

RESOLUTION NUMBER R-286929

ADOPTED ON FEBRUARY 13, 1996

WHEREAS, Albert Graff, Marion Graff and Christa McReynolds, Applicants, and Crosby Mead and Benton Associates, Engineer, filed an applicant for a 27-lot tentative map, located east of I-5 and south of Carmel Mountain Road, and described as a portion of Section 32 of Township 14 South, Range 3 West, S.B.M., in the A-1-10 (proposed R-1500, M-1P and OS-OSP) Zone; and

WHEREAS, the matter was set for public hearing on February 13, 1996, testimony having been heard, evidence having been submitted, and the City Council having fully considered Tentative Map No. 91-0540, Torrey Reserve Terrace, pursuant to Section 102.0307 of the Municipal Code of The City of San Diego, and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 91-0540:

1. The map proposes the subdivision of a 40-acre site into 27 lots for residential and industrial development. This type of development is consistent with the General Plan and the Sorrento Hills Community Plan which designate the area for residential and industrial use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the R-1500, M-1P and OS-OSP zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, only as allowed under a Planned Residential Development/Planned Industrial Development permit.

b. All lots meet the minimum dimension requirements of the R-1500 and M-1P zones, as allowed under a Planned Residential Development/Planned Industrial Development permit.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a Planned Residential Development/Planned Industrial Development permit.

d. Development of the site is controlled by Planned Residential Development/Planned Industrial Development Permit No. 91-0540.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has

been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Environmental Impact Report No. 91-0540, which is included herein by this reference. However, a finding has been made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San

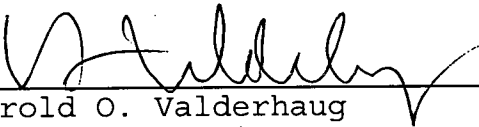
Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

The above 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 Tentative Map No. 91-0540, Torrey Reserve Terrace, is hereby granted to Albert Graff, Marion Graff and Christa McReynolds, Applicants, and Crosby Mead and Benton Associates, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Chief Deputy City Attorney

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Or.Dept:Clerk  
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CITY COUNCIL CONDITIONS FOR  
TENTATIVE MAP NO. 91-0540

1. This tentative map will become effective on the effective date of the associated rezone and will expire 3 years thereafter. If the rezone is denied then this tentative map shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. The final map shall conform to the provisions of Planned Residential Development/Planned Industrial Development/Hillside Review/Coastal Development Permit (PRD/PID/CDP) No. 91-0540.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. 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. 769635.

5. "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).
6. "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."
7. Every final map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (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, as published in the County of San Diego's Horizontal Control book. 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.
8. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or

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policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

9. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 91-0540, satisfactory to the Development Services Director and the City Engineer, which is included herein by this reference.
10. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map and may impose reasonable conditions, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
11. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
12. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
13. The subdivider must provide a geologic (geotechnical) investigation report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0415 et seq.
14. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
15. This project proposes export 392,500 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 processing and sale of the material. All such activities require a separate Conditional Use Permit.
16. This Planned Industrial and Planned Residential Development shall be served by a system of non-dedicated, unnamed, privately maintained, private driveways a minimum of 26 feet wide, satisfactory to the City Engineer.
17. The subdivider shall provide a mutual-access easement over all of the common driveway areas and shall provide an emergency-access easement between Street "F" and Sorrento Hills Boulevard East, as shown on Torrey Reserve Heights (TM 91-0361), satisfactory to the Fire Department and the City Engineer.
18. The driveway approach from Street "F" and Sorrento Hills Boulevard (within TM 91-0361) shall be standard City driveways; curb returns are not allowed.
19. Providing streets for this development is dependent upon the prior construction of certain streets in previously approved developments in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.

Q- 286929

20. This subdivision shall conform with the approved traffic study for the Sorrento Hills Community Plan Update. This may involve the assurance of additional public improvements, satisfactory to the City Engineer.
21. This subdivision shall conform to the Transportation Phasing Plan, as identified in the Sorrento Hills Public Facilities Financing Plan. This may involve the assurance of additional public improvements, satisfactory to the City Engineer.
22. Prior to the recordation of the first final map, the subdivider shall, in accordance with the Sorrento Hills Development Agreement (City Clerk Document No. 00-17300), provide a letter of credit in an amount equal to his fair share of the estimated Sorrento Hills contribution to the "Joint Pool Projects", satisfactory to the City Engineer.
23. Prior to the recordation of the first final map, the subdivider shall provide a letter of approval from the San Diego Gas & Electric Company (SDG&E) to the City Engineer concerning the grading into the SDG&E easement.
24. The subdivider shall provide controlled access for the emergency-access points, and said access shall be constructed in a manner satisfactory to the Fire Department and the City Engineer.
25. Streets/driveways with less than a 36-foot curb-to-curb width shall have parking on one side only. Parking shall be prohibited in streets/driveways with less than a 28-foot curb-to-curb width. The subdivider shall provide signage and/or striping, satisfactory to the City Engineer and the Fire Department.
26. The slope for driveways may have a maximum fourteen percent (14%) grade, without transitions, or a maximum twenty percent (20%) grade, provided that transitions of a minimum eight-foot (8') length at half (1/2) of the ramp slope are installed at both ends of the ramp.
27. Water Requirements:
  - a. The subdivider shall provide a water study, satisfactory to the Water Utilities Director. The study shall plan the entire pressure zone(s) necessary to serve this development. The minimum pipe size for the main in Carmel Mountain Road, east of El Camino Real, shall be 30-inches in diameter. A phasing plan shall be included in the study.
  - b. The subdivider shall install all facilities, as required by the approved study and phasing plan, necessary to serve this development, in a manner satisfactory to the Water Utilities Director.
  - c. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
28. Sewer Requirements:
  - a. The developer shall install all facilities as required by the accepted sewer study for Torrey Reserve Heights, by Crosby, Mead, Benton, and Associates, necessary to serve this development, in a manner satisfactory to the Water Utilities Director.

R-286929

- b. The Peñasquitos Trunk Sewer is approaching its ultimate capacity. If any wastewater from this development flows into the Peñasquitos Trunk Sewer, then connections may be limited.
29. Water and Sewer Requirements:
- a. The developer shall design all water and sewer facilities to the most current editions of the Water Utilities Department's *Water and Sewer Design Guide*. If facilities do not meet the current standards, then such facilities shall be private.
  - b. The subdivider shall provide individual predesign reports for each pump station, sewer main, and pressure regulating station, satisfactory to the Water Utilities Director, necessary to serve this development.
  - c. The developer shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral, or shall provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The developer shall provide private easements for the private mains or show easement locations in the CC&R's.
  - d. Providing water and sewer for this development is dependent upon the prior construction of certain water and sewer mains in adjacent proposed developments in this area. If they have not been constructed when required for this development, then the construction of certain portions of these water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this development.
  - e. The subdivider shall provide adequate water and/or sewer easements, with vehicular access, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easement without first obtaining an Encroachment Removal Agreement from the City Engineer.
  - f. The subdivider shall enter into a maintenance and operation agreement with the City for certain facilities needed to serve this development, satisfactory to the Water Utilities Director.
30. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
31. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
32. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *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 developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement 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. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

33. Park and Recreation Requirements:

- a. The subdivider shall enter into an agreement, to the satisfaction of the Park and Recreation Director and the City Engineer, to provide for the acquisition, design, and construction of this development's fair share costs of population-based parks and facilities. This agreement shall be signed and recorded prior to the recordation of the first final map for any unit within this development. The agreement shall address the following:
  - i. The subdivider shall fund his/her fair share of the community park facilities located at Carmel Valley Community Park South, including the recreation building; or
  - ii. The subdivider shall fund his/her fair share of the neighborhood park, Sorrento Hills, required of the American General Corporation, in regard to the development of the Torrey Reserve Heights approved plan.
  - iii. The subdivider shall establish a homeowners' association to provide for the ownership and management of the common areas. The maintenance of the brush management areas associated with this development shall be required.
  - iv. The subdivider shall agree to the establishment of a lighting and landscape maintenance assessment district for Sorrento Hills.

34. Open Space Requirements:

- a. Lots "D", "F" and "H" shall be deeded to the City, in fee title, without cost to the City, for open space purposes. All lots deeded to the City shall be free and clear of any private easements, private encroachments, liens, private agreements.
- b. Lots "A", "C", "G", "I" and "J" shall have a building restricted easement and shall be owned and maintained by the property owner or the homeowners' association.
- c. The subdivider shall provide a barrier to prevent access to Los Peñasquitos Canyon Preserve. The barrier location, weight and materials shall be satisfactory to the Park & Recreation Director.

35. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

*R* - 286929

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

36. Prior to the issuance of an Interim Habitat Loss Permit and associated grading or pre-grading permit for any portion of the project site, the project is required to obtain final concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the NCCP Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence will require reconsideration by the appropriate City decision-making body.

Approval of this map does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a five percent cumulative loss calculated at the grading permit stage.

37. The following are required environmental mitigation measures for the Torrey Reserve Terraces project that the subdivider must implement to comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Environmental Impact Report (EIR) No. 91-0540, satisfactory to the Development Services Director, the City Engineer, and Environmental Analysis Section (EAS). In addition to the measures listed below, condition numbers 19, 20, 28, 29, 30, 32a and b are required by the MMRP as well as the Engineering Department.
- a. Landform Alteration: The 100-foot and 120-foot manufactured slopes in the PID site are identified in the EIR as Habitat Restoration/Revegetation Program (HRRP) sites. Prior to the recordation of the final map, the subdivider shall enter into a secured agreement for the implementation and maintenance of the vegetation program for five years, satisfactory to the Development Services Department Director.
  - b. Biological Resources: Prior to the recordation of any Final Map, the subdivider shall provide evidence that a project Biologist has been retained to document and monitor the implementation of the Habitat Restoration/Revegetation Plan (HRRP) as described in Appendix "A" of the MMRP. The biologist shall notify the EAS at least two weeks prior to the commencement of grading, determine if any grading activities are adjacent to known gnatcatcher nesting sites and working through the field engineer, divert grading operations until nesting season is complete, and provide a report to EAS at the completion of grading that grading has been conducted according to conditions of the TM and the MMRP.
  - c. Prior to or concurrently with the recordation of any Final Map, the subdivider shall convey in fee title at no cost to the City, 19.31 acres of Coastal sage scrub to the satisfaction of the Development Services Director.
  - d. The subdivider shall note on the grading plans that the project biologist shall mark the limits of the natural open space on the project site. Prior to the issuance of any grading permit, the project biologist shall provide a plan,

R- 286929

acceptable to the Development Services Director, documenting that 75 percent of the coast barrel cactus shall be salvaged from the areas to be graded for transplantation into biological open space on-site. Following the three-year monitoring period, a report documenting the transplantation and success shall be submitted and approved by the Development Services Director.

- e. The grading operation for this project is limited to the period outside the breeding season of the California gnatcatcher (which is considered to be February 15th through July 30th).
- f. Prior to the recordation of any final map for this project, the subdivider shall retain a soils engineer to certify in writing that the project has complied with the required notes on the grading plan, the MMRP, and the City grading ordinance.
- g. Hydrology: The subdivider shall provide on-site desiltation facilities prior to the discharge into a sensitive coastal lagoon.
- h. Paleontological Resources: The subdivider shall retain a qualified paleontologist (as described in the MMRP) to implement the following mitigation measures, satisfactory to the Development Services Director:
  - i. Prior to the issuance of a grading permit, the requirement for paleontological monitoring shall be noted on the grading plans.
  - ii. Grading plans and schedule shall be provide to a qualified paleontologist in advance of actual development. The paleontologist shall attend any preconstruction meetings to consult with the excavation contractor.
  - iii. A qualified paleontologist shall perform periodic inspection of excavations and, if necessary, salvage exposed fossils. The paleontologist shall be on-site during the original cutting or previously undisturbed sediments of potential fossil bearing formations.

The frequency of inspections would depend on the rate of excavation and the abundance of fossils.
  - iv. In the event that well-preserved fossils are found, the paleontologist through the Field Engineer, shall divert, direct or temporarily halt grading in the area of any exposed fossil remains to facilitate evaluation and to allow recovery of any fossil remains.
  - v. All fossils collected shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections, such as the San Diego Natural History Museum.
  - vi. Prior to the issuance of any building permits, a report, with appropriate graphics, summarizing the results, analysis, and conclusions of the above program shall be submitted to the Development Services Director.

R- 286929

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City Council.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.