

(R-92-585)

RESOLUTION NUMBER R-278788

ADOPTED ON SEPTEMBER 24, 1991

WHEREAS, on September 27, 1990, the Planning Commission recommended approval of Resource Protection Ordinance Permit No. 90-0160 for the Del Mar Heights I project submitted by Twin Bay Development Company, Permittee, and The Children's School, Owner, for the construction of 27 single-family residences with related off-street parking, site landscaping and brush management; the site is located on the north side of Del Mar Heights Road, between Wistanley Way and Seagrave Place, and described as a portion of the east half of the northeast quarter of Section 17, Township 14 South, Range 3 West, SBM, in the adopted Neighborhood 4A Precise Plan area of the Carmel Valley (formerly North City West) Community Plan, in the SF1-A and OS zones; and

WHEREAS, the matter was set for public hearing on September 24, 1991, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Resource Protection Ordinance Permit No. 90-0160:

1. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

The majority of the site does not contain sensitive vegetation and the seven sensitive plant species existing on the site would be transplanted to the open space areas of the subdivision.

2. 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 identified parks or recreation areas adjacent to this site. The project's landscape concept plan would provide varying species and plant sizes to adequately buffer the proposed development from future adjoining land uses.

3. 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's grading plan utilizes varied pad elevations and slope undulations to minimize landform alteration and provide visual variety.

4. 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 project conforms with land use and development guidelines of the adopted precise plan and is compatible with approved development in the area.

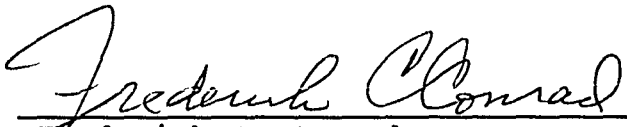
5. The proposed development will conform with the City of San Diego's Progress Guide and General Plan, the Carmel Valley Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The proposed development

of this site is consistent with the goals and objectives of the City's Progress Guide and General Plan, Carmel Valley Community Plan, Neighborhood 4A Precise Plan and Carmel Valley Planned District Ordinance.

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 Resource Protection Ordinance Permit No. 90-0160 is hereby granted to Twin Bay Development Company, Permittee, and The Children's School, Owner, 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
12/12/91
Or.Dept:Clerk
R-92-585
Form=r.permit

CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PLAN
AND RESOURCE PROTECTION ORDINANCE
PERMIT NO. 90-0160

DEL MAR HEIGHTS - I

CITY COUNCIL

This Resource Protection Ordinance and Carmel Valley Planned District Development Plan Permit is granted by the Council of The City of San Diego to TWIN BAY DEVELOPMENT COMPANY, Permittee, and THE CHILDREN'S SCHOOL, Owner, 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 Owner/Permittee to develop the subject property, located on the north side of Del Mar Heights Road, between Wistanley Way and Seagrave Place within the Neighborhood 4A Precise Plan area of the Carmel Valley Planned District, in the SF1-A and OS zones. The project site is legally described as a portion of the east half of the northeast quarter of Section 17, Township 14 South, Range 3 West, SBM.
2. The development plan shall include the total of the following facilities:
 - a. Twenty-seven single-family detached homes as indicated by location, size and dimensions on the approved Exhibits "A," dated September 24, 1991 on file in the Planning Department.
 - b. Off-street parking; and
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map (Tentative Map 90-0160) 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 coupled with the severalty interests of the owners of the dwelling units and 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, shall be submitted to the Planning Director for approval. All plans

shall be in substantial conformity to Exhibit "A," dated September 24, 1991, 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.

6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. Eighty-one (81) total parking spaces shall be provided (at a ratio of 3.0 spaces per dwelling unit). Of those spaces, a minimum of 27 shall be provided for guests (at a ratio of 1.0 space per unit). A minimum of 24 curbside spaces shall 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 September 24, 1991.
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 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 adopted Precise Plan.
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 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 City Council.
16. No development shall commence, nor shall any permit for construction be issued, until the permittee signs and returns this permit to the Planning Department.
17. The property included within this planned district development 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. Public refuse collection shall not be permitted unless approved by the Director of General Services. All streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any streets except in approved locations as determined 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. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A, dated September 24, 1991, shall be permitted by an Encroachment permit obtained from the City Engineer.
24. This permit shall conform to the provisions of the tentative and final map for this site (TM 90-0160).
25. Prior to the issuance of any building permits, the applicant shall meet with the Fire Department and comply with the Fire Department requirements.

26. Proposed siting of structures on development Lots 1 through 27 shall incorporate a variety of building setbacks satisfactory to the Planning Department and consistent with requirements of the SF1-A Zone and Precise Plan to avoid a potentially linear appearance along the proposed streets "A," "B" and "C."
27. Proposed landscape improvements within the public right-of-way shall be maintained via a landscape maintenance assessment district. In the event a landscape maintenance district cannot be established, then it will be the responsibility of the Planned District Permit Permittee individual homeowner to establish appropriate landscape maintenance of the public right-of-way via a homeowners association or other mean(s) satisfactory to the Planning Director.
28. Zone 1 as shown on the approved Exhibit "A," the brush management plan dated September 24, 1991, shall be established as a non-building area easement. Zones 2 and 3 of Exhibit "A," dated September 24, 1991, shall be established as a negative open space easement to be maintained in accordance with said Exhibit "A."
29. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings, including architectural restrictions as noted on the approved plans and elevations shall be submitted to the Planning Director and the Fire Marshal for approval. The plans shall be in substantial conformity to Exhibit "A," September 24, 1991, on file in the office of the Planning Department and shall comply with the applicable provisions of the "City of San Diego's Landscape Technical Manual," Document No. RR-274506. The approved brush management program shall be implemented before issuance of any occupancy permit on any building on Lots 17 through 27. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained, at all times, in accordance with the guidelines of the "City of San Diego's Landscape Technical Manual," Document No. RR-274506, on file of the in the City Clerk.
30. The following brush management alternative compliance conditions shall be implemented and will only apply to Lots 19, 20, and 21:
 - a. All structure walls shall be of two-hour fire resistive construction.
 - b. All glass (windows, doors, etc.) as noted on Exhibit "A," dated September 24, 1991, on file in the office of the Planning Department, shall include two-hour fire resistive fusible shutters. The shutters require approval of the Fire Marshal.

- c. Eaves and overhangs shall have on exterior surface as required for one-hour fire resistive walls.
- d. No accessory structures are permitted within the designated Zone 1 area, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures may be approved within the designated Zone 1 area, subject to approval by the Fire Marshal and the Planning Director.
- e. The Fire Department may consider deviations from these conditions at the time of Final Inspection if it is deemed that an eminent health and safety risk still exists.
- f. These conditions shall be in addition to those architectural features outlined in Section 6.6-2 of the "Landscape Technical Manual," Document No. RR-274506, on file in the office of the City Clerk.
- g. All requirements shall conform to any applicable City and regional building code standards.
- h. At no time shall the brush management required by the approved permit encroach into any adjoining property, public or private. Approval by the Planning Director is required if any subsequent off-site encroachments are necessary. Any additional encroachment in the native vegetation are subject to additional environmental review.

31. ENVIRONMENTAL MITIGATION REQUIREMENTS

- a. Seven specimens of summer holly (Comorostophylis diversifolia) occurring on Lots 19 and 20 and Street "A," shall be transplanted to the northern portion of the site (in the open space easement of Lots 17, 21 and 22) under the supervision of a qualified biologist prior to the commencement of grading. The biologist shall oversee the survival of the plants for a period of 25 months and submit semiannual reports to the Planning Department. If the plants are not surviving and thriving at the end of 25 months, planting of younger specimens will be required and the maintenance will be extended for an additional 25 months.
- b. Grease traps shall be installed on the drainage inlets to remove oils and heavy metals from runoff. The devices shall be cleared at least twice per year. Inspection of the installation of the grease traps shall be the responsibility of the Engineering and Development Department.

- c. A qualified paleontologist shall be on-site at all times during the original cutting of the Mission Valley formation. The monitor shall be allowed to temporarily direct or divert grading to recover fossil remains. The paleontological monitor shall recover any fossils which may be discovered. Fossil remains shall be cleared, sorted, catalogued and deposited in an appropriate scientific institution.
- d. A six-foot-high noise wall shall be constructed along Del Mar Heights Road. The wall must comply with the standards of the City-wide fence and wall regulations of The City of San Diego, Municipal Code Section 101.0620. A permit for this wall is required and the Building Inspection Department shall inspect the wall for compliance.
32. Regrading shall be required for areas previously disturbed by grading. These areas shall be graded to blend into the natural contours. Slope areas adjacent to open space areas shall be undulated to produce a natural appearance. Pad elevations shall be varied.
33. 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 the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on September 24, 1991 by Resolution Nos. R-278788 and R-278789.

12/12/91
[Doc. 2909]

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.

TWIN BAY DEVELOPMENT CO.
Permittee

THE CHILDREN'S SCHOOL
Owner

By _____

By _____

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

R-278788

Passed and adopted by the Council of The City of San Diego on **SEP 24 1991**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Tom Behr	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-278788** Adopted **SEP 24 1991**