

(R-97-1115)

RESOLUTION NUMBER R-288554

ADOPTED ON APRIL 15, 1997

WHEREAS, Pardee Construction Company, a California corporation, Owner/Permittee, filed an application for a Carmel Valley Development Permit to construct 19 single-family, two-story detached residences located between on north side of Quarter Mile Drive between El Camino Real and Wyndhaven Drive, legally described as a portion of the Southwest Quarter of the Northwest Quarter of Section 18, Township 14 South, Range 3 West, in the Carmel Valley Community Plan area, in the proposed SF-3 zone; and

WHEREAS, on January 23, 1997, the Planning Commission of The City of San Diego approved and recommended adoption by the City Council of Carmel Valley Planned District Development Permit No. 96-0551; and

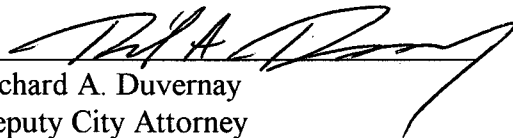
WHEREAS, the matter was set for public hearing on April 15, 1997, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the proposed project will comply with the relevant regulations in the San Diego Municipal Code and will be in substantial conformity with the architectural and design standards adopted by the Council for Carmel Valley.

BE IT FURTHER RESOLVED, that the Council hereby grants Carmel Valley Planned District Development Permit No. 96-0551 to Pardee Construction Company, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:lc

05/06/97

Or.Dept:Clerk

R-97-1115

Form=permitr.frm

Reviewed by Mary Roush

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 NEIGHBORHOOD 3, UNIT 9
CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT NO. 96-0551
CITY COUNCIL

This Carmel Valley Planned District Development Permit is granted by the Council of The City of San Diego to the 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 Section 103.0600 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted by the City Council of The City of San Diego to the referenced Owner/Permittee to construct 19 single-family, two-story detached residential units on 3.3 acre parcel on the north side of Quarter Mile Drive between El Camino Real and Wyndhaven Drive in the proposed SF3 zone. The project site is legally described as a portion of the SW 1/4 of the NW 1/4 of Section 18, Township 14S, Range 3W, SBM.
2. This project shall include the following facilities:
 - a. 19 dwelling units,
 - b. Off-street parking, and
 - c. Incidental accessory uses as may be determined and approved by the City Manager.
3. The effective date of this permit shall be the date of final action by City Council.
4. No permit for the demolition, construction, occupancy or operation of any facility described in this permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to Development Services; and
 - b. The permit is recorded by Development Service in the office of the San Diego County Recorder.

5. This permit must be used 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 as set forth in Section 111.1122 of the Municipal Code.
6. Prior to the issuance of any building permits, the accompanying Planned District SF3 zone designation shall be approved by City Council and a final subdivision map or maps shall be recorded on the subject property. This permit shall comply with the conditions of the final map for VTM 96-0551. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Manager.
7. Prior to occupancy, a solid five-foot high sound attenuation wall shall be construction at the top of the slope between the residential units and El Camino Real as shown on Exhibit "A," dated April 15, 1997, on file in Development Services. This wall shall attenuate exterior noise for the ground floor to below 65 CNEL.
8. Prior to the issuance of any building permit, an acoustical report shall be submitted to and approved by the Acoustical Plan Check Section and Environmental Analysis Section (EAS) of Development Services indicating that the interior noise levels are below 45 dB(A) based on Average Daily Traffic (ADT) volumes of 22,000 vehicles along El Camino Real. Construction features needed to reduce noise levels shall be called out on plans as "Environmental Mitigation measures." The Acoustical Plan Check Section shall review building plans to ensure that interior noise levels in the two units located along El Camino Real will not exceed 45 dB(A) CNEL. The final building plans shall incorporate noise mitigation as recommended in the report.
9. Prior to issuance of any building permits, complete building construction documents (including plans and/or detailed specifications) and complete landscape construction documents including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved) shall be submitted to the City Manager for approval. The plans shall be in substantial conformity to the approved Exhibits "A," dated April 15, 1997, on file in Development Services and shall show the location of all fire hydrants.
10. No change, modifications or alternations shall be made unless appropriate applications or amendment of this permit shall have been granted.
11. Prior to the issuance of any building permits, temporary street signs shall be provided and building address numbers are to be visible and legible from the street. Access shall be in conformance with Fire Department Policy A-89-1 (UFC 10.301)
12. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

13. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install approved landscape and obtain required landscape inspections.
14. All approved landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" of trees is not permitted unless specifically noted in this permit.
15. If any existing or installed landscape (including hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.
16. Building additions shall be in harmony with the architecture of the dwelling and 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 City Manager.
17. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
18. Any sales office or temporary sales signs advertising the subdivision shall be approved by the City Manager and shall be consistent with the criteria established by the SF3 Zone.
19. The property included within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the City Manager or the permit has been revoked by The City of San Diego.
20. This permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.
21. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
22. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of

this permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of the permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary right conveyed by this permit, but only if the owner complies with all the conditions of this permit.

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 such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

23. 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 F(16 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on April 15, 1997, by Resolution No. R-288554.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

PARDEE CONSTRUCTION COMPANY
Owner/Permittee

By _____

By _____

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