

2020
7/09/07

RESOLUTION NUMBER R- 302796

DATE OF FINAL PASSAGE JUL 09 2007

WHEREAS, Jeff J. Fargo, Dean Fargo, and David Fargo, Owner(s)/Permittee(s), filed an application with the City of San Diego for a site development permit to demolish two existing single-family residences, grade and construct six single-family residences to be known as the Lansdale project, located at 4660 and 4676 Lansdale Drive, and legally described as Parcels 1 and 2 of Parcel Map No. 4244, in the Carmel Valley Community Plan area, in the SF zone of the Carmel Valley Planned District; and

WHEREAS, on May 10, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 427982, and pursuant to Resolution No. 4262-PC voted to recommend City Council approval of the Permit with conditions; and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUL 09 2007, 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 it adopts the following findings with respect to Site Development Permit No. 427982:

A. **SITE DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC]**
SECTION 126.0604

1. **Findings for all Site Development Permits:**

a. **The proposed development will not adversely affect the applicable land use plan.** The Carmel Valley Neighborhood Seven Precise Plan identifies this site for detached residential development. The proposed development implements the land use of the site by providing six single-family residential homes compatible with the surrounding single-family development. The site planning, grading, landscape design and the construction of single-family homes are consistent with the land use plan and design criteria in the precise plan. The proposed project is consistent with the Carmel Valley Neighborhood 7 Precise Plan and will not adversely affect the land use plan.

b. **The proposed development will not be detrimental to the public health, safety, and welfare.** The permit controlling the development and continued use of the single family subdivision proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 427982. Development of the property will meet all requirements of the regulations. Plans for the project identify all development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. Therefore, the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 427982 is granted to Jeff J. Fargo, Dean Fargo, and David Fargo, Owner(s)/Permittee(s), under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel Lipsky
Deputy City Attorney

RL:pev:mm
08/09/07
Or.Dept:DSD
R-2007-1268
MMS #4988

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-6371

SITE DEVELOPMENT PERMIT NO. 427982
LANSDALE - PROJECT NO. 101623 [MMRP]
CITY COUNCIL

This Site Development Permit No. 427982 is granted by the City Council of the City of San Diego to Jeff J. Fargo, a married man, Dean Fargo, a married man, and David Fargo, a married man, all as joint tenants, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The 1.91-acre site is located at 4660 and 4676 Lansdale Drive in the SF zone of the Carmel Valley Planned District within the Carmel Valley Community Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 4244.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish two existing single-family residences to grade, construct and subdivide two parcels into six single-family residential lots, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUL 09 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Conditions for demolition of two single-family residences and development of six single-family residential lots;
- b. Conditions for construction of a public street (cul-de-sac) for vehicular access to the single-family lots;
- c. Brush Management;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act

Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference 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 Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or

alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining 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 an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) 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 proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

DEMOLITION REQUIREMENTS

11. Owner/Permittee shall comply with all demolition and removal requirements contained in SDMC section 129.0501 and applicable law.

12. Owner/Permittee shall comply with all requirements relating to lead hazards contained in SDMC section 54.1006 and applicable law.

13. Owner/Permittee shall comply with conditions relating to the removal of hazardous materials contained in SDMC section 66.0101.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

15. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration Project No. 101623 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration Project No. 101623, satisfactory to the Development Services Department and the City Engineer.

17. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources
Historical Resources (Archeological)
Biological Resources

18. Prior to the issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of the permit compliance monitoring.

ENGINEERING REQUIREMENTS:

19. The Owner/Permittee shall obtain a grading permit for the grading proposed for the project. All grading shall conform to the requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. The Owner/Permittee shall replace the existing driveway openings with City standard curb, gutter, and sidewalk.

21. The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to the approval by the City Engineer.

22. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.

23. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management

Practices [BMP's] on the final construction drawings, in accordance with the approved Water Quality Technical Report.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP'S necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

25. All construction Best Management Practices [BMP's] will be restricted to the proposed area of disturbance, that is recognized to be the project footprint as shown on the approved Exhibit "A." No construction BMP will be allowed to be placed or constructed in the open space area adjacent to the project site.

26. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

27. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

28. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08 DWQ.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

29. The Owner/Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit "A," Brush Management Plan on file in the Office of the Development Services Department.

30. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the modified brush management zones on the property in substantial conformance with Exhibit "A."

31. Prior to issuance of any construction permits for buildings (including shell), a complete set of Brush Management Construction Documents shall be submitted for a Substantial Conformance Review [SCR] by the Development Services Department. The Brush Management Construction Documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0101, the Landscape

Standards, and the San Diego Municipal Code/Land Development Code [SDMC/LDC] section 142.0412 (Ordinance 19413).

32. The Modified Brush Management Program shall consist of one zone consistent with the Brush Management Regulations of the SDMC/LDC section 142.0412 as follows:

Tentative Map No. 334087, shall have a standard Zone One of 35 feet.

In accordance with Section 142.0412(i), the Fire Chief has granted the following Modifications to meet the Zone Two requirements:

- a) Lots 1, 2, and part of Lot 3 do not require Brush Management.
- b) Lots 3, 4, 5, and 6 shall require the standard Zone One of 35 feet and all criteria shall apply.
- c) In addition to the standard architectural features required by the regulations, all structures shall be one-hour fire rated wall construction with 45 minute protected openings.

33. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

34. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Modified Brush Management Program.'

35. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

36. Prior to final inspection, the approved Modified Brush Management Program shall be implemented.

37. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

LANDSCAPE REQUIREMENTS:

38. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual Landscape Standards, to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

39. Prior to issuance of any construction permits for grading, the Owner/Permittee shall set up a pre-construction meeting with the Mitigation Monitoring and Coordination Section [MMC] of the Development Services Department to discuss the preservation of the trees west of the subject property. No grading shall occur within the drip line of any trees off the property, which are those west of this project site in the off-site easement.

40. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

41. Prior to issuance of any construction permits for buildings (including shell), complete Landscape and Irrigation Construction Documents consistent with the Land Development Manual Landscape Standards shall be submitted for a Substantial Conformance Review [SCR] by the Development Services Department. The construction documents for Brush Management, Slope Planting, and Street Trees in the public right-of-way shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

42. The Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's [Cal-IPC] Invasive Plant Inventory and the City of San Diego's Land Development Manual; Landscape Standards are prohibited. In addition, landscaping adjacent to preserve areas shall not use plants that require intensive irrigation, fertilizers, or pesticides. Water runoff from landscaped areas shall be directed away from biological conservation easements and contained and/or treated within the development footprint.

43. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

44. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

45. The Owner/Permittee or fronting property owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review.

46. If any required landscape (including, existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition, or construction it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

AFFORDABLE HOUSING REQUIREMENTS:

47. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

PLANNING/DESIGN REQUIREMENTS:

48. All building construction documents shall be in substantial conformance with the Exhibit "A" Design Guidelines, the Carmel Valley Community Precise Plan Design Element (1981) and the underlying zone requirements. If there is a conflict, the Exhibit "A" Design Guidelines shall prevail and take precedence.

49. All development shall utilize materials that blend with the surrounding natural environment and specify neutral, earthtone, muted colors.

50. Trees, shrubs and vines shall be provided in rear yards, street side yards and above the retaining wall to partially screen the view of the proposed homes from adjoining properties, as depicted on the Exhibit "A" Landscape Plan.

51. Buildings and landscaping shall be designed and constructed to incorporate measures to implement the water and energy conservation objectives of the Carmel Valley Neighborhood 7 Precise Plan.

52. No grading will be allowed in the City-owned open space.

53. The Owner/Permittee and any future property owners shall not be allowed to have gates that access the adjacent City-owned open space.

54. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

55. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

56. The Owner/Permittee shall post a copy of the approved discretionary permit and Tentative Map in the sales office for consideration by each prospective buyer.

TRANSPORTATION REQUIREMENTS:

57. All single dwelling units are required to provide two (2) parking spaces per dwelling unit. Single dwelling units that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk shall provide two (2) additional parking spaces.

58. Parking spaces shall be maintained on the property and comply at all times with the SDMC. Parking spaces shall not be converted for any other use unless otherwise authorized by the Development Services Department.

59. Owner/Permittee shall dedicate an improved Street A with 34 foot pavement within a 54 foot right-of-way to the satisfaction of the City Engineer.

60. Owner/Permittee shall dedicate an improved Street A cul-de-sac with a 35 foot radius of pavement within a 45-foot radius right-of-way to the satisfaction of the City Engineer.

GEOLOGY REQUIREMENTS:

61. Prior to the issuance of any grading or building permit, geotechnical review will be required for the project.

WASTEWATER REQUIREMENTS:

62. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all sewer facilities required by the Metropolitan Wastewater Department Director necessary to serve this development.

63. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

64. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

65. Prior to the issuance of any building permits, the Owner/Permittee shall design and construct an 8-inch public water main within Street "A," in a manner satisfactory to the Water Department Director and the City Engineer.

66. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services, within the Street "A" right-of-way adjacent to the project site in a manner satisfactory to the Water Department Director and the City Engineer.

67. Prior to final inspection, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code § 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on JUL 09 2007 by
Resolution No. R- 302796.

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.

JEFF J. FARGO
Owner/Permittee

By _____

By _____

DEAN FARGO
Owner/Permittee

By _____

By _____

DAVID FARGO
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER - Permit Shell 11-01-04