdrawn; the decision of the Planning Commission is sustained, and Planned Development Permit No. 89-1305 is hereby granted to Baldwin Builders, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
03/04/91  
Or.Dept:Clerk  
R-91-782  
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NORTH CITY WEST PLANNED DISTRICT  
DEVELOPMENT PLAN PERMIT NO. 89-1305

(AMENDMENT TO NORTH CITY WEST PLANNED DISTRICT  
DEVELOPMENT PLAN PERMIT NO. 85-0900)  
CARMEL DEL MAR - NEIGHBORHOOD 4 SOUTH

City Council

This North City West Planned District Development Plan Permit (Amendment) is granted by the Council of The City of San Diego to VILLAGE PROPERTIES, Owner, and BALDWIN BUILDERS, Permittee, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 103.0601 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owners/Permittees to develop subject property located on the north side of Carmel Valley Road, between Carmel Knolls Drive and Carmel Country Road in the SF-2 and NC zones. The project site is legally described as Parcels 6 through 13 of Parcel Map No. 14460.
2. The project shall include the total of the following facilities:
  - a. A total of 225 single-family detached homes as indicated by location, size, and dimension on the approved Exhibit "A," dated October 16, 1990, on file in the Planning Department
  - b. Future neighborhood commercial uses (Lot 226) consistent with the adopted precise plan and NC zone. Proposed commercial uses and related development plans will require approval of a development plan permit by the Planning Commission.
  - c. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits the accompanying planned district zone designation shall be approved by City Council and a final subdivision map (TM 89-1305) shall be recorded on the subject property.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be maintained as open space.
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 October 16, 1990, 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, including approval of required permit(s) from the State Coastal Commission for this project.
7. A minimum of 675 parking spaces shall be provided (at a ratio of 3.0 spaces per dwelling unit). Of those spaces, a minimum of one curb space shall be provided for guests of the project (at a ratio of 1.0 spaces per unit). 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 October 16, 1990.
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. Building additions shall conform to the underlying SF-2 zone. No building additions, including patio covers, shall be permitted unless approved by the homeowners association, if an association exists, and by 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.
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 SF-2 and NC zones or the North City West Comprehensive Signage Guidelines and criteria subsequent to their adoption by the City Council.
13. Sidewalks shall be provided from each unit to the sidewalk

- within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a three-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 City Council.
  16. No development shall commence, nor shall any permit for construction be issued, until the Permittee signs and returns the permit to the Planning Department.
  17. The property included within this permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless specifically authorized by the 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, Planning Commission or Permittee.
  19. This permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
  20. All streets shall be improved to the requirements set forth by the Engineering and Development Director.
  21. 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.
  22. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
  23. As a condition of final development plan approval and prior to the issuance of any building permits, the accompanying Precise Plan amendment proposed for this site (and resultant rezoning of this site from SF-1 to SF-2 and NC) shall be approved by the City Council and a final subdivision map shall be recorded on the subject property (see Condition No. 3).
  24. Subsequent development of Lot 227 of the associated tentative map for this site for neighborhood commercial uses will require Planning Commission approval of specific site and building plans consistent with relevant criteria of the

North City West Planned District Ordinance, Neighborhood 4 Precise Plan and NC zone. Proposed commercial structures shall incorporate articulated features, including compatible building materials and color schemes to assure sensitivity to adjoining residences.

25. In the event that any condition of this permit is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right to review this permit to confirm that the purpose and intent of the original approval will be maintained and the right to suspend this permit pending such review and determination.
26. Approval of the development plan for this site will assure the construction of all the required public improvements necessary for the development of the property. The payment of park fees is also a requirement of the map (TM 89-1305).
27. In the event Lot "B" of the tentative map for this site (the area reserved for CALTRANS dedication of State Route 56) is not ultimately utilized or abandoned by CALTRANS, then it shall be retained as permanent open space per the approved Exhibit "A," dated October 16, 1990.
28. Council approval of the final maps for all of the units within the tentative map abutting Carmel Valley Road shall be withheld until approval of the alignment, grade and geometrics of Carmel Valley Road and the associated interchanges is received from CALTRANS.
29. Final approval of Tentative Map No. 89-1305 and Development Plan Permit No. 89-1305 is subject to City Council approval of proposed amendments to the North City West Neighborhood 4 Precise Plan to allow for future neighborhood commercial uses on the subject site.
30. Prior to the issuance of building permits, the developer/applicant shall apply for and receive State Coastal Commission approval of a coastal development permit on this site.
31. Articulation, material accents and color variation shall be provided on the sides and rear facades of the commercial buildings to provide visual relief. Architecture of the commercial buildings shall be designed so as to be aesthetically compatible with surrounding residential areas and, in particular, roof-top air conditioning units and other roof-top equipment shall be appropriately shielded from views.
32. The project applicant shall plant infant trees at the top of the slope created between Carmel Canyon Road and the pad elevation of the commercial center as soon as practicable

after recordation of the final map, or more mature trees shall be planted at the time the commercial center is actually constructed. The intent of this condition is to assure immediate mitigation of visual impacts upon opening of the commercial center.

33. ENVIRONMENTAL MITIGATION REQUIREMENTS

- a. A five- to seven-foot high solid noise attenuation wall shall be constructed along the southern property boundary in accordance with the noise technical analysis dated March 19, 1990, for the project. The wall shall be shown on all applicable site and building plans. The Certificate of Occupancy for residential units adjacent to Carmel Valley Road/SR-56 shall not be issued until the noise wall has been constructed to the satisfaction of the Planning and Building Inspection Departments.
- b. Prior to issuance of building permits, an acoustical analysis shall be prepared to demonstrate that upper floor residential uses will meet the City's noise standards of 45 dB(A) based on projected future (year 2010) traffic noise levels. The recommendations of the acoustical analysis shall be incorporated into the building plans.
- c. A detention basin as required in the approved hydrology study for Carmel Valley Neighborhood 4 shall be constructed on Lot 226, prior to grading the residential lots. The detention basin may be located in Lots 119-125 only if approved by the City Engineer. The detention basin shall be retained through the construction period. After construction, the City may authorize removal of the basin if a year of average or greater rainfall produces sediment accumulation at a rate of less than 90 tons per square mile of drainage area.
- d. Grease interceptors shall be constructed on the drainage inlets to remove oils from runoff. The grease interceptors shall be cleaned at least twice annually; once prior to the rainy season and once after the first significant fall rains. The devices shall be designed and depicted on the final map/grading plans, and shall be installed prior to final inspection of the site.

APPROVED by the Council of The City of San Diego on October 16, 1990.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

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

STATE OF CALIFORNIA    )  
                                  ) ss.  
COUNTY OF SAN DIEGO    )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County  
of San Diego, State of California

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.

VILLAGE PROPERTIES, Owner

By \_\_\_\_\_

BALDWIN BUILDERS, Permittee

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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R. 276724

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OCT 16 1990

Passed and adopted by the Council of The City of San Diego on....., 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<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.

(Seal)

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

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <i>R-276724</i>	Adopted <b>OCT 16 1990</b>