

RESOLUTION NUMBER R-284223

ADOPTED ON JULY 5, 1994

WHEREAS, on July 8, 1993, the Planning Commission voted to recommend approval of Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit No. 91-0122 submitted by Darby Downs, Ltd., a limited partnership, fOwner/Permittee, to develop seven single family homes on seven lots served by a private access road, located at the southern terminus and east of Old El Camino Real, south of the intersection of Old El Camino Real and Torrey Hill Lane and described as a portion of the southeast quarter of the southwest quarter of Section 7, Township 14 South, Range 3 West, in the Carmel Valley Community Plan area, in the MFL zone; and

WHEREAS, the matter was set for public hearing on July 5, 1994, 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 Carmel Valley Planned District Development Plan/Resource Protection Ordinance Permit No. 91-0122:

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 project proposes to mitigate through an off-site mitigation

parcel or acceptable alternative, of equal or greater sensitive natural resource value.

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. The proposed subdivision is not adjacent to any current or proposed park or recreation area. The nearest park area is more than 800 feet away.

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 Darby Downs Project proposes seven lots which are designed to stairstep down the hillside to minimize grading and follow natural landforms. The landscaping of the site should preclude any erosional problems.

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 seven single-family homes will be similar in size and scale to the condominiums to be built to the north and is similar to the single-family homes to the east.

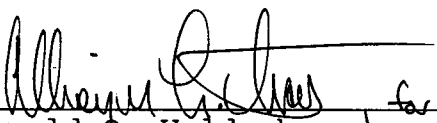
5. That the proposed development will conform with the City of San Diego's Progress Guide and General Plan, the community plan, the Local Coastal Program, or any other applicable adopted plans and programs. The single-family design was found to be compatible with the multi-family land use

designation of the Carmel Valley Community Plan and the General 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 recommendation of the Planning Commission is sustained, and Carmel Valley Planned District Development/Resource Protection Ordinance Permit No. 91-0122 is hereby granted to Darby Downs, Ltd., Owner/Permittee, pursuant to the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By  _____
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
07/20/94
Or.Dept:Clerk
R-95-105
Form=r.permit

CARMEL VALLEY PLANNED DISTRICT
DEVELOPMENT PLAN/RESOURCE PROTECTION ORDINANCE
PERMIT NO. 91-0122
DARBY DOWNS

CITY COUNCIL

This Planned District Development Plan/Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to Darby Downs, Ltd., a limited partnership, Owner/Permittee, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in San Diego Municipal Code sections 103.0601 and 101.0462.

1. Permission is hereby granted to Owner/Permittee to construct a Planned District Development/Resource Protection Ordinance Permit, Darby Downs, located at the southern terminus and east of Old El Camino Real south of the intersection of Old El Camino Real and Torrey Hill Lane in the MFL Zone. The project site is legally described as a portion of the southeast quarter of the southwest quarter of Section 7, Township 14 South, Range 3 West.
2. The Planned District Development Plan/Resource Protection Ordinance Project (Project) shall include the total of the following facilities:
 - a. Seven single-family homes on seven lots.
 - b. Off-street parking.
 - 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 Street Vacation designation shall be approved by City Council and a final subdivision map or maps shall be recorded on the subject property.
4. 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 July 5, 1994 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.

5. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
6. Seventeen (17) total parking spaces shall be provided (at a ratio of 2.5 spaces per dwelling unit). Of those spaces, three(3) shall be provided for guests (at a ratio of 0.5 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 CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated July 5, 1994. 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.
7. Future development on the site shall conform to the following development criteria:

- Front setback
 - 15 feet measured from interior edge of sidewalk.
 - 20 feet for garages fronting the street or private road measured from interior edge of sidewalk.
- Interior side
 - 4 feet
 - 5 feet from emergency vehicle hammerhead excluding fronting garages which require 20 feet.
- Rear
 - 10 feet
- Building Height
 - 35 feet
- Driveway Width
 - 25 feet maximum
 - 16 feet minimum
- Lot Coverage
 - 60 percent maximum
- Open Space
 - Each unit shall provide a minimum of 1,800 square feet of open space and 900 square feet of usable open space pursuant to San Diego Municipal Code section 103.0608.
- Architecture
 - Future development shall comply with the Carmel Valley Design Element of the Carmel Valley Community Plan to the satisfaction of the Planning Director.

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 and the minimum open space and usable open space is maintained.
10. No manufactured slope shall be steeper than a ratio of 2 to 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 MFL.
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 the permit to the Planning Department.
17. The property included within this Planned District Development and Resource Protection Ordinance 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 Planned District Development Plan/Resource Protection Ordinance Permit may be canceled 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 Planned District/Resource Protection Ordinance 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. Private streets shall be named and begin or end with appropriate terms such as "Caminito," "Ruelle," or "Row." 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.
21. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
22. This permit must be utilized within 36 months of the date of approval, failure to utilize this permit within 36 months will automatically void the permit unless extended under the provisions of Section 101.454.H of the Municipal Code. Any such extension must meet all regulations, policies and Municipal Code provisions in effect at the said time extension is considered.
23. 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.
24. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
25. "Prior to recordation of any final map or issuance of a grading or pre-grading permit for any portion of the project site, proof of an incidental take permit under Section 7 or Section 10a of the Endangered Species Act relative to the California gnatcatcher shall be provided to the Principal Planner of the Planning Department Environmental Analysis Section. If such permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign required in obtaining a Section 7 or 10a permit will require reconsideration by the appropriate City decision making body."

The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any federal, state or city laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

26. All mitigation measures listed in the Mitigated Negative Declaration No. 91-0122 of December 31, 1991, are incorporated as conditions within this permit by reference.

Paleontology

- A. Grading plans and schedule shall be provided to a qualified paleontologist in advance of actual development.
- B. A qualified paleontologist shall be retained to perform periodic inspections of excavations and, if necessary, salvage exposed fossils. The paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil bearing formations. The frequency of inspections would depend on the rate of excavation, and the abundance of fossils.
- C. The paleontologist shall be allowed to divert or direct grading in the area of any exposed fossil remains to facilitate evaluation and salvage, when necessary. At the time of discovery, the paleontologist shall immediately notify EAS staff of such findings. EAS staff shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- D. Provisions for preparation and curation shall be made before the fossils are donated to their final repository.
- E. All fossils collected should be donated to a public non-profit institution with a research interest in the materials, such as the San Diego Natural History Museum.
- F. As a condition of the TM and prior to the issuance of building permits, a report shall be submitted to the Planning Department summarizing the results of the monitoring, even if negative.

Biological Resources

The applicant shall contribute to the Habitat Acquisition Fund for the purchase of off-site habitat. The dollar amount will be calculated based on the average price of mitigation land for sale on Del Mar Mesa at the time the impact occurs. The approximate cost of mitigation land on Del Mar Mesa is presently \$30,000/acre. This would translate into a \$3,000 contribution plus a 10 percent administration and management fee for a total of \$3,300. This amount could change depending on land values at the time the impact occurs. The mitigation measures would be

completed to the satisfaction of the Principal Planner, EAS, prior to the issuance of grading permits.

27. The Planned District/Planned Residential Development/Resource Protection Ordinance (PD/PRD/RPO) Permit shall comply with the conditions of the final map for Tentative Map No. 91-0122.
28. All parking spaces adjacent to driveways shall be standard 8½ feet by 20 feet.
29. The applicant shall provide a walkway system connecting each dwelling unit to public street sidewalks within and adjacent to the development.
30. Prior to the issuance of any building permits, the applicant shall provide curb, gutter, and standard driveways to Lots 5 and 7, satisfactory to the City Engineer.
31. The applicant shall provide a minimum of 20 feet from back of sidewalk to garage.
32. This development is in a community plan area designated in the General Plan as Planned Urbanizing or Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with approval of this development, the developer shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

33. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
34. 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.

APPROVED by the Council of The City of San Diego on July 5, 1994, by Resolution No. R-284223.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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.

DARBY DOWNS, LTD.
Owner/Permittee

By _____

By _____

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