

RESOLUTION NUMBER R-284662

ADOPTED ON SEPTEMBER 20, 1994

WHEREAS, Pardee Construction Company, a California Corporation, Owner/Permittee, filed an application for a permit to construct a 212-lot subdivision (198 buildable), located approximately one mile south of Carmel Valley Road and one and one half miles east of I-5 within the western portion of Neighborhood 10, described as portions of Section 29, Township 14 South, Range 3 West, S.B.M., in the A-1-10/HR, to be rezoned to SF-3 and OS, Zones of the Carmel Valley Planned District; and

WHEREAS, on September 20, 1994, the City Council of The City of San Diego held a public hearing to consider a Development Plan/Resource Protection Ordinance Permit No. 93-0141 a 198 single-family home subdivision with a total of 212 lots, pursuant to San Diego Municipal Code sections 103.0606 and 101.0462; and

WHEREAS, the Council of The City of San Diego has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing;
NOW THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the proposed Development Plan is consistent with the Neighborhood 10 North City West Precise Plan and the SF-3 and OS Zones, as set forth in Planning Report No. P-94-146, dated September 20, 1994, a copy of which Planning Report by this reference is incorporated herein.

BE IT FURTHER RESOLVED, that the Council adopts the following written Findings dated September 20, 1994:

a. 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 proposed project places development primarily on the flat, less sensitive portions of the project site as derived from the RPO analysis done for the Precise Plan.

b. 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 master RPO plan addressed all of these issues.

c. 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 proposed grading plan includes manufactured slopes which are undulated both vertically and horizontally and designed to blend into the natural open space. The design of the development includes an understanding of geological and erosional conditions. A brush management plan to reduce potential fire hazards is part of the landscape design.

d. The proposed development will be visually compatible with the character of surrounding areas and,

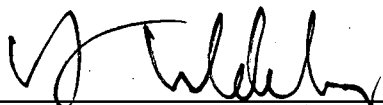
where feasible, will restore and enhance visual quality in visually degraded areas. The proposed development will follow the development character established by the Precise Plan.

e. 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 proposed project will conform with the Precise Plan for Neighborhood 10 as adopted concurrent with this project.

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

BE IT FURTHER RESOLVED, that Carmel Valley Planned District Development Plan/Resource Protection Ordinance Permit No. 93-0141 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in the permit, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
10/20/94
Or.Dept:Clerk
R-9551
Form=r.permit

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CARMEL VALLEY PLANNED DISTRICT
DEVELOPMENT PLAN/RESOURCE PROTECTION ORDINANCE
PERMIT NO. 93-0141
(RESIDENTIAL)
CITY COUNCIL

This Planned District Development Plan/Resource Protection Ordinance Permit is granted by the City Council of The City of San Diego to PARDEE CONSTRUCTION COMPANY, a California Corporation, Owner/Permittee, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Sections 103.0600 and 101.0454 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a Planned District Development Plan/Resource Protection Ordinance, Carmel Valley Neighborhood 10 Annex, located approximately one mile south of Carmel Valley Road and one and one half miles east of I-5 in the A 1-10 and HR (Overlay) to be rezoned to SF-3 and OS Zones. The project site is legally described as portions of Section 29, Township 14 South, Range 3 West, S.B.M.

2. The Planned District Development Plan/Resource Protection Ordinance Project (Project) shall include the total of the following facilities:

- a. 237 SF-3 zoned lots for 237 single-family homes, four open spaces lots, six brush management lots, and three non-building parcels;
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Development Services Director, Development and Environmental Planning (DEP) Division.

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 or maps shall be

recorded on the subject property. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering Director and Development Services Director, DEP Division.

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. Open Space parcels are to be deeded to and maintained by the City of San Diego. Non-building and brush management parcels are to be deeded to and maintained in accordance with Condition 44 of this permit.

5. Prior to the issuance of grading permits, landscaping plans (planting and irrigation) shall be submitted to the Development Services Director, DEP Division for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Director for approval. All plans shall be in substantial conformance to Exhibit "A," dated September 20, 1994 on file in the Development Services Department, DEP Division. All landscaping shall be installed prior to issuance of occupancy. 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. Interim landscape and erosion control measures including hydroseeding shall be submitted to the satisfaction of the Development Services Director and City Engineer.

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 495 total parking spaces shall be provided (at a ratio of 2.5 spaces per dwelling unit). Of those spaces, 99 shall be provided for guests (at a ratio of .5 spaces per unit). 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 CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated September 20, 1994. Parking spaces and aisles shall conform to Development Services Department, DEP Division 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. 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 Development Services 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 two to one, except interior sideyard slopes of less than five feet high may be one and one half to one.

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 Development Services Director and shall be consistent with the criteria established by the SF.

13. Prior to the issuance of building permits 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 to the satisfaction of the Development Services Director and City Engineer. All walkways, driveways, utilities, etc., shall be placed so they do not restrict the placement of required street trees within the public rights-of-way.

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 Commission or, if appealed, the date of City Council action.

16. No development shall commence, nor shall any permit for construction be issued, until the Permittee signs and returns the permit to the Development Services Department, DEP Division.

17. The property included within this Planned District Development/Resource Protection Ordinance shall be used only for the purposes and under the terms and conditions as set forth in this permit unless specifically authorized by the Development Services Director or the permit has been revoked by The City of San Diego.

18. This Planned District Development Plan 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 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 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 Director. No parking shall be permitted on any private 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 and equivalent size 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. The Carmel Valley Planned District/Resource Protection Ordinance Permit shall comply with the conditions of the final map for Vesting Tentative Map No. 93-0141.

24. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
- d. Provide temporary street signs.
- e. Comply with the City of San Diego *Landscaping Technical Manual* regarding brush and landscaping.

25. Noise walls, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated September 20, 1994, shall be permitted by an Encroachment Permit obtained from the City Engineer.

26. 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.

27. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The owner/permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

28. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

29. A cultural resources monitoring report with appropriate graphics which summarizes the results, analysis, and conclusions of the EIR's Cultural Resource Program shall be prepared and submitted by the Owner/Permittees within three months following termination of the cultural resources monitoring program. Also, any sites or features encountered shall be recorded with the south Coastal Information Center at San Diego State University and at the San Diego Museum of Man.

30. Prior to issuance of building permits, a report of paleontological resource findings, even if negative, shall be submitted by the Owner/permittee to EAS and the San Diego Natural History Museum.

31. All residences shown in Table 15 of the EIR with first- or second-story mitigated noise levels greater than 60 CNEL shall be designed to achieve interior noise levels below the City's 45 CNEL standard. This may require the use of sound-rated windows, increased insulation, or other upgraded building materials. Because the building designs are not yet finalized, structural mitigation measures cannot be specifically determined at this time. An interior acoustical analysis shall be required upon submittal of building plans to determine the appropriate design and use of building materials to ensure that the interior noise levels in the residences listed in Table 1 do not exceed 45 CNEL.

Prior to issuance of building permits for units listed in Table 15, construction plans shall be reviewed by EAS and Acoustical Plan Review office to determine that the noise mitigation measures have been incorporated into plans. During construction, the Development Services Department's structural inspector shall verify compliance with the mitigation measures.

Prior to the issuance of building permits, EAS and the Acoustical Plan Review office shall review the plans to ensure implementation of these measures. The cost of implementing this Mitigation, Monitoring, and Reporting Program shall be the responsibility of the Owner/Permittee.

32. To the extent that these permit conditions are consistent with but more detailed than the Precise Plan, the permit conditions shall prevail. These permit conditions are intended to implement the Precise Plan objectives and guidelines.

33. Prior to the recordation of the final map, a brush management plan identifying brush management zones, setbacks shall be submitted to the Development Services Department, DEP Division. The project shall implement a brush management program per the City *Landscape Technical Manual* (LTM). The design shall be to the satisfaction of the Fire Marshall and the Development Services Director. All lots shown on the VTM intending to have structures built on them and adjacent to fire hazardous areas shall have brush management easements recorded with the final map. Zone One will be recorded with the final map as a non-building easement for brush management. Zones two and three will be recorded with the final map as brush management zones to be maintained in perpetuity.

34. No brush management shall occur on dedicated open space.

35. Prior to implementation of the Brush Management Program, a pre-construction meeting shall occur with the owner, contractor, and Development Services Department, DEP Division to discuss and outline the implementation of the Brush Management Plan, to the satisfaction of the Development Services Director.

36. Prior to the approval for occupancy, a field inspection shall be made by Development and Environmental Planning Division, to ensure that the required Brush Management Program has been satisfactorily implemented. Maintenance of the Brush Management areas shall be the responsibility as described in Condition 44 of this permit. Field checks every three years shall be made by the Development and Environmental Planning Division to ensure compliance with on-going maintenance as outlined in the *Landscape Technical Manual*.

37. Provision of the street trees to be installed per the requirements and standards of the Citywide Landscape Regulations (SDMC Sec. 101.0700) and Section 8 "Street Rights-of-Way and Open Spaces" of the "*Landscape Technical Manual*", and the street trees shall be provided within the public rights-of-way on all streets per the Landscape Ordinance and the Precise Plan: If 36-inch-box size trees are used, a tree would be spaced the equivalent of 59 feet on center. These trees shall be arranged in an informal

pattern to be in conformance with the Precise and Community Plans. Trees shall be located between the curb and sidewalk a minimum of 2'-6" from the face of curb on all major streets.

38. Prior to the recordation of the first final map, the subdivider shall provide a modified map, public improvement plans, and modified site and landscape plans illustrating the following:

- a. Provision of non-contiguous sidewalks with parkway and street tree plantings for the complete lengths of both sides of all major streets, shall be installed per the Design Guidelines and all other applicable regulations. The design and placement of any proposed modifications shall be reviewed and approved by the Development Services Director, DEP Division and the City Engineer.

39. Undulated grading patterns shall be shown on the grading plans to comply with the Precise and Community Plans. The Precise Plan calls for undulated slopes between 2:1 and 4:1. In order to comply, the proposed slopes area already shown and must have an average 2.5:1 slope. All disturbed-area and grading-quantity calculations shall be measured from these 2.5:1 average undulating slopes. Portions of undifferentiated slopes visible above roof lines shall receive enhanced landscape treatment to soften their appearance to the satisfaction of the Development Services Director, DEP Division.

40. Prior to grading permit issuance for any and all off-site grading, a clearly stated letter of permission from the appropriate property owner(s) shall be submitted to the City to the satisfaction of the Development Services Director, DEP Division and City Engineer.

41. Prior to grading permit issuance of Unit 5 of the VTM 93-0141, the pad elevations shall be varied to create greater elevation differential in an effort to minimize straight terraced or banded development. This applies to lots 4 through 10, 11 through 19, 20 through 26 which currently differ in elevation only 2 to 4 feet over a distance of 8 to 10 lots. The pad elevations shall be varied and revised to the satisfaction of the Development Services Director, DEP Division.

42. Storm drains terminating in open space lots and proposed off-site open space lots shall be located at the low point, to prevent hillside erosion, satisfactory to the City Engineer and/or the Park and Recreation Director, and shall be equipped with energy dissipaters to prevent downstream erosion.

43. Detention basins/desilting basins and storm drains located on open space lots and proposed off-site open space lots shall have drainage easements, including the necessary access easements from a public street or existing access easements to provide access for Streets Division maintenance crews.

44. The deeding of and maintenance for all required landscaped slopes, brush management zones and street trees shall be assumed by the developer of the TM area until it is assumed by a homeowners association (HOA), landscape maintenance district (LMD) or adjacent lot property owner(s). The City of San Diego shall not assume responsibility for the landscape maintenance as required by this Tentative Map (TM). If the HOA or LMD is dissolved or delinquent, the ultimate responsibility for maintenance shall be the adjacent lot property owner's. All required landscape areas and brush management zones shall be maintained free of debris and litter and all plant material shall be maintained in a live, healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced within 30 days with material of an equivalent size and space. Brush management shall be maintained per Section 6 of the *Landscape Technical Manual* and the Uniform Fire Code (SDMC Section 55.0888.0201).

45. 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 Development Services Director, DEP Division 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.

46. 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 Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the City Council of The City of San Diego on September 20, 1994, by Resolution No. R-284662.

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.

Owner/Permittee

By _____

By _____

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