

Item 331-March 18, 14
Sub item - 'C'

(R-2014-441)

RESOLUTION NUMBER R- 308828

DATE OF FINAL PASSAGE MAR 18 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING A PLANNED DEVELOPMENT
PERMIT NO.1109069 MEADOWOOD PROJECT.

WHEREAS, Three Sided, L.P., Owner and Permittee, filed an application with the City of San Diego for a Planned Development Permit to construct a nine (9) single dwelling unit development, known as the Meadowood Development project; and

WHEREAS, the project is located on the north side of Carmel Valley Road, approximately 750 feet from Rancho Santa Fe Farms Road, APN No. 305-021-07, and legally described as the East half of the West half of the Southeast quarter of Section 10, Township 14 South, Range 3, excepting therefrom that portion lying northerly from the center line of that dirt road (known as Black Mountain Road or Fourth Street Extension) running in a generally East-West direction through the south half of Section 10; and also excepting therefrom that portion thereof lying Southeasterly of the center line of the 60-foot easement to the City of San Diego, in the Pacific Highlands Ranch Community Plan area, in the RS-1-14 zone; and

WHEREAS, on January 23, 2014, the Planning Commission of the City of San Diego considered Planned Development Permit (PDP) Permit No.1109069, and pursuant to Resolution No. PC-4580 voted to recommend 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, a public hearing was required by law implicating due process rights of individuals

affected by the decision, and 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 March 18, 2014, 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 PDP Permit No.1109069:

A. PLANNED DEVELOPMENT PERMIT – SDMC Section 126.0604

1. Findings for all Planned Development Permit

a. The proposed development will not adversely affect the applicable land use plan. The property is located in the 6800 block of Carmel Valley Road in the RS-1-14 Zone, in the Pacific Highlands Ranch Subarea Plan area. The approximately 2.2-acre site is vacant in an area of mixed residential development and other vacant parcels. The project proposes a Planned Development Permit and Vesting Tentative Map with a Public Right-of-Way Vacation to subdivide the 2.2-acre property into 13 lots, including nine residential lots and to construct nine single-family residences. The project site is designated “Low-Density Residential” in the Pacific Highlands Ranch Subarea Plan, which specifies a density range of 2-5 dwelling units per acre for this land use designation, which would allow up to 11 units on this site of this size. The project is consistent in character, density, scale and intensity with the established residential development of adjacent projects. The project would implement the goals of the Plan by providing a residential development that is compatible with the surrounding residential uses and consistent with the Plan’s community design standards. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The property is located in the 6800 block of Carmel Valley Road in the RS-1-14 Zone, the Pacific Highlands Ranch Subarea Plan. The approximately 2.2-acre site is currently vacant and is located within in area of mixed residential development and other residentially zoned vacant properties.

The project proposes a Planned Development Permit and Vesting Tentative Map with a Public Right-of-Way Vacation to subdivide the 2.2-acre property into 13 lots,

including nine residential lots, each containing a minimum of 5,000 square feet, and to construct nine single-family residences.

The Pacific Highlands Ranch Subarea Plan (PHRSP) and accompanying Master Environmental Impact Report (MEIR) No. 96-7918 were prepared by the City of San Diego as Lead Agency under the California Environmental Quality Act, and certified on July 28, 1998 by the San Diego Council. The PHRSP and MEIR analyzed the impacts that would potentially result from the development described in the Subarea Plan.

The proposed project was described by type, use, intensity, and location in the MEIR and is within the scope of the MEIR, Project implementation will not result in any additional impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project and no project-specific Mitigation, Monitoring and Reporting Program (MMRP) is required.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project.

Therefore, the project will not be detrimental to the public health, safety, and welfare.

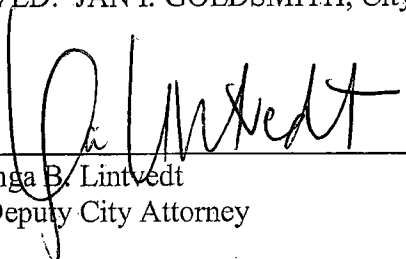
c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The property is located in the 6800 block of Carmel Valley Road in the RS-1-14 Zone, and the Pacific Highlands Ranch Subarea Plan. The approximately 2.2-acre site is currently vacant and is located within an area of mixed vacant land and residentially developed multi-family development and single-family residences on similarly sized lots. The project proposes a Planned Development Permit and Vesting Tentative Map with a Public Right-of-Way Vacation to subdivide the property into 13 lots, including nine residential lots, each containing a minimum of 5,000 square feet, and to construct nine single-family residences. The project proposes one deviation as allowed through a Planned Development Permit (PDP) per section 126.0602(b), for the creation of legal lots with no frontage on a Public Right-of-Way. The deviation is appropriate at this location as the private lots will have frontage on the private drive, which allows access from Carmel Valley Road. The Subarea Plan states that a Planned Development Permit (PDP) is an appropriate, provided it achieves the intended design objective and remains fundamentally consistent with the policies of the Subarea Plan.

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 Planned Development Permit No. 1109069,
is granted to Three Sided, L.P., Owner/Permittee, under the terms and conditions set forth
in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Inga B. Lintvedt
Deputy City Attorney

IBL:mcm
01/30/14
Or. Dept: DSD
Doc. No. 732107

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

INTERNAL ORDER NUMBER: 24003648

PLANNED DEVELOPMENT PERMIT NO. 1109069
MEADOWOOD DEVELOPMENT - PROJECT NO. 317414
CITY COUNCIL

This Planned Development Permit No. 1109069 is granted by the City Council of the City of San Diego to Three Sided, L.P., Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0603. The 2.2-acre site is located on the north side of Carmel Valley Road, approximately 750 feet from Rancho Santa Fe Farms Road, APN No. 305-021-07, in the RS-1-14 zone within the Pacific Highlands Ranch Plan area. The project site is legally described as: the East half of the West half of the Southeast quarter of Section 10, Township 14 South, Range 3, excepting therefrom that portion lying northerly from the center line of that dirt road (known as Black Mountain Road or Fourth Street Extension) running in a generally East-West direction through the south half of Section 10; and also excepting therefrom that portion thereof lying Southeasterly of the center line of the 60-foot easement to the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a nine (9) single dwelling unit development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 18 2014 on file in the Development Services Department.

The project shall include:

- a. The subdivision of one lot to thirteen (13) lots for nine single-family residential housing development. The proposed homes are two-story in height and range between 3,201 to 3,660 square feet, inclusive of garage space;
- b. A deviation to street frontage requirements for eight of the nine residential lots that have no frontage on a public right-of-way;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Off-street parking;
- e. Three open space lots; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void 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. This permit must be utilized by MAR 18 2017 [36 months after approval date].

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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

10. The Owner/Permittee 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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee 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, Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. 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:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] for MEIR No. 96-7918 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Master Environmental Impact Report, No. 96-7918 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

The Owner/Permittee shall comply with the MMRP as specified in Master Environmental Impact Report, No. 96-7918 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

14. Prior to the issuance of the first building permit, the Owner/Permittee shall pay an in-lieu fee for all units in the development to the San Diego Housing Commission in conformance with the NCFUA Framework Plan requirements for affordable housing. The current rate of the fee is equal to \$4,840 per unit, and is subject to change.

ENGINEERING REQUIREMENTS:

15. Construction permits shall be in conformance to Vesting Tentative Map No. 1213889.

GEOLOGY REQUIREMENTS:

16. Prior to issuance of a construction permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department.

17. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards, the San Diego Low Impact Development Design Manual, and to the satisfaction of the Development Services Department. 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.

19. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Smaller root zones may be considered as per LDC 142.0403(b)5, subject to a site-specific Soils Report accompanied by a written professional opinion rendered by a Certified Consulting Arborist. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

21. Prior to issuance of any Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

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 unless specifically noted in this Permit.

23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Home Owners' Association or other approved entity.

24. If any required landscape 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 Development Services Department within 30 days of damage or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

25. Owner/Permittee shall maintain a minimum of eighteen (18) off-street parking spaces (twenty-four are provided on-site) on the property at all times in the approximate garage

locations as 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 appropriate City decision maker in accordance with the SDMC.

26. This Planned Development Permit includes a deviation for required street frontage regulations for eight of the nine residential lots without frontage to a public right-of-way.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall provide written verification from the County of San Diego, Department of Environmental Health (DEH), that any pesticide contaminated soil on site has been remediated, per letter of approval by County DEH and to the satisfaction of the Development Services Director.

28. Prior to the occupancy of the first residential unit, a five-foot high noise barrier shall be constructed along Carmel Valley Road and along the west property line of the project site, with the exception of the portion along the western edge of the private road, satisfactory to the Development Services Director.

29. Prior to the issuance of the first building permit, a final noise study shall be submitted demonstrating that interior noise levels of the proposed single family dwellings will not exceed 45 dBA CNEL, satisfactory to the development Services Director.

30. 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.

31. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

32. The Owner/Permittee shall post a copy of both the approved Planned Development Permit and Vesting Tentative Map in its sales office for consideration by each prospective buyer.

33. 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.

TRANSPORTATION REQUIREMENTS

34. Prior to the issuance of any construction permit, the Owner/Permittee shall provide a recorded Shared Access Agreement in favor of all parcels within the project site as well as the parcel to the west of the project site, identified as APN 305-021-05, satisfactory to the City Engineer. Said Agreement shall be disclosed to all potential home buyers informing them that Private Driveway B will be extended to serve the parcel to the west when developed and Private Driveways A & B will be used for access by the adjoining development.

35. Prior to the issuance of any construction permit, the Owner/Permittee shall record a non-motorized access easement over the proposed sidewalks and trails within the project site satisfactory to the City Engineer. Said Easement shall be disclosed to all potential home buyers.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

36. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

37. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

38. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

39. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

40. Prior to issuance of any building permits, the Owner/Permittee shall obtain Encroachment Maintenance and Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, medians, landscaping, enriched paving, curb, gutter and sidewalk, and electrical conduits to be installed within the public right-of-way.

41. The Meadowood Development proposes to connect to an offsite sewer system downstream proposed by Pacific Highland Ranch Unit 23. The proposed sewer system by Pacific Highland Ranch Unit 23 should be completed and accepted by the City prior to connecting to it.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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 MAR 18 2014 and
Resolution No. R 308828.

Permit Type/PTS Approval No.:

PDP No. 1109069

Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

Three Sided, L.P.
Owner/Permittee

By _____
Kevin McNamara
Manager

R- 308828

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on MAR 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input 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"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 18 2014

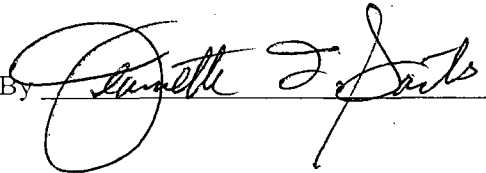
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308828