

RESOLUTION NUMBER R- 286868

ADOPTED ON JAN 30 1996

WHEREAS, Lawrence Knechtel, an individual and Owner, and Mark Jacobson, an individual and Permittee, filed an application for a Planned Residential Development Permit and Resource Protection Ordinance Permit to subdivide the property and to construct, use and maintain a dog and cat boarding facility and two single family residences on a portion of a 12.21-acre lot located south of Carmel Valley Road and east of Caminito Mundano, described as a portion of Section 21, Township 14 South, Range 3 West, San Bernardino Meridian, in the North City Future Urbanizing Area, in the A-1-10 zone; and

WHEREAS, on December 14, 1995, the Planning Commission of the City of San Diego held a public hearing to consider the Markim Pet Resort Planned Residential Development Permit and Resource Protection Ordinance Permit, pursuant to San Diego Municipal Code sections 101.0462 and 101.0901; and

WHEREAS, the Planning Commission unanimously recommended approval of the Planned Residential Development Permit/Resource Protection Ordinance Permit No. 95-0195 for the Markim Pet Resort to the Council of The City of San Diego (the "Council"); and

WHEREAS, the Council held a public hearing to consider the Markim Pet Resort Planned Residential Development Permit and Resource Protection Ordinance Permit, pursuant to San Diego Municipal Code sections 101.0462 and 101.0901; and

WHEREAS, the Council 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, as follows:

1. That the Council adopts the following written findings to support the Planned Residential Development Permit application:

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

The proposed project will provide residential development consistent with the character and density designated in the North City Future Urbanizing Area Framework Plan for this area.

b. The proposed use, because of 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.

Development is proposed to be limited to the flatter, less environmentally sensitive portion of the site. Floodplain and steep hillside portions of the property will be left undeveloped and preserved for open space through protective easements. Limiting development area promotes the health, safety and general welfare. The applicant is incorporating design changes recommended by adjacent property owners to maintain compatibility.

c. The proposed use will comply with the relevant regulations in the Municipal Code.

The proposed residential development will remain consistent with density and open space requirements of the A-1-10 Zone. Provisions of the Planned Residential Development Ordinance will be observed. The pet boarding facility will developed and operated in conformance with a separate Conditional Use Permit.

2. That the Council adopts the following written findings to support the Resource Protection Ordinance Permit application:

a. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

The subject property is a legal lot for development purposes. Clustering development on the center of the lot and preserving the more sensitive steep hillside and floodplain portions results in a development pattern consistent with the intent of the adopted North City Future Urbanizing Area Framework Plan.

b. The proposed development will conform to the community plan for the area and other applicable plans, policies and ordinances.

The density and type of development proposed is consistent with A-1-10 zoning authorized through the specific development permits proposed. As a result of conditions of development and operation proposed, the development will remain consistent with applicable land use plans, policies, and ordinances.

c. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude adverse impacts on environmentally sensitive lands.

Development is proposed to be located on the flatter, central portion of the site, containing the existing

development, preserving the more sensitive steep hillside and floodplain for open space. Existing horse corrals in the floodplain would be removed and protective easements applied to the hillside and floodplain to maintain their natural qualities.

d. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer areas to protect such resources.

The project site is not adjacent to any existing parks. The floodplain portion of the site is a continuation of the floodplain that has already been preserved for open space in the adjacent Palacio Del Mar development. Similar open space preservation will be a condition of this development. Preservation of open space at the north and south ends of the subject property are compatible with the proposed Multiple Species Conservation Program.

e. 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.

Development is proposed on the least environmentally sensitive portion of the site that already contains existing development. Existing corrals, which are potential flood causing hazards because of their water damming effect, will be removed from the floodplain.

f. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric site or resource have been provided by the applicant.

The environmental analysis for this property concluded that these elements would not be impacted through the development of this project.

3. That the Council adopts the following written findings to support the Brush Management Program:

a. The proposed brush management program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462.

Impacts to biologically sensitive lands resulting from implementation of the brush management program will be the least amount practical and necessary to achieve a fire safe situation. Additional impacts to sensitive vegetation will not occur by the proposed brush management program. The impacts, which have been considered and will result, represent the minimum necessary while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code Appendix IIA. Implementation of the proposed brush management program will be inspected to assure compliance with the approved drawings and to assure additional impacts to sensitive areas do not occur.

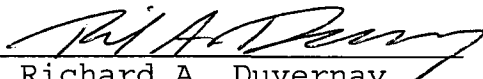
b. The proposed brush management program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

The proposed brush management program will alter vegetation for purposes of fire protection, yet will not result in undue risks from erosional forces. The proposed brush management program will utilize an effective fire

break by creating a minimum forty to fifty foot zone 1, and fifty-five feet of selective thinning of existing vegetation within zones 2 and 3. Alterations to existing vegetation will be limited and minimized. No disruption to the soil surface will result from the implementation of the brush management program, existing vegetation will not be trimmed lower than six inches above the ground surface and will not be thinned beyond the required percentages of zones 2 and 3. That such findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Planned Residential Development Permit and Resource Protection Ordinance Permit No. 95-0195 for the Markim Pet Resort is hereby granted to Lawrence Knechtel, Owner, and Mark Jacobson, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc:pev
01/31/96
Or.Dept:Clerk
R-96-863
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

PLANNED RESIDENTIAL DEVELOPMENT
AND RESOURCE PROTECTION ORDINANCE PERMIT NO. 95-0195

MARKIM PET RESORT

CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to LAWRENCE KNECHTEL, an Individual, Owner, and MARK JACOBSON, an Individual, Permittee, under the conditions contained in San Diego Municipal Code sections 101.0462 and 101.0901.

1. Permission is granted to Owner/Permittee to construct a Planned Residential Development described as a portion of Section 21, Township 14 South, Range 3 West, San Bernardino Meridian, located south of Carmel Valley Road and east of Caminito Mundano, in the A-1-10 zone.
2. The planned residential development permit shall include the total of the following facilities:
 - a. Two detached single-family dwelling;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Development Services Director.
3. Prior to the issuance of any building permits for the Planned Residential Development, a final subdivision map shall be recorded on the subject property.
4. A flowage/non-building area easement shall be granted and shown on the final parcel map over the north portion of the property as indicated on the approved site plan. A non-building area easement shall be granted and shown on the final parcel map over the south portion of the property as indicated on the approved site plan.
5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development

Services Director 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 the landscape and brush management Exhibit "A," dated January 30, 1996, on file in the Development Services 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. Six total parking spaces shall be provided (at a ratio of three spaces per dwelling unit). Of those spaces, two shall be provided for guests (at a ratio of one space per unit). 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 30, 1996. Parking spaces and aisles shall conform to Development Services Department standards. No change 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. No building additions, including patio covers, shall be permitted unless approved 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 2:1.
11. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
12. The effective date of this permit shall be the date of final action by the State Coastal Commission. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Development Services Director, as set forth in San

Diego Municipal Code section 101.0901. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Development Services Director.

16. No development shall commence, nor shall any permit for construction be issued, until:
 - a. The Permittee signs and returns the permit to the Development Services Department;
 - b. The Planned Residential Development Permit is recorded in the Office of the County Recorder.
17. The property included within this Planned Residential Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by The City of San Diego.
18. This planned residential development 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 or Permittee.
19. This planned residential development 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 accessory structures greater than 100 square feet require the approval of the Development Services Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of requirements for building permits.
21. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
22. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances shall be installed in accordance with the plans approved by the Development Services Director and City Engineer; and, the landscaping shall be properly maintained to ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of homeowners'

association that will assure responsibility for the landscape maintenance. 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.

23. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
24. Prior to the issuance of grading or building permits, the applicant shall install a five- to six-foot-high chain link fence, or equivalent, along the northern edge of the hillside non-building area easement. The location of the fence shall include enough level area on the eastern half of the open space easement to allow wildlife movement, and will be subject to approval by the Environmental Analysis Section, and shown on plans marked "Exhibit A" as Environmental Mitigation.
25. A chain link fence, with landscape screening, shall be provided along the west property line of Parcel 3, as shown on Exhibit "A," dated January 30, 1996. A solid fence shall not be permitted.
26. The house on Parcel 3 shall be limited to one-story in height, 3,600 square feet in floor area and be located substantially where it is shown on Exhibit "A," dated January 30, 1996. The driveway on Parcel 3 shall be located only along the east property line, as shown on Exhibit "A."

The house on Parcel 2 may be two stories in height and not exceed 4,000 square feet.
27. The PRD shall comply with the conditions of the final map for Tentative Map No. 95-0195.
28. 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.
29. 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 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.

30. Prior to the issuance of any building permits, the Fire Department shall be satisfied that the bridge on site can support fire vehicles.
31. The applicant shall implement a brush management program in accordance with the approved brush management plan for the site as shown on Exhibit "A," dated January 30, 1996, on file in the Development Services Department, including the following measures:
 - a. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings shall be submitted to the Development Services Department, Land Development Review Division and the Fire Marshall for approval. The plans shall be in substantial conformance to Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department and shall comply with the applicable provision of the City of San Diego *Landscape Technical Manual*, document number RR-274506. The approved Brush Management Program shall be implemented before issuance of any occupancy permit on any building and shall be inspected by the Development Services Department, Land Development Review Division Landscape Inspector prior to issuance of any occupancy permit. 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 number RR-274506, on file in the office of the City Clerk.
 - b. No accessory structures shall be permitted within Zone 1, including but not limited to wood decks, trellises, gazebos, etcetera. Non-combustible accessory structures may be approved by the Fire Marshall and the Development Services Department, Land Development and Review Division.
 - c. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
 - d. No new planting shall occur within Zones 2 and 3.

- e. All requirements for fire-resistive construction and other architectural features shall conform to all applicable City and Regional building code standards.
32. The Permittee shall work on a voluntary basis with area equestrians to develop a workable horse trail arrangement in or around the project site.
33. Prior to issuance of any grading or building permits, the Permittee shall obtain a Coastal Development Permit from the State of California Coastal Commission and file a copy of that permit with the Development Services Department. Should the State Coastal Commission, through its issuance of a coastal development permit, cause any material change to the design of this project or to conditions of the permit, the Permittee shall be required to amend this permit.

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.).

PASSED AND ADOPTED by the Council of The City of San Diego on January 30, 1996, by Resolution No. R-286868

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.

Lawrence Knechtel
Owner

By _____

Mark Jacobson
Permittee

By _____

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