



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 3, 2011 **REPORT NO. PC-11-007**

ATTENTION: Planning Commission, Agenda of February 10, 2011

SUBJECT: GABLES CARMEL VALLEY - PROJECT NO. 167252. PROCESS 5.

REFERENCE: Planning Commission Report No. P-01-112 (Peppertree Point CPA Initiation).

OWNER: Marvin Del Carmel, a California General Partnership, and Robert L. Blosser and June C. Hudson

APPLICANT: Lion Gables Realty Limited Partnership, a Delaware Limited Partnership (Attachment 20).

SUMMARY

Issue(s) - Should the Planning Commission recommend the City Council approve a 92 unit apartment project on a 5.22 acre site located at the southeast corner of Tang Drive and Carmel Creek Drive within the Carmel Valley community planning area?

Staff Recommendations:

1. Recommend City Council **Certify** Mitigated Negative Declaration No. 167252 and **Adopt** the Mitigation Monitoring and Reporting Program, and
2. Recommend City Council **Approve** Rezone No. 601113; Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment No. 601112; Vesting Tentative Map No. 601114; Planned Development Permit No. 601111, Site Development Permit No. 601110 and Coastal Development Permit No. 652351.

Community Planning Group Recommendation - The Carmel Valley Community Planning Board, on October 28, 2010, voted unanimously 13:0:0 to recommend approval of the project.

Environmental Review - A Mitigated Negative Declaration No. 167252 has been prepared for the project in accordance with State of California Environmental Quality Act

(CEQA) Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and would be implemented which will reduce impacts to below a level of significance.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The project proposes a 92 unit residential development on a vacant site within the Multiple Habitat Planning Area currently designated by the Carmel Valley Neighborhood 8 Precise Plan as Open Space. Development may be permitted within MHPA open space to achieve the 25 percent developable area as allowed by the Environmentally Sensitive Lands regulations. A portion of the site is zoned for residential development at a density between 7 and 15 dwelling units per acre. A 48 dwelling unit clustered development could be permitted at the maximum density allowed by the current residential zone and the Environmentally Sensitive Lands regulations. The project is proposing a land use plan amendment, rezone and MSCP Boundary Line Adjustment that would increase the residential capacity of the site by 44 dwelling units. The provision of housing units would have a positive impact on the availability of housing in the community.

BACKGROUND

The 5.22 acre site is located at the southeast corner of Tang Drive and Carmel Creek Drive within the Carmel Valley community planning area (Attachment 1). Immediately north of the site is the Carmel Valley Restoration and Enhancement Project and Carmel Creek. North of Carmel Creek is State Route 56 (Attachment 2). As late as 1971, the Gables Carmel Valley 5.22 acre project site was a sand and gravel mine owned by the Griffith Company and was part of a larger, 17.8 acre parcel. Mining on the site ceased in 1977 when Harry and Helen Polonitza purchased the property. The Polonitzas operated a horse ranch on the property until 1982 when the property was purchased by the current owner, Marvin Del Carmel, GP. The current owner continued the use of the property as a horse ranch under the name Pepper Tree Farms until 1992.

In 1992, a major portion of the 17.8 acre parcel was condemned and acquired through eminent domain proceedings for State Route 56 and its associated mitigation, the Carmel Valley Restoration and Enhancement Project (CVREP). Approximately seven acres were retained by the owner. Also in 1992, road acquisitions for the improvement of Carmel Creek Road bisected the remaining ownership, resulting in 1.2 acres being located on the west side of Carmel Creek Road. These 1.2 acres were subsequently purchased by Sea Breeze Property's for the Carmel View commercial office project and by the San Diego Jewish Academy, for development area and additional Carmel Creek Road improvements.

Following the eminent domain acquisition for State Route 56 in 1992, the horse ranch was leased to the Clews Land and Livestock Company, which ran Clews Horse Ranch until moving its ranch operation from the site in 2008 to its new ranch location approximately 1.2 miles to the east. In 1994, BRE Properties developed the Pinnacle Apartment project at the terminus of Carmel Creek

Road and in doing so, acquired additional right-of-way from the Gables Carmel Valley property for improvements along the east side of Carmel Creek Road, leaving the 5.22 acre parcel currently proposed for the project.

The Gables Carmel Valley project site is one of three properties on Carmel Creek Road for which community plan amendments were initiated by the Planning Commission in 2002. Two of the three properties have completed community plan amendments and have approved projects. These are the Sea Breeze Carmel View project approved in 2004, located west of Carmel Creek Road from the Gables Carmel Valley site, and the Creekside Villas project, approved in 2006, located adjacent and east of the Gables Carmel Valley site. Neither of these two projects has yet been constructed. The Gables Carmel Valley site is currently vacant (Attachment 3). One hundred percent of the site is currently mapped as being within the Multiple Habitat Planning Area (MHPA).

DISCUSSION

Project Description

The Gables Carmel Valley project proposes to develop a 92 unit apartment project and proposes three deviations. The project is comprised of eight town-home units that are three levels each and a separate, podium structure that steps to accommodate the sloping site. Three levels of apartment units rest on the podium forming a partially enclosed courtyard. The proposed project would also include a private fitness center located in the courtyard and accessible by a grade level entry gate to the street; swimming pool; spa and deck area located in front of the town-homes with valley views and partial ocean views; and a leasing office is located below the podium facing Carmel Creek Road. The project would also have a private courtyard with trees, trellises, tables and chairs and benches around a formal fountain, private elevator, off-street parking, retaining walls, brush management, and other minor public and private accessory improvements (Attachment 4).

Required approvals

The proposed project requires the certification of a Mitigated Negative Declaration and adoption of a Mitigation Monitoring and Reporting Program, the adoption of a rezone ordinance and approval of an amendment of the Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program, a Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and MHPA Boundary Line Adjustment.

The proposed zoning of the site would change from the Carmel Valley Planned District Multi-Family Zone 1 (CVPD-MF1) to CVPD-MF3 (Attachment 5). The change in the zone would facilitate the residential density of the project. The density range of the CVPD-MF3 zone is 15-29 dwelling units per acre. The existing area of the CVPD-OS Zone would remain unchanged.

The amendment of the Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program would change the land use designation within a portion of the site from Open Space to Low

Medium Density Residential 15-29 du's per acre and includes other minor revisions to the Plan (Attachment 6).

The proposed Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and MHPA Boundary Line Adjustment are required to develop the project as proposed. The proposed Vesting Tentative Map is required to subdivide the property. The Planned Development Permit is required to allow deviations from the regulations of the Land Development Code. The Site Development Permit is required due to the presence of environmentally sensitive lands on the site, those being steep slopes and sensitive habitat in the form of flora and fauna. The Coastal Development Permit is required as the site is located within the Coastal Overlay Zone. The MHPA Boundary Line Adjustment is required to adjust the mapping of the planning area to more precisely reflect the existing conditions on the site. The MHPA Boundary Line Adjustment was presented to the United States Fish and Wildlife Service and California Department of Fish and Game for their concurrence and has their support.

Site Plans

The proposed vesting tentative map would create five lots. Of the 5.22 acre parcel approximately 2.49 would be developed and the remainder of the site would be preserved as open space or dedicated for public right-of-way. All of the development would occur in Lot 1. Lots A and B would be for brush management, Lot C would be for open space preservation in the Multi-Habitat Planning Area and Lot D would be for dedication of public right-of-way (Attachment 7).

Grading Plan

Of the 5.22 acre parcel, approximately 3.10 acres or 59.4 percent would be graded. The area of grading beyond the development area would be re-contoured for habitat restoration of disturbed areas on the site inside the MHPA and outside the development limits. The grading plan proposes approximately 16,500 cubic yards of excavation and approximately 1,200 cubic yards of fill. The maximum depth of excavation would be thirty-three feet with a maximum slope height of twenty feet. The maximum depth of any fill slope would be four feet with the maximum height of a fill slope would be six feet. The overall length of retaining walls would be approximately 490 feet with a maximum combined height of two tiers at nineteen feet. Grading quantities do not include excavation for the proposed subterranean parking garage, which would be approximately 23,000 cubic yards.

The project design as presented assumes construction of the Gables Carmel Valley project prior to construction of the approved Creekside Villas project on the adjacent site to the east. If the approved Creekside Villas project is not constructed prior to the Gables Carmel Valley project, the proposed project would grade on the Creekside Villas site. The quantities of earthwork on the Creekside Villas property as a result of the proposed project would be 0.18 acres graded with 1,700 cubic yards of cut and 125 cubic yards of fill and 1,635 cubic yards of export. The maximum height of cut slopes, as a result of the Gables Carmel Valley project, on the Creekside Villas property would be nineteen feet.

Architecture design

The project features Mediterranean style architecture inspired by the architecture of Wallace Neff, who is credited with establishing the “California” style of architecture. The design features simple massing and lines with enriched detailing with some repeating motifs to provide continuity as the building steps up along the street (Attachment 8). Colonnades are located along the street frontage and within the courtyard to provide a classical Mediterranean look and architectural tower elements are located to identify various entry nodes to the project. Significant architectural details include an embellished pedestrian entry gate, a stone base with pre-cast trim wrapping around the public side of the building, and projecting bay windows with wood detailing to provide depth to the elevations. Other minor detail elements include surface and recessed shutters along with awnings to provide accent colors as well as metal railings and heavy timber posts to provide traditional detailing. Finishes would include a stone base with pre-cast trim, plaster finish and a concrete tile roof. The 92 apartment units would provide forty-four one-bedroom units, forty two-bedroom units and eight three-bedroom units.

General Plan / Community Plan Analysis Precise Plan Amendment

The Carmel Valley Neighborhood 8 Precise Plan (Precise Plan) is the City’s adopted land use plan for this area and contains the more detailed area-specific land use recommendations required by the citywide General Plan. The project application was submitted prior to approval of the 2008 General Plan and as such, the policies of the 1979 General Plan apply, although the Precise Plan is the most up-to-date plan for review of development projects.

The 5.22 acre site is designated Open Space in the Precise Plan and is within the MHPA. The Gables Carmel Valley project proposes an amendment to the Precise Plan, rezone, vesting tentative map and development permits with a MHPA Boundary Line Adjustment to allow development of 92 multi-family dwelling units. The Precise Plan Amendment would designate approximately 3.17 acres as Low-Medium Density Residential, which allows attached residential development within a range of 15-29 dwelling units per acre (Attachment 9) and approximately 2.05 acres would remain designated as Open Space. The residential density on the site would be clustered on 2.49 acres while preserving the remaining 2.67 acres as open space and dedicating 0.06 acres for public right-of-way along Carmel Creek Road. The proposed acreage designated for residential use is similar to that approved with the Precise Plan Amendment for the adjacent Creekside Villas project.

The amendment to the Precise Plan was initiated by the Planning Commission on June 14, 2001 for re-designation of an approximately 4.5 acre portion of the site to allow density consistent with the existing MF-1 zone (Planning Commission Report P-01-112). While the MF zone allows density between 7-15 dwelling units per acre, the ultimate density and developable area would be determined through the outcome of the planning process for all three Neighborhood 8 plan amendments that were being processed concurrently. The results of that planning process are summarized in the Planning Context section below.

The Precise Plan amendment, as currently proposed, would change the land use map, Figure 4, to redesignate a 3.17-acre portion of the site from Open Space to Low-Medium Density Residential (Attachment 9). This residential land use designation is the same as that approved with the Creekside Villas Precise Plan amendment, as well as the nearby Pinnacle Carmel Creek apartment complex. The Precise Plan text is also being changed to describe future development of the site and to reclassify Tang Drive from a collector street and remove the arrow symbol extending a street connection to the east. As a result, Tang Drive would only provide local access to the future neighborhood park east of the project site (Attachment 6, pages 15 & 40). Local street classifications are not formally designated in the Precise Plan.

The proposed plan amendment and rezone would result in a 44 dwelling unit increase within the site as well as the opportunity for smaller, relatively more affordable units at the higher density of 29 dwelling units per acre. The increase in dwelling units meets the citywide housing objectives of the Progress Guide and General Plan. The relatively smaller and more affordable attached units meet the balanced housing objectives of the Carmel Valley Community Plan. Carmel Valley and surrounding areas on balance have larger dwellings than many other communities in the City.

The proposed loss of plan designated open space would also not significantly affect the conservation of undisturbed natural areas within Neighborhood 8 because development would largely be sited within the portion of the property previously disturbed by mining and equestrian uses.

I. Planning Context

Carmel Valley has relatively detailed planning documents, beginning with the adopted 1975 Carmel Valley Community Plan, which forms the basis for any comprehensive planning discussion within the community. The Community Plan requires the preparation of individual precise plans for each neighborhood development unit prior to approval of plan implementation proposals. When the community plan was adopted, Neighborhood 8 was a larger neighborhood unit that included most of the southern portions of Carmel Valley, including Carmel Mountain. Subsequent adoption of the Neighborhood 8 Precise Plan in 1984 recognized the boundaries formed by the natural landforms and separated the “Carmel Valley” geographic area from Carmel Mountain and the mesa tops to the south.

The neighborhood development concept in the Precise Plan is somewhat different than the concept for other Carmel Valley neighborhoods where residential development is located around a school/park or neighborhood commercial center as a focal point. Acknowledging the valley’s landforms and drainage course, the Precise Plan identifies the open space system along Carmel Creek as the link that forms the identity for the neighborhood. The Precise Plan also acknowledges the planning obstacles that result from three major streets and the SR-56 freeway that separate the neighborhood.

Since its adoption, the Precise Plan has been amended five times. In 1990, the Precise Plan was amended for the SR-56 alignment and the Carmel Valley Restoration and Enhancement Project floodway management plan (CVREP). A 1998 amendment converted a mining site to residential

apartments (Pinnacle Carmel Creek). An amendment in 1999 re-designated a significant portion of the planning area from residential to open space to conform to boundaries adopted with the Multiple Species Conservation Program (MSCP) preserve. Rezoning was not processed concurrently; therefore underlying residential zoning exists within areas currently designated as open space.

In 2004, the Sea Breeze Carmel View amendment re-designated a 4.5 acre site below the San Diego Jewish Academy (SDJA) from residential and open space to allow the development of an office project with a neighborhood-serving retail component. This amendment also revised the neighborhood development concept in the land use element to identify disturbed areas with low resource sensitivity adjacent to the San Diego Jewish Academy and Pinnacle Carmel Creek Apartments as potentially suitable for future development, subject to any required plan amendments and MSCP/MHPA boundary line adjustments (Attachment 6, pages 13 and 14). Sites not adjacent to Carmel Creek Road are to be conserved as open space or permitted limited development per the City's Environmentally Sensitive Lands regulations. The revised development concept guides review of any development on those residentially-zoned sites that are designated open space, including the subject site. Residential zoning extends well beyond Carmel Creek Road and includes many areas of high resource sensitivity.

The Creekside Villas Precise Plan amendment in 2006 re-designated a portion of an approximately 12-acre site to Low-Medium Density Residential and to allow an 89 unit multi-family development with on-site affordable housing on the adjacent property. The amendment also expanded the Precise Plan's design guidelines to incorporate measures more suitable for the proposed higher density development.

All development applications, including this project, were previously presented at a Planning Commission workshop and field visit February 8, 2001 (Report P-02-025). The workshop discussion focused primarily on issues related to the increase in development intensity contemplated for this area, the need for site specific identification of natural resources, and the need for coordinated review of the 3 projects proposing amendments to the Precise Plan.

II. Issues Analysis

An analysis of the land use issues identified at the plan amendment initiation meeting and subsequent workshop are evaluated below:

A. Concurrent Processing with other projects

The Planning Commission identified the need for concurrent processing of each Neighborhood 8 development proposal. The development proposals were initially processed concurrently prior to the February 8, 2001 workshop. As a result of the workshop, the Commission requested that all development proposals be scheduled for a Planning Commission hearing on the same day or within a few months of each other. This would allow for a comprehensive analysis of each proposal. Alternatively, if the proposals are processed separately to a hearing, the Planning Commission requested that a planning framework would be provided as part of the first land use plan amendment for the other projects to follow. The proposed plan amendment approved for

Sea Breeze Carmel View provided this framework as discussed above. The proposed Gables Carmel Valley plan amendment locates development adjacent to Carmel Creek Road largely within existing disturbed areas consistent with this framework. In addition, this initial planning framework and criteria for evaluation of future development proposals has been reviewed and certified by the California Coastal Commission.

A comprehensive open space system for Neighborhood 8 has been generally determined, including identification of wildlife corridors and areas of high habitat value, as a result of the planning process. Staff has provided a composite exhibit that identifies contemplated development footprints for each site that are consistent with these open space objectives (Attachment 10). Although this is not part of the proposed plan amendment, it provides an overview of how all of the approved and proposed developments fit together.

B. Appropriate Development Intensity

Development intensity has been evaluated based upon impacts to public facilities, neighborhood aesthetics and the cumulative effect of the two other Neighborhood 8 development proposals. There are currently 837 dwelling units within the Precise Plan and an estimated population of 2,218 residents based upon the 2000 census data of 2.65 persons per household for Carmel Valley. New development proposals would increase the number of dwelling units to 1018, including the 92 units proposed for the Gables Carmel Valley site. As a result, future population would increase by approximately 500 residents. Existing and planned public facilities can be expected to adequately accommodate this relatively small increase within a community that is nearly built out. Planned public facilities within Carmel Valley are also funded by assessments on new development and the proposed project would contribute these fees. The Mitigated Negative Declaration for the proposed project indicates a less than significant impact to police and fire protection, school, park and transportation facilities.

The approximately 4.5-acre park planned for Neighborhood 8 would meet the population-based park needs for this neighborhood, particularly as another neighborhood park is within a one-half mile walking distance. Recreation opportunities are also available within CVREP, including a public trail and a private golf course (for use by 421 of Neighborhood 8 households). The Gables Carmel Valley project would also provide a pool and recreation building onsite.

The proposed 92 dwelling unit residential development can be accommodated within acceptable levels of service for local roadways and intersections provided some minor improvements are made to the circulation network.

The proposed buildings have been designed to minimize the visual impact on neighborhood aesthetics and a visual analysis was provided for the project (Attachment 11). The site would be graded to preserve an elevation difference between the adjacent Creekside Villas property which is higher. Two building types are proposed with differing heights to somewhat step-up from the northern portion of the property. The larger of the two buildings provides a partial floor and step-back on the north elevation with an articulated roofline to add visual interest. Proposed building heights vary between 38 feet (townhomes) and 45-50 feet (flats). The proposed building height is consistent with the height of buildings located within the SDJA and Pinnacle apartment

complex and approved with the Sea Breeze Carmel View and Creekside Villas projects. Simulations provided from several vantage points along the CVREP trail as well as the intersection of Carmel Creek Road bridge indicate that the proposed development would not interfere with public views of the coastal bluffs as required by the Precise Plan. The proposed buildings also incorporate design techniques to minimize building mass and would utilize earth tone colors and materials to blend with adjacent natural areas.

C. Impacts to open space

A site specific biological survey and report was prepared to evaluate the sensitivity of onsite natural resources. The report indicates that biological resources on portions of the project site have been reduced by past mining and equestrian use. The proposed development would be located within the portion of the site that was used for mining and equestrian activities.

The proposed loss of open space would not adversely impact the open space objectives of the Carmel Valley Community Plan, Neighborhood 8 Precise Plan and MSCP Subarea Plan with respect to site topography, biological resources and surrounding land uses. While approval of the proposed plan amendment would result in a loss of designated open space, it would not affect conservation of the floodplain and coastal bluffs. These resources are identified by the Precise Plan as the significant natural areas intended for conservation. The floodway has already been preserved within CVREP, which also includes a 50- foot-wide buffer and trail. Most of the coastal bluffs are also conserved as publicly-owned open space. The proposed development is sited in the southern portion of the site where mining and equestrian uses occurred in order to preserve a corridor for wildlife movement adjacent to CVREP within the northern portion of the site, as was also the design concept for the Creekside Villas project.

A MSCP Boundary Line Adjustment proposing an exchange of equal or better habitat at an offsite location in Soledad Canyon located in the University community has been reviewed and supported by the wildlife agencies. Biological enhancements within the proposed open space lot would also meet the Precise Plan requirement of no net loss of sensitive biological resources within the Coastal Zone, including any impacts as a result of zone two brush management activities. The no net loss requirement was established by the Coastal Commission as a condition of approval for the Sea Breeze Carmel View plan amendment. The project has also

been designed to minimize the effect of brush management zone two activities within natural areas proposed for open space conservation.

Deviations

The applicant has requested three deviations with the Gables Carmel Valley project. The purpose and intent of the Planned Development Permit regulations state: *“The purpose of these regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of development types,*

intensities, styles, site constraints, project amenities, public improvements, and community and City benefits”, Land Development Code §126.0601.

The applicant has incorporated alternative elements in the design to offset the requested deviations and provide neighborhood, community and City benefits. The proposed design would provide street level and public right-of-way improvements to enhance the pedestrian experience of the project from the public right-of-way, limit impacts to sensitive environmental areas of the site by reducing the graded area of the site, efficiently manage the finite space within the parking garage by stacking private storage lockers over parking spaces where necessary in limited locations. The overall project design meets the purpose and intent of the Planned Development Permit regulations while not meeting all the specific requirements of the design standards of the underlying zone.

The requested deviations relate to front yard setback, maximum retaining wall heights, and the minimum dimensions for off-street parking spaces. The deviations are presented as follows:

a) Land Development Code section 131.0443(d)(1)(A): Front yard setback:

As required by the Carmel Valley Planned District MF-3 Zone, the minimum front yard setback is a variable setback. The front yard setback may vary from fifteen to twenty feet. The Gables Carmel Valley design would provide architectural elements to enhance the buildings and the overall aesthetic appearance of the project. A setback deviation is necessary for a finite length of the frontage along Carmel Creek Road to implement the conceptual design and allow a front yard setback which varies from ten to twenty feet. Approximately 209 linear feet of the approximately 656 linear feet of frontage, or approximately thirty-one percent, would be no less than ten feet where the variable front yard setback is required to be from fifteen to twenty feet (Attachment 12). Eighteen percent of the building would observe a fifteen foot front yard setback and fifty percent would observe a twenty foot front yard setback. Consistent with the Carmel Valley Neighborhood 8 Precise Plan, the proposed project would develop in the least biologically sensitive areas of the site and preserve the most biologically sensitive areas. The deviation to allow a reduced front yard setback for a linear distance equal to approximately thirty-one percent of the fronting property would contribute to preserving sensitive habitat. One hundred percent of the site is within the Multiple Habitat Planning Area and therefore a maximum of only twenty-five percent of the site may be developed.

By placing development closer to the street greater efficiency is achieved on the site and more of the site may be devoted to providing both market rate housing and protecting sensitive habitat. The architectural site plan indicates where the building wall would vary in setback over the length of the building wall from ten to forty feet. The architectural site plan also indicates the reduced setback is intermittent rather than the entire length of a building wall (Attachment 12). These design features and site considerations support granting the deviation that would contribute to a creative site design with variety, contrast and harmony consistent with the goals of the Carmel Valley Neighborhood 8 Precise Plan. The variable front yard setback would contribute to preserving sensitive habitat. Staff supports granting the deviation.

b) Land Development Code Section 142.0340(d): Maximum retaining wall height:

The Gables Carmel Valley design would provide architectural elements to enhance the buildings and the overall aesthetic appearance of the project. The site has a unique geometry, topography and was significantly disturbed from decades of use as part of a mining operation and later as a commercial equestrian operation. The proposed retaining walls would be located between the proposed four story building and an approved three story building on the adjoining Creekside Villas property at the southeast corner of the site and away from the public right-of-way (Attachment 13). As such the retaining walls would not be visible from any public vantage point except from along a narrow corridor which is the emergency access driveway along the southerly property line. The base of the retaining wall would be planted with climbing vines which would eventually cover the wall and improve its appearance from this narrow vantage point. The deviation to allow a thirteen foot retaining wall where a maximum wall height of six feet is allowed by the regulations is appropriate given the significant benefits the project would provide to the city.

The deviation to allow an over height retaining wall would contribute to preserving sensitive habitat. By reducing the area of grading on the site by constructing retaining walls where appropriate and feasible, more developable area may be created for the creation of dwelling units on this site. Additionally by reducing the area of grading on the site by constructing retaining walls where appropriate and feasible, less area as measured in acres is graded which directly reduces the impacts to sensitive habitat. Since the over height retaining walls reduce the area necessary for graded slopes more land area becomes available for the development of dwelling units. In this way the over height retaining walls contribute to preserving sensitive habitat. Staff supports granting the deviation.

c) Land Development Code section 142.0560(b) and Table 142-05J: Minimum Dimensions for Off-street Parking Spaces:

The applicant proposes a deviation to allow fifty-three parking spaces to be counted towards meeting the required parking where these spaces do not meet the minimum required length. Thirty-five spaces measure seventeen feet in length and eighteen parking spaces measure fifteen feet in length. The minimum required length is eighteen feet. The applicant's proposal that these spaces be counted towards the total required parking would not negatively affect the functionality of the parking structure. The details of the deviation are these; fifty-three spaces would measure either twenty-one or nineteen feet in length, as measured on the ground, with private storage lockers hung from the ceiling of the garage to no closer than five feet above the garage floor (Attachment 14). These fifty-three spaces may not be functionally available to all vehicle designs and vehicle types. Therefore a deviation is required to allow these fifty-three spaces to be counted towards the total required parking. The development permit issued for this project would include a condition to require parking spaces be assigned and the Owner/Permittee ensure each assigned parking space accommodates the tenant's vehicles. In this way the deviation, though required by the strict application of the regulations, would not result in any fewer parking spaces than without the deviation.

The deviation to allow these parking spaces with storage lockers hung from the garage ceiling

over a portion of the parking space would contribute to realizing a greater number of housing units on this site. A very real constraint of residential property development is the ability to provide the required parking. The parking requirements may effectively reduce the maximum number of dwelling units provided on the site by the need to provide the required number of parking spaces for those units. Creating efficiencies in the use of all space directly relates to the land area available for development of dwelling units. The project would add 92 rental housing units to the housing stock of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. In this way the deviation to allow these fifty-three spaces to be counted towards the total required parking would contribute to the development of housing at this site. Staff supports granting the deviation.

Environmental Analysis

The environmental analysis for the proposed project evaluated the potential for impacts resulting from project implementation in accordance with the California Environmental Quality Act. The City of San Diego conducted an Initial Study which determined the proposed project could have a significant environmental effect in the following areas: Biological Resources; Cultural Resources; Land Use/Planning; and Noise. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of the Mitigated Negative Declaration No. 167252. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required. The project would provide mitigation in the following subject areas: Biological Resources; Land Use (MHPA Adjacency); Noise and Paleontological Resources.

Conclusion

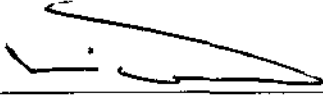
Staff has reviewed the proposed project and all issues identified through that review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project (Attachments 17 and 18) and draft conditions of approval (Attachments 17 and 19). Staff recommends the Planning Commission recommend the City Council approve the project as proposed.

ALTERNATIVES

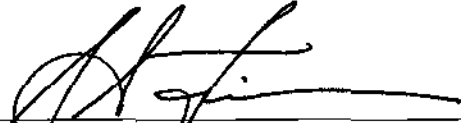
1. Recommend City Council **Approve** Rezone No. 601113; Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment No. 601112; Vesting Tentative Map No. 601114; Planned Development Permit No. 601111, Site Development Permit No. 601110 and Coastal Development Permit No. 652351, **with modifications.**
2. Recommend City Council **Deny** Rezone No. 601113; Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment No. 601112; Vesting Tentative Map No. 601114; Planned Development Permit No. 601111, Site Development Permit

No. 601110 and Coastal Development Permit No. 652351, **if the findings required to approve the project cannot be affirmed.**

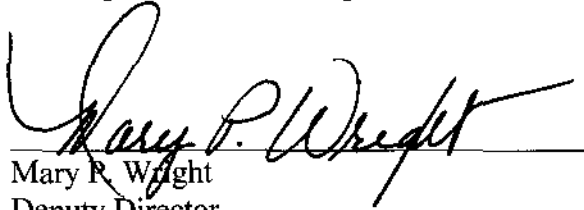
Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



John S. Fisher
Development Project Manager
Development Services Department

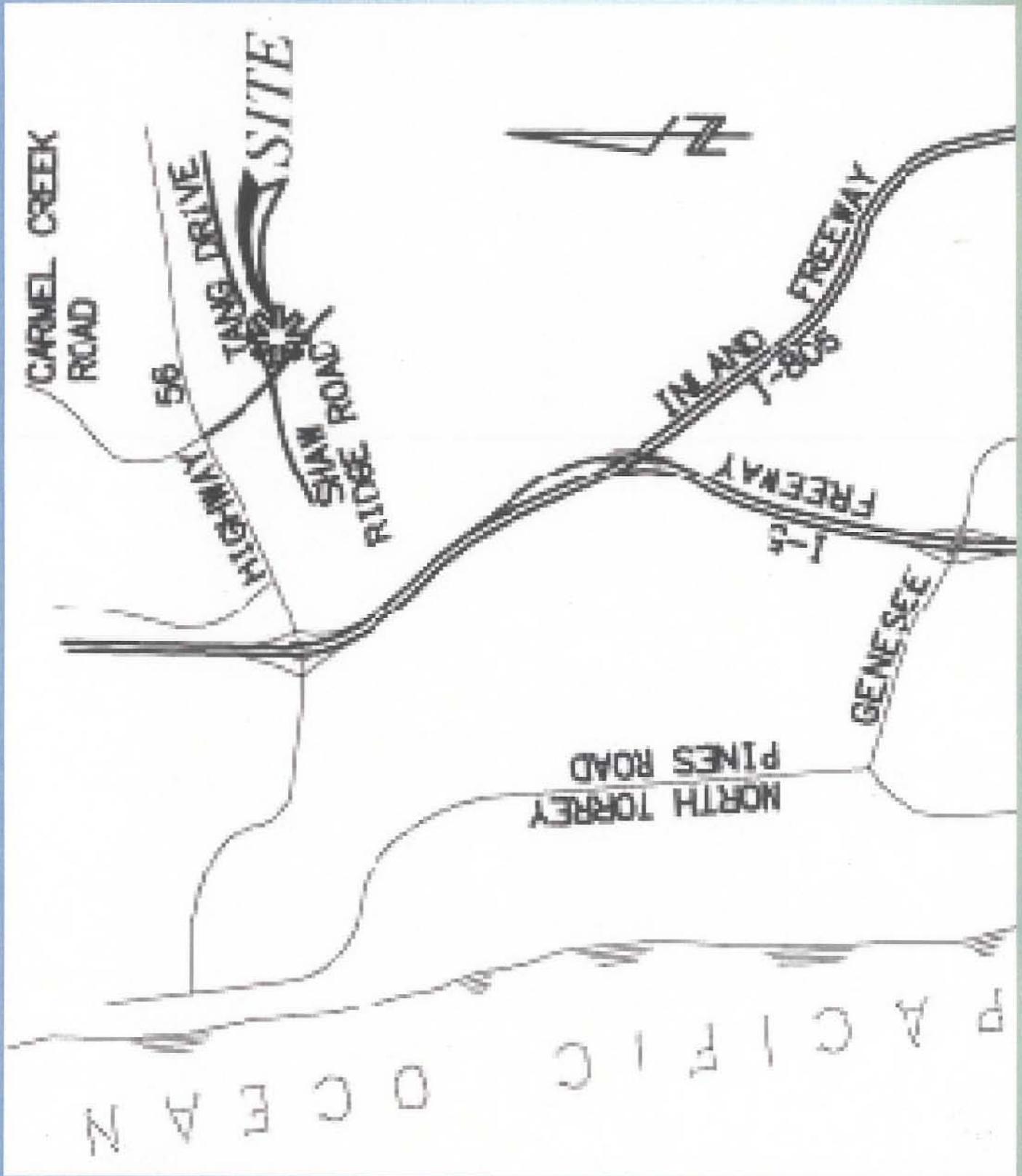


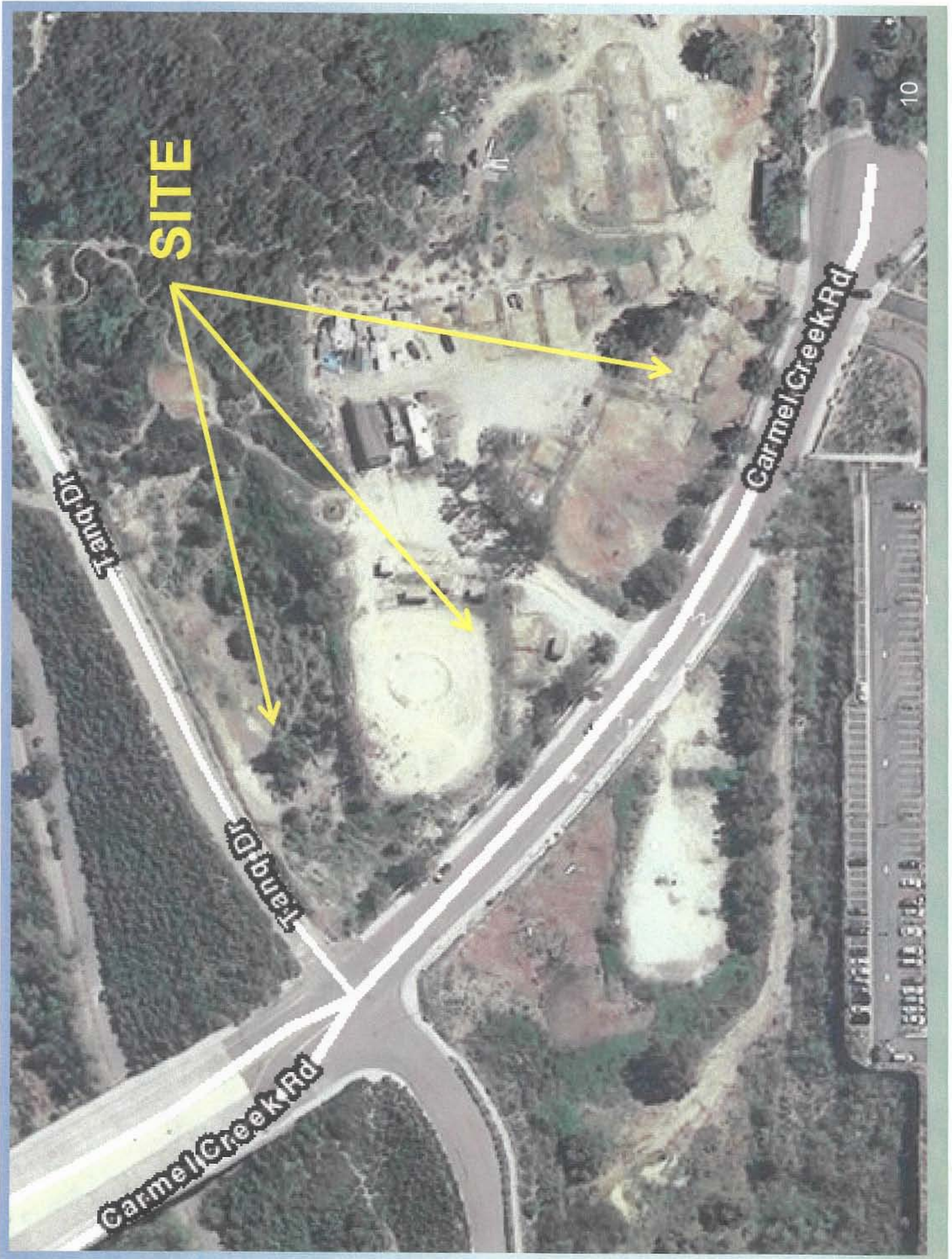
Mary R. Wright
Deputy Director
City Planning and Community Investment Department

BROUGHTON/JSF

Attachments:

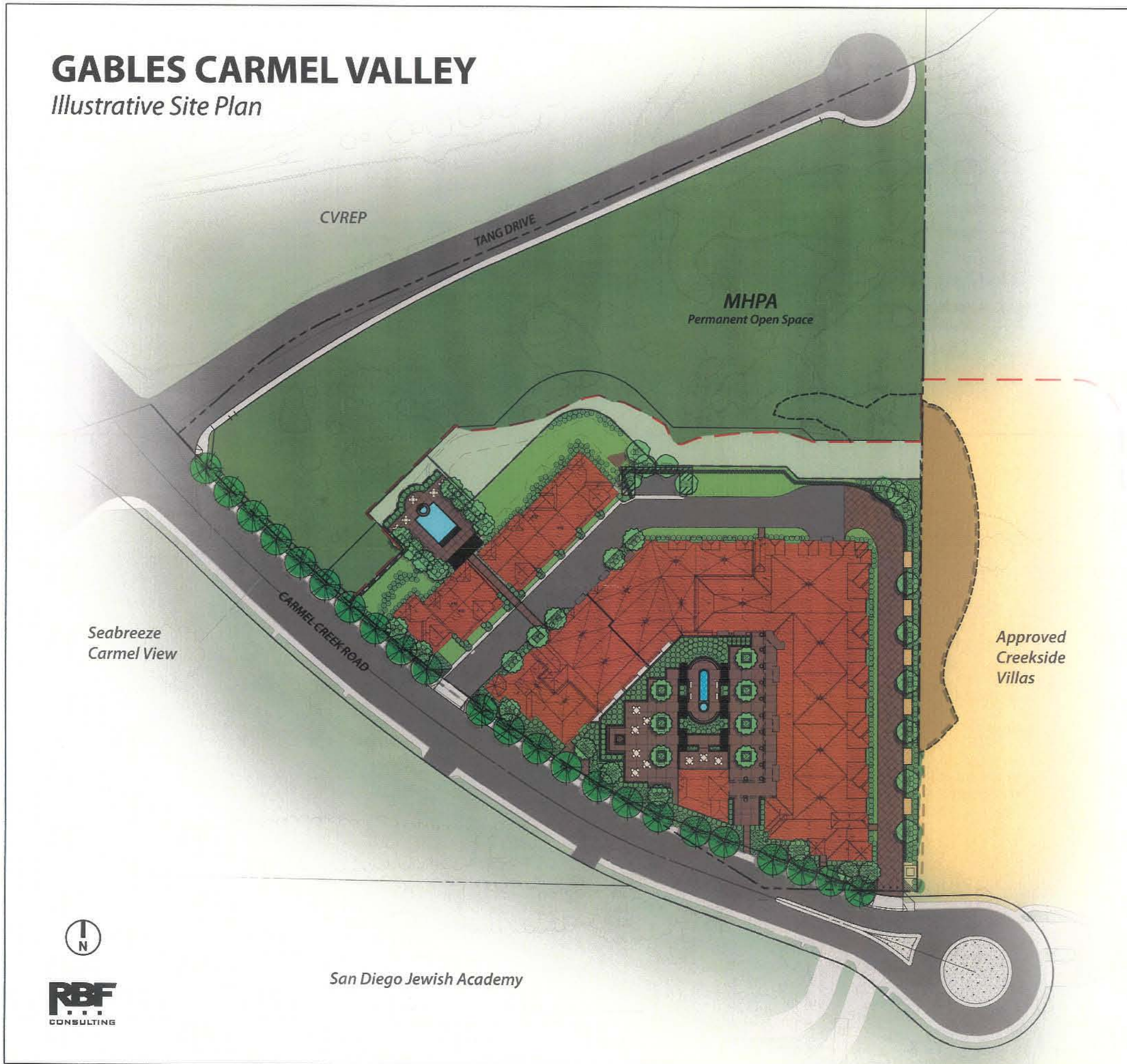
1. Carmel Valley Community Plan Land Use Map
2. Vicinity Map
3. Aerial Photograph
4. Proposed Site Plan
5. Proposed Zoning
6. Carmel Valley Neighborhood 8 Precise Plan Amendment (available under separate cover)
7. Proposed Vesting Tentative Map
8. Architectural Elevations
9. Plan Amendment Proposed Land Use Map
10. Composite aerial of three development projects; Gables, Creekside & Sea Breeze
11. Visual Analysis of proposed architecture
12. Front Yard Setback deviation exhibit
13. Retaining Wall deviation exhibit
14. Parking garage building section
15. Gables Carmel Valley drawings, remaining sheets (available under separate cover)
16. Carmel Valley Community Planning Board minutes, dated October 28, 2010
17. Draft Vesting Tentative Map Conditions and Subdivision Resolution
18. Draft Permit Resolution with Findings
19. Draft Permit with Conditions
20. Ownership Disclosure Statement
21. Project Data Sheet
22. Project Chronology





GABLES CARMEL VALLEY

Illustrative Site Plan

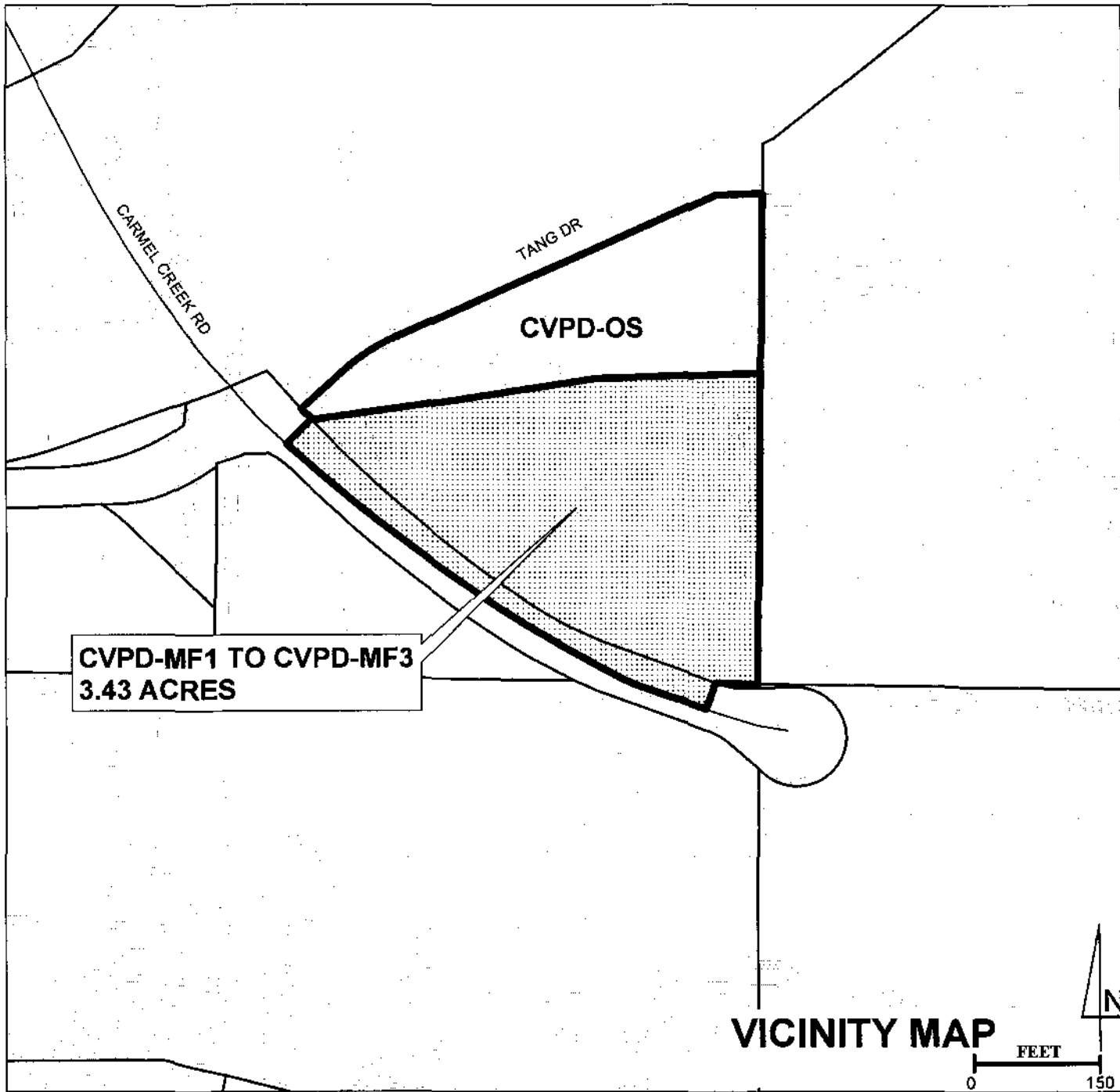


San Diego Jewish Academy



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



VICINITY MAP



| | | |
|--------------------------------|-------------------------------|------------------------------|
| SEC 19-14-3W*SEQ*DOC09-0058828 | | CASE NO. 23431730 |
| ORDINANCE NO. _____ | REQUEST CVPD-MF3 | DEVELOPMENT SERVICES MANAGER |
| EFF. DATE ORD. _____ | PLANNING COMM. RECOMMENDATION | |
| ZONING SUBJ. TO _____ | CITY COUNCIL ACTION | B- 4277 |
| BEFORE DATE _____ | | APN: 307-023-40 |
| EFF. DATE ZONING _____ | | (192-1444) 5-05-09 kj |
| MAP NAME AND NO. _____ | | |

Carmel Valley Neighborhood 8 Precise Plan Amendment

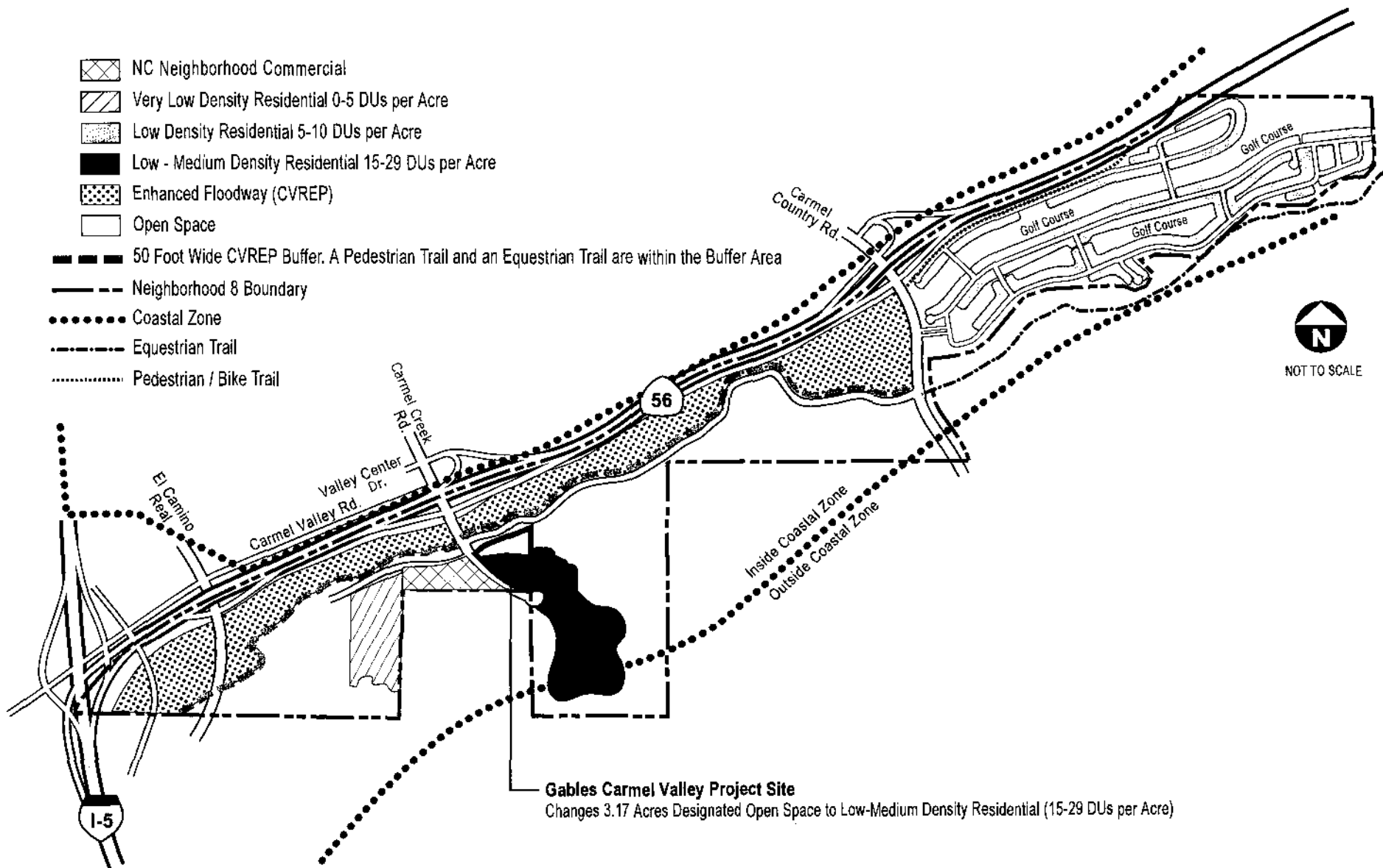
Revised Text & Graphics

(available under separate cover)









Land Use Plan
Carmel Valley Neighborhood 8
 Figure 4



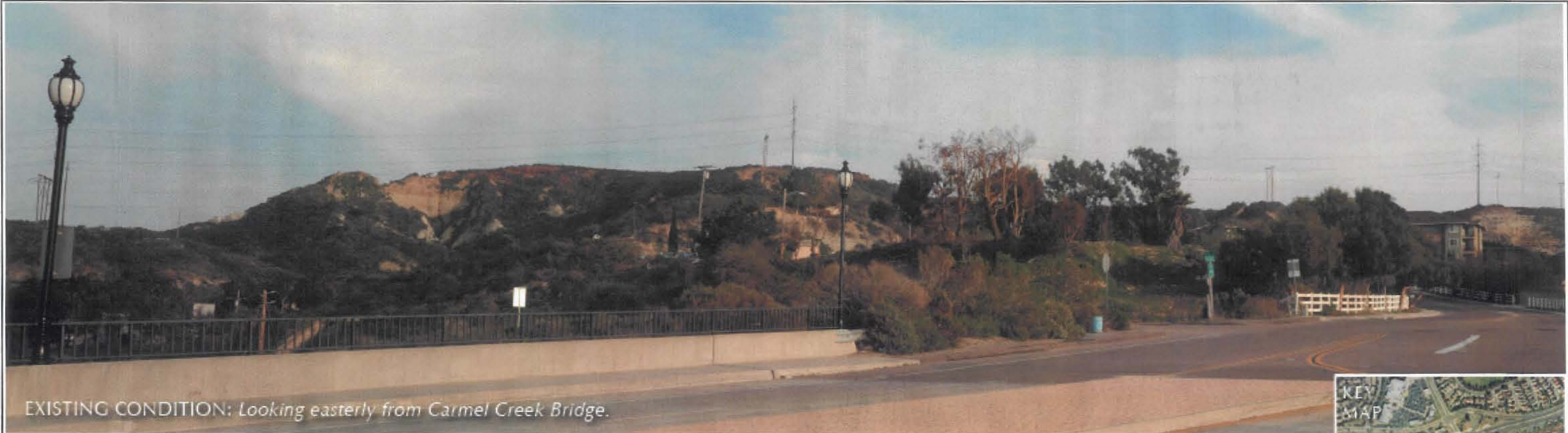
IMAGE SOURCE: EAGLE AERIAL 1/2008

Carmel Valley Neighborhood 8 Projects Composite Exhibit



H:\DATA\2552467\CAD\Planning\Exhibits\3467\801.dwg 02/25/20 - 100xw 10/1/15





EXISTING CONDITION: *Looking easterly from Carmel Creek Bridge.*



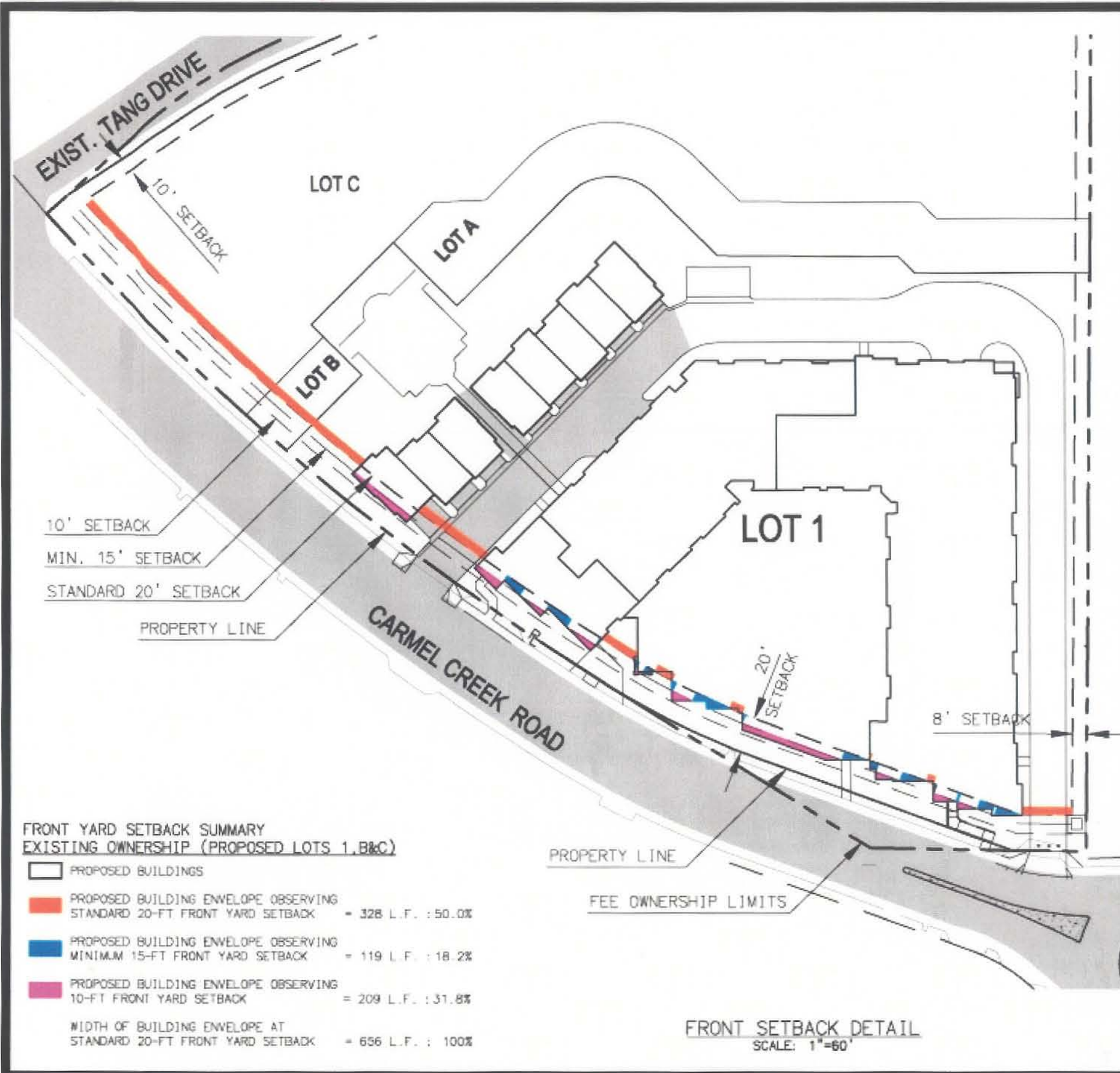
VISUAL SIMULATION: *Looking easterly from Carmel Creek Bridge.*

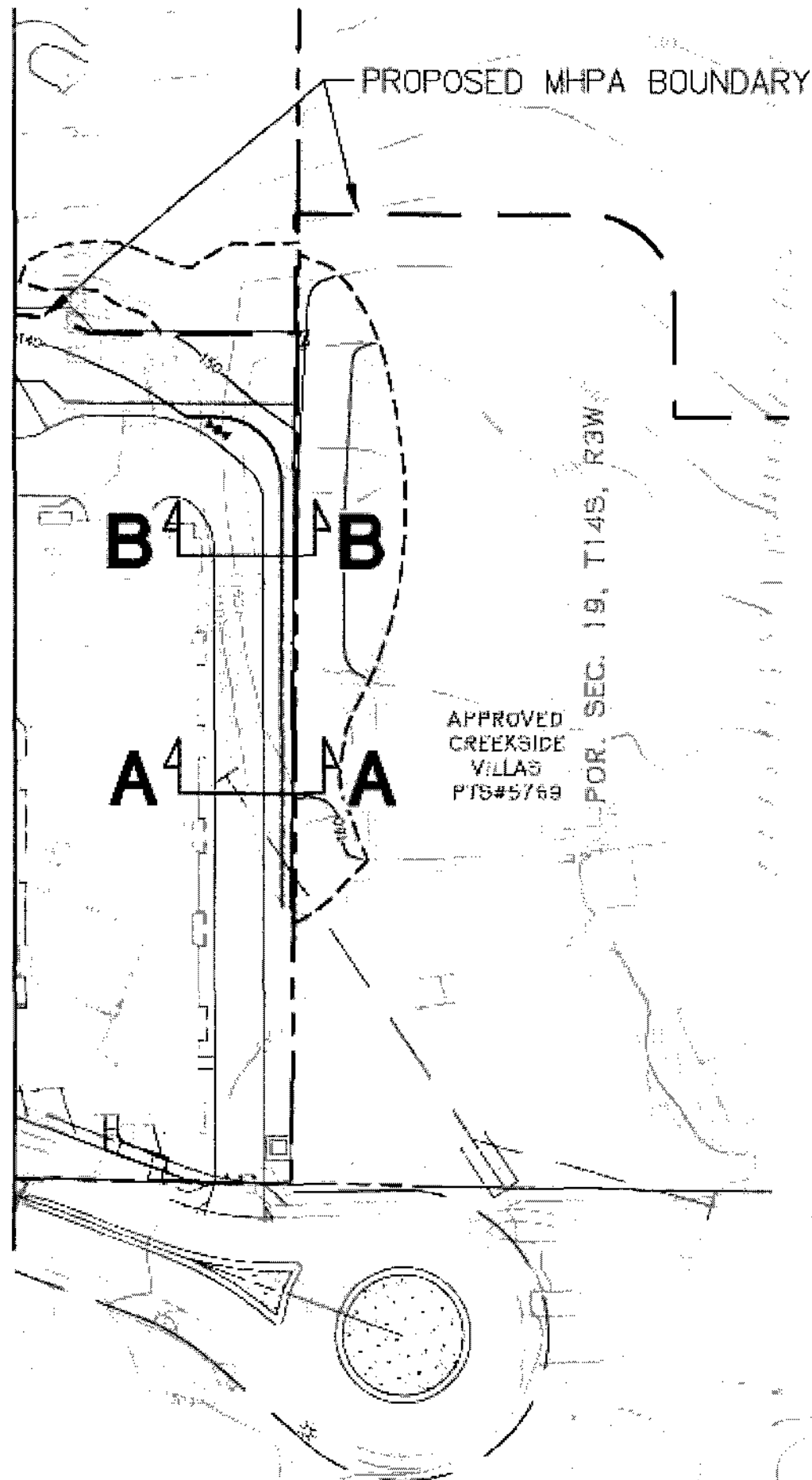


EXISTING CONDITION: *Looking south from CVREP Trail.*



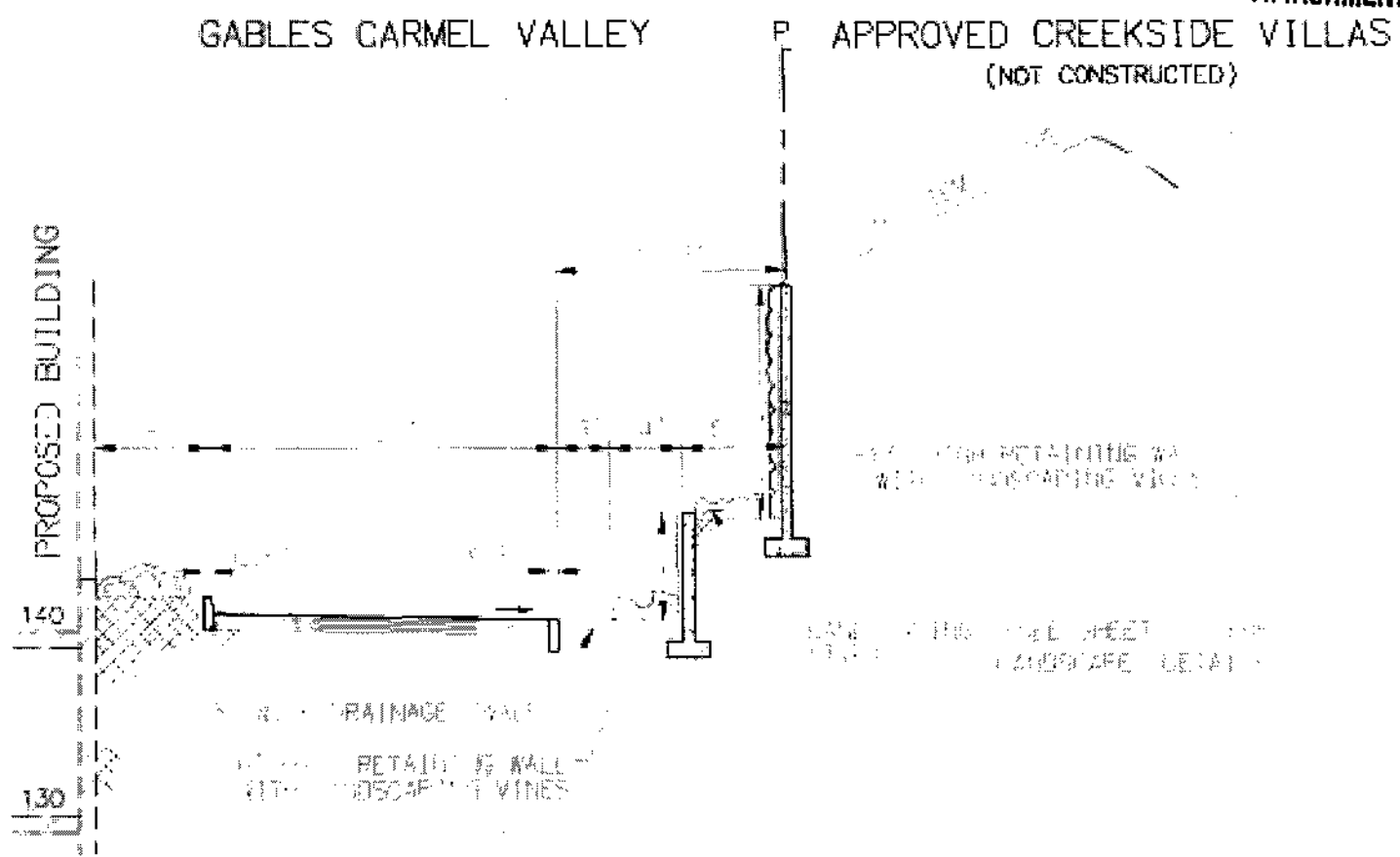
VISUAL SIMULATION: *Looking south from CVREP Trail.*



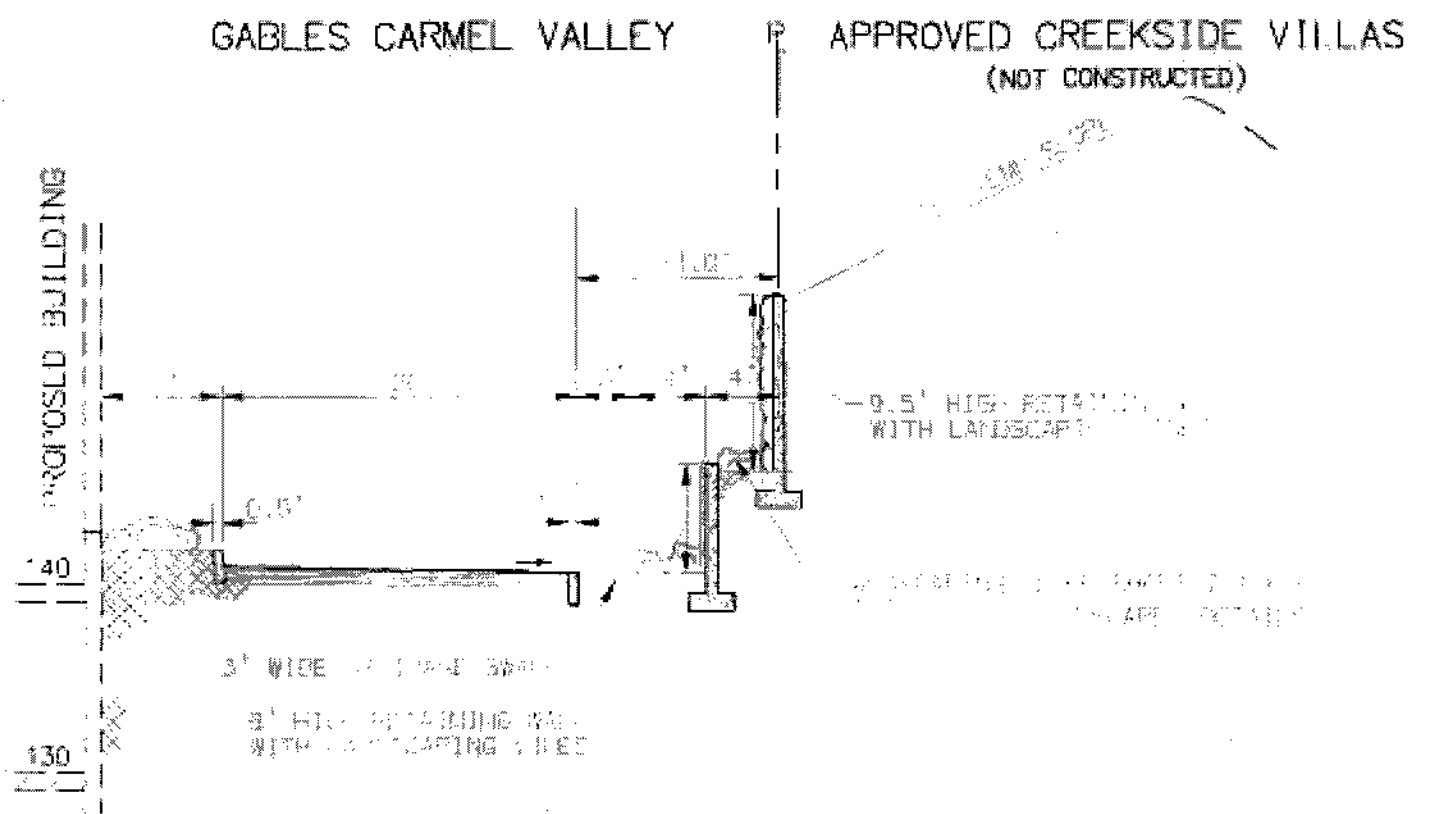


PLAN VIEW
SCALE: 1" = 60'

WALL HEIGHT DEVIATION



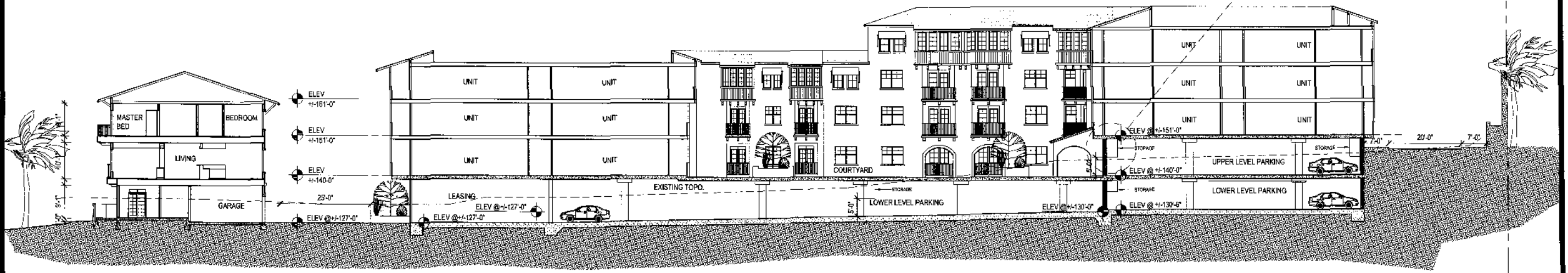
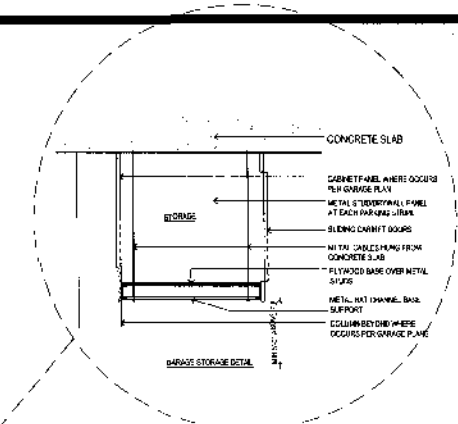
SECTION B-B
SCALE: 1" = 10'



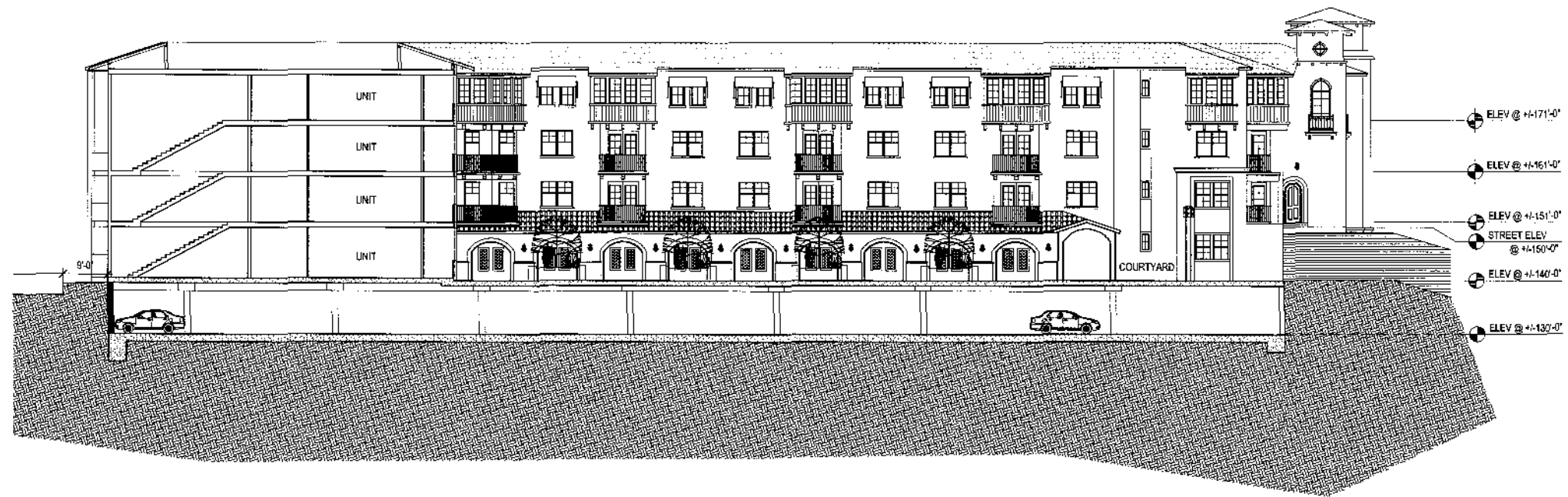
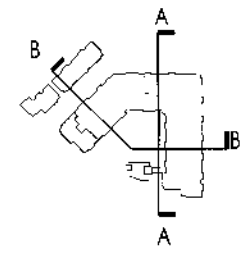
SECTION A-A
SCALE: 1" = 10'

GABLES CARMEL VALLEY

Vesting Tentative Map / Carmel Valley Planned District Permit
 Planned Development Permit / Land Use Plan Amendment / Rezone
 Environmentally Sensitive Lands Site Development Permit / Coastal Development Permit



SECTION B



SECTION A

| PROJECT TEAM | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-------------|--|-------------|--|-------------|--|-------------|--|-------------|--|------------|--|------------|--|------------|--|------------|--------------|------------|--------------|------------|---------------|------------|--------------|------------|--------------|------------|---------------|---------------|--------------|-------|----------|------|----------|
| APPLICANT GABLES RESIDENTIAL CONTACT: MICHAEL YANICELLI 9908 MIRA MESA BLVD, STE. 350 SAN DIEGO, CA 92131 TEL: (858) 684-3611 FAX: (858) 684-3639 | OWNER MARVIN DE CARME, G.P. CONTACT: MARVIN BERET MANAGING GENERAL PARTNER P.O. BOX 1707 RANCHO SAN ANA FF, CA 92087 TEL: (858) 792-7794 FAX: (858) 792-4363 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CIVIL ENGINEER / PLANNING / RBF CONSULTING CONTACT: JEFF BARFIELD 8755 CLAREMONT MESA BLVD., #100 SAN DIEGO, CA 92124 TEL: (858) 614-5000 FAX: (858) 614-5080 | ARCHITECT HUMPHREYS & PARTNERS ARCHITECTS, L.P. CONTACT: VINCE CALPKA 19100 VON KARMAN AVE. IRVINE, CA 92612 TEL: (949) 955-9400 FAX: (949) 955-1897 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PREPARED BY: NAME: RBF CONSULTING CONTACT PERSON: JEFF BARFIELD ADDRESS: 8755 CLAREMONT MESA BLVD., #100 SAN DIEGO, CA 92124 PHONE #: 858-614-5000 FAX #: 858-614-5080 | <table border="1"> <tr><td>REVISION 14</td><td></td></tr> <tr><td>REVISION 13</td><td></td></tr> <tr><td>REVISION 12</td><td></td></tr> <tr><td>REVISION 11</td><td></td></tr> <tr><td>REVISION 10</td><td></td></tr> <tr><td>REVISION 9</td><td></td></tr> <tr><td>REVISION 8</td><td></td></tr> <tr><td>REVISION 7</td><td></td></tr> <tr><td>REVISION 6</td><td>JAN. 5, 2011</td></tr> <tr><td>REVISION 5</td><td>SEP. 9, 2010</td></tr> <tr><td>REVISION 4</td><td>JUNE 10, 2010</td></tr> <tr><td>REVISION 3</td><td>APR. 1, 2010</td></tr> <tr><td>REVISION 2</td><td>JULY 7, 2009</td></tr> <tr><td>REVISION 1</td><td>APRIL 9, 2008</td></tr> <tr><td>ORIGINAL DATE</td><td>OCT 30, 2008</td></tr> <tr><td>SHEET</td><td>21 OF 22</td></tr> <tr><td>DATE</td><td>10/25/08</td></tr> </table> | REVISION 14 | | REVISION 13 | | REVISION 12 | | REVISION 11 | | REVISION 10 | | REVISION 9 | | REVISION 8 | | REVISION 7 | | REVISION 6 | JAN. 5, 2011 | REVISION 5 | SEP. 9, 2010 | REVISION 4 | JUNE 10, 2010 | REVISION 3 | APR. 1, 2010 | REVISION 2 | JULY 7, 2009 | REVISION 1 | APRIL 9, 2008 | ORIGINAL DATE | OCT 30, 2008 | SHEET | 21 OF 22 | DATE | 10/25/08 |
| REVISION 14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 6 | JAN. 5, 2011 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 5 | SEP. 9, 2010 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 4 | JUNE 10, 2010 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 3 | APR. 1, 2010 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 2 | JULY 7, 2009 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REVISION 1 | APRIL 9, 2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ORIGINAL DATE | OCT 30, 2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SHEET | 21 OF 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DATE | 10/25/08 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PROJECT ADDRESS: INTERSECTION OF TANG DRIVE & CARMEL CREEK ROAD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PROJECT NAME: GABLES CARMEL VALLEY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

1 BLDG SECTIONS
 SCALE: 3/32" = 1'-0"

SHEET 21
 RBF PLANNING & DESIGN & ARCHITECTURE
 THE CLARION FIRM RELEASE SETS BY THE ARCHITECTS ASSOCIATION

Gables Carmel Valley

Remaining Sheets 1, 3-20 & 22

(available under separate cover)

**CARMEL VALLEY COMMUNITY PLANNING BOARD
MEETING MINUTES**

7 p.m., 28 October 2010

Carmel Valley Library, Community Room
3919 Townsgate Drive, San Diego, CA 92130

CALL TO ORDER AND ATTENDANCE

| Board Member | Representing | Present | Excused | Absent |
|------------------------------|---|----------------|----------------|---------------|
| 1. Rick Newman | Neighborhood 1 | | X | |
| 2. Nancy Novak | Neighborhood 3 | X | | |
| 3. David Bartick | Neighborhood 4/4A | X | | |
| 4. Scott Tillson | Neighborhood 5 | X | | |
| 5. VACANT | Neighborhood 6 | | X | |
| 6. Dave McIntyre | Neighborhood 7 | | X | |
| 7. Frisco White, Chair | Neighborhood 8 | X | | |
| 8. Anne Harvey | Neighborhood 8A & 8B | X | | |
| 9. Steve Davison | Neighborhood 9 | X | | |
| 10. Laura Copic | Neighborhood 10 | X | | |
| 11. Manjeet Ranu, Vice-Chair | Pacific Highlands Ranch, District 11 | X | | |
| 12. VACANT | Pacific Highlands Ranch, District 12 | | X | |
| 13. Jill McCarty | Business Representative | X | | |
| 14. Victor Manoushakian | Business Representative | X | | |
| 15. Allen Kashani, Secretary | Developer Representative | X | | |
| 16. Christian Clews | Investor Representative | X | | |
| 17. Rodney Hunt | Investor Representative | X | | |

APPROVAL OF MINUTES—23 SEPTEMBER 2010

Manjeet Ranu motioned to approve the minutes with suggested revisions, seconded by Victor Manoushakian and unanimously approved with Chair White, Jill McCarty, Scott Tillson, Christian Clews and Allen Kashani abstaining (12-0).

CONSENT AGENDA

No items.

PUBLIC COMMUNICATION

Karen Cody asked if anybody knows why only her street is getting new ADA ramps in Carmel Valley. Mel Millstein explained that reason is her street is getting an overlay, and overlay projects are including ADA upgrades.

ANNOUNCEMENTS

Captain Rosario answered questions from the public and provided a 619-531-2000 community contact number for non-emergencies.

Chris Mohr announced himself as a potential candidate for the Neighborhood 6 seat.

WRITTEN COMMUNICATIONS

None.

COMMUNITY PLANNER REPORT

No report/no representative present.

COUNCIL DISTRICT ONE REPORT

Mel Millstein provided a report.

MAYOR'S REPORT

No report/no representative present.

COUNTY BOARD OF SUPERVISORS REPORT, DISTRICT 3

Sachiko Kohatsu provided a report.

STATE ASSEMBLY REPORT, DISTRICT 75

No report/no representative present.

INFORMATION AGENDA

- 1. Carmel Valley Residence Inn:** Presentation of proposed amendment to existing Coastal and Site Development permits to allow an increase of one unit and addition of elevation roof housing.
 - Applicant – Roy Johnson, Architect

Roy Johnson presented explaining they are applying for an extension of time then proposing an amendment to existing Coastal and Site Development permits to allow an increase of one unit and addition of elevation roof housing.

INFORMATION AGENDA(CONT.)

2. San Diego Corporate Center Mixed-Use: Presentation update of proposed mixed-use project at El Camino Real and Del Mar Heights Road and the Precise Plan and Community Plan Amendment elements.

- Applicant – Kilroy Realty, Robert Little

Robert Little presented and explained they have been addressing comments from a public scoping meeting in June. They have reduced density, bulk and scale of buildings and structures; and qualified for pre-requisite under LEED. 30,000 square feet less retail is proposed since the last update (approximately 270,000 SF now proposed). The current proposal is for 600 residential units, 150 hotel rooms, 515,000 SF office space and 275,000 SF retail. Victor Maroushakian asked about a pedestrian connection to Del Mar Highlands and the applicant explained they are interested in the idea. Manjeet Ranu and Anne Harvey asked that a grade-separated crossing be considered. Rodney Hunt explained that he is concerned with the 5-level parking structure proposed. Ken Farinsky from the public explained that the project appears too dense and he would like to see comparisons to adjacent development. Ken also explained he feels the proposed project is not consistent with the community character.

ANNOUNCEMENTS (taken out of order)

Elizabeth Schreiber provided an update on the Del Mar Highlands Shopping Center renovations. 65 parking spaces have already been added with more to follow. The first phase is to be complete by November 15; then in January they will begin work in the amphitheater.

ACTION AGENDA

1. Interstate 5 Expansion DEIR/DEIS: Consider the proposed widening of the I-5 North Coast Corridor Project from La Jolla to Oceanside. Consider supporting Torrey Pines CPB's comments to the DEIR/DEIS and submit letter addressing CVCPB's issues.

- Applicant – CVCPB

After discussion, Scott Tillson motioned to endorse and support the TPCPB letter and authorize the chair to draft and submit the letter. David Bartick seconded the motion followed by unanimous approval (13-0).

2. The Gables Carmel Valley: Consider the revised Land Use Plan Amendments and Project Permit changes to the Project.

- Applicant – Michael Yanicelli, Gables Residential; Jeff Barfield, RBF Consulting

Michael Yanicelli summarized the project and explained changes including more roof breaking, more façade articulation and movement, landscape buffers added to the podium deck and larger towers. Scott Tillson acknowledged the board's prior approvals recognizing the need for the changes and motioned to accept the proposed architectural and site plan changes, seconded by Christian Clews and unanimously approved (13-0).

SUBCOMMITTEE MEETING REPORTS AND ANNOUNCEMENTS

| Subcommittee | Representative | Report | Next Meeting |
|--|--|---|-----------------------|
| Regional Issues & Design Review | Harvey, Jan Fuchs | None | None noted |
| FBA | White | None | None noted |
| MAD | McIntyre | A new person is taking the place of Joe Henderson at the City. | Tuesday, Nov 2 4:30PM |
| MAD N 10 | Copic | None | Tuesday, Nov 2 6PM |
| MAD PHR | Ranu | Manjeet Ranu explained there may be a need to replace backflow devices to accept 'purple pipe'. | None noted |
| Bylaws/Elections/Policies/Procedures | Bartick | None | None noted |
| Community Concourse | White | None | None noted |
| Trails | Harvey (Copic, alternate to LPCP CAC) | None | None noted |
| CVREP | Clews | Mile markers are installed at ¼ mile intervals. | None noted |
| San Dieguito River Park | Harvey, Fuchs | None | None noted |
| SR-56 Steering Committee / SR-56/I-5 Connector Exploratory Committee | Tillson, Fuchs (Michelle Strauss, alternate) | Scott Tillson and Manjeet Ranu explained recent endorsements to prop C | None noted |
| CPC | Ranu | None | None noted |
| Signage | John Dean | None | None |

CHAIR'S REPORT

None

OLD/ONGOING BUSINESS

None.

PUBLIC COMMENT (taken out of order)

A boy named Colton explained that his friend was injured with a broken arm when the lights at the skate park abruptly shut off. Mel Millstein will investigate.

NEXT MEETING

Friday, 19 November 2010, 7 p.m., Carmel Valley Library

ADJOURNMENT

The board adjourned at approximately 10:30PM.

ACTION ITEMS

- Mell Millstein to investigate skate park lights issue.

CITY COUNCIL RESOLUTION NO. – RESO NO.
VESTING TENTATIVE MAP NO. 601114
GABLES CARMEL VALLEY - PROJECT NO. 167252
DRAFT

WHEREAS, LION GABLES REALTY LIMITED PARTNERSHIP, Applicant and MARVIN DEL MAR, General Partnership, ROBERT L. BLOSSER and JUNE C. HUDSON, Husband and Wife, Subdivider, and TRUDI LIM, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 601114, for the subdivision of the site into four separate parcels. The project site is located at the southeast corner of Tang Drive and Carmel Creek Drive in the Carmel Valley Planned District MF3 zone of the Carmel Valley Neighborhood 8 Precise Plan; and

WHEREAS, the Vesting Tentative Map proposes the subdivision of a 5.22 acre site into 5 lots as follows: Lot 1 for Multi-Family residential, Lot A and Lot B for Open Space, Lot C for MHPA, and Lot D for Tang Drive; and

WHEREAS, the Mitigated Negative Declaration No. 167252 was prepared in accordance with the California Environmental Quality Act; and

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

WHEREAS, on HEARING DATE, the Council of the City of San Diego considered Vesting Tentative Map No. 601114 and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

WHEREAS, after the approval of the above referenced project by the City Council, Marvin Del Mar, General Partnership, Robert L. Blosser and June C. Hudson, Husband and Wife, transferred the property to Lion Gables Realty Limited Partnership, thereby making Lion Gables Realty Limited Partnership the new owner of the Gables Carmel Valley project; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 601114:

1. **The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).** The proposed subdivision would provide for a balanced community and equitable development within the community through

the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Carmel Valley Neighborhood 8 Precise Plan. 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 (Land Development Code Section 125.0440.b).** The proposed subdivision would comply with the development regulations of the underlying MF3 Zone and all of the applicable development regulations of the Land Development Code. This application includes a request to deviate from three requirements. The requirements are: 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, 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. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. The deviations are considered minor and determined to be consistent with the purpose and intent of the Carmel Valley Planned District MF3 zone and the Planned Development Permit regulations.
3. **The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).** The proposed subdivision would be consistent with the recommended residential land use and density range of the Carmel Valley Neighborhood 8 Precise Plan and would comply with the applicable development of the underlying Carmel Valley Planned District MF3 Zone. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.
4. **The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).** An initial Environmental Initial Study (EIS) was conducted for the proposed subdivision in accordance with the California Environmental Quality Act (CEQA) that determined the project could have potential adverse impacts to (list impacts). A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of

significance. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

5. **The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).** The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code 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 (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).** The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways 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 (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).** The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.
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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).** The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine 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 and found that the addition of 92 residential apartment units would assist the housing needs of the Carmel Valley community.

9. **The Subdivider will continue to be required to underground any new service run to the proposed structures within the subdivision.** All new services will be placed underground consistent with City standards.
10. **The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.** All proposed, privately owned underground utilities will be constructed with accepted engineering practices and meet or exceed requirements of the Municipal Code and Council Policy No. 600-25.

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 City Council Vesting Tentative Map No. 601114 is hereby granted to Lion Gables Realty Limited Partnership, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire [INSERT DATE - 3 YEARS FROM DECISION DATE].
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map 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
4. The Final Map shall conform to the provisions of Planned Development Permit No. 601111, Site Development Permit No. 601110 and Coastal Development Permit No. 652351.
5. 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 any Indemnified Party 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 cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding

if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The existing 90 watt, low-pressure sodium street light along the site frontage will be required to be upgraded to a 150 watt, high-pressure sodium, full cutoff Type III fixture, to the satisfaction of the City Engineer.
7. Prior to the issuance of any permits, the Subdivider shall provide a letter of concurrence from the adjacent property owner for the off site grading within their property.
8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The Subdivider shall ensure that all existing 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.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

11. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
12. "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."
13. The Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

GEOLOGY

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

MSCP

15. Prior to recording the final map, the on-site MHPA within Lot C shall be conveyed to the City's 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]. Lot C shall remain in private ownership and be maintained in perpetuity by the Subdivider. The language of the covenant of easement shall allow for the restoration and revegetation of the area.

LANDSCAPE

16. Prior to recording the Final Map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zones per Section 142.0412 of the Land Development Code."

PUBLIC UTILITIES

17. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as

shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

18. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
19. No trees or shrubs exceeding three feet in height at maturity shall be located within ten feet of any public sewer mains or laterals.

TRANSPORTATION

20. The Subdivider shall relinquish abutter's rights of access to Tang Drive, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the

Project No. 167252
VTM No. 601114
INSERT APPROVAL DATE

Attachment 17

public facility to the satisfaction of the City Engineer. Municipal Code Section
142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON HEARING DATE [IN CAPS].

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Shannon Thomas
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
R- INSERT
Reviewed by John S. Fisher
Job Order No. 431730

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, MARVIN DEL MAR, a General Partnership, ROBERT L. BLOSSER and JUNE C. HUDSON, Husband and Wife as community property, Owner and LION GABLES REALTY LIMITED PARTNERSHIP, a Delaware Limited Partnership, Permittee, filed an application with the City of San Diego for a Planned Development Permit [PDP] No. 601111, Site Development Permit [SDP] No. 601110 and Coastal Development Permit [CDP] No. 652351 to construct a 92 dwelling unit apartment project with a MHPA Boundary Line Adjustment known as the Gables Carmel Valley project (Project); and

WHEREAS, the project site is located at the southeast corner of Tang Drive and Carmel Creek Drive, and 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, in the Carmel Valley Neighborhood 8 Precise Plan area, in the Carmel Valley Planned District MF1 Zone which is proposed to be rezoned to the Carmel Valley Planned District MF3 Zone; and

WHEREAS, on INSERT DATE, the Planning Commission of the City of San Diego considered PDP No. 601111, SDP No. 601110 and CDP No. 652351, and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to INSERT EITHER "recommend City Council approval of the permit" OR "approved/denied the permit"; and

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

WHEREAS, after approval of the above referenced project by the City Council, Marvin Del Mar, a General Partnership, Robert L. Blosser and June C. Hudson, Husband and Wife as community property, Owner, will transfer the property to Lion Gables Realty Limited Partnership, a Delaware Limited Partnership, thereby making Lion Gables Realty Limited Partnership the new Owner of the Gables Carmel Valley project; and

WHEREAS, the matter was set for public hearing on DATE, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to PDP No. 601111, SDP No. 601110 and CDP No. 652351:

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The proposed Gables Carmel Valley project will develop 92 apartment units and is consistent with the Carmel Valley Neighborhood 8 Precise Plan. The Carmel Valley Neighborhood 8 Precise Plan designates the proposed project area for medium density residential development. The Gables Carmel Valley project will develop the least biologically sensitive and most disturbed portion of the site; will preserve the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area; and will add 92 rental housing units, nine housing units of which will be affordable dwelling units with rent restrictions, to the housing supply of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. The City will benefit by the increase in housing opportunities in the City and more specifically within the Carmel Valley community, by the increase in revenues as a result in greater property taxes paid by the owners of the site

as a result of the increase in property value, by the greater efficient utilization of land in an urbanized community for housing purposes, and by the completion of a new housing project which will comply with all current relevant and applicable building, electrical, mechanical and fire codes assuring the structure will meet or exceed the current regulations. Therefore, the proposed development implements the Carmel Valley Neighborhood 8 Precise Plan community design guidelines, as well as goals and objectives of the General Plan, and will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The proposed project will support the provision of public services; such as, police, fire, medical, schools, public parks and libraries through the payment of fees, assessments and property taxes. The proposed project will provide the necessary sewer and water facilities to serve the residents within the development. Carmel Valley Neighborhood 8 is served by police and fire services with response times consistent with the City's General Plan Standards.

The proposed project will incorporate energy and water efficient materials and efficiency strategies, and has been planned and designed to conform with the wide variety of the City of San Diego's codes, policies, and regulations, whose primary focus is the protection of the public's health, safety, and welfare. The proposed design of the project respects the biological sensitivities of the site and view opportunities surrounding the project and is designed to provide a quality development that will not be detrimental to the public health, safety, and welfare.

The proposed development will provide public benefits which would not have occurred otherwise. The proposed project will provide all necessary sewer and water facilities to serve the residents within the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance; will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity.

The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. The development will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All of the construction plans associated with the project will be reviewed prior to issuance of a construction permit and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

The 92 apartment units will decrease the existing City-wide housing shortage and will also provide nine affordable units. The Gables Carmel Valley project will enter into an

Affordable Housing Agreement with the San Diego Housing Commission to provide the nine affordable units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance [Chapter 14, Article 2, Division 13 of the Land Development Code]. The nine units will be affordable to persons earning no more than sixty-five percent of the area median income. As such the Gables Carmel Valley project will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The proposed development complies with the regulations of the Carmel Valley Planned District MF-3 Zone and site-specific development regulations for the property, as allowed with the approval of a Planned Development Permit. In order to create a more desirable project, implement the goals of the Carmel Valley Neighborhood 8 Precise Plan, the three deviations requested are appropriate for the location and for this development. The requested deviations are necessary for the minimum front yard setback, maximum retaining wall height, and to allow 35 parking spaces to be counted towards meeting the required parking where these 35 spaces measure 17 feet in length and 18 parking spaces to be counted towards meeting the required parking where these 18 spaces measure 15 feet in length where the minimum length is 18 feet. The proposed development will comply with all other applicable requirements, including yet not limited to residential density, floor area ratio, street design, grading and landscaping, of the Carmel Valley Planned District MF-3 Zone, as allowed through a Planned Development Permit. The project will reflect the desired objectives and goals for the site as described in the Carmel Valley Neighborhood 8 Precise Plan. The proposed project has been determined to not interfere with the airspace regulated by the Federal Aviation Administration and Marine Corps Air Station Miramar or local airport land use regulations.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The proposed development complies with the regulations of the Carmel Valley Planned District MF-3 Zone and site-specific development regulations for the property, as allowed with the approval of a Planned Development Permit. The development will contribute needed market rate housing and income restricted affordable housing for people earning sixty-five percent of the area median income. The proposed design is consistent with the objectives and goals described and identified in the Carmel Valley Neighborhood 8 Precise Plan for this site. When considered as a whole, the proposed development will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The Gables Carmel Valley project will develop 92 residential units in the least

biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The proposed development complies with the regulations of the Carmel Valley Planned District MF-3 Zone and site-specific development regulations for the property, as allowed with the approval of a Planned Development Permit. In order to create a more desirable project, implement the goals of the Carmel Valley Neighborhood 8 Precise Plan, the deviations requested are appropriate for this location and for the proposed development. The requested deviations necessary for the project address front yard setback, maximum retaining wall height, and to allow thirty-five parking spaces to be counted towards meeting the required parking where these thirty-five spaces measure seventeen feet in length and eighteen parking spaces to be counted towards meeting the required parking where these eighteen spaces measure fifteen feet in length where the minimum length is eighteen feet to be counted towards the required total parking. Deviations, as allowed by the approval of a Planned Development Permit, are required to approve the proposed project. The project will include three deviations:

a. Land Development Code section 131.0443(d)(1)(A); Front Yard Setback

As required by the Carmel Valley Planned District MF-3 Zone, the minimum front yard setback is fifteen to twenty feet. The Gables Carmel Valley design will provide architectural elements to enhance the buildings and the overall aesthetic appearance of the project. A setback deviation is necessary for a finite length of the frontage along Carmel Creek Road to implement the conceptual design and allow a variable front yard setback. Approximately 209 linear feet of the approximately 656 linear feet of frontage, or approximately thirty-one percent, would be no less than ten feet where the variable front yard setback is required to be from fifteen to twenty feet. Consistent with the Carmel Valley Neighborhood 8 Precise Plan, the proposed project will develop in the least biologically sensitive areas of the site and preserve the most biologically sensitive areas of the site. The deviation to allow a reduced front yard setback for approximately thirty-one percent of the linear distance of fronting property will contribute to preserving sensitive habitat on the site. By placing development closer to the street greater efficiency is achieved on the site and more of the site may be devoted to providing both market rate dwelling units. As the reduced front yard setback occurs along a specified length of the frontage and the architectural site plan indicates the building wall varies in setback over the length of the building wall from ten to forty feet and the areas where the front setback is reduced to ten feet is intermittent rather than all along one length of building wall, the deviation will contribute to creating a creative site design with variety, contrast and harmony consistent with the goals of the Carmel Valley Neighborhood 8 Precise Plan. If the deviation were denied and the project observed the full front yard setback along the entire length of the building wall, less land area would be available for development and by extension to provide dwelling units at this site. The front yard setback deviation is the minimum deviation necessary in this specific case to provide relief from the regulation. For these reasons above the deviation is reasonable and is justified.

b. Land Development Code section 142.0340(d); Maximum Retaining Wall Height

The Gables Carmel Valley design will provide architectural elements to enhance the buildings and the overall aesthetic appearance of the project. The site has a unique geometry, topography and was significantly disturbed from decades of use as part of a mining operation and later as a commercial equestrian operation. The proposed retaining walls will be located between the proposed four story building and an approved three story building on the adjoining Creekside Villas property at the southeast corner of the site and away from the public right-of-way. As such the retaining walls will not be visible from any public vantage point except from along a narrow corridor which is the emergency access driveway along the southerly property line. The base of the retaining wall will be planted with climbing vines which will eventually cover the wall and improve its appearance from this narrow vantage point. The deviation to allow a thirteen foot retaining wall where a maximum wall height of six feet is allowed by the regulations is appropriate given the significant benefits the project would provide to the city. The deviation to allow an over height retaining wall will contribute to preserving sensitive habitat. By reducing the area of grading on the site by constructing retaining walls where appropriate and feasible, more developable area may be created for the creation of dwelling units on this site. Additionally by reducing the area of grading on the site by constructing retaining walls where appropriate and feasible, less area as measured in acres is graded which directly reduces the impacts to sensitive habitat. Since the over height retaining walls reduce the area necessary for graded slopes more land area becomes available for the development of dwelling units. Should the project design observe the maximum retaining wall height allowed, less land area will be available for development and fewer dwelling units would be provided on this site. In this way the over height retaining walls contribute to the provision of housing at this site and is the minimum deviation necessary in this specific case to provide relief from the regulation. For the reasons above the deviation is reasonable and is justified.

c. Land Development Code section 142.0560(b) and Table 142-05J; Minimum depth of parking spaces

Allowing a deviation granting thirty-five parking spaces to be counted towards meeting the required parking where these thirty-five spaces measure seventeen feet in length and eighteen parking spaces to be counted towards meeting the required parking where these eighteen spaces measure fifteen feet in length where the minimum length required by the regulations is eighteen feet to be counted towards the total required parking is reasonable and will not negatively affect the functionality of the parking structure. The detail of the deviation is these fifty-three spaces will measure twenty-one or nineteen feet in length as measured on the ground with private storage lockers hung from the ceiling of the garage to no closer than five feet above the garage floor. Thus these fifty-three spaces may not be functionally available to all vehicle designs and vehicle types. Therefore the strict application of the law requires a deviation to allow these fifty-three spaces to be counted towards the total required parking. The development permit issued for this project will include a condition to require the Owner/Permittee to make all parking spaces available to their tenants and assure the parking space assigned to each tenant accommodates their vehicle. In this way the deviation will not result in any fewer parking spaces than without the deviation. The deviation is supported by an offsetting benefit. The deviation to allow

these parking spaces with storage lockers hung from the garage ceiling over a portion of the parking space will contribute to realizing the maximum housing density on this site. A very real constraint of residential property development is the ability to provide the required parking. The parking requirements may effectively reduce the maximum number of dwelling units provided on the site by the need to provide the required number of parking spaces for those units.

Creating efficiencies in the use of all space directly relates to the land area available for development of dwelling units. The project will add 92 rental housing units to the housing stock of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. In this way the deviation to allow these fifty-three spaces to be counted towards the total required parking will contribute to the provision of housing at this site. Since providing parking is a real consideration for any residential development, more dwelling units will be provided by utilizing greater efficiencies of space in the parking garage by allowing this deviation. If the deviation were disallowed fewer dwelling units may be realized on this site. In this way allowing a greater efficiency of parking and storage unit design in the parking garage contribute to the provision of housing at this site and is the minimum deviation necessary in this specific case to provide relief from the regulation. For the reasons above the deviation is reasonable and is justified.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. **The proposed development will not adversely affect the applicable land use plan.** The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. For additional information, see Planned Development Permit Finding No. 1 above.
2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. For additional information, see Planned Development Permit Finding No. 2 above.
3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. For additional information, see Planned Development Permit Finding No. 3 above.

B. Supplemental Findings--Environmentally Biologically Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally biologically sensitive lands. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The area of the site which will be developed was originally used for decades as a portion of a sand and gravel mining operation and since 1977 was used as an equestrian operation until 2008. The portion of the site now proposed for development has been graded and most native vegetation removed by these previous uses. During and as a result of the equestrian operation manufactured slopes were created, pipe bar corrals were installed, temporary buildings located on the site and other improvements to facilitate the equestrian operation were erected. The Gables Carmel Valley project will be developed in these disturbed areas of the site. The remaining and more sensitive areas of the site will be preserved by a covenant of easement and is located within the Multiple Habitat Planning Area.

The technical reports submitted by the applicant to the City for review indicate the site is suitable for the intended design. These reports address such subject matter as Geology, Transportation, Soils, Hydrology, Storm Water Runoff and Water Quality, Noise, Cultural Resources, Biology and Visual Analysis. In addition, the requirements placed on the development of the site include the submission of further technical reports prior to the approval of construction permits. All technical reports received and reviewed by the city staff indicates the site is suitable for the intended design and will result in the minimum disturbance to environmentally biologically sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The area of the site which will be developed was originally used for decades as a portion of a sand and gravel mining operation and since 1977 was used as an equestrian operation until 2008. The portion of the site now proposed for development has been graded and most native vegetation removed by these previous uses. During and as a result of the equestrian operation manufactured slopes were created, pipe bar corrals were installed, temporary buildings located on the site and other improvements to facilitate the equestrian operation. The Gables Carmel Valley project will be developed in these disturbed areas of the site. The alteration of the remaining natural land forms on the site will not occur with the development of the project as this undeveloped area will be protected by a covenant of easement in favor of the city of San Diego, the U.S. Fish and Wildlife Service and California Department of Fish and Game and is located within the Multiple Habitat Planning Area.

The approved Exhibit "A" conceptual plans include a Brush Management Plan and Fire Access Plan to address the risks posed by wildland fires and safety issues of the site design as it relates to providing safety services access to the site. City staff have reviewed

the Brush Management Plan and Fire Access Plan and concluded based on that review the proposed project will not result in undue risk from fire hazards. Landscape plans and Revegetation and Restoration Plans will be required prior to approving construction plans. These Landscape plans and Revegetation and Restoration Plans will indicate areas of the site where prior historic uses resulted in the removal of vegetation which would exacerbate the risks associated from erosion will be planted and restored and thus undue risks associated from erosion will not occur. All manufactured slopes will be revegetated to prevent soil erosion and stabilize manufactured slopes. Undue risk from flood hazards will not result as the site is outside of the 100 year flood plain and not within a flood prone area.

City staff has reviewed geotechnical information submitted by professional consultants for the applicant and the Site Plan, Grading and Utilities plans prepared by RBF Consulting and have concluded based on that review the proposed project will not result in undue risk from geologic forces. All technical reports received and reviewed by the city staff indicate the site is suitable for the intended design. The proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally biologically sensitive lands. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The area of the site which will be developed was originally used for decades as a portion of a sand and gravel mining operation and since 1977 was used as an equestrian operation until 2008. The portion of the site now proposed for development has been graded and most native vegetation removed by these previous uses. During and as a result of the equestrian operation manufactured slopes were created, pipe bar corrals were installed, temporary buildings located on the site and other improvements to facilitate the equestrian operation. The Gables Carmel Valley project will be developed in these disturbed areas of the site. The proposed development is sited and designed to prevent adverse impacts on any adjacent environmentally biologically sensitive lands. Furthermore, compliance with all local, state and federal regulations pertaining to the protection of environmentally biologically sensitive lands will be required of the applicant so that adverse impacts on any adjacent environmentally biologically sensitive lands will not occur.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The approval of the proposed project includes a Multiple Habitat Planning Area Boundary Line Adjustment. The United States Fish and Wildlife Service, the California Department of Fish and Game and the City's Multiple Species Conservation Program staff have reviewed the proposed boundary line adjustment and concluded the adjustment will benefit the Multiple Species

Conservation Program and the Multiple Habitat Planning Area by developing in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site. The area of the site which will be developed was originally used for decades as a portion of a sand and gravel mining operation and since 1977 was used as an equestrian operation until 2008. The portion of the site now proposed for development has been graded and most native vegetation removed by these previous uses. During and as a result of the equestrian operation manufactured slopes were created, pipe bar corrals were installed, temporary buildings located on the site and other improvements to facilitate the equestrian operation were erected. The Gables Carmel Valley project will be developed in these disturbed areas of the site. The remaining and most sensitive areas of the site will be preserved by a covenant of easement and is located within the Multiple Habitat Planning Area. With the Multiple Habitat Planning Area Boundary Line Adjustment the approved the project will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. The site does not contain any drainage channels or jurisdictional waters of the United States. All storm water runoff generated on the project site will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan will be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) will be filed with the SWRCB. The site is approximately two miles in a straight line from the Pacific Ocean, is not located adjacent to the shoreline or to a public beach. The hydrologic watershed which the proposed project site is located within will not be adversely affected by the proposed project and by logical extension the proposed development will not contribute to the erosion of public beaches or adversely impact the local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The Gables Carmel Valley project will develop 92 residential units in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site identified as being within the Multiple Habitat Planning Area. To the greatest extent possible the proposed project will be sited on the least sensitive portions of the site and will not encroach into slopes steeper than twenty-five percent. The project will comply with the relevant regulations applicable to the site, with the exception of the approved deviations, and has been designed to minimize impacts to biologically sensitive lands adjacent to the area of development on the site. To the greatest extent possible all development will be confined

to areas of the site which have been and are already disturbed by the previous equestrian and quarry use of the site. The conditions of approval required for the project include mitigation to address potential impacts to Biology and Paleontological Resources and are directly related to the potential impacts which may be probable and a result of implementation of the project. As such these mitigation requirements are calculated to alleviate potential negative impacts resulting from the implementation of the project.

Coastal Development Permit - Section 126.0708

A.

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed project is located at the southeast corner of Tang Drive and Carmel Creek Drive on a 5.22 acre site in the Carmel Valley Planned District MF3 zone of the Carmel Valley Neighborhood 8 Precise Plan. The project proposes to develop and construct a 92 unit apartment project. The proposed project will be developed entirely within the private property and will not encroach upon any existing physical access way legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan in as much as there are no legally used by the public or any proposed public accessways located on the private property. The proposed development will be constructed completely within the boundaries of the private property and will observe all required yard setbacks, except as allowed by the approved deviation for the front yard setback to allow a ten foot front yard setback for approximately 209 linear feet where a variable front yard setback of fifteen to twenty feet is required. The Carmel Valley Neighborhood 8 Precise Plan identifies the location of all public view corridors within the community and does not identify any such corridor within or along Tang Drive or Carmel Creek Drive. From the property location at the southeast corner of Tang Drive and Carmel Creek Drive there are no views to the ocean or other scenic coastal areas. As such the proposed project will have no effect upon any existing physical access way legally used by the public or any proposed public accessway and will have no effect upon public views to and along the ocean and other scenic coastal areas as identified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed project is located at the southeast corner of Tang Drive and Carmel Creek Drive on a 5.22 acre site in the Carmel Valley Planned District MF3 zone of the Carmel Valley Neighborhood 8 Precise Plan. The project proposes to develop and construct a 92 unit apartment project. All impacts to environmentally sensitive lands will be mitigated to below a level of significance in accordance with the adopted Mitigation Monitoring and Reporting Program and as such no adverse affects will result from the project to environmentally sensitive lands. For additional information, see Site Development Permit Supplemental Findings B.1 through B.6 above.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed project is located at the southeast corner of Tang Drive and Carmel Creek Drive on a 5.22 acre site in the Carmel Valley Planned District MF3 zone of the Carmel Valley Neighborhood 8 Precise Plan. The project proposes to develop and construct a 92 unit apartment project. The proposed density is consistent with the land use designation. The project would adhere to policies and objectives established by the Carmel Valley Neighborhood 8 Precise Plan in that the design of the proposed structures do not affect 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. Furthermore the proposed project will have a harmonious physical and aesthetic relationship with other existing structures and land forms in the neighborhood. Being determined the proposed project will be consistent with the Carmel Valley Neighborhood 8 Precise Plan policies and goals, the project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

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 proposed project is located at the southeast corner of Tang Drive and Carmel Creek Drive on a 5.22 acre site in the Carmel Valley Planned District MF3 zone of the Carmel Valley Neighborhood 8 Precise Plan. The project proposes to develop and construct a 92 unit apartment project. The project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, yet is approximately two miles in a straight line from the shoreline of the Pacific Ocean and approximately 0.75 miles from the shoreline of the Los Peñasquitos Lagoon, the closest bodies of water located within the Coastal Overlay Zone. Several public roads exist between the site and these bodies of water. Therefore, the proposed project to construct a 92 unit apartment project will have no affect upon public access and the recreation policies of Chapter 3 of the California Coastal Act and therefore as such will be in conformance with such Act.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 601111, Site Development Permit No. 601110 and Coastal Development Permit No. 652351 is granted to Marvin Del Mar, a General

Partnership, Robert L. Blosser and June C. Hudson, Husband and Wife as community property, Owner and Lion Gables Realty Limited Partnership, a Delaware Limited Partnership, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Shannon Thomas
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Form=permitr.frm(61203wct)
Reviewed by John S. Fisher

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 431730

**PLANNED DEVELOPMENT PERMIT NO. 601111, SITE DEVELOPMENT PERMIT
NO. 601110 and COASTAL DEVELOPMENT PERMIT NO. 652351
GABLES CARMEL VALLEY PROJECT NO. 167252 [MMRP]
CITY COUNCIL**

This Planned Development Permit No. 601111, Site Development Permit No. 601110 and Coastal Development Permit No. 652351 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 Drive in the Carmel Valley Planned District MF3 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 [INSERT Approval Date], 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 Costal 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 Owner/Permittee receives its first Residential Building Permit.

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 off site 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 shall 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 [date and resolution number] .

Permit Type/PTS Approval No.: PDP No. 601111,
SDP No. 601110 and CDP No. 652351

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Mike Westlake
Program Manager
Development Services

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

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

Marvin Del Carmel,
a California General Partnership
Owner

By _____
Marvin Gerst
Managing Partner

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

Robert L. Blosser and June C. Hudson,
Husband and Wife, as Community Property
Owner

By _____
Robert L. Blosser
Owner

Robert L. Blosser and June C. Hudson,
Husband and Wife, as Community Property
Owner

By _____
June C. Hudson
Owner

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

**Lion Gables Realty Limited Partnership, a
Delaware Limited Partnership
Permittee**

By _____
NAME
TITLE

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



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 Rezone, MHPA BA

Project Title: Gables Carmel Valley
 Project No. For City Use Only: 167252
 Project Address: 11911 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):
 Robert L. Blosser and June C. Hudson, husband and wife
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 c/o P.O. Box 3707
 City/State/Zip:
 Rancho Santa Fe, CA 92067
 Phone No: (858) 792-7794 Fax No: (858) 792-4563
 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: Gables Carmel Valley | 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? CA 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): Marvin Del Carmel | |
| <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee | |
| Street Address: P.O. Box 3707 | |
| City/State/Zip: Rancho Santa Fe, CA 92067 | |
| Phone No: (858) 792-7794 | Fax No: (858) 792-4563 |
| Name of Corporate Officer/Partner (type or print): Marvin S. Gerst | |
| Title (type or print): Managing General Partner | |
| Signature: <i>Marvin S. Gerst</i> | Date: 10-07-08 |

| | |
|---|---------|
| Corporate/Partnership Name (type or print): | |
| <input type="checkbox"/> Owner <input type="checkbox"/> 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): | |
| <input type="checkbox"/> Owner <input type="checkbox"/> 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): | |
| <input type="checkbox"/> Owner <input type="checkbox"/> 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): | |
| <input type="checkbox"/> Owner <input type="checkbox"/> 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): | |
| <input type="checkbox"/> Owner <input type="checkbox"/> 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: |

PROJECT DATA SHEET

| | | |
|--|---|--------------------------|
| PROJECT NAME: | Gables Carmel Valley | |
| PROJECT DESCRIPTION: | A 92 unit apartment project on a 5.22 acre site located at the southeast corner of Tang Drive and Carmel Creek Drive within the Carmel Valley community planning area. | |
| COMMUNITY PLAN AREA: | Carmel Valley | |
| DISCRETIONARY ACTIONS: | Rezone, Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment, Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and MHPA BLA. | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Multiple Family | |
| <u>ZONING INFORMATION:</u> | | |
| ZONE: CVPD-MF3 (proposed) 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: | <ol style="list-style-type: none">1. LDC §131.0443(d)(1)(A): Front yard setback,2. LDC §142.0340(d): Maximum retaining wall height3. LDC §142.0560(b) and Table 142-05J: Minimum Dimensions for Off-street Parking Spaces |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | The Carmel Valley Community Planning Board, on October 28, 2010, voted unanimously 13:0:0 to recommend approval of the project. |

DEVELOPMENT SERVICES
Project Chronology
Gables Carmel Valley - PTS# 167252

| Date | Action | Description | City Review Time | Applicant Response |
|-----------------------------------|-------------------------|---|-----------------------------|---------------------------|
| 10/31/08 | First Submittal | Project Deemed Complete | | |
| 12/23/10 | First Assessment Letter | | 37 days | |
| 04/22/09 | Second Submittal | | | 86 days |
| 05/18/09 | Second Review Complete | | 18 days | |
| 04/07/10 | Third Submittal | | | 231 days |
| 05/11/10 | Third Review Complete | | 24 days | |
| 06/18/10 | Fourth Submittal | | | 28 days |
| 07/07/10 | Fourth Review Complete | | 13days | |
| 09/14/10 | Fifth Submittal | | | 49 days |
| 10/22/10 | Fifth Review Complete | | 28 days | |
| 09/14/10 | Sixth Submittal | | | 0 day |
| 09/30/10 | Sixth Review Complete | | 12 days | |
| 10/22/10 | Issues Complete | | 0 days | |
| 02/10/11 | Public Hearing | | 79 days | |
| TOTAL STAFF TIME | | | 211 days | |
| TOTAL APPLICANT TIME | | | | 394 days |
| TOTAL PROJECT RUNNING TIME | | From Deemed Complete to Planning Commission | 20 months and 5 days | |