



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 15, 2015 REPORT NO. HO 15-054

ATTENTION: Hearing Officer

SUBJECT: PEPPERTREE MAP WAIVER
PTS PROJECT NUMBER: 403381

LOCATION: 11800 Carmel Creek Road

APPLICANT: Eric B. Shwisberg, Manager of MKSRV Solana Carmel Creek LLC,
Property Owner; Jeff Barfield, Land Use Consultant

SUMMARY

Issue(s): Should the Hearing Officer approve the change to a previously approved ninety two dwelling unit apartment complex, yet to be constructed, to a ninety two dwelling unit condominium development on a 2.49-acre property within the Carmel Valley Community Plan area?

Staff Recommendation(s) – **APPROVE** Coastal Development Permit No. 1449335 and Map Waiver No. 1410018.

Community Planning Group Recommendation – On February 26, 2015, the Carmel Valley Community Planning Board voted 10-0 to recommend approval of this proposed project with no conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations in Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 13, 2015, and the opportunity to appeal that determination ended on March 27, 2015. A Mitigated Negative Declaration No. 167252 was prepared for the previous project, Project No. 167252, which included analysis of the ninety-two unit apartment complex and was certified by City Council on March 29, 2011.

BACKGROUND

The 2.49-acre site is located at 11800 Carmel Creek Road in the MF-3/OS Zones of the Carmel Valley Planned District, Coastal (non-appealable) Overlay Zone and within the Carmel Valley

Community Plan area. The development is located on one lot and designated Low-Medium Density Residential by the Carmel Valley Community Plan (Attachment 2). The surrounding area is developed with a mix of multi-family residential, visitor commercial, neighborhood commercial, an education/recreational facility and open space. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit, which is an amendment to the previously approved Coastal Development Permit No. 652351. The proposed subdivision qualified for a Map Waiver request, by the Land Development Code (Section 125.0120), for the proposed division of the property into ninety two residential condominium dwelling units.

The previously approved project, Project No. 167252, for a 92 dwelling unit apartment complex was approved by the City Council on March 29, 2011. This approval included a Rezone, Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Plan Amendment, Vesting Tentative Map, Planned Development Permit, Site Development Permit and a Coastal Development Permit. The construction documents for this complex are currently in plan check and have not been issued yet.

DISCUSSION

The previously approved development is a three-story and four-story, ninety two dwelling unit apartment complex that is currently in plan check review. The apartment complex is made up of two buildings, the a first is a three story, eight dwelling unit townhouse building and the second is a three and four story, 84 dwelling unit flats apartment building. The overall complex includes forty-one, one-bedroom units, thirty-seven, two-bedroom units and fourteen three-bedroom units.

The project proposes to change the previously approved residential apartment complex, from rental apartment dwelling units, into ninety two residential condominium dwelling units. Utilities are located below ground, which meets the under grounding requirement. The project has a total of one hundred and sixty nine off-street parking spaces, with vehicular access off of the adjacent streets, Carmel Creek Road. During the project's review, City Staff determined that the proposed map waiver to the previously approved apartment complex was in conformance with the applicable development regulations. Aside from the change in the form of ownership, there are no other proposed changes to this previously approved project.

CONCLUSION

A Coastal Development Permit and Map Waiver for the proposed ninety two dwelling unit change to condominium may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed change to condominium and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development, Map Waivers and land use policies. Staff has determined that the required findings can be made and recommends approval of the project as proposed.

ALTERNATIVE

1. Approve Coastal Development Permit No. 1449335 and Map Waiver No. 1410018, with modifications.
2. Deny Coastal Development Permit No. 1449335 and Map Waiver No. 1410018, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Glenn R. Gargas, Development Project Manager

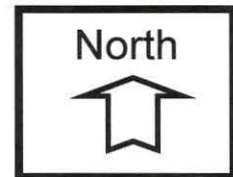
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Coastal Permit Resolution with Findings
6. Draft Coastal Permit with Conditions
7. Draft Map Waiver Resolution
8. Draft Map Waiver Conditions
9. Project Site Plan - Map Exhibit-Map Waiver
10. Copy of Coastal Development Permit No. 652351.
11. Copy of CEQA Notice of Exemption
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Copy of Public Notice

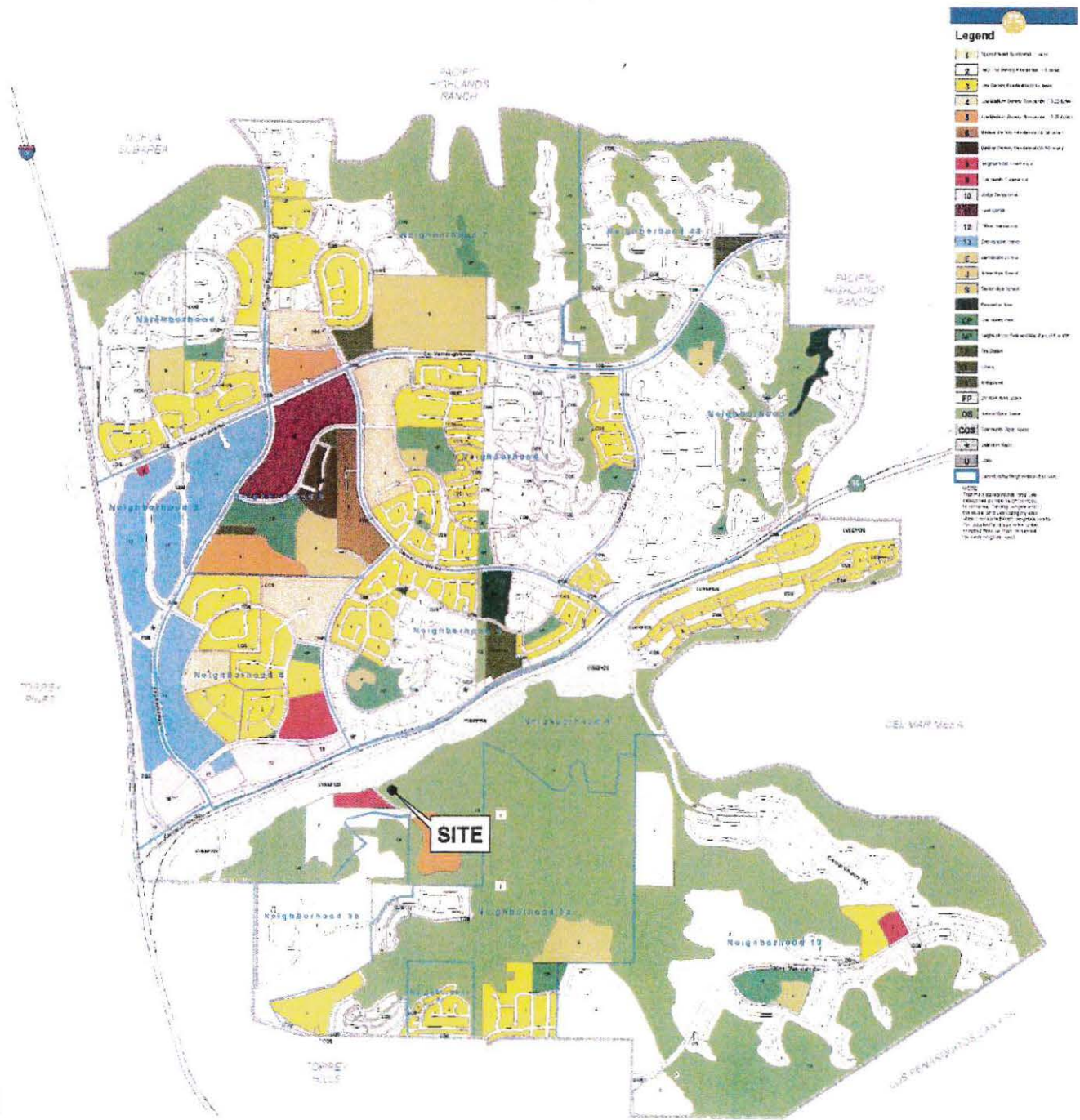


Aerial Photo

PEPPERTREE MAP WAIVER 11800 CARMEL CREEK ROAD
PROJECT NO. 403381



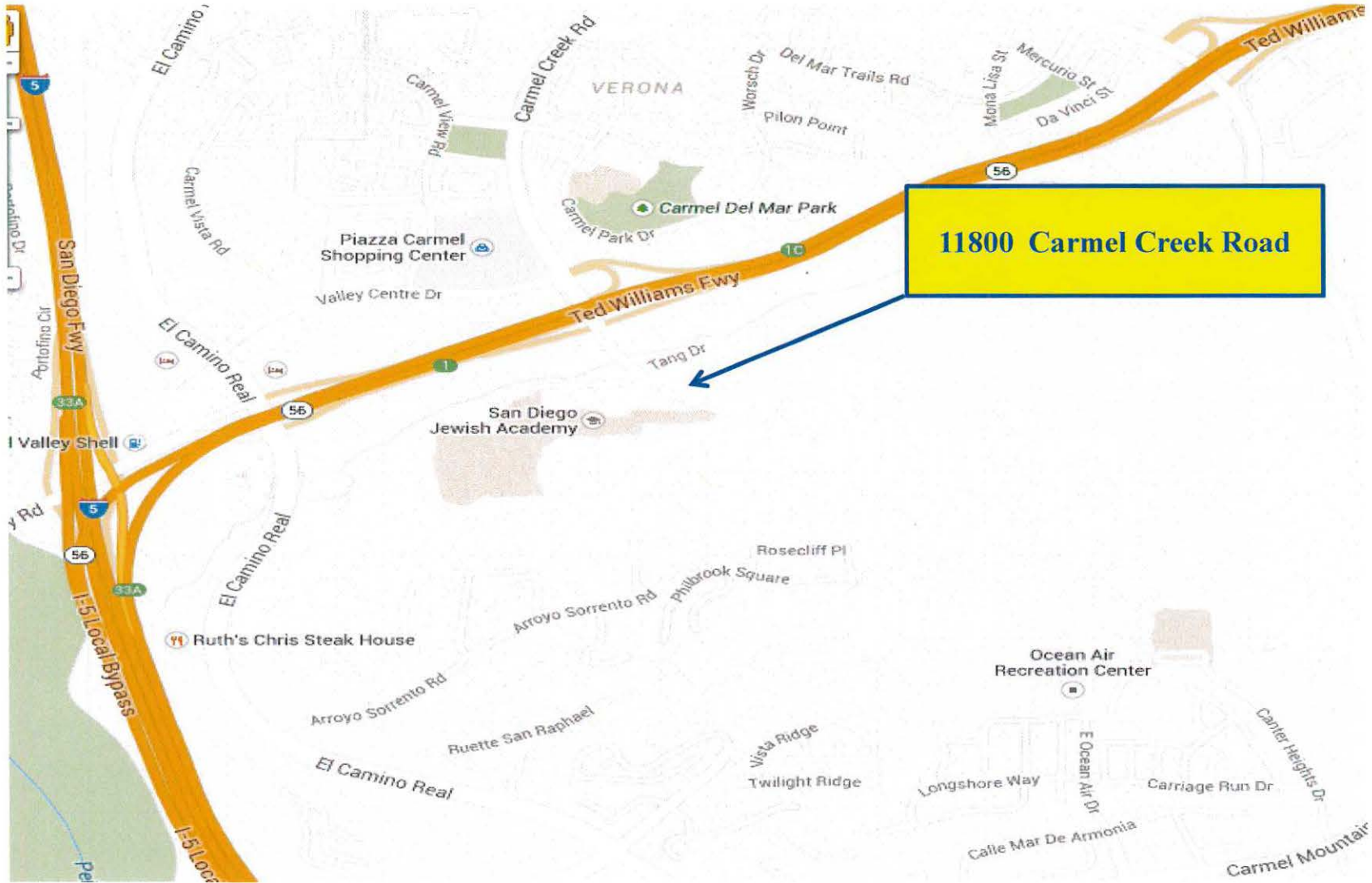
Carmel Valley Neighborhoods Composite Plan Land Use



Land Use Map

**PEPPERTREE MAP WAIVER – 11800 CARMEL CREEK RD
PROJECT NO. 403381 Carmel Valley**



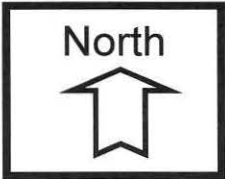


11800 Carmel Creek Road



Project Location Map

**PEPPERTREE MAP WAIVER – 11800 CARMEL CREEK ROAD
PROJECT NO. 403381**



PROJECT DATA SHEET

PROJECT NAME:	Peppertree Map Waiver	
PROJECT DESCRIPTION:	A change in the form of ownership for a previously approved 92 unit apartment complex on a 2.49-acre site from rental apartments to condominiums.	
COMMUNITY PLAN AREA:	Carmel Valley	
DISCRETIONARY ACTIONS:	Coastal Development Permit Amendment and Map Waiver.	
COMMUNITY PLAN LAND USE DESIGNATION:	Multiple Family	
<u>ZONING INFORMATION:</u>		
ZONE: CVPD-MF3		
HEIGHT LIMIT: 50 foot maximum height or 4 stories		
LOT SIZE: 6,000 square-foot minimum lot size		
FLOOR AREA RATIO: 0.75 maximum		
FRONT SETBACK: 15-20 feet		
SIDE SETBACK: 5' min./8' max.		
STREETSIDE SETBACK: 10 feet		
REAR SETBACK: 15 feet		
PARKING: 164 minimum parking spaces required.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	CVPD-OS	Open Space
SOUTH:	RS-1-14	Private school
EAST:	CVPD-MF1 & CVPD-OS	Residential & Open Space
WEST:	CVPD-NC	Office

DEVIATIONS OR VARIANCES REQUESTED:	None with this proposal.
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Carmel Valley Community Planning Board, on February 26, 2015, voted unanimously 10-0 to recommend approval of the project.

HEARING OFFICER RESOLUTION NO. _____
 COASTAL DEVELOPMENT PERMIT NO. 1449335
PEPPERTREE MAP WAIVER - PROJECT NO. 403381

WHEREAS, MKS RV Solana Carmel Creek, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide and create condominium ownership from a previously approved, yet to be constructed, apartment complex (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1410018), on portions of a 2.49-acre property;

WHEREAS, the project site is located at 11800 Carmel Creek Road, in the MF-3 Zone of the Carmel Valley Planned District, Coastal (non-appealable) Overlay Zone of the Carmel Valley Community Plan area;

WHEREAS, the project site is legally described as Lot 1, Peppertree, Map No. 16002;

WHEREAS, on April 15, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1449335, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 13, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305 (Minor Alterations in Land Use Limitations) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated April 15, 2015.

FINDINGS:

Coastal Development Permit - 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; and**

The 2.49-acre project site is currently vacant with a previously approved 92 dwelling unit apartment complex, yet to be constructed. The development proposes to divide the 92 dwelling units into residential condominiums and is located approximately one mile from the coastline. The proposed development does not involve any further physical change to the apartment complex and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the Carmel Valley Community Plan and

North City Local Coastal Land Use Plan. The project site is situated along the east side of Carmel Creek Road, within a mix of multi-family, visitor commercial, neighborhood commercial, open space and a education/recreational facility type of existing surrounding land uses. The proposed division into condominiums is to a new construction, currently in plan check, which was previously approved and found to meet all of the development standards, such as setbacks, floor area ratio and height limit and the proposed structure will protect and enhance public views.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 2.49-acre project site is currently vacant with a previously approved 92 dwelling unit apartment complex. The previous approval included the approval of a Site Development Permit, Site Development Permit No. 601110, which was due to the site containing Environmentally Sensitive Lands. The previous approval also included the Certification of Mitigated Negative Declaration No. 167252 and adoption of the Mitigation Monitoring and Reporting Program, which provides mitigation measures to potential Biological Resources, Land Use (MHPA Adjacency), Noise and Paleontological Resources. This MMRP Program will remain in effect and be implemented with the construction of the approved apartment complex. The environmental analysis of the proposed project to change the form of ownership from apartments to condominiums, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project is only to subdivide the property into condominium ownership and does not propose any additional grading or physical change not previously analyzed on any portion of the property and does not adversely affect environmentally sensitive lands.

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; and

The proposed division of the previously approved apartment complex, yet to be constructed with 92 dwelling units into condominium units is located on a site which has a Low-Medium Residential land use designation by the Carmel Valley Community Plan and Neighborhood 8 Precise Plan. This proposal is only for the subdivision of the property into condominium ownership. There is no proposed physical change to the property with this project. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations, specifically those of the MF-3 Zone of the Carmel Valley Planned District Ordinance. Due to these factors the proposed change to condominium ownership was found to be in compliance with the City of San Diego adopted Carmel Valley Community Plan and North City Local Coastal Land Use Plan.

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 2.49-acre site, previously approved for an apartment complex, yet to be constructed, with the 92 dwelling unit structures, is located within a mix of developed multi-family, neighborhood

commercial, visitor commercial, a education/recreational facility and open space land uses. The project site is not located between the first public road and the sea or coastline. The project site is located approximately one mile from the Pacific Ocean. There is no identified public access nor public recreation area on or adjacent to the project site. The previously approved apartment complex is designed to be contained within the legal lot area and these stated resources will not be impaired by the development or further subdivision of this property. The proposed change in the form of ownership to condominiums does not proposed any additional physical design change. The previously approved project is designed to take access off the existing public streets, with all one hundred sixty nine off street parking spaces with access off Carmel Creek Road. The existing character and pedestrian design of the street will remain unaltered. The project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1449335, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1449335, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: April 15, 2015

Job Order No. 24005487

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005487

COASTAL DEVELOPMENT PERMIT NO. 1449335
AN AMMENDMENT TO CDP NO. 167252
PEPPERTREE MAP WAIVER - PROJECT NO. 403381
HEARING OFFICER

This Coastal Development Permit No. 1449335, an Amendment to Coastal Development Permit No. 167252, is granted by the Hearing Officer of the City of San Diego to MKS RV Solana Carmel Creek, LLC, a California Limited Liability Company, Owner / Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 2.49-acre site is located at 11800 Carmel Creek Road, in the MF-3 Zone of the Carmel Valley Planned District, Coastal (non-appealable) Overlay Zone and within the Carmel Valley Community Plan area. The project site is legally described as: Lot 1, Peppertree, Map No. 16002.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to change a previously approved apartment complex, yet to be constructed, to condominium ownership described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 15, 2015, on file in the Development Services Department.

The project shall include:

- a. To change an 92 dwelling unit apartment complex, previously approved as rental apartment dwelling units, not yet constructed, into a 92 unit residential condominium dwelling units on a 2.49-acre property;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 30, 2018.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

AFFORDABLE HOUSING REQUIREMENTS:

11. 12. Prior to the issuance of any occupancy permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

PLANNING/DESIGN REQUIREMENTS:

12. Owner/Permittee shall maintain a minimum of (169) one hundred sixty nine off-street parking spaces on the 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 appropriate City decision maker in accordance with the SDMC.

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

14. This Coastal Development Permit shall comply with the all conditions of approval of Map Waiver No. 1410018.

15. 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.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on April 15, 2015, by Resolution No. _____.

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1410018 FOR PEPPERTREE MAP
WAIVER – PROJECT NO. 403381

WHEREAS, MKSRV Solana Carmel Creek LLC, Subdivider, and Trudi Lim, Registered Professional Engineer, Michael Baker International Inc., submitted an application with the City of San Diego for Map Waiver No. 1410018, to waive the requirement for a Tentative Parcel Map to create a legal lot with 92 condominium dwelling units. The project site is located at 11800 Carmel Creek Road. The property is legally described as Lot 1, Peppertree, Map No. 16002; and

WHEREAS, the Map proposes the subdivision of a 2.49-acre site into one lot for 92 units residential condominium development, yet to be constructed; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on April 15, 2015, the Hearing Officer of the City of San Diego considered Map Waiver No. 1410018, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the

public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No.1410018:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The proposed one lot, ninety two dwelling unit condominium subdivision of a 2.49-acre property that has a ninety two unit apartment complex, previously approved, yet to be constructed, originally approved under Coastal Development Permit No. 652351, Project No. 167252, which also included a Planned Development Permit, Site Development Permit and MHPA Boundary Line Adjustment. This tentative map does not include additional development of the property. The project site is located in the MF-3 zone of the Carmel Valley Planned District Ordinance and is designated Low-Medium Residential Density 15 to 29 DU's per acre by the Carmel Valley Community Plan and Neighborhood 8 Precise Plan. The proposed subdivision, is simply to change the previously approved apartment building into condominiums and remains consistent with the previously approved Coastal Development Permit, Project No. 167252, which was found consistent the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)). Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b).

The proposed one lot, ninety two dwelling unit condominium subdivision complies with the development regulations of the underlying MF-3 zone of the Carmel Valley Planned District Ordinance and all of the applicable development regulations of the Land Development Code. There is no further development proposed within the scope of this Map Waiver. The proposed subdivision, is simply to change the previously approved, yet to be constructed, apartment complex into condominium ownership and remains consistent with the previously approved Coastal Development Permit, Project No. 167252, which were found to comply with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b). During the review of the proposed Map Waiver was determined to also be consistent with the development regulations, purpose and intent of the MF-3 zone of the Carmel Valley Planned District Ordinance, contained in the Land Development Code.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed one lot, 92 dwelling unit change to condominium ownership subdivision of a 2.49-acre property that has a previously approved 92 dwelling unit apartment complex, approved under Coastal Development Permit No. 652351, Project No. 147066, which has not been constructed yet. This tentative map does not include any additional development of the property. The project site is located in the MF-3/OS zones of the Carmel Valley Planned District Ordinance and is designated Low-Medium Residential Density by the Carmel Valley Community Plan. The proposed subdivision is simply to change the form of ownership of this apartment complex into condominiums and remains consistent with the previously approved, Project No. 167252, which were found physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). Therefore, this project will not affect the existing and future surrounding land uses and the site is physically suitable for the type and density under the proposed map waiver project.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The 2.49-acre project site is currently vacant with a previously approved 92 dwelling unit apartment building. The previous approval included the approval of a Site Development Permit, Site Development Permit No. 601110, which was due to the site containing Environmentally Sensitive Lands. This tentative map waiver does not include any physical development or changes to the environment that are likely to cause environmental damage of any kind. This project, to simply change the form of ownership, which was determined to be categorically exempt under the California Environmental Quality Act. The previous approval included the approval of a Site Development Permit, Site Development Permit No. 601110, which was due to the site containing Environmentally Sensitive Lands. The previous approval also included the Certification of Mitigated Negative Declaration No. 167252 and adoption of the Mitigation Monitoring and Reporting Program, which provides mitigation measures to potential impacts to Biological Resources, Land Use (MHPA Adjacency), Noise and Paleontological Resources. This MMRP Program will remain in effect and be implemented during the construction of the previously approved apartment complex. Therefore, since there is no further change to the property with this proposal, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This tentative map waiver proposes no further change or any additional development of the property. This project was determined to be categorically exempt under the California Environmental Quality Act. This environmental review did include the review of the project's potential impact on public health, safety, and welfare. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This tentative map waiver does not include any additional development of the property. The proposed subdivision is located fully within the private property and would maintain the existing public rights-of-way, Carmel Creek Road and general utility easements. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed subdivision of a 2.49-acre property, which is an existing legal lot (Lot 1 of Map No. 16002) with a previously approved 92 unit apartment complex, yet to be constructed. This subdivision will create condominium ownership does not include any additional development of the property. The approved site design made best use of the land to minimize grading and preserve environmentally sensitive lands. Buildings are oriented to take advantage of prevailing westerly breezes. A central courtyard and outdoor recreation areas provide residents easy access to the outdoors and sunlight. Trees along the south and west Carmel Creek Road frontage provide shade from intense sun and heat. East-facing windows will allow early morning light and warmth to enter. West-facing windows will allow late-day light and heat to penetrate, desirable in winter. It is the subdivider's intent to construct the units to LEED Silver standards, including making hook-ups for electrical vehicles available to all residents. The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The cross ventilation air flow will provide natural cooling of all units. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating

and cooling opportunities (Land Development Code Section 125.0444(g) and State 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This tentative map waiver does not include any additional development of the property. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those regional needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed tentative map would not negatively impact the housing needs of the Carmel Valley Community Plan area.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This tentative map waiver does not include any additional development of the property. The public streets and related floodwater drainage control, sanitary disposal facilities, water supply and environmental protection measures are already existing at this site or were previously approved under Project No. 652351 and comply with the Subdivision Map Act and Land Development Code.

10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This project is privately financed and no funds obtained from governmental agency to provide for elderly, disabled, or low income housing would be used in this development.

11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This project is market-rate housing and was not developed to provide housing for the elderly, disabled, or to provide low income housing.

12. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a), and Subdivision Map Act §§ 66452.17 and 66427.1).

The proposed one lot, 92 dwelling unit apartment complex to be changed to condominium ownership through this subdivision of a 2.49-acre property is to a previously approved apartment complex, yet to be constructed. This proposed Map Waiver, change to condominium ownership, is for a new apartment complex, currently pending building permit issuance, that has not been occupied yet, and therefore the tenant notice provisions of San Diego Municipal Code Section 125.0444(a) are not applicable.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1410018; is hereby granted to MKS RV Solana Creek LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Glenn R. Gargas, AICP
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24005487

**HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1410018
PEPPERTREE MAP WAIVER - PROJECT NO. 403381
ADOPTED BY RESOLUTION NO. HO-_____, ON APRIL 15, 2015**

GENERAL

1. This Map Waiver will expire April 30, 2018.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
5. The Certificate of Compliance shall conform to the provisions of Coastal Development Permit No. 1449335.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

7. Prior to recordation of the Certificate of Compliance, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the

condominium conversion inclusionary housing fee pursuant to the Inclusionary Affordable Housing Regulations (San Diego Municipal Code § 142.1301 *et seq.*).

ENGINEERING

8. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the 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.
11. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
12. A Certificate of Compliance shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.
13. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
14. Prior to the issuance of a Certificate of Compliance, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
15. The Subdivider shall construct the required Public Improvements, as shown on City drawing 38050-D.
16. The Certificate of Compliance shall comply with the provisions of the Site Development Permit No. 601110, Planned Development Permit No. 601111, Coastal Development Permit No. 625351 and Vesting Tentative Map No. 601114.
17. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions

which are shown on the Map Waiver 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. RR-297376.

MAPPING

18. “Basis of Bearings” means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
19. “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.”
20. A certificate of compliance shall be requested once the items of the approved tentative map waiver and resolution have been satisfied.
21. Prior to the recordation of the Certificate of Compliance taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
22. Every Certificate of Compliance 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.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer 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 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- 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 Building Inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24005487

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: 23431730

PLANNED DEVELOPMENT PERMIT NO. 601111, SITE DEVELOPMENT
PERMIT NO. 601110, COASTAL DEVELOPMENT PERMIT NO. 652351 AND
MHPA BOUNDARY LINE ADJUSTMENT NO. 830190
GABLES CARMEL VALLEY – PROJECT NO. 167252
CITY COUNCIL

This Planned Development Permit No. 601111, Site Development Permit No. 601110, Coastal Development Permit No. 652351 and MHPA Boundary Line Adjustment No. 830190 is granted by the City Council of the City of San Diego to Marvin Del Carmel, a California General Partnership, and Robert L. Blosser and June C. Hudson, Husband and Wife, as Community Property, Owners, and Lion Gables Realty Limited Partnership, a Delaware Limited Partnership, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0601, 126.0501 and 126.0701. The 5.22 acre site is located at the southeast corner of Tang Drive and Carmel Creek Road in the Carmel Valley Planned District MF-3 zone of the Carmel Valley Neighborhood 8 Precise Plan. The project site is legally described as a portion of the east half of the southwest quarter of the southeast quarter of Section 19, Township 14 South, Range 3 West, San Bernardino Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, as described in deed to Marvin Del Carmel, a General Partnership, filed in the Office of the County Recorder of San Diego County on May 26, 1983 as File No. 83-175453 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop and construct a 92 unit apartment project, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 29 2011, on file in the Development Services Department.

The project shall include:

- a. Development and construction of a 92 unit apartment project with a MHPA Boundary Line Adjustment;
- b. Three deviations are approved; 1) from LDC Section 131.0443(d)(1)(A) to allow a ten foot front yard setback for approximately 212 linear feet where a variable front yard setback of fifteen to twenty feet is required, 2) from LDC Section 142.0340(d) to allow a retaining wall system of two tiers with heights up to nineteen feet where each retaining wall is allowed to be a maximum of six feet high in the side yard setback, and 3) from LDC Section 142.0560, Table 142-05J which requires automobile parking spaces to be a minimum of 18 feet long to allow 35 spaces to be 17 feet long and 18 spaces to be 15 feet long due to the proposed storage lockers above these spaces;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

3. The Planned Development Permit, Site Development Permit and Coastal Development Permit shall comply with all Conditions of the Vesting Tentative Map No. 601114.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The 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 Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
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 federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, 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 building modifications and site improvements may be required to comply with applicable

building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
14. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 167252, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 167252, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:
 - Biological Resources
 - Land Use (MHPA Adjacency)
 - Noise
 - Paleontological Resources
16. 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:

17. The Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). Prior to the issuance of the first Residential Building Permit, the Owner/Permittee shall pay the inclusionary affordable housing fee as invoiced by the City of San Diego, at the rate in effect at the time the application for the building permit is deemed complete.

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:

18. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve through a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Game [CDFG], as shown on Exhibit "A," to the satisfaction of the Development Services Department. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement. The

language of the covenant of easement shall allow for the restoration and revegetation of the area.

ENGINEERING REQUIREMENTS:

19. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded 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.
20. This project proposes to export 15,300 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
21. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
22. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.
24. The drainage system proposed for this development is private and subject to approval by the City Engineer.
25. 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.
26. 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.

27. Prior to the issuance of any permits, the Owner/Permittee shall obtain a letter of concurrence from the adjacent property owner for the offsite grading and other associated work, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way, revegetation and hydro-seeding of all disturbed land in accordance with the Landscape Standards, to the satisfaction of the Development Services Department. The Owner/Permittee shall assure by permit and bond the installation of landscaping per landscape construction documents. All plans shall be in substantial conformance to this permit and Exhibit "A."
29. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all habitat restoration areas and brush management zone two revegetation areas. Revegetation plans shall be consistent with Exhibit A, "Conceptual Habitat Restoration/ Revegetation and Monitoring Plan for the Gables Carmel Valley Project," dated September 2010. The revegetation plan requires a minimum 36 month monitoring term and the attainment of specific revegetation success criteria. The LEMA shall be approved by the Landscape Section of Development Services Department. The LEMA shall commence prior to release of the performance bond with Owner/Permitted posting a new bond to cover the terms of the Landscape Establishment and Maintenance Agreement.
30. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a forty square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
31. In the event a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscape area.'

32. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall take into account a forty square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).
33. Prior to issuance of any construction permits for buildings, a water budget shall be provided in accordance with the Water Conservation Requirements-Section 142.0413, Table 142-04I. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual. The Irrigation audit shall certify that all plants, irrigation systems, and landscape features will be installed and operated as approved by the Development Services Department prior to occupancy of use.
34. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
35. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
36. Construction documents for grading shall include the following note: "Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 36 months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department."
37. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.
38. The Owner/Permittee shall be responsible to ensure that irrigation run off shall be directed away from the Multiple Habitat Preserve Area or from the transitional areas to ensure no impacts occur from irrigation runoff into any of these areas.

39. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the 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.
40. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans, is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

41. The Owner/Permittee shall implement the Brush Management Program as shown on the approved Exhibit "A."
42. 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:
 - Lot 1 shall have a modified Zone One ranging from 35 feet to 85 feet and a modified Zone Two ranging from 30 feet to 0 feet as shown on the Brush Management Plan of Exhibit "A."
 - Where Brush Management Zone modification is applied to the project; the modification shall conform to Section 142.0412(i).
43. 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."
44. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with SDMC 55.0101, Land Development Code section 142.0412, and the Land Development Manual - Landscape Standards.
45. Prior to issuance of any construction permits for grading, a temporary easement shall be granted from adjacent property owner(s) of parcel APN 307-023-3800 for offsite Brush Management as shown on the Exhibit "A." The required easement shall be used to maintain the required Brush Management Zone Two on the

adjacent property until such time that a building permit is issued and construction is underway for the adjacent property APN 307-023-3800.

46. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.
47. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."
48. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the MSCP staff.
49. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.
50. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

51. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
52. Prior to the issuance of any grading or building permits, a fee shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
53. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
54. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

CITY PLANNING & COMMUNITY INVESTMENT REQUIREMENTS:

55. Site planning and building design shall conform to the guidelines for multi-family residential development of the Carmel Valley Neighborhood 8 Precise Plan.
56. Buildings and landscaping shall be designed and constructed to incorporate measures to implement the water and energy conservation guidelines of the Carmel Valley Neighborhood 8 Precise Plan Conservation Element.
57. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors as specified on the Exhibit "A."
58. Required fencing between designated private use areas and common brush management and/or MHPA/open space lots shall not be altered, removed or relocated without City of San Diego approval. Signs shall be installed along the fence boundary and at other strategic access points to avoid circumventing authorized access to the CVREP trail through the MHPA preserve.

GEOLOGY REQUIREMENTS

59. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.
60. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

TRANSPORTATION REQUIREMENTS

61. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a raised median and raised stamped concrete traffic circle with a radius of 28 feet at the southern end of Carmel Creek Road as shown on Exhibit "A," satisfactory to the City Engineer.
62. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the removal of the existing road humps on Carmel Creek Road between Tang Drive and Carmel Creek Road's southerly terminus in conjunction with the installation of a raised traffic circle and raised median referred to in the condition above, satisfactory to the City Engineer.
63. The Owner/Permittee shall install and maintain bollards at the entrance of the southern project driveway along Carmel Creek Road in the approximate location

shown on Exhibit "A," satisfactory to the City Engineer, to ensure this driveway shall be used for emergency access only.

64. The Owner/Permittee is required to maintain a minimum of 164 automobile spaces (including 2 van accessible parking spaces, 3 standard accessible parking spaces, and 33 common area parking spaces), 9 motorcycle spaces, 42 bicycle spaces with rack(s), and one loading area shall be provided as required by the Land Development Code. One hundred sixty nine (169) automobile spaces (including 2 van accessible parking spaces, 3 standard accessible parking spaces, and 33 common area parking spaces), 9 motorcycle spaces, and 42 bicycle spaces with rack(s) will be provided as shown on Exhibit "A."
65. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, except as allowed by the deviation approved for this project, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.
66. Parking spaces shall be assigned and the Owner/Permittee shall ensure each assigned parking space accommodates the tenant's vehicles.
67. A minimum of one loading zone with minimum length of 35 feet, minimum width of 12 feet, and a minimum vertical clearance of 14 feet shall be provided in the approximate location as shown on Exhibit "A."

PUBLIC UTILITIES REQUIREMENTS:

68. All onsite sewer facilities serving this site shall be private.
69. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
70. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.
71. No trees or shrubs exceeding three feet in height at maturity shall be located within ten feet of any public sewer mains or laterals.
72. All proposed sewer laterals shall connect to public mains and not manholes.
73. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

74. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service, including domestic, fire and irrigation, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
75. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

INFORMATION ONLY:

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

APPROVED by the Council of the City of San Diego on MAR 29 2011.

NOTICE OF EXEMPTION

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

 OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT NO.: 403381

PROJECT TITLE: Peppertree Map Waiver

PROJECT LOCATION-SPECIFIC: Unaddressed parcel, generally southeast of the SR 56 and Carmel Creek Road interchange, and south of the SR 56 Bike Trail with access off of Tang Drive

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: MAP WAIVER AND COASTAL DEVELOPMENT PERMIT (CDP) to waive the requirements for a Tentative Map (TM) for the creation of 92 residential condominium units (development previously approved under Project No. 167252). The project is located in the MF-3/OS Zones of the Carmel Valley Planned District and the Coastal (Non-appealable) Overlay Zone within the Carmel Valley Neighborhood 8 Precise Plan Area within Council District 1.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Jeff Barfield, RBF Clairemont Mesa BL #100, San Diego, CA 92124; 858-614-5027.

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL
 DECLARED EMERGENCY
 EMERGENCY PROJECT
 CATEGORICAL EXEMPTION: SECTIONS 15305 (Minor Alterations in Land Use Limitations)

REASONS WHY PROJECT IS EXEMPT: This Class 5 exemption allows for minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

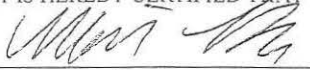
LEAD AGENCY CONTACT PERSON: M. Blake

TELEPHONE: (619) 446-5375

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA



 SIGNATURE/SENIOR PLANNER

MARCH 13, 2015
 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

From: Frisco White [white@wwarch.com]
Sent: Monday, March 09, 2015 3:07 PM
To: Gargas, Glenn
Subject: Re: Feb. 26th Agenda - Carmel Valley Community Planning Board - Peppertree Map Waiver - Project No. 403381

Glenn,

Jeff is correct. It was unanimous. I believe it was 10-0.

Frisco White AIA I Chair
Carmel Valley Community Planning Board

On Mar 9, 2015, at 2:52 PM, Gargas, Glenn <GGargas@sandiego.gov> wrote:

Frisco,

I know the draft minutes are not out yet, however, could you or someone else from your group provide me with the recommendation / vote on this project?

The applicant is telling me that it was unanimously recommended for approval on Feb. 26th. Please confirm - Thank You!

Glenn Gargas

Development Project Manager
Development Services Department
(619) 446-5142

<image001.png>

Now: [Pay Invoices](#) and [Schedule Inspections](#) Online



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title _____ **Project No. For City Use Only** _____

Peppertree Tentative and Final Map Waiver

Project Address:

Southeast corner of Tang Drive and Carmel Creek Road

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: Peppertree Tentative and Final Map Waiver	Project No. (For City Use Only)
-------------------------------------------------------------	---------------------------------

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? DE Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
MKS RV Solana Carmel Creek LLC

Owner Tenant/Lessee

Street Address:
444 S. Cedros Ave #180

City/State/Zip:
Solana Beach, CA 92075

Phone No: (858) 436-7703 Fax No:

Name of Corporate Officer/Partner (type or print):
Eric B. Shwisberg

Title (type or print):
Manager

Signature :  Date: 12/15/14

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:



THE CITY OF SAN DIEGO

DATE OF NOTICE: April 1, 2015

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	APRIL 15, 2015
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	COASTAL DEVELOPMENT PERMIT AMENDMENT AND MAP WAIVER / CEQA EXEMPTION / PROCESS THREE
PROJECT NO:	<u>403381</u>
PROJECT NAME:	<u>PEPPERTREE MAP WAIVER</u>
APPLICANT:	Jeff Barfield
COMMUNITY PLAN AREA:	Carmel Valley
COUNCIL DISTRICT:	District One
CITY PROJECT MANAGER:	Glenn Gargas, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5142

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a **Coastal Development Permit Amendment, amending Coastal Development Permit No. 652351 and Map Waiver to waive the requirements for a Tentative Map for the creation of 92 residential condominium units, previously approved as 92 apartment dwelling units under Project No. 167252, known as "Gables Carmel Valley", on an vacant 2.55 acre property. The project site is located east of Carmel Creek Road and just south of Tang Drive/56 Freeway, at 11800 Carmel Creek Road in the MF-3/OS zones of the Carmel Valley Planned District and the Coastal (non-appealable) Overlay Zone within the Carmel Valley Neighborhood 8 Precise Plan and Carmel Valley Community Plan Area. This application was filed on December 24, 2014.**

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 business days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at

www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on March 13, 2015, and the opportunity to appeal that determination ended on March 27, 2015.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at

(619) 321-3208 at least five business days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.
Internal Order Number: 24005487.

Revised 11-17-14 wjz