

(R-92-1143)

RESOLUTION NUMBER R-279255

ADOPTED ON JANUARY 7, 1992

WHEREAS, Stan Keiser, Owner/Permittee, appealed the decision of the Planning Commission in denying Resource Protection Ordinance Permit No. 89-0774 submitted by Stan Keiser, Owner/Permittee, to develop a fourteen (14) unit single-family residential subdivision, located on the north side of Lansdale Drive, between Sword Way and Winstanley Way, within the Neighborhood 4A Precise Plan area, more particularly described as the easterly quarter of the easterly half of the northwest quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Meridian, in the Carmel Valley Community Plan area, in the SF-1 and Open Space (OS) zones; and

WHEREAS, the matter was set for public hearing on January 7, 1992, 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. 89-0774:

RESOURCE PROTECTION ORDINANCE PERMIT FINDINGS:

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. Proposed grading of

the site would be consistent with sensitive slope encroachment limitations of the Resource Protection Ordinance and an open space easement would be placed over remaining natural slopes on the site. Additional mitigation per MND 89-0774 will be implemented for the project to minimize adverse impacts upon sensitive natural resources and environmentally sensitive areas, including the revegetation of sensitive natural slopes.

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. Surrounding land uses consist entirely of single-family development and precise recreational land uses consistent with designations of the Neighborhood 4A Precise Plan. Therefore, no significant impacts would occur as a result of project implementation.
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. Proposed grading would involve the minimal disturbance of natural landforms (sensitive slopes) on the site and would not induce significant geological, erosional, flood or fire hazard impacts on the site. A brush management plan has been developed in accordance with the project's landscape concept plan

to further mitigate potential fire hazards on site and to adjacent properties. Additional mitigation will be implemented (MND 89-0774) for the project to minimize adverse impacts upon natural landforms (i.e. revegetation of sensitive slopes encroachment).

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 would be compatible with surrounding single-family residential land uses and densities which have been constructed in accordance with relevant development criteria of the adopted Precise Plan and zones for this area. The proposed subdivision lots would allow the construction of fourteen single-family homes at the existing grade on Bayliss Court and Thurston Place and therefore would not visually obstruct adjacent public views. Surrounding properties are currently being developed for new single-family homes and therefore the area is not visually degraded. The proposed development would be a contribution to the single-family character of surrounding areas. Therefore, no significant impacts would occur as a result of project implementation.
5. The proposed development will conform with the City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The project is

consistent with land use designations of the City's Progress Guide and General Plan for this site and complies with relevant requirements and development criteria of the adopted Neighborhood 4A Precise Plan and SF-1 and OS zones. The project site is not located in the City's Local Coastal Program.

BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS:

6. The proposed development complies with the intent of providing an effective fire break by means of an average twenty-four (24) foot setback from the daylight line of the manufactured slope as well as a minimum zone one width of forty (40) feet from the native vegetation. Measures incorporated into the structure, landscape and site planning provide for a fire resistive project including the provision of a non-building easement over those areas designated as zone one per the approved plans. Therefore, the proposed brush management program will meet the purpose and intent of Appendix II A of the Uniform Fire Code.
7. Conditions incorporated into the permit eliminate the need to encroach into the adjoining property. Additionally, the use of low-flow irrigation and drought tolerant plant material reduces the potential erosional factors from affecting the adjoining hillsides and preserves the visual character of the slopes. Therefore, the proposed brush management



- program will not be detrimental to the health, safety and welfare of persons residing or working in the area.
8. The architectural features outlined in Section 6.6-2 of the City of San Diego's *Landscape Technical Manual* have been incorporated into the project and no additional fire resistive features were required.
  9. Literal compliance with the provisions of Appendix II A of the Uniform Fire Code would require additional grading and encroachment into the abutting open space easement, thereby increasing the impacts generated by this project. There was no option to redesign the access points to the project since the road alignment is already established by the existence of Thurston Place and Bayliss Court. Compliance with the provisions of the Resource Protection Ordinance, the relevant Carmel Valley Development Plan Regulations and the Brush Management Ordinance would preclude reasonable development on the site. However, granting this site alternative compliance to the brush management regulations allows reasonable development of this site without causing unnecessary encroachment into the area designated for open space (negative open space easement being granted).
  10. A Mitigated Negative Declaration (No. 89-0774) was completed for this project by the Planning Department on August 21, 1991. The report identifies a required mitigation monitoring and reporting program to address

potential adverse impacts to biological and paleontological resources as well as Brush Management/Safety. The proposed modified brush management program combined with the required mitigation monitoring and reporting program are intended to minimize the potential adverse affects to biological and paleontological resources while also protecting the residents of the proposed structures from an eminent health and safety risk. Therefore, the proposed brush management program does not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance.

11. The proposed brush management program reduces the need to clear or thin the vegetation on the proposed negative open space easement by reducing the total impact from eighty-five (85) feet of Brush Management to an average total Brush Management of sixty-two and one-half (62.5) feet, therefore, minimizing the alterations of vegetation and not resulting in undue risks from erosional forces.

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

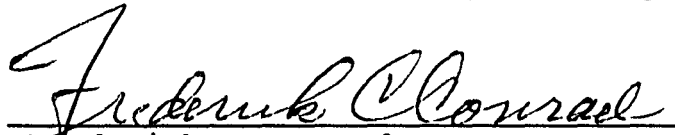
BE IT FURTHER RESOLVED, that the appeal of Stan Keiser, is granted; the decision of the Planning Commission is overruled, and Resource Protection Ordinance Permit No. 89-0774 is hereby

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granted to Stan Keiser, 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:pev  
03/31/92  
Or.Dept:Clerk  
R-92-1143  
Form=r.permit

CARMEL VALLEY PLANNED DISTRICT  
DEVELOPMENT PLAN AND

RESOURCE PROTECTION ORDINANCE PERMIT NO. 89-0774

KEISER 4A SUBDIVISION

CITY COUNCIL

This permit is granted by the Council of The City of San Diego (the "Council") to STAN KEISER, Owner/Permittee for the purposes and under the terms and the conditions as set out herein pursuant to the authority contained in Section 103.0600 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to develop fourteen (14) single-family residential land uses on the subject vacant 9.7-acre property, located on the north side of Lansdale Drive, between Sword Way and Winstanley Way within the Neighborhood 4A Precise Plan area of the Carmel Valley Community Plan in the SF-1 and OS zones. The project site is legally described as the easterly quarter of the easterly half of the northwest quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Meridian.
2. The permit shall include the total of the following facilities:
  - a. Fourteen (14) single-family detached residences (each on minimum 6,400-square-foot lots) with related site landscaping, open space, brush management and various public and private improvements as identified by size, dimension and location on the approved Exhibit "A," dated January 7, 1992, on file in the Planning Department.
  - b. Off-street parking (see condition No. 7).
  - c. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any grading or building permits a final subdivision map shall be recorded on the subject property (TM 89-0774). 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. 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 and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated January 7, 1992 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. A minimum of forty-two (42) total parking spaces shall be provided (at a ratio of three (3) spaces per dwelling unit). Of those spaces, a minimum of fourteen (14) shall be provided for guests (at a ratio of one (1) space 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 CC& R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated January 7, 1992. Parking spaces 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 (1) 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 of San Diego (the "City") prior to such installation.
9. Building additions shall conform to the underlying SF-1 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-1 zone or with an applicable design element.
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 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 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.
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.
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 the approved

Exhibits "A," shall be permitted by an Encroachment Permit obtained from the City Engineer.

24. 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.
25. Prior to the issuance of any building permits, the applicant must:
  - a. Provide building address numbers visible and legible from the street fronting the property, (Uniform Fire Code (UFC) section 10.208).
  - b. Show location of all fire hydrants on plot plan, including existing and new in conformance with Fire Department Policy #F-85-1 (UFC section 10.301).
26. Proposed structures shall incorporate architectural designs, treatments, building materials (and colors) consistent with the architectural style of existing single-family development in the area. Proposed architectural designs and treatment shall be reviewed by the Planning Department to determine conformance with the relevant development guidelines and criteria of the adopted Precise Plan prior to issuance of building permits for any structure(s) on this site.
27. Biological Resources and Brush Management/Safety

The applicant has agreed to implement the following "zone reduction" brush management program and mitigation measures that would reduce significant impacts to biological resources and would reduce brush management/safety impacts to below a level of significance:

- a. The five (5) individual specimens of California spinebush shall be transplanted from Brush Management Zone 1 to the uppermost limit of Zone 3, to enable occasional watering from Zone 1 irrigation to sustain the plants. The single specimens of coast white lilac and summer holly shall be preserved within Zone 3. Prior to grading, a qualified biologist shall be responsible for flagging or staking the areas to be preserved. In addition, the biologist shall be responsible for transplanting the five specimens of California spinebush.
- b. All structures shall be set back a minimum of forty (40) feet from the nearest exposure of mixed chaparral.

- c. A negative open space easement shall be dedicated over the 4.13 acres of mixed chaparral habitat identified in the biological report.
- d. The twenty (20) foot wide storm drain and sewer easement area, and all other areas disturbed by construction and grading activity within the proposed open space easement area shall be revegetated with plant species for erosion control as recommended by the biological report. These species include:
- Fescus - ESTUCA MEGATURIA (8 lbs. per acre)
  - Clover - TRIFOLIUM HIRTUM (25 lbs. per acre)
  - LOTUS SCOPARIUS (6 lbs. per acre)
  - Purple sage - SALVIA LEUKOPHYLLA (4 lbs. per acre with slurry)
- e. Disturbed areas shall be replanted with toyon, summer-holly and lemonade berry specimens. The southerly portion of the hillside that has been cleared of vegetation shall be replanted with coast live oak, elderberry and toyon, and hydroseed with the mix listed in Measure No. 4.
- f. These measures shall be noted on the project grading plans. The Fire Department, Landscape Section and the Environmental Analysis Section of the Planning Department shall review and sign off the plans prior to the issuance of grading permits.

28. Paleontological Resources

Approval of the proposed project shall contain the following conditions for a monitoring program in areas of fossil-bearing geologic formations (i.e., the Friars Formation and Torrey Sandstone Formation) to mitigate potentially significant impacts to paleontological resources.

- a. Grading plans and schedule shall be provided to a qualified paleontologist in advance of actual development.
- b. A qualified paleontologist shall be present at the pre-grading meeting(s) to discuss grading plans with the grading contractors.
- c. During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil bearing formations.

- d. In the event that well-preserved fossils are discovered, the paleontologist shall be allowed to temporarily direct, divert or halt grading operations to allow recovery of fossil remains in a timely manner. It may be necessary to set up a screen-washing operation on the site.
  - e. Fossil remains collected during the salvage program shall be cleaned, sorted and catalogued and then with the owner's permission, deposited in a scientific institution with paleontological collections.
  - f. A summary report shall be prepared by the paleontologist and submitted to Environmental Analysis Section ("EAS") to confirm that a paleontological study has been conducted on the project. The letter shall include the results of the paleontological survey. The summary report shall be submitted to the City after the termination of the monitoring program. The final inspection of the grading shall not be conducted by the City, nor any bonds released, until the report has been reviewed and approved by EAS of the Planning Department.
  - g. The above measures shall be noted on the grading plans. Prior to the issuance of grading permits, the EAS shall review plans to ensure that the notation has been provided to the satisfaction of the Planning Department.
29. The applicant shall implement the modified brush management program in accordance with the approved brush management plan and the Alternative Compliance Application for this site (Exhibit "A") dated October 29, 1991 on file in the Planning Department including the following measures:
- a. No accessory structures are permitted within the designated zone 1 area, (zone widths are as noted in condition 30e.) 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.
  - b. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of inspection if it is deemed that an eminent health and safety hazard still exists.
  - c. All requirements shall conform to any applicable City and Regional standards.

- d. These conditions shall be in addition to those architectural features outlined in Section 6.6-2 of the City of San Diego's Landscape Technical Manual Document No. RR-274506, on file in the office of the City Clerk.
- e. Zone 1 as designated on the approved Exhibit "A" dated October 29, 1991 and as described herein shall be designated as a "Brush Management Zone 1 Area Easement," prior to the recordation of the Final Map, equal to the required zone 1 depth determined by the Fire Marshal and the Planning Director. The easement shall read: "WE HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHT TO CONSTRUCT, ERECT OR MAINTAIN ANY STRUCTURE UNLESS APPROVED BY THE FIRE MARSHALL AND THE PLANNING DIRECTOR, BASED ON 'ZONE 1' OF THE BRUSH MANAGEMENT GUIDELINES CONTAINED IN TM/RPO/DP PERMIT NO. 89-0774 AND THE 'CITY OF SAN DIEGO'S LANDSCAPE TECHNICAL MANUAL,' APPROVED BY THE COUNCIL OF THE CITY OF SAN DIEGO AND ON FILE IN THE OFFICE OF THE CITY CLERK AS DOCUMENT NO. RR-274506, UPON OR ACROSS THOSE PORTIONS OF LOTS TWO THROUGH FIVE AND SIX THROUGH FOURTEEN AND SEVENTEEN INCLUSIVE, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'BUILDING RIGHTS RELINQUISHED HEREON'. HOWEVER, THE FOREGOING SHALL NOT BE CONSTRUED AS A GRANT OF ANY RIGHTS TO THE GENERAL PUBLIC."

Zone 1 setbacks shall be as follows from the designated daylight line:

**Lot Number Zone 1**

- Lot 2        5 feet
- Lot 3        5\*feet
- 30 feet

\*5 feet at the side yard only

- Lot 4        25 feet
- Lot 5        30 feet
- Lot 6        10\*feet
- 30 feet

\*10 feet at the side yard only

- Lot 7        30 feet
- Lot 8        30 feet
- Lot 9        30 feet
- Lot 10      20\*feet
- 30 feet

\*20 feet at the closest projection of the building only

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- Lot 11    20\*feet  
              30 feet  
\*20 feet at the closest projection of the building only
- Lot 12    25\*feet  
              30 feet  
\*25 feet at the closest projection of the building only
- Lot 13    25\*feet  
              30 feet  
\*25 feet at the closest projection of the building only
- Lot 14    30 feet
- Lot 17    15 feet

f. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings shall be submitted to the Planning Director and the Fire Marshal for approval. The plans shall be in substantial conformity to Exhibit "A" dated October 29, 1991 on file in the office of the Planning Department. The approved Modified Brush Management Program shall be implemented before issuance of any occupancy permit on any building. Said 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.

APPROVED by the Council of the City of San Diego on  
January 7, 1992, by Resolution Nos. R-279254 and R-279255.

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.

STAN KEISER  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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Passed and adopted by the Council of The City of San Diego on JAN 07 1992  
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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *279255* Adopted JAN 07 1992