

RESOLUTION NUMBER R-288909

ADOPTED ON JUNE 30, 1997

WHEREAS, Pardee Construction Company, a California corporation, Owner/Permittee, filed an application with The City of San Diego to amend a previously approved Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit (CVPD/RPO) for the Carmel Valley Neighborhood 10 North project to add 18 single-family residential homes to the previously approved 309 dwelling unit development (CVPD/RPO Permit No. 96-0561) located south of the State Route 56 Freeway and east of Arroyo Sorrento Road, more particularly described as a portion of Sections 20, 21, 28 and 29, Township 14 South, Range 3 West, SBM, in the Carmel Valley Community Plan area, in the SF-2, SF-3, and OS zones; and

WHEREAS, on June 12, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") recommended City Council approval of CVPD/RPO Permit No. 96-0736, amending CVPD/RPO Permit No. 96-0561; and

WHEREAS, the matter was set for public hearing on June 30, 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 this Council adopts the following findings with respect to CVPD/RPO Permit No. 96-0736, amending CVPD/RPO Permit No. 96-0561:

CVPD/RPO FINDINGS:

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

The additional housing units are consistent with the land use recommendation of the General Plan for residential development in this area of the Carmel Valley Community. The project is also consistent with open space goals of the General Plan encouraging the clustering of development to preserve the more environmentally sensitive portions of the property as open space and providing open space recreational opportunities (equestrian/hiking trails).

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

The additional housing units represent a reasonable extension of the residential development pattern already approved by the adopted Carmel Valley Community Plan and Neighborhood 10 Precise Plan. A development suitability analysis, consistent with adopted Council Policy 600-40, was prepared to locate the new housing units in an environmentally sensitive manner.

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

As indicated above, a development suitability analysis was conducted to determine the most appropriate locations to site the proposed housing to minimize impacts to environmentally sensitive lands. The areas selected for development are surrounded on three sides by already approved development and situated beyond the main open space wildlife corridors. The functionality of the adjacent canyons would remain intact with this project. Over 51% of the neighborhood planning area will remain as open space.

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 proposed additional housing units have been sited such that they would not be visible to persons using the hiking trail that follows the creek in the Los Peñasquitos Canyon Preserve. The proposed development areas are not located within those portions of the neighborhood open space canyons that function as wildlife corridors. Any manufactured slopes resulting from the new development will be revegetated with native plant species to blend in with preserved open space areas.

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.

Land impacted by the proposed additional development totals less than 3% of the neighborhood plan area and represents a minor extension of the existing development pattern.

Existing graded slopes would be relocated, contour graded and landscaped with native plant materials to prevent erosion. A brush management program is proposed to reduce the risk of fire hazard.

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

Historical resources and existing development having architectural significance do not exist on site. There are no potential impacts to significant prehistoric sites.

BRUSH MANAGEMENT FINDINGS:

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.

The proposed Brush Management Program, by using the zone reduction (section 6.6) and the alternative compliance provision of the Landscape Technical Manual including the variable zones as shown on Exhibit "A," dated June 30, 1997, on file in the office of Development Services, will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code, Appendix IIA. Plant material in Brush Management Zone One will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.

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 the existing vegetation for purposes of fire protection by providing an effective fire break which incorporates zone reduction (section 6.6) and the alternative compliance provision of the Landscape Technical Manual including the variable zones, as shown on Exhibit "A," dated June 30, 1997, on file in the office of Development Services. The alterations to existing vegetation will be minimized and all the new plantings on the slopes will conform to the revegetation standards of the Landscape Technical Manual, Section Seven, and incorporate low precipitation irrigation systems to minimize runoff.

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

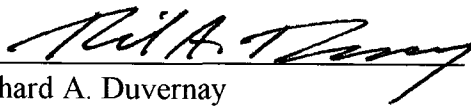
BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Carmel Valley Planned District Development Plan Permit and Resource Protection

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 Plan Permit and Resource Protection Ordinance Permit No. 96-0737, amending CVPD/RPO Permit No. 91-0834, is hereby granted to Pardee Construction Company, a California corporation, 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

09/19/97

Or.Dept:Clerk

R-98-194

Form=permitr.frm

Reviewed by Nick Osler

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CARMEL VALLEY PLANNED DISTRICT
DEVELOPMENT PLAN AND RESOURCE PROTECTION ORDINANCE
PERMIT NO. 96-0736
(RESIDENTIAL)
CITY COUNCIL

This Planned District Development Plan/Resource Protection Ordinance Permit Amendment to CVPD 96-0561 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 Sections 101.0462 and 103.0601 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a Planned District Development, Carmel Valley Neighborhood 10, located in Carmel Valley Neighborhood 10 in the SF2, SF3 and OS Zones. The project site is legally described as a portion of Sections 20, 21, 28 and 29, Township 14 South, Range 3 West, SBM.

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

- a. Three hundred twenty-seven (327) single-family residences.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the City Manager.

3. Prior to the issuance of any building permits the accompanying Planned District zone designation shall be approved by the 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, City Engineer and City Manager.

4. Lots A, B, C and O are to be deeded to the City in fee simple for open space. Lots M and N are to have negative open space easements for brush management and shall be owned and maintained by the master Homeowner Association. Lots D, E F, G H, I J, K and L shall have landscape maintenance easements if and only if agreed to by the Park and Recreation Manager.

5. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

6. Prior to the issuance of any building permits, 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 construction documents shall be in substantial conformance with Exhibit "A," dated June 30, 1997, Landscape Concept Plan, on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

7. Noise walls, decorative pavements and other public right-of-way improvements shall be permitted by an Encroachment Permit obtained from the City Engineer.

8. 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 of completion of construction 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.

9. Eight hundred eighteen (818) total parking spaces shall be provided (at a ratio of 2.5 spaces per dwelling unit). Of those spaces, 164 shall be provided for guests (at a ratio of one-half spaces per unit). One hundred sixty-four (164) 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&Rs. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated June 30, 1997. Parking spaces and aisles shall conform to adopted standards. No charge shall be made at any time for use of these off-street parking spaces.

10. 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. This shall not preclude the installation of satellite dishes.

11. 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 City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

12. No manufactured slope shall be steeper than a ratio of 2:1, except that interior side yard slopes less than five feet high may be 1½:1.

13. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.

14. 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 SF2 and SF3 zones.

15. Sidewalks shall be provided from each unit to the unit driveway or 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.

16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

17. The effective date of this permit shall be the date of final action by the City Council.

18. No development shall commence, nor shall any permit for construction be issued, until the Permittee signs and returns the permit to the City.

19. The property included within this Planned District 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 City Manager or the permit has been revoked by The City of San Diego.

20. 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 or Permittee.

21. 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.

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 permit shall comply with the conditions of the final map for Vesting Tentative Map No. 96-0736.

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

- a. Provide building address numbers visible and legible from street or road fronting property or a directory (UFC 901.44).
- b. Show location of all fire hydrants on a plot plan to conform to Fire Department Policy #F-85-1 (UFC 903.1).
- c. Provide access in conformance with Fire Department Policy A-93-1 for signs or red curbs (UFC 901 & 902).
- d. Provide temporary street signs required (UFC 901.4.5).
- e. Comply with the City of San Diego *Landscape Technical Manual* regarding brush management and landscaping.

25. 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 City Manager 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.

26. 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. § 1531 et seq.).

27. Noise. If units are placed within 30 feet of Carmel Country Road, those units 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 these residences do not exceed 45 CNEL. Prior to issuance of building permits for these units, construction plans shall be reviewed by the City Manager to determine that the noise mitigation measures have been incorporated into the plans. During construction, the City Manager shall verify compliance with the mitigation measures.

28. Paleontology. Prior to issuance of building permits, a report for the paleontological monitoring program shall be prepared. The report will be reviewed and approved by the Manager, Development Services, Environmental Analysis Section (EAS) and shall include the following:

- a. Monitoring Results Report - A monitoring results report, with appropriate graphics (including an 800 scale site map), summarizing the results (even if negative), analysis, and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program.
- b. A report of findings, even if negative, shall be filed with EAS and then the San Diego Natural History Museum prior to issuance of building permits.

29. Biological Resources. Prior to the release of construction bonds for the grading, the applicant shall implement the following mitigation measures:

- a. The on-site revegetation of approximately 0.8 acres of the manufactured slopes adjacent to natural open space resulting from the amended VTM adjacent to natural open space will be required (see Subsequent EIR, Figure 3-5). As required in the previously approved revegetation plan for Neighborhood 10 (City of San Diego 1993b) the revegetation will utilize coastal sage scrub plant species suitable for use as habitat for the gnatcatcher and other species which occur in coastal sage scrub. Maintenance and monitoring of the revegetated slopes will be conducted to ensure habitat establishment and determine compliance with success criteria set forth in the previously approved revegetation plan (see Subsequent EIR, Appendix G4). Implementation of the revegetation plan and the maintenance and monitoring of the revegetated slopes will be assured through the posting of a bond(s) prior

to issuance of any land development and interim habitat loss permits.

- b. Approval of the amended VTM will require a brush management plan that minimizes impacts to the habitat quality of the native vegetation nearest development areas which must be thinned for fire protection purposes. The native vegetation will be trimmed by hand rather than removed altogether, and fuel build-up in the brush management zone surrounding development areas will be reduced by hand clearing away of dead branches and undergrowth rather than periodic discing or grading. To further minimize potential impacts to sensitive plant and wildlife species, brush management activities will not be conducted during the breeding season (between March 1 and August 15). A qualified biologist shall be on-site during brush management activities to ensure that, to the fullest extent possible, brush management activities avoid impacts to sensitive plant species and will not directly impact sensitive wildlife species. In Zone 2, 30 percent native plant cover over 18 inches high shall be retained, and in Zone 3, a 40-60 percent gradient of native plant cover over 18 inches high shall be retained. No non-native planting or irrigation shall be used or allowed in Zone 2 or 3. These measures will be noted on the grading plan prior to the issuance of the grading and interim habitat loss permits. The ongoing brush management requirement and continued funding for the biologist will be assured through the future homeowner's association agreement which shall be established by the applicant. Ashy spike-moss and San Diego barrel cactus will not be removed while thinning for Zones 2 and 3. Brush management in revegetated areas shall commence at the end of the revegetation monitoring period, or as specified by the revegetation biologist.
- c. Lighting at perimeter lots adjacent to the open space shall be selectively placed, shielded, and directed away from the habitat.
- d. Fencing along property boundaries facing the open space corridors shall be designed and constructed of materials that are compatible with the open space corridors and shall be installed by the developer prior to the occupancy of the units in order to ensure uniformity.
- e. Any brushing activity that would impact coastal sage scrub habitat shall not occur during the breeding season (March 1 - August 15) to avoid impacts to

breeding California gnatcatcher. The biologist on duty for the applicant/developer shall verify this condition through written notification to the City Manager. This condition shall be included on all future TMs, VTMs, and grading and landscaping plans.

30. Public Services/Schools. The applicant shall participate in the Mello-Roos District that has been formed.

31. Prior to the issuance of any grading permit, complete landscape construction documents for hydroseeding and erosion control measures shall be submitted to the City Manager and City Engineer for approval. The construction documents, including plans, details and specifications (including temporary automatic irrigation system) shall be in conformance with Exhibit "A," dated June 30, 1997.

32. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all approved landscape and obtain all required landscape inspections and to obtain a NO FEE STREET TREE PERMIT for all street trees, and must notify and obtain signatures on a no fee street tree permit from any subsequent property owner, prior to any transfer of ownership of the property. Copies of these approved documents must be submitted to the City Manager.

33. 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 severe pruning or "topping" of trees is not permitted unless specifically noted in this permit. The Permittee, or subsequent owner shall be responsible to maintain all street trees and related landscape improvements consistent with the standards of the Landscape Technical Manual.

34. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "High, Moderate and Low." The Permittee shall implement the following conditions in accordance with the Brush Management Program shown on Exhibit "A," dated June 30, 1997, Brush Management Program/Landscape Concept Plan, on file in the Office of Development Services.

- a. Prior to the issuance of any building permits, document(s) shall be submitted indicating that the appropriate brush management non building areas have been recorded on the property in substantial conformance with Exhibit "A," dated June 30, 1997. The construction documents (site plan, brush management plan) shall show Zone One as a Building Restricted Areas, and Zones Two and Three as Negative Open Space Easements.

- b. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A," dated June 30, 1997, and shall comply with the Uniform Fire Code, San Diego Municipal Code section 55.0889.0201, and Section Six of the Landscape Technical Manual (Document Number RR-274506), on file at the Office of the City Clerk.
- c. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager.
- d. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief 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.
- e. Plant material in Zones 2 and 3 shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted.
- f. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a preconstruction meeting on site with the contractor and Development Services to discuss and outline the implementation of the Brush Management Program."
- g. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.
- h. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.

35. This permit shall supersede and replace previously approved CVPD/RPO Permit No. 96-0561.

36. Structures on said lots shall be developed in conformance with the applicable sections of the Landscape Technical Manual (LTM), particularly Sections 6.6-2, 6.6-3 and 6.6-5.

37. Prior to the issuance of building permits, an area no less than forty square feet shall be indicated on the plot plan for the planting of street trees within the public right-of-way. The location of street trees shall conform with Exhibit "A," dated June 30, 1997, Landscape Concept plan and the applicable sections of the Landscape Technical Manual. Other improvements such as driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees to the satisfaction of City Manager.

APPROVED by the Council of The City of San Diego on June 30, 1997, by Resolution No. R-288909.

L:\DUVERNAY\PERMITS\96-0736.PER

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.**

9/15/97
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