

(R-98-640)

RESOLUTION NUMBER R-289447

ADOPTED ON NOVEMBER 18, 1997

WHEREAS, Pardee Construction Company, a California corporation, Owner/Permittee, filed an application for a Carmel Valley Development Permit to construct 17 single-family, two-story detached residences located at the southeast corner of El Camino Real and Derby Downs Road, legally described as Lot 1, Amended Map of North City West Neighborhood 7, Unit 16A, Map No. 13302, in the Carmel Valley Community Plan area, in the proposed SF-3 zone; and

WHEREAS, on August 14, 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. 96-0550; and

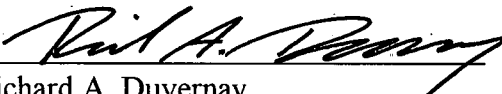
WHEREAS, the matter was set for public hearing on November 18, 1997, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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.

SAN DIEGO CIVIL
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CIVIL ENGINEER
-PAGE 1 OF 2-1A ED

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Carmel Valley Planned District Development Permit No. 96-0550 for Carmel Valley Neighborhood 7, Unit No. 16A, is granted 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
01/13/98
Or.Dept:Clerk
R-98-640
Form=permitr.frm
Reviewed by Mary Roush

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 NEIGHBORHOOD 7, UNIT 16A
CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT NO. 96-0550
CITY COUNCIL

This Carmel Valley Planned District 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 103.0607 of the Municipal Code of The City of San Diego.

Permission is hereby granted by the Council of The City of San Diego to the referenced Owner/Permittee to construct 17 single-family, two-story detached residential units on a 3.2 acre site at the southeast corner of El Camino Real and Derby Downs Road in the SF3 zone in the Carmel Valley Community Plan area. The project site is legally described as Lot 1, Amended Map of North City West Neighborhood 7, Unit 16A, Map No. 13302.

1. This permit shall consist of the following facilities and/or site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A," dated November 18, 1997, on file in the Office of Development Services:
 - a. 17 single-family residences,
 - b. Off-street parking, and
 - c. Incidental accessory uses as may be determined and approved by the City Manager.
2. The effective date of this permit shall be the date of final action by the City Council.
3. 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 Services in the office of the San Diego County Recorder.
4. 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.
 5. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.
 6. This permit shall comply with the conditions of VTM 96-0550 for filing a final map.
 7. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Manager.
 8. Prior to issuance of building permits for any lots abutting El Camino Real, the building plans shall reflect the inclusion of a solid noise attenuation wall at the top of the slope along El Camino Real varying in height between 3 and 6 feet as indicated on Figure 4 of the Noise Technical Report for Carmel Valley Neighborhood 7, Unit 16A (RECON, 11/21/96). This report is available for review in the offices of the Land Development Review Section of Development Services. The sound attenuation wall shall be constructed of block, masonry, wood frame with stucco or a combination thereof. The noise attenuation measures as described above, shall be shown on the building plans to the satisfaction of the City Manager and shall be able to achieve a 65 dB(A) CNEL exterior noise level for Lots 6,7,13,14 and 15. The wall shall be called out as an "Environmental Mitigation Measure" on the building plans. Prior to the issuance of the Certificate of Occupancy for any of the affected lots, the City Manager shall verify that the sound attenuation barrier has been installed in accordance with the approved building plans.
 9. Prior to the issuance of any building permit, a final acoustical report shall be submitted to and approved by the City Manager identifying construction measures required to reduce interior noise levels to below 45 dB(A) CNEL based on Average Daily Traffic (ADT) volumes of 28,000 vehicles along El Camino Real. Construction features needed to reduce noise levels shall be called out on the building plans as "Environmental Mitigation Measures." The City Manager shall review building plans to ensure that interior noise levels in the units located along El Camino Real will not exceed 45 dB(A) CNEL.
 10. 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 November 18, 1997, on file in the Office of Development Services and shall also show the location of all fire hydrants. No changes, modifications or alterations shall be made to the plans or the project unless findings of Substantial Conformance 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 and any 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. Patio covers and other 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 Permittee shall post a copy of this 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 otherwise 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 Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).

APPROVED by the Council of The City of San Diego on November 18, 1997, by Resolution No. R-289447.

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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.**

12/23/97

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