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RESOLUTION NUMBER R- 305190

DATE OF FINAL PASSAGE JUL 28 2009

A RESOLUTION GRANTING PLANNED DEVELOPMENT PERMIT NO. 575065/SITE DEVELOPMENT PERMIT NO. 575066, FOR THE CARMEL VIEW TENTATIVE MAP PROJECT, PROJECT NO. 72282.

WHEREAS, Carmel View, LLC, a Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to create thirteen residential lots and two private road lots, known as the Carmel View Tentative Map project, located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road, and legally described as that portion of the southwest quarter of the northwest quarter of section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, within the Del Mar Mesa Specific Plan area in the AR-1-1 and AR-1-2 zones according to official plat thereof (APN No. 308-020-48-00, 308-020-68-00, 308-020-85-00); and

WHEREAS, on May 28, 2009, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 575065/Site Development Permit [SDP] No. 575066, and pursuant to Resolution No. 4518-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution 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 28 2009, 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 Planned Development Permit No. 575065/Site Development Permit No. 575066:

A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The goal of the Del Mar Mesa Specific Plan is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads will provide enhanced landscaping to the existing public trail system which runs parallel with Little McGonigle Ranch Road. The Del Mar Mesa Specific Plan (DMMSPP) designates this site as Estate Residential. The Multiple-Habitat Planning Area [MHPA] is located directly adjacent and to the north of the site and includes the northerly portion of the project site. The northerly portions of the project site located within the MHPA are not proposed for development. The project will provide a 2.13-acre conservation easement within the project site area (1.37-acres of open space would be outside the MHPA; and 0.07-acres would be within the MHPA).

The project would implement the goals of the Plan by providing Estate Residential development that is compatible with the surrounding Estate Residential uses and consist with the Plan's Community Design Standards.

Objectives contained in the Del Mar Mesa Specific Plan Estate Residential include the preservation of rural residential characteristics, views and open space. The project meets these objectives by clustering development sites minimized grading and not impacting the MHPA. The project is consistent in character, scale and intensity with the established residential development of adjacent projects.

The project will preserve a 1.35-acre area with native and restored coastal sage scrub in a steep slope area adjacent to Little McGonigle Road (within lot 13). The project will also enhance the aesthetic character along the frontage of Del Mar Mesa Road and Little McGonigle Ranch Road with a proposed 25-foot wide non-building /landscape buffer area and the 4-foot enhanced landscape buffer between the trail and Little McGonigle Ranch Road.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa Specific Plan, has been conditioned to address project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to public health, safety and welfare. The proposed project will provide for the health, safety and welfare of the residents by providing for the orderly development of the area consistent with the Del Mar Mesa Specific Plan. The development is sensitive to the natural open space both within and surrounding the site. The proposed project will provide the sewer and water facilities necessary to serve the residents and the public transportation facilities necessary to provide access to the neighborhood.

3. **The proposed development will comply with the regulations of the Land Development Code.** The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa Specific Plan, complies with the AR-1-1 and AR 1-2 zones property development regulations as modified by the Del Mar Mesa Specific Plan, with the respect to minimum street frontage, lot size, side-yard setbacks. Deviations from these regulations can be granted through a Planned Development Permit.

4. **The proposed development, when considered as a whole, will be beneficial to the community.** The goal of the Del Mar Mesa Specific Plan is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads will provide enhanced landscaping to the existing public trail system which runs parallel with Little McGonigle Ranch Road. The project will contribute to the region's housing supply by providing thirteen residential lots and will pay all applicable public facilities financing and school fees. The development will also pay an in-lieu affordable housing fee for the production of affordable housing units as specified in the Plan. For these specific reasons, the proposed development, when considered as a whole, will be beneficial to the community.

5. **Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa Specific Plan complies with the applicable regulations of the Land Development Code [LDC] except as requested through the approval of a Planned Development Permit. The goal of the Del Mar Mesa Specific Plan is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. In order to meet this goal, the project has been designed to limit the number of driveways accessing public streets and to preserve open space, resulting in a more desirable project than would be achieved if designed in strict conformance with the minimum street frontage regulations of the AR-1-1 and AR-1-2 zones. For this reason the following deviations have been requested.

The site contains both steep slopes, as well as, portions of the MHPA. The proposed development utilizes the area least impacted by these resources. According to the Del Mar Mesa Specific Plan, the side-yard setback requirement is 20-feet. A deviation is requested for all proposed lots, except lots 5 and 6 to allow a 15-foot side-yard setback, however all dwelling units will maintain a 30-foot separation between structures as required by the Specific Plan. Lots adjacent to Little McGonigle Ranch Road will maintain a 25-foot minimum street side-yard set back.

A deviation from the minimum lot size pursuant to the underlying AR1-1 and AR 1-2 zone is also being requested. The proposed lots range in size from 0.55 to 3.40-acres and meet the minimum lot size pursuant to the Del Mar Mesa Specific Plan. According to the Del Mar Mesa Specific Plan, the reduced lot size is permitted when the request is made via a Planned Development Permit for individual consideration.

The Del Mar Mesa Specific Plan encourages access via private roads, however private roads do not qualify as "street" frontage as defined by the LDC. The Carmel View project has been designed to limit the number of driveways accessing public streets and to preserve open space, resulting in a more desirable project than would be achieved if designed in strict conformance with the minimum street frontage. Therefore, a deviation is required for lots 1-3 and 8-13 which all front private roads and do not meet the minimum street frontage by definition. Additionally, lots 10-13 do not meet the minimum lot width by definition of the Code. The irregular shaped lots are fronting a cul-de-sac and are pie shaped. They also have topographical restrictions to the rear making it impractical to reconfigure the lot frontage.

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

1. Findings for all Site Development Permits SDMC section 126.0504(a)

a. The proposed development will not adversely affect the applicable land use plan. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa Specific Plan, will not adversely affect the Del Mar Mesa Specific Plan and has been determined to be in conformance with the policies and regulations of the plan. See Planned Development Permit Finding A.1 above.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa has been conditioned to address project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to public health, safety and welfare. See Planned Development Permit Finding A.2 above.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa Specific Plan complies with the applicable regulations of the LDC except as requested through the approval of a Planned Development Permit. The goal of the Del Mar Mesa Specific Plan is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. In order to meet this goal, the project has been designed to limit the number of driveways accessing public streets and to preserve open space, resulting in a more desirable project than would be achieved if designed in strict conformance with the minimum street frontage regulations of the AR-1-1 and AR 1-2 zones. For this reason the following deviations have been requested.

The site contains both steep slopes, as well as, portions of the MHPA. The proposed development utilizes the area least impacted by these resources. According to the Del Mar Mesa Specific Plan, the side-yard setback requirement is 20-feet. A deviation is requested for all proposed lots, except lots 5 and 6 to allow a 15-foot side-yard setback, however all dwelling units will maintain a 30-foot separation between structures as required by the Specific Plan. Lots adjacent to Little McGonigle Ranch Road will maintain a 25-foot minimum street side-yard set back.

A deviation from the minimum lot size pursuant to the underlying AR1-1 and AR 1-2 zone is also being requested. The proposed lots range in size from 0.55 to 3.40-acres and meet the minimum lot size pursuant to the Del Mar Mesa Specific Plan. According to the Del Mar Mesa Specific Plan, the reduced lot size is permitted when the request is made via a Planned Development Permit for individual consideration.

The Del Mar Mesa Specific Plan encourages access via private roads, however private roads do not qualify as "street" frontage as defined by the LDC. The Carmel View project has been designed to limit the number of driveways accessing public streets and to preserve open space, resulting in a more desirable project than would be achieved if designed in strict conformance with the minimum street frontage. Therefore, a deviation is required for lots 1-3 and 8-13 which all front private roads and do not meet the minimum street frontage by definition. Additionally, lots 10-13 do not meet the minimum lot width by definition of the code. The irregular shaped lots are fronting a cul-de-sac and are pie shaped. They also have topographical restrictions to the rear making it impractical to reconfigure the lot frontage. See Planned Development Permit Finding A.3 above.

2. **Supplemental Findings--Environmentally Sensitive Lands SDMC section 126.0605(b)**

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa, is proposed on the least sensitive area of the site and

preserve the most valuable biological resources. The northwesterly portion of the northerly parcel (approximately 0.68-acres) which is within the MHPA will not be disturbed as part of the development other than 0.41-acres of Zone 2 Brush Management and will otherwise be preserved through a conservation easement. The project will provide a 2.13-acre conservation easement within the project site area (1.37-acres of open space would be outside the MHPA; and 0.0-acres would be within the MHPA).

The development will also follow the natural gradient of the terrain to minimize grading and disturbance of resources. Lot 13 was designed to employ varying wall heights to mimic the natural land forms. The project also minimizes the use of steep 2:1 slopes in favor of 4:1 or 5:1 slopes to further reduce the visual impacts of the project and smoothly transition to the surrounding natural land formations. One hundred feet of fire management zone will be strictly observed as part of the proposed development to reduce fire danger. The proposed development will not alter the existing drainage pattern leaving the site and will direct runoff away from homes and eliminate flood hazards. The project is conditioned to conform with all applicable Best Management Practices such as site design, source control and treatment control of BMP's to reduce/eliminate potential erosion.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa, has been located to minimize erosion, flood and fire hazards. The project grading and drainage was designed for the subdivision to adhere to the current topography and hydrology of the sites. The project is conditioned to conform with all applicable Best Management Practices [BMP's] such as site design, source control and treatment control of BMP's to reduce/eliminate potential erosion.

All manufactured slopes will be planted with species capable of reducing and preventing soil erosion from wind and rain, and the appropriate brush management zones have been applied to the project. As such, the proposed development will balance the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road within the Del Mar Mesa, is located mainly on the flat, previously disturbed mesa areas that are closest to the existing public facilities and adjacent development. The pad areas, to the greatest extent feasible, avoid the sensitive habitat that composes a portion of the property. The projects siting design includes measures that ensure that all impacts from erosion and water quality issues are mitigated. The proposed project is sited and designed to prevent adverse impacts to any environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road where the MHPA is located within the north, north-west portion of the property. No residential development will occur within the MHPA; however, the MHPA Land Use Adjacency Guidelines (Subarea Plan Section 1.4.3) have been applied to the project. Therefore, the proposed development would conform to the City's MSCP Subarea Plan, and the proposed project would incorporate mitigation measures to reduce potentially significant indirect impacts. The project will provide a 2.13-acre conservation easement within the project site area (1.37-acres of open space would be outside the MHPA; and 0.07-acres would be within the MHPA)

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan. The proposed subdivision of a 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road, is located a significant distance east of the Pacific Ocean's beaches and local shoreline. Development of the site includes erosion control measures, a storm water management plan, and the adoption of best management practices as required by conditions of the permit. The proposed development will not contribute to erosion of public beaches or adversely impact shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The Del Mar Mesa Specific Plan [DMMSP] and accompanying (Subarea V) Master Environmental Impact Report [MEIR] No. 95-0353 was prepared by the City of San Diego, as Lead Agency under the California Environmental Quality Act, and finalized on June 6, 1996. On July 30, 1996, the San Diego City Council adopted the Specific Plan for Del Mar Mesa and certified the (Subarea V) MEIR. The DMMSP (Subarea V) MEIR analyzed the impacts that would potentially result from the development described in the Specific Plan.

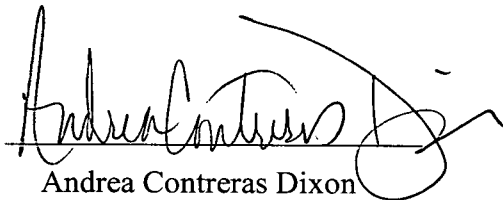
An initial study has been conducted for the proposed development of the 14.43-acre site to create thirteen residential lots and two lots for private roads located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road, and concluded that the Del Mar Mesa Subarea V MEIR addressed all environmental impacts associated with this project. Findings to support the conclusions in the MEIR have been made and are part of this project's record. In addition, all mitigation measures identified within the MEIR have been incorporated into the development permit for this project. Thus, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development have been or will be incorporated into the conditions of the development permit.

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

BE IT FURTHER RESOLVED, Planned Development Permit No. 575065, /Site Development Permit No. 575066 is granted to Carmel View LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH, CITY ATTORNEY

By:



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
07/08/09
Or.Dept:DSD
R-2010-37
MMS #9736

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
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: 42-4531

PLANNED DEVELOPMENT PERMIT NO. 575065/
SITE DEVELOPMENT PERMIT NO. 575066
CARMEL VIEW TENTATIVE MAP PROJECT [MMRP] NO. 72282

CITY COUNCIL

This Planned Development Permit [PDP] No. 575065/Site Development Permit [SDP] No. 575066 is granted by the City Council of the City of San Diego to Carmel View LLC, a Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604 and 126.0504. The 14.43-acre development site is located at the corner of Del Mar Mesa Road and Little McGonigle Ranch Road, and legally described as that portion of the southwest quarter of the northwest quarter of section 22, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, within the Del Mar Mesa Specific Plan area in the AR-1-1 and AR-1-2 zones according to official plat thereof (APN No. 308-020-48-00, 308-020-68-00, 308-020-85-00); and

The project shall include:

- a. The subdivision, grading and improvement of a 14.43-acre site to allow construction of thirteen custom single family homes in conformance with the Carmel View Design Guidelines;
- b. Deviations to minimum street frontage, setbacks, minimum lot size;
- c. Pedestrian and equestrian trails;
- 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 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 City Manager.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and

the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. 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.

9. Construction 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.

10. 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" condition(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.

11. 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, relating to the issuance of this permit including, but not limited 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.

12. Prior to the issuance of any building permit for construction of any structures plans must be submitted to the San Diego County Airport Land Use Commission [ALUC] for review for compliance with the height limitations of the Marine Corps Air Station [MCAS] Miramar Airport Land Use Compatibility Plan [ALUCP].

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

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 the Findings to Master Environmental Impact Report No. 95-0353, Project No. 72282, 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 the Findings to Master Environmental Impact Report No. 95-0353, Project No. 72282, satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Paleontological Resources
- Land Form/Visual Character
- Public Facilities and Services
- Noise

17. Prior to 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 permit compliance monitoring.

ENGINEERING REQUIREMENTS:

18. All residences shall be sprinklered in lieu of a 6-minute emergency first response time.

19. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the G-6 raised median in the Little McGonicle Ranch Road Right-of-Way. Only removable pavers or shallow rooted native or ornamental non-invasive plantings that mature at a height less than 3 feet shall

be installed within the median to the satisfaction of the City Engineer and the Public Utilities Department.

LANDSCAPE REQUIREMENTS:

20. Prior to the approval of any building permits, each custom home shall submit for a Substantial Conformance Review [SCR] for Landscape, Revegetation/Erosion Control and Brush Management. The review shall be in substantial conformance to the approved Design Guidelines, Exhibits, Permits, Section 142.0402 of the Land Development Code [LDC], and the Landscape Standards of the Land Development Manual. Where any conflicts occur between any of the aforementioned, the Development Permit, Del Mar Mesa Specific Plan and the LDC shall prevail.

21. The Landscape Construction Plan shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

22. 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.

23. The Permittee or subsequent 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 by a Landscape Planner.

24. 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.

PLANNING/DESIGN REQUIREMENTS:

25. Prior to the application for building permits, plans for each custom single dwelling unit shall be approved through a Process 2 review. Approval shall be based on substantial conformance to the approved Permit, Exhibits, and Carmel View Design Guidelines. Should any conflicts exist among the aforementioned documents, the Permit and the Del Mar Mesa Specific Plan shall prevail.

26. No fewer than two off-street parking spaces per lot shall be provided in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

27. A multi-purpose trail shall be located on the south side of Little McGonigle Ranch Road. The trail shall include a 10-foot wide pathway and a 6-foot wide landscaped buffer that separates

the trail from the roadway. In order to direct trail users away from the landscaped parkway, the 10-foot trail shall be separated from the 6-foot parkway by a 3-foot high split-rail fence.

28. All gates associated or approved with this project are to control vehicular access only. Separate unrestricted pedestrian and bicycle access entrances shall be provided adjacent to the vehicular gate, which is located at the entrance of southerly neighborhood of this project. The pedestrian/bicycle entrances shall provide permanent, barrier-free access.

29. 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.

30. All proposed development within the Carmel View subdivision shall be consistent with the approved Design Guidelines for Carmel View, stamped Exhibit "A."

31. Disclosure shall be made to all future homebuyers that Del Mar Mesa is a semi-rural community which permits residents to maintain horses and horse stables on their residential property subject to the horse-keeping provisions of the San Diego Municipal Code section 44.0308.

32. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" and Del Mar Mesa Specific Plan.

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

34. In order to preserve the rural character and dark night skies of Del Mar Mesa, all outdoor lighting from homes for the purposes of safety and security shall be designed to minimize the emission of light rays onto neighboring lots and open space. The lighting of private recreational facilities, such as tennis courts, shall not be permitted. Swimming pools may be lighted for safety purposes, using ground lighting that does not project more than 6 feet from the lighting source.

TRANSPORTATION REQUIREMENTS

35. This project will conform to the Del Mar Subarea V Specific Plan, Transportation Phasing Plan and Public Facilities Financing Plan to the satisfaction of the City Engineer.

WASTEWATER REQUIREMENTS:

36. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

37. Prior to the issuance of any grading or building permits, the developer shall grant adequate sewer, and/or access easements for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director.

38. Prior to the issuance of any public improvement or building permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for all approved structures or landscaping, including private sewer facilities, grading, enhanced paving and retaining walls, installed in or over any sewer easement.
39. No structures or landscaping shall be installed in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.
40. No trees shall be installed within 10 feet of any sewer facilities or in any sewer access easement. No shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.
41. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements [GUE] in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.
42. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
43. All onsite sewer facilities serving a single lot shall be private.
44. 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.

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 Section 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 28 2009 by
Resolution No. R- 305190.

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.

CARMEL VIEW LLC, a Limited Liability
Company
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04

Passed by the Council of The City of San Diego on JUL 28 2009 by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 28 2009

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Zumaiga*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 305190

R- 305190