

000101

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE)

201
9/17

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services Department

3. DATE:
June 22, 2007

4. SUBJECT:
Carmel Valley Neighborhood Ten

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
John S. Fisher, 446-5231

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Mike Westlake, 446-5220

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.	1317			
ORGANIZATION	1711			
OBJECT ACCOUNT	4038			
JOB ORDER	424540			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	MARCELA ESCOBAR	6/22/07	8	DEPUTY CHIEF	JAMES WARING	6/26/07
2	EAS	TERRI BURGARDNER	6/22/07	9			
3	EOPX EXEMPT PER MEMO 5/9/96			10	CITY ATTORNEY		7/11/07
4				11	ORIG. DEPT	MIKE WESTLAKE	6/22/07
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

- Council resolution certifying the information contained in LDR No. 72526 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Carmel Valley Neighborhood Ten project Addendum No. 72526 reflects the independent judgment of the City of San Diego as lead agency; stating for the record that said Addendum has been reviewed and considered prior to approving the project; and, adopt the project-specific Mitigation Monitoring and Reporting Program.
- Council resolution approving Easement Vacation No. 266925.
- Council resolution approving Public Right-of-way Vacation No. 266926 & Vesting Tentative Map No. 232063.
- Council resolution approving Site Development Permit No. 232067 and Coastal Development Permit No. 225393.

11A. STAFF RECOMMENDATIONS:

Adopt the Resolutions.

000102

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): CARMEL VALLEY NEIGHBORHOOD TEN

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS COMPLETED ADDENDUM NO. 72526

HOUSING IMPACT: IN ADDITION TO THE 121 MARKET RATE HOMES PROVIDED, THE PROPOSED PROJECT WOULD PROVIDE AN IN-LEIU FEE EQUAL TO THAT REQUIRED FOR THE PROJECT IN ACCORDANCE WITH ADOPTED REGULATIONS APPLICABLE TO THIS SITE.

INSTRUCTIONS TO THE CITY CLERK:

1. PUBLIC NOTICING IS REQUIRED.
2. RETURN COPIES OF EACH RESOLUTION TO JOHN S. FISHER, MS 302
3. COUNCIL ACTION REQUIRES A MAJORITY VOTE.
4. THE EASEMENT VACATION IS BEING PROCESSED IN ACCORDANCE WITH STREETS AND HIGHWAYS CODE SECTION 8300, THE VTM AND RIGHT-OF-WAY VACATION IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66434(G) AND SDMC §125.0401, ~~THE PDP IN ACCORDANCE WITH SDMC §126.0601~~, THE SDP IN ACCORDANCE WITH SDMC §126.0501, THE CDP IN ACCORDANCE WITH SDMC §126.0701.

CITY ATTORNEY
07 JUN 27 PM 1:57
CIVIL DIVISION

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: June 14, 2007

REPORT NO.: PC-07-090

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Carmel Valley Neighborhood Ten, PTS# 72526

COUNCIL DISTRICT(S): 1

STAFF CONTACT: John S. Fisher, 446-5231, MS 302

REQUESTED ACTION: Approval of a subdivision and development project for the development of 121 single family homes within the Carmel Valley Neighborhood Ten located west of Carmel Country Road north and south of Carmel Mountain Road.

STAFF RECOMMENDATION:

1. Recommend the City Council **Certify** Addendum No. 72526, and Adopt the *Mitigation Monitoring and Reporting Program*; and
2. Recommend the City Council **Approve** Public Right-of-way Vacation No. 266926, Easement Vacation No. 266925, Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393.

EXECUTIVE SUMMARY: The Carmel Valley Neighborhood Ten project is located within the precise plan area of Carmel Valley Neighborhood Ten on property designated for single family residential development at a density range of 1-5 dwelling units per acre. The project is composed of four separate locations within the neighborhood. Unit 2 South is located at the terminus of Briarlake Woods Drive south of Carmel Mountain Road and north of Los Penasquitos Canyon Preserve. Unit 5 South is located south of Carmel Mountain Road, west of Gaylemont Lane and Furlong Place. Unit 9 South is located south of Carmel Mountain Road in the southwestern most corner of the community plan area. Unit 12 South is located north of Carmel Mountain Road, west of Canter Heights Drive. All four properties are located in the SF-2, SF-3 & OS Zones of the Carmel Valley Planned District of the Carmel Valley Community Plan area.

The applicant, Pardee Homes, entered into a legally binding development agreement with the City of San Diego for all development within the Pacific Highlands Ranch Subarea III area of the North City Future Urbanizing Area. In return for reducing development and the associated impacts in the Pacific Highlands Ranch community Pardee was granted the right to increase the maximum density in the Carmel Valley Neighborhood Ten Precise Plan area. The maximum increase of single family dwellings is 72-74 units. The proposed project would realize a portion of this density increase and develop 63 dwelling units above the limit of the Carmel Valley Neighborhood Ten Precise Plan. Site constraints prevent any additional increase above 63 units.

The project would develop 44.8 acres with a total of 145 lots; 121 single family lots for single family development, six lots for dedication to the City of San Diego for open space, sixteen lots for manufactured slopes, brush management, monument entries, pocket parks, green space and a private driveway to be owned by the home owners

association and two lots for access to an adjacent property to be conveyed at fair market value.

On March 13, 2007, the Carmel Valley Community Planning Board voted 10:0:1 to approve the proposed actions, with concerns. The Board expressed five areas of concern; Change in residential product mix and intensity, Pocket parks, Tavelman property, SDG&E right-of-way and pedestrian trails, and other trail issues. All the Board's concerns have been resolved with the exception of the Tavelman property item. Development of the Tavelman property is not before the Council at this time and has no relevance to the requested actions.

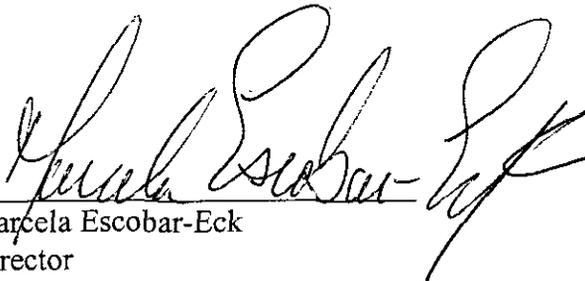
Staff has reviewed the proposed request for a public right-of-way and easement vacation, Vesting Tentative Map, Site Development Permit and Coastal Development Permit to subdivide and develop 44.8 acres into 145 lots and construct 121 single family structures. All issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff recommends the City Council approve the project as proposed.

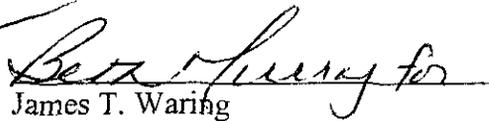
FISCAL CONSIDERATIONS: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On June 21, 2007 the Planning Commission voted 6:0:0 to recommend approval of the project. On March 13, 2007, the Carmel Valley Community Planning Board voted 10:0:1 to approve the proposed actions, with concerns. For a full discussion of their concerns, please refer to Planning Commission Report No. PC-07-090. At the Planning Commission hearing on June 21, 2007 no one appeared in opposition to the project. There is no known opposition to the project in the community.

KEY STAKEHOLDERS: Pardee Homes.


 Marcela Escobar-Eck
 Director
 Development Services Department


 James T. Waring
 Deputy Chief of Land Use and
 Economic Development

ATTACHMENTS: Planning Commission Report No. PC-07-090

NOTICE OF DETERMINATION

000105

TO: X Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project No. 72526
Addending EIR No. 91-0834 and Subsequent EIR No. 96-0736(7)
Previous Applicable SCH #s 88033019 & 97-011032

LDR Number: 42-4540

State Clearinghouse Number: SCH #s 88033019 & 97-011032

Project Number: 72526

Project Title: Carmel Valley Neighborhood Ten

Project Location: The site is located in four separate locations generally described by unit as Unit 2 South (A): located at the terminus of Briarlake Woods Drive; Unit 5 South (B): located south of Carmel Mountain Road, west of Gaylemont Lane and west of Furlong Place; Unit 9 South: located south of Carmel Mountain Road west of the new bridge at the boundary between the Torrey Hills and Neighborhood Ten communities; and Unit 12 South (B): located north of Carmel Mountain Road, west of Canter Heights Drive.

Project Description: Subdivision of the 44.80 acre site into 145 lots for development of 121 single family structures six lots for dedication as open space to the City of San Diego in fee simple, sixteen lots for manufactured slopes, brush management, monument entries, pocket parks, green space and a private driveway to be owned by the home owners association and two additional home owners association lots to provide legal and physical access to a parcel beyond the subdivision boundary.

Project Applicant: Pardee Homes, 12626 High Bluff Drive, Suite 100, San Diego, CA 92130. Telephone - (858) 794-2500.

This is to advise that the Council of the City of San Diego on September 18, 2007 approved the above described project and made the following determinations:

1. The project in its approved form will not have a significant effect on the environment.
2. An Addendum to an Environmental Impact Report and Subsequent Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Smit Kicklighter

Telephone: 619-446-5378

Filed by: _____
Terri Bumgardner
Title Senior Planner

Reference: California Public Resources Code, Sections 21108 and 21152.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, Owner/Permittee submitted an application to the City of San Diego for a public right-of-way vacation, easement vacation, vesting tentative map, and site development permit/coastal development permit for the Carmel Valley Neighborhood Ten project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; 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 issue was heard by the City Council on _____; and

WHEREAS, the City Council considered the issues discussed in Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72526; NOW, THEREFORE,

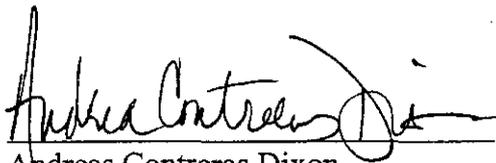
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72526, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations

section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Public Right of Way Vacation No. 266026, Easement Vacation No. 266925, Vesting Tentative Map No. 232063, and Site Development Permit No. 232067/ Coastal Development Permit No. 225393 for the Carmel Valley Neighborhood Ten Project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid *significant effects on the environment*, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andreas Contreras Dixon
Deputy City Attorney

ACD:pev
06/25/07
08/20/07 Cor.Copy
Or.Dept:DSD
R-2007-1290
MMS #1150
ENVIRONMENTAL - EIR 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

PUBLIC RIGHT-OF-WAY VACATION / EASEMENT VACATION / VESTING
TENTATIVE MAP / SITE DEVELOPMENT PERMIT / COASTAL DEVELOPMENT
PERMIT

Project No. 72526

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to an Environmental Impact Report and Subsequent Environmental Impact Report No. 72526 shall be made conditions of Site Development Permit No. 232067 and Coastal Development Permit No. 225393 as may be further described below.

GENERAL

1. Prior to issuance of the grading permit or commencement of any construction related activity on-site, the Assistant Deputy Director (ADD) (aka Environmental Review Manager (ERM)) of the City's Land Development Review Division (LDR) shall review and approve contract documents, plans, and specifications to insure that Mitigation, Monitoring and Reporting Requirements (MMRPs) are included verbatim on the above documents under the heading, "Environmental Requirements". If a coversheet and index are provided, the index shall include "Environmental Requirements" and the sheet/page they are found on verbatim. Project No. 72526 is subject to a Mitigation Monitoring and Reporting
2. The following requirement shall also appear with the "Environmental Requirements". "Project grading (and construction where applicable) is conditioned to include the monitoring of a qualified biologist and qualified paleontologist. The project shall conform to the mitigation conditions as contained in the environmental document (LDR No. 96-0736(7) and as included in this Section VI. The measures may not be reduced or changed but may be annotated (i.e. to explain when and how compliance was met and location of verifying proof, etc): Additional clarifying information may also be added to other relevant plan sheets as appropriate (i.e. specific locations/times of monitoring, etc.).
3. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist and Paleontologist, and a City's Mitigation Monitoring Coordination (MMC) Section Representative.

AIR QUALITY

4. Prior to issuance of an Engineering Permit for public improvements, the City Engineer shall verify that sidewalks, bicycle lanes, and room for bus stops, if needed, are incorporated in appropriate areas of VTM, grading and construction plans, and that the road system and other traffic improvements required for the VTM conform with the recommended improvement phasing program and are assured.

BIOLOGICAL RESOURCES

Direct Impacts

5. Prior to issuance of the grading permit or commencement of any construction related activity on-site (whichever comes first) direct impacts to 5.30 acres of Tier 1 southern maritime chaparral (SMC) (all outside MHPA; 5.22 acres of Tier I Diegan Coastal sage scrub (DCSS) (4.14 outside MHPA, 1.08 inside MHPA); and 8.52 acres of non-native grassland (NNGL)(5.28 acres outside MHPA, 2.95 inside MHPA) shall be mitigated per the City's ESL Guidelines as shown on Table 1. Assuming all impacts are mitigated within the MHPA which allows out of kind mitigation within Tiers I-III for these habitat types; total mitigation acreage requirement would be 16.11 acres. Please note, Table 1 was erroneously omitted in the Draft Addendum and is included below without underlining to ensure that proper formatting is maintained.

TABLE 1
ANALYSIS OF IMPACTS AND REQUIRED MITIGATION* TO VEGETATION
COMMUNITIES

Vegetation Community	Total on Site	Acres Impacted* In MHPA Out of MHPA	Mitigation Ratio MHPA In/Out	Mitigation Acres Required In/Out
Southern Maritime Chaparral (Tier I)	5.30	0 5.30	2:1/3:1 1:1/ 2:1	0 5.30/10.60
Coastal Sage Scrub (Tier II)	12.31	1.08 4.14 = 5.22	1:1/2:1 1:1/2:1	1.08/2.16 <u>4.14/8.28</u> 5.22/10.44
Non-Native Grassland (Tier III)	13.85	2.95 5.28	1:1/1.5:1 0.5:1/1:1	2.95/4.425 <u>2.64/5.28</u> 5.59/9.705
Disturbed/Developed Habitat (Tier IV)	13.34	1.21 10.34	0/0 0/0	No ESL Mitigation Credit Given
TOTAL	44.8	5.24 in MHPA 25.06 out MHPA = 30.3	N/A	16.11 in MHPA. 30.745outMHPA0

- * Acres impacted include all graded areas within the MHPA including Zone 2. All grading within the MHPA is considered an impact whether or not it is within the typically neutral brush management Zone 2. Revegetation of all graded areas within MHPA is required (including Zone 2); however no mitigation credit will be given for any graded revegetated Zone 2 areas. Revegetated graded areas within the MHPA but outside Zone 2 will receive no mitigation credit until the required 5-year Restoration/Revegetation program per the EIR's and ESL requirements is completed (see MMRP Item No. 10 below).

In this case, the applicant has preliminarily determined that 14.73 acres of Tiers I-III habitat (includes 2.77 acres to be revegetated through a 5 year Restoration Plan) are available on-site for mitigation purposes. The additional 1.38 acres would be mitigated through payment of \$37,950 (25,000 per acre + 10% administration fee) into the City's Habitat Acquisition Fund, or dedication of 1.38 acres within other off-site suitable MHPA area(s) per the ESL Guidelines and as approved by the City of San Diego (please note, any mitigation changes, or mitigation sites outside the MHPA would require equivalency with Table 1 and above conditions to the satisfaction of EAS.

The mitigation area(s) shall be conveyed satisfactory to EAS, MSCP and Park and Recreation Staff using the following Options:

- Option A. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego for mitigation inside the MHPA at appropriate ESL ratios.
 - Option B. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego for mitigation outside the MHPA using ESL required mitigation ratios.
 - Option C. For acreage of 5 acres or less (up to 10 with EAS/MSCP approval), the owner/permittee shall pay into the City's Habitat Acquisition Fund No. 1059. (Assumes mitigation within MHPA at the current City rate of \$25,000 per impacted acre, + a 10% handling and maintenance fee.
6. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through D):
- A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.
 - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.
 - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
 - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting.

Prior to Construction and During Construction

7. Prior to the notice to proceed with any grading authorized by the any grading permit, the project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A.
8. All construction activities and construction material placement (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved "Exhibit A."
9. No barrel cactus individuals within the Brush Management Zone 2 areas shall be impacted either by thinning or direct grading. Individual barrel cactus specimens effected by grading throughout the project (i.e. in the development areas and graded areas of the MHPA) shall be collected, appropriately stored, and used in the post-grading revegetation effort on-site described further under MMRP Item No. 10 below.
10. Prior to issuance of the grading permit, the applicant shall submit a detailed 5-year Revegetation/Restoration, Maintenance and Monitoring Plan complete with appropriate habitat species, identification of parties roles and responsibilities, site preparation, irrigation, plant installation specifications, establishment period, maintenance program, performance and contingency criteria, bonding; and notification procedure and schedules; consistent with those described in the mitigation sections of EIR No's. 91-0834 and 96-0736(7) and updated to the current standards provided in the City's July 2002 version of the Biological Review References. A written plan along with detailed notes and graphics on the site plans (construction documents such as D-Sheets, Grading Plans) shall be submitted for review and approval by EAS, MMC, MSCP and Landscaping Staff.
11. **Coastal California Gnatcatcher (Federally Threatened)** -Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR WITH THE MHPA OR ADJACENT EXTENSION OF THE MHPA HABITAT BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WHOLLY OR PARTIALLY WITHIN THE MHPA THAT WOULD BE SUBJECT TO DIRECT IMPACTS OR CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS

FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE DIRECT IMPACTS WOULD OCCUR OR CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
- II. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED BIOLOGIST AND ACOUSTICIAN, GRADING BUFFERS AND/OR NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED

CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Nest and construction noise monitoring shall continue at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that no direct impacts occur and/or noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If potential direct impacts are identified and if the noise levels affecting nesting birds are not reduced to 60dB or less; then other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce all direct and indirect impacts. Such measures may include, but are not limited to, limitations on grading area, the placement of construction equipment, and or limitation on the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS GRADING

BUFFERS AND/OR NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY EXCEPT IF NESTS ARE

SUBSEQUENTLY DISCOVERED DURING CONSTRUCTION AS DESCRIBED BELOW.

12. If nests (of CA gnatcatcher or other state or federally protected bird species) are discovered during construction activities, the biologist shall notify the Resident Engineer (RE) and Mitigation Monitoring and Coordination Staff (MMC) and the RE shall stop work in the vicinity of the nests.
13. The qualified biologist shall mark all pertinent trees, holes, or shrubs and delineate the appropriate "no construction" buffer area per City ESL and/or the USFWS/CDFG's direction, around any nest sites, satisfactory to the ADD of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of LDR that any young birds have fledged.

Post Construction

14. The biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that focused surveys are completed, as appropriate.
15. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted to Mitigation Monitoring Coordination (MMC) for approval by the ADD of LDR.
16. For any unforeseen additional biological resources impacted during construction, the rehabilitation, revegetation, or other such follow up action plan(s) shall be included as part of the Final Biological Monitoring Report in accordance with the City of San Diego's Land Development Code, Biological Resources Guidelines (July 2002). Additional mitigation measures may also be required.
17. This report shall address findings of active/inactive nests and any recommendations for retention of active nests, removal of inactive nests and mitigation for offsetting loss of breeding habitat.
18. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

LANDFORM ALTERATION/VISUAL QUALITY

19. Prior to issuance of any grading permit, Staff shall confirm that all landform alteration shown on the plans is consistent with the approved VTM.

LAND USE (MHPA Adjacency)

20. Prior to issuance of grading permits, the City shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. The qualified biologist (project biologist) shall supervise the placement of an orange construction fence or equivalent along the boundary of the development area as shown on the approved grading plan.
 - B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
 - C. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but may not be limited to the following: the use of materials such as gravel bags, fiber rolls, sediment fencing, and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the down slope side of disturbed areas to prevent soil loss.

- D. All construction activities shall take place only inside the fenced area. Grading materials shall be stored inside the fenced development area only.
- E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Code, Biology Guidelines, to the satisfaction of the City Manager.
- F. All toxins and drainage run-off from proposed roads, structures and development areas associated with the project must be filtered and routed to an existing storm drain system or other City Engineer approved structure. Graded slopes will be revegetated per the City's Landscape Manual.
- G. All lighting associated with the project will be shielded and directed away from the urban/natural edge.
- H. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the fire marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands.
- I. All uses in or adjacent to the MHPA shall be designed to minimize noise impacts. See also specific noise mitigation for breeding birds listed under biology.
- J. Appropriate barriers shall be installed adjacent to the MHPA to direct public access to appropriate locations and reduce domestic animal predation on wild native animals.
- K. Brush management shall not take place in wider zones or greater scope than required by current City code. For existing native areas, required woody vegetation clearing shall not exceed 50% of that existing when initial clearing is done and clearing shall avoid covered or narrow endemic plant species to the maximum extent possible.

PALEONTOLOGICAL RESOURCES (5/23/05 version)

21. Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
 - 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

22. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request

shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

23. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

24. Night Work

A. If night work is included in the contract

- 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- 2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVN and submit to MMC via fax by 9am the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

25. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Public Services

26. Prior to issuance of certificates of occupancy, the applicant shall submit proof of payment of all required Mello-Roos fees to EAS.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public service easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of a water easement to facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the water easement, for which the easement was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(d) the water easement system for which the easement was originally acquired will not be detrimentally affected by this vacation; 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; NOW, THEREFORE,

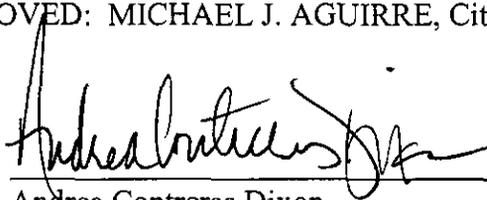
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the water easement, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20681-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
06/25/07
Or.Dept:DSD
R-2007-1291
MMS #5011

000125

EXHIBIT 'A'
LEGAL DESCRIPTION
WATER EASEMENT VACATION

ALL OF THE WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 2000-0371572 RECORDED JULY 14, 2000 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS CITY DRAWING NO. 20681-B LABELED EXHIBIT "B" AND BY THIS REFERENCE IS MADE A PART HEREOF.

CONTAINS 0.208 ACRE, MORE OR LESS.



Ronald E. Roth 04/25/07
RONALD E. ROTH DATE
L.S. 5506
EXPIRATION DATE 9-30-08

J.O. NO. 424540
P.T.S. NO. 72526
DWG. NO. 20681-B

ASSESSOR'S PARCEL NO.'S

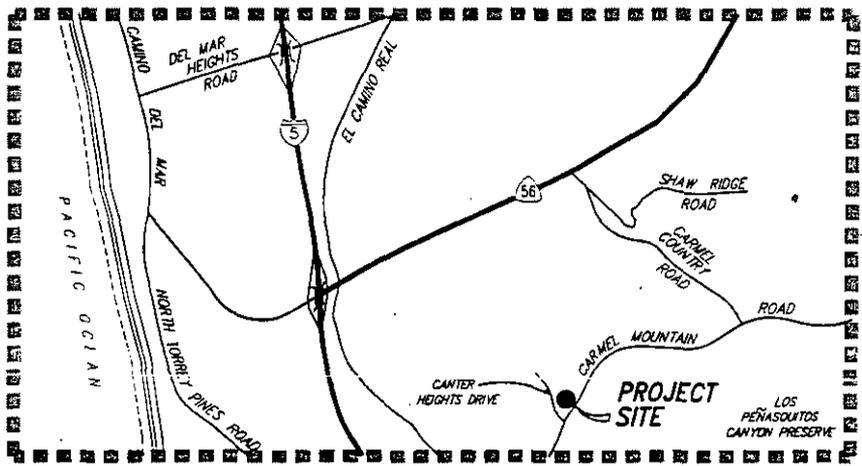
307-761-32 307-100-08, 09, 10

REFERENCE DRAWINGS

18846-B, 29236-D

LEGEND

 INDICATES WATER EASEMENT VACATED
AREA = 0.208 ACRE



VICINITY MAP
NO SCALE



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

Ronald E. Roth 4/25/07
RONALD E. ROTH P.L.S. 5506 DATE
MY REGISTRATION EXPIRES 9-30-2008

WATER EASEMENT VACATION

IN PORTIONS OF THE SE 1/4 SECTION 29 T14S R3E S.B.M. AND LOT "A" PER CARMEL VALLEY NEIGHBORHOOD 10 UNIT 12 SOUTH, MAP NO. 15087,

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA		P.T.S. NO. 72526
ORIGINAL	PDC				SHEET 1 OF 2 SHEETS		J.O. NO. 424540
	ACA		5-16-07		<i>Ronald E. Roth</i> 10/15/07 FOR CITY ENGINEER DATE		1917-6267
							NAD '83 COORDINATES
							278-1707
							LAMBERT COORDINATES
							20681-1-B

EXHIBIT "B"

CARMEL VALLEY
 NEIGHBORHOOD 10 LOT 'A'
 UNIT 12 SOUTH
 MAP NO. 15067



0
1
2
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6
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10
11
12
13

PORTION
 NE 1/4 NE 1/4
 NW 1/4 SW 1/4
 SE 1/4
 SECTION 29
 T14S R3W S.B.M.

WATER EASEMENT GRANTED TO THE CITY OF
 SAN DIEGO PER FILE NO. 2000-0371572
 RECORDED JULY 14, 2000 O.R.
 VACATED

PORTION
 N 1/2 NE 1/4
 SW 1/4 SE 1/4

PORTION
 SE 1/4 NE 1/4
 NW 1/4 SW 1/4
 SE 1/4

CARMEL MOUNTAIN ROAD DEDICATED PER
 DOCUMENT RECORDED OCTOBER 15, 1998
 AS FILE NO. 1998-0897355, O.R.
 (SEE CITY DWG. NO. 29236-D)

CARMEL MOUNTAIN ROAD
 CARMEL MOUNTAIN ROAD DEDICATED PER
 DOCUMENT RECORDED FEBRUARY 25, 2000
 AS FILE NO. 2000-0095400, O.R.
 (SEE CITY DWG. NO. 18846-B)

ROAD

PROJECT DESIGN CONSULTANTS
 Planning / Landscape Architecture / Environmental / Engineering / Survey

WATER EASEMENT VACATION

IN PORTIONS OF THE SE 1/4 OF SECTION 29 T14S R3E S.B.M. AND LOT "A" PER CARMEL VALLEY NEIGHBORHOOD 10 UNIT 12 SOUTH, MAP NO. 15067.

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 72526
ORIGINAL	PDC				SHEET 12 OF 2 SHEETS	No. 424540
	AEA		5-16-07		<i>[Signature]</i> 16 MAY 07	1917-6267
					FOR CITY ENGINEER	NAD '83 COORDINATES
						278-1707
						LAMBERT COORDINATES
						20681-2-B

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, Subdivider/Applicant, and Curtis J. Turner, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 232063) and a public right-of-way vacation (Public Right-of-Way Vacation No. 266926) for the subdivision of 44.80 acres and a public right-of-way and easement vacation to allow the development of a 145-lot subdivision to be known as the Carmel Valley Neighborhood Ten project [Project], located in the Carmel Valley Neighborhood Ten Precise Plan area west of Carmel Country Road along both sides of Carmel Mountain Road and at the terminus of Briarlake Woods Drive and Gaylemont Lane, and legally described as:

being a portion of the southwest quarter of the southeast quarter of Section 29, together with a portion of the west 10 acres of the southeast quarter of the southeast quarter of said Section 29, Township 14 South, Range 3 West, San Bernardino Base Meridian, according to Official Plat thereof;

Excepting therefrom that portion granted to the City of San Diego by deed recorded February 29, 2000 as File No. 2000-0101939 of Official Records;

Together with Lot 3 in Section 28, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof;

Together with Lot E of Carmel Valley Neighborhood 10 Unit 12 South (B), according to Map thereof No. 15607 filed in the Office of the County Recorder of San Diego County August 10, 2005;

Together with portions of Carmel Mountain Road, Canter Heights Drive and Coach Horse Court, as dedicated to public use, all being in the City of San Diego, County of San Diego, State of California, in the Carmel Valley Community Plan area, in the SF-2, SF-3 and OS Zones of the Carmel Valley Planned District Ordinance; and

WHEREAS, the Map proposes the subdivision of a 44.80-acre site into 145 lots; 121 lots for single-family development, six open space lots to be deeded to the City of San Diego in fee simple, sixteen lots for ownership by the homeowners association for brush management,

manufactured slopes, monument entries, pocket parks, green space and a private driveway and two homeowners association lots to provide legal and physical access to a parcel beyond the subdivision boundary; and

WHEREAS, the City of San Diego conducted an Initial Study in compliance with the California Environmental Quality Act which concluded that the project would result in significant direct environmental impacts in the following areas: Air Quality, Biological Resources, Landform/Visual Quality, Land Use and Paleontological Resources. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the proposed project as identified in the Addendum to an Environmental Impact Report and Subsequent EIR No. 72526; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25- Underground Conversion of Utility Lines at Developers Expense.

WHEREAS, on June 21, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 232063, and pursuant to Resolution No. 4275-PC voted to recommend City Council approval of the map; 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 _____, 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 Vesting Tentative Map No. 232063:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

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

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the following public service easements, located within the project boundaries as shown in Tentative Map No. 232063, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. A portion of the water easement granted per deed recorded August 17, 1971, File No. 182708.
- b. A portion of the water easement granted per deed recorded February 23, 1971, Doc No. 33948.
- c. A portion of the public right-of-way granted in survey 65, and the City Council finds that:
 - (1) There is no present or prospective use for the water easements and public right-of-way, for which the water easements were originally acquired, or for any other public use of a like nature that can be anticipated;
 - (2) The public will benefit from the vacation through improved utilization of land made available by the abandonment;
 - (3) The vacation of the water easements and public right-of-way is consistent with any applicable land use plan.
 - (4) The water easement system and public right-of-way for which the easements were originally acquired will not be detrimentally affected by this abandonment, or the purpose for which the easements and public right-of-way were acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the slope easement granted June 1, 2000, Doc No. 2000-0288862, located within the project boundaries as shown in Tentative Map No. 232063, shall be vacated, contingent upon the recordation of the approved final map for the project, and the City Council finds that

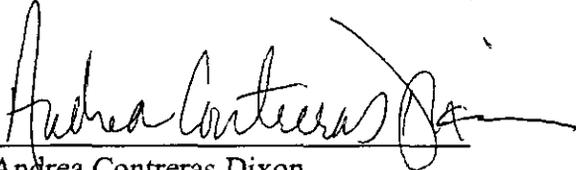
- a. There is no present or prospective public use for the slope easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the abandonment of the slope easement through improved utilization of the land made available by the abandonment;
- c. The abandonment is consistent with any applicable land use plan; and
- d. The public facility or purpose for which the slope easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the slope easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), all of the building restricted easement granted over Lot "E" per final map 15067, August 10, 2005, File No. 2005-0683772, located within the project boundaries as shown in Tentative Map No. 232063, shall be vacated, contingent upon the recordation of the approved final map for the project, and the City Council finds that

- a. There is no present or prospective public use for the building restricted easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the abandonment of the building restricted easement through improved utilization of the land made available by the abandonment;
- c. The abandonment is consistent with any applicable land use plan; and
- d. The public facility or purpose for which the building restricted easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the building restricted easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 232063 and Public Right of Way Vacation No. 232063 is granted to Pardee Homes, Subdivider/Applicant and Curtis J. Turner, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
06/25/07
Or.Dept:DSD
R-2007-1292
MMS #5011

CONDITIONS FOR TENTATIVE MAP NO. 232063

CARMEL VALLEY NEIGHBORHOOD TEN PROJECT

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. The Subdivider is permitted to file up to four final maps. The Subdivider has requested to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer may require review of any and all necessary off-site improvements in connection with each map.
4. *A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.*
5. The Final Map shall conform to the provisions of Coastal Development Permit No. 225393/Site Development Permit No. 232067.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. Prior to recording the first Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
8. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

ENGINEERING

9. The Final Map shall comply with the provisions of Coastal Development Permit No. 225393/Site Development Permit No. 232067.
10. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
12. Prior to the issuance of any construction permit, the Subdivider 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.
13. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
14. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
15. The Subdivider is permitted to file up to four final maps. The Subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
16. The Subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the Subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
17. 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.

18. 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.
19. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
20. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
21. All driveways and curb openings shall comply with City Standard Drawings G-14A, G14B, G-16 and SDG-100.
22. The Subdivider shall construct two City standard curb ramps at each curb return.
23. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for the private storm drain pipe and CDS Unit (located at the northeast corner of the Gablewood Way cul-de-sac, as shown on Exhibit 'E' of the Water Quality Technical Report dated April 2007) within the storm drain easement and Gablewood Way right-of-way.

MAPPING

24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
25. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
26. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet

thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.
27. The design of the subdivision shall include existing private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

WATER

28. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.
29. If the Subdivider makes any request for new water facilities, including services or fire hydrants, then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
30. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, may require modifications to comply with standards.

GEOLOGY

31. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's "Technical Guidelines for Geotechnical Reports."

LANDSCAPE

32. Prior to recordation of the final map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the L D C."

TRANSPORTATION

33. The Subdivider shall dedicate and construct "Canter Heights Drive" between Carmel Mountain Road and Street "Q" as a 39 foot curb to curb within a 59 foot right-of-way with a 5 foot contiguous sidewalk on the east and a 5 foot non-contiguous sidewalk on the west, to the satisfaction of the City Engineer.
34. The Subdivider shall dedicate a 5 foot general utility easement adjacent to on the east side and beyond the right-of-way of "Canter Heights Drive" between Carmel Mountain Road and Street "Q," to the satisfaction of the City Engineer.
35. The Subdivider shall dedicate and construct a north bound left turn lane and a west bound through/right turn lane at the intersection of Canter Heights Drive and Carmel Mountain Road, to the satisfaction of the City Engineer.
36. The Subdivider shall install no parking signs on both sides of "Canter Heights Drive" between Carmel Mountain Road and Street "Q" and at the terminus of "Briarlake Woods Drive," to the satisfaction of the City Engineer.
37. The Subdivider shall dedicate and construct residential local Streets "N", "Q", "R," and "S" as a 34 foot curb to curb within a 54 foot right-of-way with curb, gutter and 5 foot sidewalk, to the satisfaction of the City Engineer.
38. The Subdivider shall dedicate and construct residential local Streets "F", "Gaylemont Lane" and "Briarlake Woods Drive" as a 36 foot curb to curb within a 56 foot right-of-way with curb, gutter and 5 foot sidewalk, to the satisfaction of the City Engineer.
39. The Subdivider shall dedicate and construct a 50 foot curb radius within a dedicated 60 foot radius right-of-way cul-de-sac with curb, gutter and 5 foot sidewalk on the west end of Street "N" and the terminus of "Gaylemont Lane," to the satisfaction of the City Engineer.
40. The Subdivider shall dedicate and construct a 35 foot curb radius within a 45 foot radius right-of-way cul-de-sac with curb, gutter and 5 foot sidewalk at the terminus of "Briarlake Woods Drive," to the satisfaction of the City Engineer.
41. The Subdivider shall improve and modify the existing traffic signal to a 4-way signal at the intersection of Carmel Mountain Road and Canter Heights Drive, to the satisfaction of the City Engineer.
42. The Subdivider shall construct barricades, gates and signage indicating the end of the street at the terminus of "Gaylemont Lane" and "Briarlake Woods Drive" and Street "S," to the satisfaction of the City Engineer.

PARK & RECREATION

43. Lots "AA," "CC," "G," "H," "I," and "Q" shall be deeded to the City in fee as open space per the Multiple Species Conservation Program and shall be free and clear of all private easements, private encroachments, private agreement and/or liens.
44. Lots "M," "C," and "O" shall have a landscape maintenance easement.

INFORMATION:

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Development Services.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

characters max and must be unique. Approval name may be up to 30 characters. Category is one character of the following: 'B', 'V', 'S', 'P'. Application days defines the number of days the application is good for.

ID	Process Code	Short	Approval	Cat	Effective	Expires	Days	Authority	Approval Name Length
	1	DAS	Damage Assessment Struct Insp	B			360	Afsaneh Ahmadi	29
	1	DAC	Damage Assessment Combo Insp	B			360	Afsaneh Ahmadi	28
	1	RS	Relocation Struct Insp	B			360	MC 129.0204,13,18-2	23
	1	RC	Relocation Combo Insp	B			360	MC 129.0204,13,18-2	22

jrehoreg:
 Need:
 Project fees - none
 Approval fees-Lila needs to add hourly rate
 Job Sign offs - none
 mandatory attributes - Inspection Template
 Inspection Discipline - rename ID 5 add another
 Inspection Types
 Inspection subtypes
 Inspection Template

	?	?	Noise ???	?			?	?	
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jrehoreg:
 Need:
 Project fees -
 Approval fees-
 Job Sign offs -
 mandatory attributes - Inspection Template?
 Inspection Discipline -
 Inspection Types
 Inspection subtypes
 Inspection Template

ID	Process			Cat	Effective	Expires	Days	Authority	Approval Name Length
	Code	Short	Approval						
277	1	SWA	Storm Water Maintenance Agreeeme	S			360	MC43.0310	33

jrehoreg:
 Need:
 Project fees - ?
 Approval fees-?
 Job Sign offs - none
 mandatory attributes= Inspection Template
 Inspection Template- Should we use +install perm BMP rather than
 w/ & w/o versions of many templates ???
 Inspection Disciplines= ID 9, 3, 2

000142

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit to subdivide a 44.80-acre site and construct a single-family subdivision known as the Carmel Valley Neighborhood Ten project, located in the Carmel Valley Neighborhood Ten Precise Plan area west of Carmel Country Road along both sides of Carmel Mountain Road and at the terminus of Briarlake Woods Drive, and legally described as:

being a portion of the southwest quarter of the southeast quarter of Section 29, together with a portion of the west 10 acres of the southeast quarter of the southeast quarter of said Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof;

Excepting therefrom that portion granted to the City of San Diego by deed recorded February 29, 2000 as File No. 2000-0101939 of Official Records;

Together with Lot 3 in Section 28, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof;

Together with Lot E of Carmel Valley Neighborhood 10 Unit 12 South, according to Map thereof No. 15607 filed in the Office of the County Recorder of San Diego County August 10, 2005;

Together with portions of Carmel Mountain Road, Canter Heights Drive and Coach Horse Court, as dedicated to public use, all being in the City of San Diego, County of San Diego, State of California, in the Carmel Valley Community Plan area, in the SF-2, SF-3 and OS Zones of the Carmel Valley Planned District Ordinance; and

WHEREAS, on June 21, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 225393/Site Development Permit [SDP] No. 232067, and pursuant to Resolution No. 4275-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 _____, 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 Coastal Development Permit No. 225393/Site Development Permit No. 232067:

A. SITE DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The proposed single family development on 44.8-acre site is designated for Residential use by the Carmel Valley Neighborhood Ten Precise Plan and allows residential development at the densities allowed by the existing SF-2, SF-3 and OS zones of the Carmel Valley Planned District. The proposed project is consistent with this designation and will dedicate 12.56 acres to the City of San Diego as open space within the Multiple Habitat Planning Area [MHPA]. The proposed project is consistent with the land use allowed by the Precise Plan and the preservation goals of the Environmental Tier. Being determined the project is consistent with the Progress Guide and General Plan, the Carmel Valley Neighborhood Ten Precise Plan, the regulations of the SF-2, SF-3 and OS zones and the Planned Development Permit regulations, 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 proposed development includes the dedication of right-of-way and contribution of its fair share cost towards construction of public improvements in the Carmel Valley Neighborhood Ten Precise Plan. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance; will 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; and will provide a geotechnical report in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports for the review and approval by the City Engineer. The development will also provide for the health, safety, and welfare of the residents by locating Zone 1 Brush Management outside the MPHA and Zone 2 Brush Management inside the MHPA and outside of lands owned by the City while providing setbacks for houses adjacent to fuel sources. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development complies with the regulations of the SF-2, SF-3 and OS zones and site specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant 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 Coastal Development Permit No. 225393/ Site Development Permit No. 232067. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

2. Supplemental Findings – Environmentally Sensitive Lands

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 site is designated by the Carmel Valley Neighborhood Ten Precise Plan for residential development and is identified by the Land Development Code as within the SF-2, SF-3 and OS zones. The site is currently undeveloped. The proposed project will provide mitigation for the direct impact to sensitive vegetation. The project creates direct impacts to 5.30 acres of Tier 1 southern maritime chaparral all outside the MHPA; 5.22 acres of Tier I Diegan Coastal sage scrub, 4.14 outside MHPA, 1.08 inside MHPA; and 8.52 acres of non-native grassland, 5.28 acres outside MHPA and 2.95 inside MHPA. These impacts will be mitigated per the City's Environmentally Sensitive Lands Guidelines. Assuming all impacts are mitigated within the MHPA, which allows out of kind mitigation within Tiers I-III for these habitat types, the total mitigation acreage required would be 16.11 acres. These impacts are the minimum disturbance necessary to construct the proposed project. Extensive planning and development of alternatives were evaluated to determine the proposed impact is the least possible and has been shown to be the case.

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 development will alter the site to the least extent

possible while subdividing the property and grading the site for single family uses. All manufactured slopes constructed for the project will include erosion control to preclude erosional forces from impacting the site. The site is not located within or adjacent to any areas prone to flooding. Brush management requirements imposed in the conditions of approval will reduce the risks from natural wildfires to a safe level. The site is not adjacent to any high risk fuel source and is not subject to the threat of high heat fires as a result of dense brush burning in the immediate area.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The development proposes to subdivide a 44.8-acre site for development of single-family properties. The proposed project will not create adverse impacts on adjacent environmentally sensitive lands. The project will incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and will comply with all requirements of 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. No drainage will be allowed to exit the site except in a controlled manner and will not impact sensitive habitats located down stream.

The mitigation monitoring and reporting program adopted for the proposed project will reduce to a level of insignificance all probable and potential environmentally adverse affects on adjacent lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. A Multiple Habitat Planning Area Boundary Line correction has been processed by City staff and reviewed and accepted by the US Fish & Wildlife Service and California Fish and Game agencies. The minor correction is supported by the Biology Report prepared for the project. With the minor correction to the boundary line of the MHPA, the proposed project is consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project is within the watershed of the Los Penasquitos Lagoon and contributes drainage to this impaired water body. The project will incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and will comply with all requirements of 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 so as to reduce or eliminate any potential adverse affects upon the Los Penasquitos Lagoon. In this way, the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply since all drainage will

be controlled appropriately to prevent any adverse impacts to downstream areas, including the shoreline of the Pacific Ocean and the Los Penasquitos Lagoon.

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.** All required mitigation required as a condition of the development permit has been carefully scrutinized and is based on direct cause and effect relationships. The required mitigation is calculated to focus on those areas where a direct or potential impact will or may occur. No mitigation is required for the proposed project which does not pass this scrutiny and which is not based upon objective scientific fact or causal relationship.

B. COASTAL DEVELOPMENT PERMIT – SDMC SECTION 126.0708

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 44.8-acre site is located approximately four miles east from the Pacific Ocean. No physical accessway legally used by the public or proposed public accessway will be compromised or encroached upon with the approval of the project as none exist crossing the property leading to and along the ocean and other scenic coastal areas. No existing or proposed physical accessway exists or is designated on or across the site. From the site no public views to or along the ocean or other scenic coastal areas presently exist and none will be impacted from the approval of the project.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The site is designated by the Carmel Valley Neighborhood Ten Precise Plan for residential development and is identified by the Land Development Code as within the SF-2, SF-3 and OS zones. Extensive planning and development of alternatives were evaluated to determine the proposed impact is the least possible. See SDP, Supplemental Findings--Environmentally Sensitive Lands Finding #a above for more detail.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The certified Local Coastal Program, the Carmel Valley Neighborhood Ten Precise Plan, designates this site for residential development. The proposed development, a subdivision for the development of a single family project, will comply with the certified Local Coastal Program and the regulations of the Implementation Program. No variances or deviations are required to approve the project as proposed.

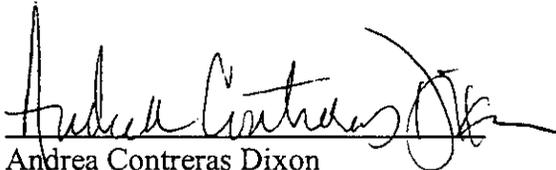
4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The site, approximately four miles east of the Pacific Ocean, is not between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The site is located in Carmel Valley Neighborhood Ten Precise Plan east of Interstate 5. The development of a

subdivision for development of a single family neighborhood will have no affect upon the public's access to coastal resources or recreation policies of Chapter 3 of the Coastal Act. The site does not contain any existing or planned access routes to the sea or shoreline of any body of water within the Coastal Overlay Zone and will have no affect upon the recreation policies of Chapter 3 of the Coastal Act in that all necessary parking is provided on the site for employees and visitors. Being determined that the proposed project will have no affect upon the access or recreational policies of the Coastal Act, the proposed project is therefore in conformance with the policies of such act.

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 Coastal Development Permit No. 225393/Site Development Permit No. 232067 is granted to Pardee Homes, Owner/Permittee, 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 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
06/26/07
Or.Dept:DSD
R-2007-1293
MMS #5011

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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 42-4540

**COASTAL DEVELOPMENT PERMIT NO. 225393/
SITE DEVELOPMENT PERMIT NO. 232067
CARMEL VALLEY NEIGHBORHOOD TEN [MMRP]**

CITY COUNCIL

This Coastal Development Permit No. 225393/Site Development Permit No. 232067, an amendment to Carmel Valley Planned District Development Plan Permit/Resource Protection Ordinance Permit No. 96-0737, County Recorder's Office Document number 1997-0534836 dated October 24, 1997, is granted by the Council of the City of San Diego to Pardee Homes, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0504. The 44.80-acre site is located in four separate locations generally described by unit as Unit 2 South (A): located at the terminus of Briarlake Woods Drive; Unit 5 South (B): located south of Carmel Mountain Road, west of Gaylemont Lane and west of Furlong Place; Unit 9 South: located south of Carmel Mountain Road west of the new bridge at the boundary between the Torrey Hills and Neighborhood Ten communities; and Unit 12 South (B): located north of Carmel Mountain Road, west of Canter Heights Drive, all in the SF-2, SF-3 & OS zones of the Carmel Valley Planned District of the Carmel Valley Community Plan area. The project site is legally described as:

being a portion of the southwest quarter of the southeast quarter of Section 29, together with a portion of the west 10 acres of the southeast quarter of the southeast quarter of said Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof;

Excepting therefrom that portion granted to the City of San Diego by deed recorded February 29, 2000 as File No. 2000-0101939 of Official Records;

Together with Lot 3 in Section 28, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof;

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Together with Lot E of Carmel Valley Neighborhood 10 Unit 12 South, according to Map thereof No. 15607 filed in the Office of the County Recorder of San Diego County August 10, 2005;

Together with portions of Carmel Mountain Road, Canter Heights Drive and Coach Horse Court, as dedicated to public use, all being in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the 44.80-acre site into 145 lots for development of 121 single-family structures; six lots for dedication as open space to the City of San Diego in fee simple; sixteen lots for manufactured slopes, brush management, monument entries, pocket parks, green space and a private driveway to be owned by the home owners association; and two additional home owners association lots to provide legal and physical access to a parcel beyond the subdivision boundary, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. Subdivision of the 44.80-acre site into 145 lots for development of 121 lots for 121 single-family structures; six open space lots to be deeded to the City of San Diego in fee simple; sixteen lots for ownership by the home owners association for brush management, manufactured slopes, monument entries, pocket parks, green space and a private driveway; and two additional home owners association lots to provide legal and physical access to a parcel beyond the subdivision boundary;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Canter Heights Drive Street between Station 1+45 to Station 3+40 would deviate from the Street Design Manual with the roadway being an additional five feet wide in order to accommodate a looped water main system for the project;
- e. The average floor to area ratio [FAR] calculated over the entire project would not exceed 60 percent. A few lots would exceed 60 percent FAR as long as the combined total of all lots within the project does not exceed 60 percent FAR;
- f. Water meters on-site may be placed in driveways in limited instances. While water meters are not typically located within driveways, an allowance has been made by the Water Department to allow water meters to be located within the driveway on this project when other suitable locations are not feasible; and

- g. 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. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit No. 225393/Site Development Permit No. 232067 is an amendment to Carmel Valley Planned District Development Plan Permit/Resource Protection Ordinance Permit 96-0737, County Recorder's Office Document number 1997-0534836, dated October 24, 1997. All privileges, rights and obligations granted by Carmel Valley Planned District Development Plan Permit/Resource Protection Ordinance Permit 96-0737, County Recorder's Office Document number 1997-0534836, dated October 24, 1997 shall be null and void and have no effect on the properties to which this Coastal Development Permit No. 225393/Site Development Permit No. 232067 is recorded upon.
3. 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 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.
4. 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.
5. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the 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.).

8. 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 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 Permittee by the City: (1) to grant 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 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 Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

9. 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.

10. Before issuance of any building or grading permits, complete grading and working drawings 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.

11. 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.

12. This Permit shall become effective with recordation of the corresponding final subdivision maps for and approval of the project site.
13. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.
14. 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 each phase of development is consistent with the conditions and exhibits approved for each respective phase in accordance with the approved Exhibit "A."
15. Prior to issuance of any engineering permit for grading, the Owner/Permittee shall deposit a fee with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of the total area of the site to be graded at a rate of \$0.005 per square foot. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
16. Prior to issuance of any engineering permit for public improvements, the Owner/Permittee shall deposit a fee with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of the proposed development at a rate of \$0.03 per square foot for all impervious surfaces created by the public improvements. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
17. Prior to issuance of any building permit, the Owner/Permittee shall deposit a fee with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of the proposed development at a rate of \$0.03 per square foot for all impervious surfaces created by the site construction on each lot. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
18. At all bus stops within the project area, if any, the Owner/Permittee shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.
19. The Coastal Development Permit No. 225393/ Site Development Permit No. 232067 shall conform to the provisions of Tentative Map No. 232063.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

20. 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.
21. As conditions of this permit, the mitigation measures specified in the MMRP, and outlined in the Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72526, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
22. The Owner/Permittee shall comply with the MMRP as specified in the Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72526 satisfactory to the City Manager and City Engineer. 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:

- Air Quality
- Biological Resources
- Landform/Visual Quality
- Land use
- Paleontological Resources
- Public Services

23. 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.

AFFORDABLE HOUSING REQUIREMENTS:

24. In accordance with the Development Agreement, Doc. #1999-0541679, recorded August 5, 1999, all single family lots within the subdivision shown on Vesting Tentative Map No. 232063, are exempt from the Inclusionary Housing Ordinance requirements except for Unit 12 South (B), Lots 1-14. Prior to the issuance of each building permit for Unit 12 South (B), Lots 1-14, as shown on the approved Vesting Tentative Map No. 232063, the Owner/Permittee shall pay the Inclusionary Housing In-Lieu Fee due for those lots, Unit 12 South (B), Lots 1-14, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Land Development Code.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

25. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."

26. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."
27. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The 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 Land Development Code section 142.0412 (Ordinance No. 19413).
28. The Brush Management Program shall consist of two zones consistent with the Brush Management Regulations of the Land Development Code section 142.0412 as follows: Vesting Tentative Map No. 232063 shall have a standard Zone One of 35 feet and a standard Zone Two of 65 feet, unless otherwise noted or shown on the Vesting Tentative Map No. 232063, Exhibit "A."
29. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, or other flammable features, 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.
30. In Zone One, plant material shall be selected to visually blend with the existing vegetation located in the adjacent open space. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the MSCP staff.
31. All new Zone Two planting shall be temporarily irrigated with an above-ground irrigation system until established. Zone Two shall be maintained on a regular basis by pruning and thinning plants, removal of weeds, and maintaining the temporary irrigation system. Only native vegetation shall be planted or hydroseeded in Zone Two. If Zone Two is being revegetated, 50 percent of the planting area shall be seeded with material that will not exceed 24 inches in height.
32. Prior to final inspection of any building permit, the approved Brush Management Program shall be implemented, to the satisfaction of the City Manager. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.

GEOLOGY REQUIREMENTS:

33. Prior to the issuance of engineering permit for grading or building permit, additional geotechnical review will be required for this project.

TRANSPORTATION REQUIREMENTS:

34. Prior to the issuance of any building permit, construction plans shall indicate the depth of the driveway to be twenty feet minimum or a minimum of eighteen feet if a sectional garage door is provided.

35. Prior to the issuance of any building permit on Lots 1, 2 and 3 of Unit 9 South, construction plans shall indicate a concrete surface, or other suitable material, to allow vehicles to turn around on each lot to facilitate vehicles departing in a forward facing orientation.

LANDSCAPE REQUIREMENTS:

36. All landscape and irrigation shall conform to the City of San Diego Landscape Ordinance and City of San Diego Land Development Manual Landscape Standards and all regional standards for landscape installation and maintenance.

37. Improvements such as driveways, utilities, drains, and water and sewer laterals shall be designed so as not to prohibit the placement of street trees, all to the satisfaction of the City Manager.

38. Prior to issuance of any engineering permit 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 and Exhibit "A."

39. Prior to issuance of any engineering permit for public right-of-way improvements or building permits for buildings, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall provide a forty square foot area around each tree which is unencumbered by utilities as set forth under LDC section 142.0403(b)5. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

40. 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.

41. 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. All trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

42. The Owner/Permittee 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.

43. If any required landscape, including existing or new plantings, hardscape, landscape features, or other features, 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 30 days of damage or prior to a final landscape inspection.

PLANNING/DESIGN REQUIREMENTS:

44. No fewer than two off-street parking spaces shall be maintained on each single-family property at all times 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.

45. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

46. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

47. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.

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

49. 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.

50. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

51. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

WATER REQUIREMENTS:

52. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services in the rights-of-way adjacent to the project sites, in a manner satisfactory to the Water Department Director and the City Engineer.

53. Providing there is no suitable location available for the water meters in the public right-of-way, water meters may be installed in driveways or other suitable locations, satisfactory to the Water Department Director.

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

55. Prior to final inspection of any building, the as-built drawings for the water main through the bridge on Carmel Mountain Road shall have been completed and approved by that project's resident engineer.

56. Prior to final inspection of any building, all water mains, including the water main through the bridge on Carmel Mountain Road, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

57. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

58. All water facilities on private property, including domestic, fire and irrigation systems, which are not located within the public right-of-way, granted a water easement or general utility easement, shall be private.

59. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities and water easements, as shown on the approved plans, shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

60. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the Owner/Permittee obtaining a Maintenance and Encroachment Maintenance and Removal Agreement.

61. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within ten feet of any public sewer facilities.

62. The Owner/Permittee shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide (2004 version). Proposed facilities that do not meet the current standards shall be redesigned or private.

000159

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

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.

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.

APPROVED by the City Council of the City of San Diego on
_____, by Resolution No. R-_____.

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AUTHENTICATED BY THE CITY MANAGER

By _____

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

PARDEE HOMES, a California Corporation
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE PROPOSED Public Right-of-way Vacation No. 266926 and Easement Vacation No. 266925 Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393
CARMEL VALLEY NEIGHBORHOOD TEN, PTS# 72526

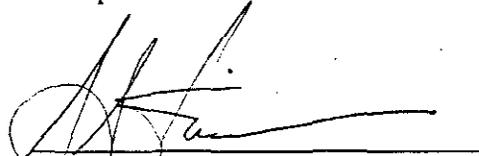
WHEREAS, on June 21, 2007, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego adoption of Public Right-of-way Vacation No. 266926 and Easement Vacation No. 266925 Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393; and

WHEREAS, Pardee Homes, Owner requested Public Right-of-way Vacation No. 266926 and Easement Vacation No. 266925 Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393 for the purpose of subdividing and developing 44.8 acres into 145 lots and construct 121 single family dwellings, dedication of public streets, grading, landscaping and improvements in the public right-of-way and other uses generally associated with a land development, such as: homeowner association lots, open space lots and water quality basins; and

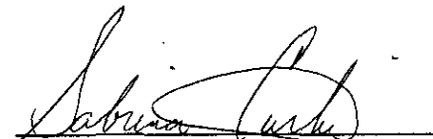
WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW
THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of The City of San Diego adoption of the Public Right-of-way Vacation No. 266926 and Easement Vacation No. 266925 Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego hereby recommends to the Council of the City of San Diego adoption of the Public Right-of-way Vacation No. 266926 and Easement Vacation No. 266925 Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393 and incorporate all other listed actions.



John S. Fisher
Development Project Manager
Development Services



Sabrina Curtin
Secretary to the Planning
Commission

Dated June 21, 2007

By a vote of: 6:0:0

Item 12

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
JUNE 21, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Vice-Chairperson Garcia called the meeting to order at 9:08 a.m. Vice-Chairperson Garcia adjourned the meeting at 12:05 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson Kathleen Garcia - present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Vacancy
Cecilia Williams, Planning Department – present
Mike Westlake, Development Services-present
Andrea Dixon, City Attorney- present
Sabrina Curtin, Recorder-present

ITEM-11: **1209-15 AZUSA STREET TENTATIVE MAP- PROJECT NO. 94628**
City Council District: 6; Plan Area: Linda Vista

COMMISSION ACTION:

CONSENT MOTION BY VICE-CHAIRPERSON GARCIA TO APPROVE TENTATIVE MAP NO. 30562AS PRESENTED IN REPORT NO. PC-07-070 TO THE PLANNING COMMISSION, WITH THE APPLICANT AGREEING TO THE LIST OF IMPROVEMENTS PRESENTED TO THE COMMISSION. Second by Commissioner Otsuji. Passed by a vote of 5-1-1 with Commissioner Griswold voting Nay and one vacancy. Resolution No. 4274-PC.

ITEM-12: **CARMEL VALLEY NEIGHBORHOOD TEN - PROJECT NO.72526**
City Council District: 1; Plan Area: Carmel Valley

John Fisher presented Report No. PC-07-90 to the Planning Commission.

Speaker slip submitted in favor by Allen Kashani, Jimmy Ayala, Curt Turner, Kim Sheredy, Karen Van Winkle, and Lee Sherwood.

COMMISSION ACTION:

MOTION BY VICE-CHAIRPERSON GARCIA TO RECOMMEND TO CITY COUNCIL TO APPROVE PUBLIC RIGHT-OF-WAY VACATION NO. 266926, EASEMENT VACATION NO. 266925, VESTING TENTATIVE MAP NO. 232063, SITE DEVELOPMENT PERMIT NO. 232067 AND COASTAL DEVELOPMENT PERMIT NO. 225393 AS PRESENTED IN REPORT NO. PC-07-090.

RECOMMEND THE CITY COUNCIL CERTIFY ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT AND SUBSEQUENT EIR NO.72526, AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM.

SECOND BY Commissioner Otsuji. Passed by a 6-0 vote with one vacancy. Resolution No. 4275-PC

Chairperson Schultz adjourned the Planning Commission meeting at 12:25 p.m.

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9/17

JACK AND DANA TAVELMAN
3315 VENADO STREET
CARLSBAD, CA, 92009
(760)717-5676 phone (760)635-9363 fax

September 10, 2007.

By Facsimile (619 236-6999)

Council President Scott Peters
City of San Diego
202 C Street
San Diego, CA 92101

RECEIVED
CITY CLERK'S OFFICE
07 SEP 11 AM 9:33
SAN DIEGO, CALIF.

**Re: Request To Confirm Condition Of Pardee Homes' Neighborhood 10
Approval To Provide An Access And Utility Easement For
Landlocked Parcel, Subject To Fair Compensation.**

Dear Council President Peters:

This letter asks that the City of San Diego confirm that it will condition its approval of the Pardee Homes Neighborhood 10 (Carmel Valley) project to provide an easement for access and utilities to my landlocked property, subject to the payment of reasonable compensation. I understand that Pardee's project is scheduled to be considered by the City Council at the September 18, 2007 City Council meeting.

I own the 1.25-acre parcel located southeast of Carmel Mountain Road and southwest of Furlong Place in Carmel Valley Neighborhood 10 (APN 307-100-14). The property is surrounded on all sides by land that is part of Pardee's subdivision. My parcel is landlocked and has no access to any public improvements and utilities except through land owned by Pardee.

The previous owner of my land and I have negotiated for years with Pardee about obtaining an access and utility easement to my property from Carmel Mountain Road. While Pardee has provided a curb cut and utility stubs in Carmel Mountain Road at the point where my driveway would access the street, we have not been able to agree on the proper cost for the easement to my land. Pardee's appraisal for the easement is nearly 9 times higher than my appraisal. I am willing to pay fair market value for the easement, and have offered that amount to Pardee. But my offer has been rejected.

September 10, 2007 page 2

In any event, Pardee has recently written to my representative in July 2007 stating that it

“has also caused a separate lot to be created for ingress and egress and utilities providing direct access to the Tavelman parcel which could be conveyed to the Tavelmans upon recordation of the final subdivision map for this area. The configuration of this separate lot is based upon the civil engineering plans the Tavelmans shared with Pardee’s consultants.”

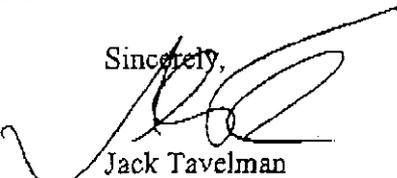
I want to confirm that Pardee’s proposed subdivision map to be considered by the City Council contains this separate lot and related access and utility easement. I also want to confirm that a condition imposed by the City for any approval of the Pardee subdivision requires the access and utility easement described above be conveyed to me no later than the recordation of the final map, subject to payment of fair compensation. Pardee has committed to the easements as described above, and the City should make that commitment a condition in the approval of the subdivision.

The City may condition Pardee’s subdivision consistent with the company’s representations to me. As I understand, the condition would be allowed under Government Code sections 66475 and 66485. The condition is also required under City Municipal Code sections 144.0230, 144.0230(c) and 144.0210.

Based on this information, I request that the City of San Diego confirm and/or condition any approval of Pardee’s Neighborhood 10 project to include the separate lot, and the access and utility easement discussed above. The easement is essential to allow the proper use of my parcel.

Thank you for your attention to this matter.

Sincerely,



Jack Tavelman

Copies: Councilmember Kevin Faulconer (by fax 236-6996)
Councilmember Toni Atkins (by fax 595-1481)
Councilmember Tony Young (by fax 236-7273)
Councilmember Brian Maichschein (by fax 238-0915)
Councilmember Donna Frye (by fax 236-7329)
Councilmember Jim Madaffer (by fax 238-1360)
Councilmember Ben Hueso (by fax 231-7918)
Elizabeth Maland, City Clerk (by fax 533-4045)
Bernie Turgeon (by fax 533-5951)