

(R-98-696)

RESOLUTION NUMBER R-289491

ADOPTED ON NOVEMBER 25, 1997

WHEREAS, Pardee Construction Company, Subdivider, and Project Design Consultants, Engineer, filed an application for a 170 lot vesting tentative map, located east of I-5 and north of Carmel Mountain Road, and described as the Northeast Quarter of the Southeast Quarter of Section 30, Township 14 South, Range 3 West, SBM, in the Carmel Valley Community Plan area, in the A-1-10 (proposed SF-3 and OS) zone; and

WHEREAS, the matter was set for public hearing on November 25, 1997, the Council of The City of San Diego considered Vesting Tentative Map No. 96-7499, Carmel Valley Neighborhood 8C, pursuant to San Diego Municipal Code section 102.0307, 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 Vesting Tentative Map No. 96-7499 for Carmel Valley Neighborhood 8C:

1. The map proposes the subdivision of a 40.0-acre site into 170 lots (156 single family, 4 open space, 2 brush management and 8 landscape lots) for residential development. This type of development is consistent with the adopted General Plan and the Carmel Valley Community Plan, which designate the property for residential use. The proposed map will retain

the community's character by retaining open space and encouraging orderly development consistent with surrounding development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the SF-3 and OS zones in that:

a. All lots have minimum frontage on or access to a dedicated street which is open to and usable by vehicular traffic, as allowed under a Carmel Valley Planned Development (CVPD) Permit.

b. All residential lots meet the minimum dimension requirements of the SF-3 zone, as allowed under a CVPD.

c. All residential 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 CVPD.

d. Development of the site is controlled by Carmel Valley Planned Development/Resource Protection Ordinance Permit No. 96-7499.

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 not physically suitable for the amount of residential development proposed. The proposed development would be in physical harmony with the recommendations of the adopted land use plans for the property and area.

5. The site is physically suitable for the density of development proposed.

6. The design of the subdivision or the proposed improvements are not 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. 96-7499, 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.

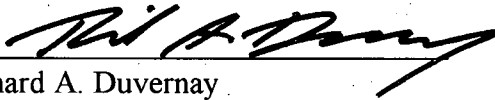
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area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

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 96-7499 for Carmel Valley Neighborhood 8C, is hereby granted to Pardee Construction Company, Subdivider, and

Project Design Consultants, Engineer, 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
12/19/97
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
VESTING TENTATIVE MAP 96-7499

1. This Vesting Tentative Map will expire November 25, 2000
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 Carmel Valley Planned Development/Resource Protection Ordinance Permit No. 96-7499.
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. 769830.

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. 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 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. 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 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 U.S.C. Section 1531 et seq.).

9. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 96-7499 to include:
 - A. Grading and other surface-disturbing activities either shall be planned to avoid the rainy season (i.e. November through March) to reduce potential erosion impacts or shall employ construction phase erosion measures, including the short-term use of sandbags, matting, beams, hay bales or similar devices along all graded areas to minimize sediment transport. The exact design, location and schedule of use for such devices shall be conducted pursuant to direction and approval by the City Engineer.
 - B. The developer shall, within 90 days of completion of grading activities, hydroseed and landscape graded and common areas with appropriate ground cover vegetation consistent with the biology section mitigation requirements (e.g. use of native or noninvasive plants). These revegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City's grading inspector.
 - C. Compacted areas shall be scarified, where appropriate, to induce surface water infiltration and revegetation as directed by the project geologist, engineer and/or biologist.
 - D. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g. fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and use of temporary impervious liners to prevent soils and water contamination.
 - E. Postconstruction erosion control measures shall be implemented where proposed disturbance is adjacent to or encroaches within existing drainage courses and projected runoff velocities exceed 5 cubic feet per second (cfs).
 - F. Energy-dissipating structures (e.g. detention ponds, riprap, or drop structures) shall be used at storm outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
 - G. Long-Term maintenance responsibility of the detention basin may be accepted by the City of San Diego or through other acceptable mechanisms (e.g. homeowner's association or assessment district).
10. Prior to the recordation of the first final map, the owner shall provide a letter to the Development Services, from S.D.G.&E., stating that the grading and improvement plans, and final map for the subdivision provide the necessary access road grading, easements and/or rights-of-way which satisfy S.D.G.&E.'s needs for access through the subdivision to S.D.G.&E.'s existing 150-foot wide easement and facilities within that easement.

11. Prior to the recordation of the first final map, the subdivider shall provide to Development Services with a Letter of Permission to Grade, from S.D.G.&E., for any grading performed within S.D.G.&E.'s existing 150-foot wide easement.
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. Under grounding 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. 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.

15. This subdivision shall conform to the approved Transportation Phasing Plan & Traffic Studies for Carmel Valley Neighborhood 8A & 8C, including offsite transportation mitigation measures, dated June 26, 1995 and July 18, 1997, respectively, satisfactory to the City Engineer.
16. 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.

17. Carmel Creek Road is classified as a four-lane major street with bike lanes. The subdivider shall dedicate and improve the street as follows:
- a. From Street "B", offsite southwesterly to the existing improvements in the Sorrento Hills Community, the subdivider shall dedicate right of way to accommodate 40 feet of pavement, curb, gutter and sidewalk within a ten-foot curb-to-property line distance. The subdivider shall provide transitions as required and an interim turn around at Street "B".

A median opening will be provided at Street "A" with full turn movements. At ultimate build out the median shall be constructed thru the intersection of Street "B".
 - b. From the westerly to the easterly subdivision boundary the subdivider shall grant the City an Irrevocable Offer of Dedication with slope easements for the remaining full width right of way.

In addition the subdivider shall enter into a deferred bonded agreement to construct the remainder of Carmel Creek Road as a four lane major street. The subdivider shall construct the street when required by the City Engineer.
 - c. In the event Carmel Creek Road is reclassified, to a street less than a four lane major street, the subdivider shall be required to construct the full width street improvements as required by the City Engineer.
18. Carmel Creek Road, from SR-56 to Street "A" (within Carmel Valley Neighborhood 8A) is part of the circulation element for Carmel Valley South. The subdivider shall not oppose a reimbursement district and/or the Inclusion into Carmel Valley South FBA for the future construction of this roadway segment. As an alternative, if required by the City Engineer and based on an approved traffic study, the subdivider shall not oppose a reimbursement district for alternative mitigation measures for the deletion of Carmel Creek Road from SR-56 to Street "A".

Carmel Creek Road from Sorrento Hills Community to the westerly subdivision boundary is part of the circulation element for Carmel Valley South. The subdivider shall not oppose a reimbursement district and/or the Inclusion into Carmel Valley South FBA for the future construction of this roadway segment.
19. Street "A", (within Carmel Valley Neighborhood 8A) from Carmel Creek Road to Carmel Valley Neighborhood 10 boundary, is part of the circulation element for Carmel Valley South. The subdivider shall not oppose a reimbursement district and/or inclusion into the Carmel Valley South FBA for the construction of this roadway segment.
20. Street "A" will be a public street. The remainder of the streets are to be private and are to be designed and constructed in accordance with the City Street Design Manual. All gates shall be provided with controlled access satisfactory to the Fire Department and the City Engineer.

21. Street "A", is classified as residential street. The subdivider shall dedicate 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance.
22. Private Street "B" is classified as residential street. The subdivider shall grant a 60-foot-wide general utility easement and shall provide 40 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-easement line distance.

Private Street "B" will only be permitted right turns out to Carmel Creek Road and right turns in for emergency access only. The subdivider shall provide controlled access satisfactory the Fire Department and the City Engineer
23. Private Streets "E", "G", "H", "I", "K", and "L" are classified as residential local streets. The subdivider shall grant a 54-foot-wide general utility easement and shall provide 34 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-easement line distance.
24. Private Streets "C", "F" and "J" are classified as single loaded residential local streets. The subdivider shall grant a 48-foot-wide general utility easement and shall provide 28 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-easement line distance, satisfactory to the City Engineer.
25. Private Streets "D" is classified as single loaded residential local street. The subdivider shall grant a 43-foot-wide general utility easement and shall provide 28 feet of pavement, curb, gutter, a five-foot-wide sidewalk on the west side of the street within a ten-foot curb-to-easement line distance and no sidewalk on the east side of the street with five-foot curb-to-easement line distance.
26. Streets "A" and "K" cul-de-sacs shall have a curb radius of 50 feet with a right of way and easement radius of 60 feet, respectively, or satisfactory to the City Engineer and Fire Department. The required redesign may result in the loss of residential units.
27. Streets "F" and "I" cul-de-sacs shall have a curb radius of 35 feet with a easement radius of 45 feet.
28. The subdivider shall provide a fair share contribution for the construction of an eastbound right-turn lane at SR-56 and El Camino Real eastbound ramps, to the satisfaction of the City Engineer
29. The subdivider shall obtain an engineering grading permit from the City Engineer for the grading proposed with this subdivision. All grading shall conform to the requirements in accordance with the City of San Diego Municipal Code Sections 62.0401 and 62.0423, satisfactory to the City Engineer.
30. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
31. The subdivider shall construct pedestrian ramps at all street intersections.

32. Driveways shall be of sufficient depth and width to provide storage for two standard size vehicles without encroaching into the sidewalk area. The minimum length of the driveway from the property line to the garage shall be 20 feet or 18 feet with roll up garage doors.
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, within the City right-of-way adjacent to and within this subdivision, until such time a landscape maintenance district 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, within the City right of way.
34. The subdivider shall provide adequate sight distance at all street intersections and driveways.
35. The subdivider shall provide adequate access for residential development of the offsite parcel, westerly of lots A, and 14 thru 19, satisfactory to the City Engineer, unless other access is approved by the City Engineer.
36. All walls and their footings shall be located outside of the City right of way.
37. This project proposes export of 690,000 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 processing and sale of the export material. All such activities require a separate Conditional Use Permit.
38. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer. The subdivider shall provide detention/desilting basins to the satisfaction of the City Engineer. This may result in the loss of residential units.
39. 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.
40. 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.

41. Prior to the recordation of the first final map, in accordance with the Carmel Valley Planned District Ordinance, a comprehensive drainage plan for the entire Neighborhood 8C Precise Plan shall be approved, satisfactory to the City Engineer.

42. Water Requirements:

a. The subdivider shall cause preparation of an acceptable 610/712 HGL pressure zones water study at a cost not to exceed \$140,000 when the building permit for the 9000th EDU in Carmel Valley is issued, or when the final map for the first unit in this subdivision is filed, whichever later occurs, provided preparation of such water study has not otherwise been assured, in which event subdivider shall be responsible for the subdivider's share of the water study which will be reasonably related in nature and extent to the impacts created by this subdivision.

The water study shall evaluate the existing 610/712 HGL pressure zones and the ability of those zones to provide adequate water capacity to future development in the Carmel Valley area. The water study shall also include phasing thresholds, transmission main sizes and alignments; assignment of responsibility for improvements, and any other facilities required to provide adequate water capacity in the Carmel Valley area. The water study shall be approved by the City Council.

In the event the subdivider advances funds for preparation of a water study, the City shall promptly enter into a participation agreement with subdivider to pay for the City's pro-rata share of the cost of the study, plus interest, no later than the date the water study is delivered to the City or 18 months after the subdivider's disbursement of funds, whichever first occurs. The City shall also promptly establish reimbursement agreements with all other benefitted property owners identified in the study. Pro-rata participation shares shall be determined by the study.

b. Prior to the preparation of any public improvement drawings, the subdivider shall provide a water study for this development, satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development including pressure regulating stations.

c. The subdivider shall install all facilities identified in the accepted water studies and phasing plans, reasonably related in nature and extent, to the impacts created by this subdivision. The subdivider understands that certain major water facilities may be needed to provide adequate water capacity to the 610/712 HGL area. Some of such facilities may be larger and more extensive than those necessary to solely provide service to this subdivision. The subdivider specifically understands and agrees that

building permits and/or occupancy permits may be denied if the water facility infrastructure at any time is inadequate to provide water service to the subdivision. Water facilities, as shown on the approved tentative map, may require modification based on the accepted water studies.

- d. 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.

43. Sewer Requirements:

- a. Prior to the preparation of any public improvement drawings, the subdivider shall revise existing sewer studies for this development, 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 tentative map, may require modification base on the accepted sewer study.

44. Water and Sewer Requirements:

- a. The subdivider shall design all public 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 parcel 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 facilities that serve more than one lot. Also, provide private easements for the private facilities.
- c. The subdivider shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement prior to the subdivider obtaining an encroachment removal agreement.

45. Open Space Requirements:

- a. Lot 158 and 160 shall be deeded to the City in fee title, without cost to the City, for open space. The lots shall be free and clear of any private easements, encroachments, encumbrances or private agreements.
- b. The subdivider shall grant a negative open space easement over Lot "A" though "H", 157 & 159, which shall be owned and maintained by the Homeowners' Association.
- c. Lots BA and BB shall be owned and maintained by the Homeowners Association and shall have negative open space easements for brush management.
- d. If a Landscape Maintenance District is established to maintain the private slopes fronting on Carmel Creek Road, then the subdivider shall provide landscape easements on lots B, E, and F.
- e. All storm drains terminating in open space lots shall be extended to the low point to prevent hillside erosion and shall be equipped with energy dissipators to prevent downstream erosion. No detention basins shall be located on lots owned by the City without providing access and setting aside drainage and access easements.

46. 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 City Engineer. 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.

47. 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.
48. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development Department for each final map processed in connection with this vesting tentative map.

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