

RESOLUTION NUMBER R-288073

ADOPTED ON NOVEMBER 19, 1996

WHEREAS, CONGREGATION BETH AM submitted Tentative Map No. 94-0541, for an 11 lot mixed use subdivision with one lot containing a 56,533 square-foot religious facility, including a 8,978 square-foot preschool and 10 residential lots for single-family home development, located on the north side of Black Mountain Road, between Landscape Drive and Carmel Valley Road, in the Carmel Valley Neighborhood 4A Precise Plan area, in the SF-1A Zone; and

WHEREAS, the matter was set for public hearing on November 19, 1996, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 94-0541:

1. The proposed map is consistent with the General Plan and community plan which designate the property for institutional use with an option for single family use.
2. The design and proposed improvements for the subdivision are consistent with the General Plan, community plan, zoning/development regulations and California Subdivision Map Act Section 66473.1 regarding solar access.
3. The site is physically suitable for commercial/ residential development.
4. The site is suitable for the proposed commercial/ residential density of development.
5. The design of the subdivision and the proposed improvements will not cause

substantial environmental damage, based upon the findings the Mitigated Negative Declaration No. 44-0541.

6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with SF1-A Zoning and conforms with City development regulations and with Carmel Valley Planned District Development Permit No. 94-0541.

7. 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.

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

BE IT FURTHER RESOLVED, that Tentative Map No. 94-0541 is hereby granted to CONGREGATION BETH AM, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PMD:cdk
12/05/96
Or.Dept:Clerk
R-97-642
Form=tm.res

CONDITIONS TO CITY COUNCIL RESOLUTION
TO TENTATIVE MAP 94-0451

1. This tentative map will become effective with City Council approval of the Precise Plan Amendment and the street vacation and will expire three years thereafter. If the Precise Plan Amendment and the street vacation are denied, then this tentative map shall be deemed denied.
2. The final map shall conform to the provisions of CONDITIONAL USE PERMIT/NCW/RPO Permit No. 94-0541.
3. 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.
4. The final map shall conform to the provisions of Carmel Valley Development/Resource Protection Ordinance/Conditional Use Permit No. 94-0541.
5. The approval of this vesting tentative map will automatically terminate Tentative Map No. 90-0160, which shall become null and void and be of no further force or effect.
6. 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.

7. "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).
8. "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."
9. 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.

10. 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.).
11. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 94-0541, satisfactory to the Development Services Director and the City Engineer, which is included herein by this reference.
12. 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.
13. 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.
14. 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.
15. 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.
16. This tentative map is within the Carmel Valley Community, for which a Transportation Phasing Plan has been incorporated in the Public Facilities Financing Plan. Contained within this plan are individual traffic facility improvements. Before predetermined thresholds of development may be exceeded, the City Engineer must be satisfied that these improvements are either:
 - a. completed;
 - b. under contract;
 - c. bonded;

- d. scheduled and funded for construction in the immediate fiscal year of the City's Capital Improvement Program (CIP); or
- e. scheduled and funded for construction in the immediate fiscal year of the State Transportation Improvement Program (STIP).

The subdivider is advised that issuance of building permits may be limited or otherwise withheld because of unsatisfied thresholds in the phasing plan. The filing of a final map does not guarantee that building permits will be issued for properties within the final map area. A copy of the Carmel Valley Public Facilities Financing Plan may be viewed or purchased at the office of the Facilities Financing Division.

- 17. 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.
- 18. Street "A" is classified as a local residential street. The subdivider shall dedicate additional right-of-way to provide 56-foot-wide right-of-way west of the most easterly line of Lot 8 of Del Mar Summit Map 13005, transitioning to a 50-foot-wide right-of-way east of the most easterly line of said Lot 1 and a 58-foot cul-de-sac right-of-way radius, and shall provide improvements of 36 feet of pavement west of the most easterly line of Lot 1 to the subdivision boundary and off-site to Winstanley Way, transitioning to 30 feet of pavement east of the most easterly line of said Lot 1, curb, gutter, four-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance, and a 48-foot cul-de-sac curb radius; all satisfactory to the City Engineer.

Parking shall be prohibited from Winstanley Drive to Lighthouse Way.

- 19. Del Mar Heights Road is classified as a six-lane primary arterial within a 122-foot-wide right-of-way. The subdivider shall dedicate a 61 foot right-of-way, from the easterly subdivision boundary to the westerly subdivision boundary, satisfactory to the City Engineer. The subdivider shall provide half-width improvements from the easterly subdivision boundary to the westerly subdivision boundary of 44 feet of pavement, curb, gutter, contiguous five-foot-wide sidewalk, and half of a 14-foot-wide raised center median, satisfactory to the City Engineer.
- 20. The portion of Black Mountain Road within this subdivision cannot be vacated until Del Mar Heights Road, adjacent to this subdivision, has been dedicated and is open to through traffic, satisfactory to the City Engineer.
- 21. The subdivider shall construct, on Del Mar Heights Road, a 250-foot-wide single left-turn pocket with a 120-foot transition to access the most westerly entrance driveway, satisfactory to the City Engineer. Left-turns out from the driveway shall be prohibited.

22. The subdivider shall construct a median at the intersection of Del Mar Heights Road and Seagrave Street to allow only left turns from Del Mar Heights to Seagrave Street, satisfactory to the City Engineer.
23. The subdivider shall relinquish abutter's rights-of-access to Del Mar Heights Road except for the driveways and emergency-access easement as shown on the approved tentative map, satisfactory to the City Engineer.
24. Streets with less than a 36-foot curb-to-curb width shall have parking on one side only. Parking shall be prohibited in streets with less than a 28-foot curb-to-curb width.
25. The subdivider shall provide controlled access for the emergency-access easement, and said easement shall be constructed in a manner satisfactory to the Fire Department and the City Engineer.
26. Providing streets for this subdivision 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 subdivision, 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.
27. Water Requirements:
 - a. The subdivider shall provide a water study, satisfactory to the Water Department Manager in accordance with the approved scope or work for Miramar 712/ North City 610 pressure zones by Poutney & Associates.
 - b. The subdivider may request that the City process a Participation Agreement to recover a portion of the developer's cost of the 712/610 water study in accordance with the City regulations and practices pertaining thereto.
 - c. Prior to the preparation of any public improvement drawings, the subdivider shall provide a water study, satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development. This development will be served by the 470 and 610 HGL pressure zones.
 - d. The subdivider shall install all facilities, as required in the approved water studies, necessary to serve this development.
 - e. 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.
28. Sewer Requirements:
 - a. Prior to the preparation of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains

and to show that existing and proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies. The sewer system for this subdivision shall flow northerly to the 15-inch Gonzales Canyon sewer main.

- b. The subdivider shall install all facilities as required by the approved sewer study.

29. Water and Sewer Requirements:

- a. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, showing 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. The subdivider shall provide private easements for the private mains.
- b. The subdivider shall provide adequate, fully paved, water and/or sewer easements, including paved vehicular access, for water and sewer facilities that are not located within a paved public right-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. No structures of any kind shall be built over the easements without first obtaining an encroachment removal agreement.
- c. The subdivider may request the City to process a Reimbursement Agreement to recover the developer's cost of design and construction of certain improvements, in accordance with City regulations and practices pertaining thereto.
- d. Providing water and sewer for this subdivision is dependent upon the prior construction of certain water and sewer mains in previously approved developments in this area (TM 85-0220, TM 85-0900, TM 87-0560, TM 90-0136). If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
- e. The subdivider 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.

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 subdivider 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. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way until such time as the maintenance is assumed by the Carmel Valley Landscape Maintenance District.
34. An information sheet shall be added to the final map to clearly demonstrate brush management zones 1, 2 and 3 as identified on Exhibit "A", Landscape Concept Plan and or Brush Management Program, on file in the offices of Development Services, and shall be owned and maintained by the property owner(s), all to the satisfaction of the City Engineer and the City Manager.
35. Prior to the issuance of any building permits, the subdivider shall demonstrate compliance with the North City West School Facilities Master Plan. Compliance may be evidenced through either of the following methods: (a) by otherwise demonstrating the availability of school facilities to accommodate residents of the subdivision; or (b) by participating in the "School Deposit Procedure" alternative, as provided in the Master Plan. A development agreement may be required, as provided in the North City West School Facilities Master Plan to implement the deposit procedure.
36. 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.

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 the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Carmel Valley Community Plan area.
- 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.