

(R-97-1112)

RESOLUTION NUMBER R-288549

ADOPTED ON APRIL 15, 1997

WHEREAS, Pardee Construction Company, Applicant, and Project Design Consultant, Engineer, filed an application for a 46 lot (45 residential, 1 common lot) vesting tentative map and the street vacation of Briargate Court, located north of Quarter Mile Drive on the west side of Hartfield Avenue, and described as Parcels A, B, and 1-7 inclusive, of Parcel Map No. 16145, in the Carmel Valley Community Plan area, in the MF-1 (proposed SF-3) zone; and

WHEREAS, on January 23, 1997, the Planning Commission of The City of San Diego approved and recommended adoption by the City Council of Vesting Tentative Map No. 96-0549 for Carmel Valley Neighborhood 7, Unit No. 6c; and

WHEREAS, the matter was set for public hearing on April 15, 1997, 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 Vesting Tentative Map No. 96-0549:

1. The map proposes the subdivision of a 8.45-acre site into 46 lots (45 residential, 1 common lot) for residential development. This type of development is consistent with the General Plan and the Carmel Valley Community 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.

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2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the SF-3 zone in that:
  - a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Carmel Valley Planned District Development Permit (PDDP).
  - b. All lots meet the minimum dimension requirements of the SF-3 zone, as allowed under a PDDP.
  - 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 PDDP.
  - d. Development of the site is controlled by PDDP Permit No. 96-0549.
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 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 could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant

environmental effects based upon the findings in Mitigated Negative Declaration No. 96-0549, which is included herein by this reference.

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.

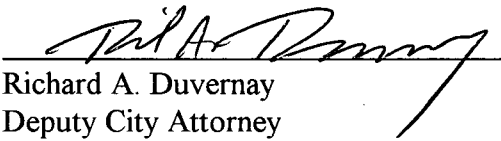
10. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307. The tentative map must be approved by the City Council.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 96-0549 for Carmel Valley Neighborhood 7, Unit

No. 6c, is hereby granted to Pardee Construction Company, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
05/06/97  
Or.Dept:Clerk  
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### Conditions to VTM 96-0549

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter. If the street vacation and/or rezone is denied, then the vesting tentative map shall be deemed denied.
2. The final map shall conform to the provisions of NCW Permit No. 96-0549.
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 "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.
5. 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.
6. "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).
7. "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."
8. 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.
9. 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.).

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10. 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.
11. The subdivider must provide a geologic reconnaissance 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.
12. 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.
13. 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.
14. Street "A", "B" and "C" are classified as residential streets. The subdivider shall dedicate a 56 foot-wide right-of-way with a cul-de-sac right-of-way radius of 45 feet. The subdivider shall provide 36 feet of pavement, curb, gutter and a minimum 4-foot wide sidewalk within a 10 foot curb-to-propertyline distance with a cul-de-sac curb radius of 35 feet. Street "A" shall have a minimum 10-foot centerline radius, satisfactory to the City Engineer.  
  
For Street "A" between Sta 6+94± & 8+66± the subdivider shall dedicate a 51 foot right-of-way with a 5 foot curb-to-propertyline distance on the south side of the street, and a 10-foot curb-to-propertyline distance on the north side of the street, with a minimum 4 foot-wide sidewalk, satisfactory to the City Engineer.  
  
For Street "A" between Sta 4+62± & 5+98±, the subdivider shall dedicate a 45-foot right-of-way within a 10-foot curb-to-propertyline distance on the north side of the street and 5-foot curb-to-propertyline distance on the south side of the street, with a minimum 4-foot wide sidewalk, satisfactory to the City Engineer.
15. Streets with less than a 36-foot curb-to-curb width shall have parking on only one side of the street.
16. The subdivider shall construct pedestrian ramps at all street intersections including on the east side of Hartfield Avenue.
17. Lot 46 is a non-building site and shall be owned and maintained by the Homeowner's Association.
18. All walls and their footings shall be located outside of the City right-of-way.
19. The subdivider shall relinquish abutters rights of access, from Lots 1 through 8, to El Camino Real.

20. 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.

21. All landscape shall be designed and constructed in accordance with the Landscape Technical Manual
22. Concurrently with the City Council approval of the final map the subdivider shall terminate/amend accordingly the Subdivision Improvement Agreement and all associated documents and drawings for N.C.W. Neighborhood 7, Unit 6, Map 12121.
23. Driveways shall be of sufficient depth and width to provide storage for two standard-size vehicles without encroaching into the sidewalk area.
24. 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 within the City right-of-way, adjacent to this subdivision until a landscape maintenance district, property owner's association or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

The subdivider shall obtain an Encroachment Removal Agreement for all landscape, and appurtenances thereto, within the City right-of-way.

25. Water Requirements:
- a. 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 on-site water facilities necessary to serve this development.

- b. The subdivider shall install all facilities required in the accepted water study necessary to serve this development. Water facilities, as shown on the approved site plan, may require modification based on the accepted water study.
- c. 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) dwelling units are located on a dead-end main then a looped system shall be installed.

26. 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 the existing and proposed facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- b. The subdivider shall install all facilities as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved site plan, may require modification base on the accepted sewer study.

27. Water and Sewer Requirements:

- a. The subdivider shall design all water and sewer facilities to the most current edition of the City of San Diego Water & 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 and Metropolitan Wastewater Departments' Managers, indicating that each unit will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer mains that serve more than one unit. Also, provide private easements for the private mains.
- c. The subdivider shall grant adequate water, sewer, and/or access easements, including paved vehicular access (minimum 20-foot wide) to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all water and sewer facilities that are not located within a public right-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be surfaced with suitable approved material satisfactory to the appropriate Department Manager. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.



28. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
29. 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 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. 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.

30. Prior to the issuance of any building permits, the developer 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.
31. 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 Development Services Manager. 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.

32. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.

**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 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 vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.