

RESOLUTION NUMBER R-287708

ADOPTED ON JULY 30, 1996

WHEREAS, DEL MAR DEVELOPMENT, Applicant, and J.P. ENGINEERING, Engineer, filed an application for a 21-lot tentative map and request for an underground waiver, located east of San Andres Drive, northside of Via de la Valle, and described as portion of Lot 8 of Section 6, Township 14 South, Range 3 West, San Bernardino Meridian, in the A-1-10 (proposed R1-15000) Zone; and

WHEREAS, on July 30, 1996, the Council of The City of San Diego considered Tentative Map No. 92-0430 - Verde Del Mar, pursuant to Section 102.0307 of the Municipal Code of The City of San Diego, and received for its consideration written and oral presentations, and heard from all interested parties present at the public hearing; 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. 92-0430:

1. The map proposes the subdivision of a 9.29 gross acre site into 21 lots for residential development. This type of development is consistent with the General Plan and the Via de la Valle Specific Plan which designate the area for residential 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 R1-15000 zone 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 (PRD) permit.

b. All lots meet the minimum dimension requirements of the R1-15000 zone, only as allowed under a PRD.

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, only as allowed under a PRD.

d. Development of the site is controlled by Planned Residential Development/Hillside Review Permit No. 92-0430.

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 specific 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 Report No. 92-0430, 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.

10. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.


11. The design of the proposed underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code section 10.0404 and Council Policy No. 600-25.

12. The requested waiver qualifies under the guidelines of Council Policy No. 600-25 in that the facility to be converted is underbuilt on a 69KV or larger facility (which is not to be undergrounded) and does not require a substantial number of poles to support solely the facilities requested to be waived.

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. 92-0430 is hereby granted to Del Mar Development, Applicant, and J.P. Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Head Deputy City Attorney

HOV:ps
08/28/96
09/10/96 CORR.COPY
Or.Dept:Clerk
R-97-127

CITY COUNCIL CONDITIONS TO TENTATIVE MAP 92-0430

1. This tentative map will become effective with the effective date of the rezone and will expire three years thereafter. If the rezone is denied 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/Hillside Review Permit No. 92-0430.
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 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, 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 policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.)

R- 287708

9. The subdivider shall obtain written verification from SDG&E for providing:
 - a. Access over lot 21 and the open space easement to SDG&E's existing 150 foot wide easement on the west side of the subdivision.
 - b. Access over the eastern portions of Lots 14, 15 and 16 to SDG&E's existing 2 foot wide easement along the north side of the subdivision.
10. The subdivider shall provide a letter of permission from SDG&E for grading within SDG&E's 150 foot wide easement on the west side of the subdivision and 2 foot wide easement along the north side of the subdivision. The letter shall also indicate that the grading will meet standards for minimum earth cover over the existing 30 inch, underground, natural gas line. If the proposed grading in the easement does not provide minimum cover for the gas line, the owner shall revise the grading to satisfy SDG&E or pay the costs of relocating the gas line to a location within the existing easement where minimum cover is obtained.
11. 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.
12. 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.
13. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
14. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
15. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for underground overhead facilities.
16. The subdivider shall have an approved State Coastal Development Permit.
17. The Environmental Impact Report for the future alignment and construction of Via de la Valle has not been initiated; therefore, no portion of Via de la Valle may be vacated at this time. In order to allow the proposed development to proceed, the subdivider shall, prior to the recordation of the final map, comply with the following in a manner satisfactory to the City Engineer.
 - a. Enter into a secured Encroachment Removal Agreement for the earth slopes and retaining wall within the northerly portion of Via de la Valle. The slopes, wall and appurtenances shall be maintained by the subdivider or his/her successors or by including the maintenance in either Homeowner's Association of the CC&Rs.
 - b. Enter into a secured agreement for the removal of slopes, wall and appurtenances from the Via de la Valle right-of-way if required. The agreement shall expire upon the approval of the final alignment of Via de la Valle.

R- 287708

- c. Enter into a secured agreement for the future construction of permanent curb, gutter and five-foot-wide sidewalk within a ten-foot curb-to-property-line distance 39 feet (centerline-to-curb line) north of the ultimate centerline of Via de la Valle with additional pavement and half of a 14-foot-wide raised center median.
18. The City CIP No. 58-077.0 is for the construction of bike lanes on Via de la Valle. The subdivider shall coordinate the design and construction of Via de la Valle with the Engineering and Drainage Design section of Engineering and Capital Projects.
19. Via de la Valle is classified as a four-lane major street within a 98-foot-wide right-of-way. The subdivider shall provide interim improvements of additional pavement contiguous to the northerly existing edge of pavement and shall provide AC berm and five-foot-wide asphalt sidewalk adjacent to Lots 1 through 5 and Lots 16 through 19 and 21. The subdivider shall provide transitions as required to meet the existing improvements. These improvements shall all be satisfactory to the City Engineer.
20. The development, in the interim, will be allowed left turns in/from and left turns out to Via de la Valle, conditioned upon providing a left-turn pocket and as long as adequate sight distance is maintained. The ultimate improvements for Via de la Valle, pending a sight-distance study, may also allow left in/out turns.
21. This development shall be served by a system of named, non-dedicated, private streets with 32 feet of pavement, curb, gutter, four-foot-wide sidewalk on both sides of the streets and a standard structural cross section, satisfactory to the City Engineer. Where there is a landscaped median, the pavement width on each side shall be a minimum of 20 feet.

Streets with less than a 36 foot curb-to-curb width shall have parking on one side only, satisfactory to the Fire Department.

22. Water requirements:

- a. The subdivider 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.
- b. The subdivider shall install a 24-inch water main in Via de la Valle from the existing 20-inch water main located east of San Andreas Drive to Street "A", satisfactory to the Water Utilities Director.
- c. The subdivider shall install eight-inch water mains on site, satisfactory to the Water Utilities Director.
- d. The subdivider will request the City to process a participation agreement to recover the subdivider's cost (less the developments' pro-rated share) of design and construction of the 24 inch water main in Via de la Valle, in accordance with City regulations and practices pertaining thereto.

23. Sewer Requirements:

- a. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that existing and proposed mains will provide adequate capacity and have cleansing velocities.

L- 287708

- b. The developer shall install all facilities, as required by the approved sewer study.
 - c. The Subdivider shall grant a 15-foot-wide sewer easement or a 20-foot-wide combined sewer and storm drain easement between Lots 12 and 13, 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.
24. 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 evidence, satisfactory to the Water Utilities Director, indicating that each lot will have its own water service and sewer lateral or provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot.
 - c. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
25. 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.
26. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
27. Lots 20 and 21, and a portion of Lots 7 through 16 shall have negative open space easements granted to the City. Lots 20 and 21 shall be owned and maintained by the Homeowners' Association.
28. The subdivider shall comply with the Mitigation Monitoring and Reporting Program (MMRP), as specified in Environmental Impact Report No. 92-0430, satisfactory to the Development Services Department (DSD), which is included herein by this reference. Map condition number 12 is also a requirement of the MMRP.
- a. Prior to issuance of a grading permit, the subdivider shall mitigate for the impact to the Maritime succulent scrub and Diegan coastal sage scrub by contributing to the City's Habitat Acquisition Fund at the rate of \$27,000 per acre of impact. A 10% administration fee will also be charged. Thus, the total contribution would be calculated at the rate of 0.12 acre (affected habitat) x 2 (2:1 ratio) x \$27,000 (per acre) + 10% administrative fee = \$1210.
 - b. The grading plans shall specify that should the project biologist determine, during the required pre-construction inspection, that the raptor nest located in the northern property boundary is occupied, a 500 foot wide buffer (limit of work) shall be established between the nest and the construction activity project

R- 287708

site. Temporary fencing shall be installed at the southernmost limit of the buffer area and the limit of work shall be in place until the project biologist submits documentation to DSD that the raptor is no longer using the nest.

- c. Prior to the issuance of the grading permit, the subdivider shall determine whether noise walls or noise "barriers" are to be implemented. The project's grading plans shall indicate the use of appropriate mitigation measures. If the barrier is selected, it would be three feet high along the southern boundary of Lot 5 and four feet high along the southern boundary of Lots 1-4 and Lots 16-19. If the wall is selected it shall be shown on the grading plan as "information only". A separate building permit will be required.
 - d. The subdivider shall construct a drainage detention basin at one of the two locations shown on the Tentative Map. This basin shall be constructed concurrently with the grading operation for desilting purposes and shall remain in place for reduction of peak discharge to the pre-development condition. A storage/retention easement shall be granted over the basin. Prior to the recordation of the final map, the subdivider shall assure the long term maintenance of the basin, satisfactory to the City Engineer.
29. 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 Specific plan area.

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 Planning 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.

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.

R- 287708