

RESOLUTION NUMBER R-290409

ADOPTED ON JUNE 30, 1998

WHEREAS, Harry G. Cooper, Applicant, and Rick Engineering Company, Engineer, filed an application with The City of San Diego for a 13-lot vesting tentative map for the Torrey Reserve Gateway project (Vesting Tentative Map No. 96-0464), located between Interstate 5 and Vista Sorrento Parkway, and described as a portion of Lots 1, 2, and 3, Section 31, Township 14 South, Range 3 West, SBM, in the Sorrento Hills Community Plan area, in the A-1-10 (proposed R-1500) Zone; and

WHEREAS, on June 4, 1998, the Planning Commission of The City of San Diego [Planning Commission] considered Vesting Tentative Map No. 96-0464 and voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on June 30, 1998, 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. 96-0464:

1. The map proposes the subdivision of a 37.9-acre site into 13 lots for residential development. This type of development is consistent with the General Plan and the Sorrento Hills Community Plan, as amended, 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 and development regulations of the R-1500 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 R-1500 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 PRD Permit No. 96-0464.

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, as amended, which provides for residential uses.

6. The design of the subdivision and 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. 96-0464, 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.

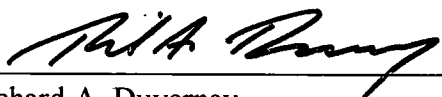
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area 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 subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 581.

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. 96-0464 is hereby granted to Harry G. Cooper, Applicant, and Rick Engineering Company, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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Or.Dept:Clerk
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Reviewed by Tracy Elliot-Yawn

CORRECTED 11/13/98

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CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 96-0464
ADOPTED BY RESOLUTION NO. R-290409 ON JUNE 30, 1998

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. Should the rezone or Plan Amendment be denied then this vesting 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 proposed Rezone, Community Plan Amendment, Vesting Tentative Map and Planned Residential Development, shall not release the owner/applicant from any obligations contained in the Sorrento Hills Development Agreement, which remains in full force and effect.
4. The final map shall conform to the provisions of Planned Residential Development Permit No. 96-0464.
5. 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.

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 Sections 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

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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. 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 U.S.C. § 1531 et seq.).
10. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 96-0464, satisfactory to the Development Services Manager and the City Engineer, which is included herein by this reference.
11. 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. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
12. The subdivider is permitted to file up to two (2) final maps. 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.
13. 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.

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14. 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.
15. 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.
16. This project proposes to export 173,500 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 export material. All such activities require a separate Conditional Use Permit.
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. Prior to the issuance of a grading permit, the subdivider shall obtain approval from CalTrans for any grading within existing/proposed CalTrans right-of-way.
19. 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 contributions to the construction of certain portions of these previously approved streets, including freeway interchange, pursuant to the Development Agreement as required by the City Engineer, will become off-site improvement requirements for this subdivision.
20. Prior to the recordation and/or issuance of a grading permit the subdivider shall provide a "Letter of Permission" for grading from S.D.G. & E. for any work in their easements(s) or that would effect access to their easements.
21. The subdivider shall contribute \$20,000 for the construction of a future traffic signal system at Carmel Mountain Road and Sorrento Valley Road.

22. The landscape and brush management shall be in accordance with the Landscape Technical Manual.
23. The subdivider shall provide a mutual access easements as required, satisfactory to the City Engineer and Development Services Manager.
24. The subdivider shall provide a system of walkways from each dwelling unit to the public sidewalk within the City right-of-way.
25. Vehicular access to the dwelling units within the PRD will be served by a system of unnamed, non-dedicated, privately maintained and gated driveways constructed in a manner satisfactory to the City Engineer.
26. Driveways with less than a 34-foot curb to curb width shall have parking on one side only. Parking shall be prohibited in driveways with less than a 28-foot curb to curb width. The subdivider shall provide red curb and/or appropriate parking restriction signs satisfactory to the Fire Department and the Development Services Manager.
27. The subdivider shall, in accordance with the Sorrento Hills Development Agreement, 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.
28. The subdivider shall, in accordance with the provisions of the Sorrento Hills Development Agreement, provide dedication of right-of-way for I-5 widening, including slope rights and shall provide LRT right of way, all satisfactory to the City Engineer, as set forth in sections 5.6.1 and 6.B1.1 of the Sorrento Hills Development Agreement.
29. The subdivider shall comply with the Sorrento Hills Development Agreement, satisfactory to the City Engineer.
30. The subdivider shall construct pedestrian ramps at Street "A" and driveway "F."
31. Prior to the recordation of the first final map, the subdivider shall provide evidence that they have paid their fair share for the street improvements within the Sorrento Hills Community, per the Sorrento Hills Development Agreement.
32. The subdivider shall pay their fair share of 50% for the traffic signal at the intersection of Vista Sorrento Parkway and Driveway "F"/Grunion Run Avenue

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and shall grant the City easements as necessary to accommodate the traffic signal.

33. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for a landscape and open space maintenance district.

Prior to the recordation of each final map the subdivider shall enter into a bonded landscape and open space maintenance agreement, assuring maintenance responsibilities for all landscaping and appurtenances thereto, within the City right-of-way, and all open space within each final map, until such time when a landscape and open space maintenance district is established assuming the maintenance agreement shall be for a period of five years. If at the end of five years the maintenance district has not been formed or the property owners' association has not assumed responsibility for the maintenance of the landscaping and open space, the subdivider agrees to remove all of the landscaping and appurtenances within the City's right-of-way and replace it with standard improvements such as stamped concrete, etc., to the satisfaction of the City Engineer. As an alternative, the subdivider may extend the maintenance agreement satisfactory to the City Engineer.

34. Vista Sorrento Parkway is classified as a four-lane major street within a minimum 98-foot-wide right-of-way and a 108-foot-wide right-of-way where dual left-turn lanes are required. The subdivider shall dedicate half width right of way and shall provide half width improvements of pavement, curb, gutter, a five-foot wide sidewalk within a minimum ten-foot curb-to-property-line distance, and a 14-foot-wide raised landscaped center median, satisfactory to the City Engineer. This street may have additional right-of-way width for additional lanes at the intersections and a landscaped parkway area, satisfactory to the City Engineer.
35. Street "A" is classified as a residential cul-de-sac. The subdivider shall dedicate a minimum 60-foot right-of-way with a cul-de-sac right-of-way radius of 45 feet and shall provide 40 feet of pavement at the throat, curb, gutter, a 5-foot-wide sidewalk within a ten-foot curb-to-property-line distance, with a cull-de-sac curb radius of 35 feet, satisfactory to the City Engineer.

Parking shall be prohibited in the cul-de-sac and the subdivider shall provide red curb and parking restriction signs, satisfactory to the City Engineer.

36. Street "A" and driveway "E" shall only be permitted right turns in and out.

37. WATER REQUIREMENTS:

- a. Prior to the approval 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) and water facilities necessary to serve this development, including facilities identified in the findings and conclusions of the accepted Miramar (712)/North City (610) Water Study."
- b. The subdivider shall install all facilities as required in the accepted water studies, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies.
- 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.

38. SEWER REQUIREMENTS:


- a. Prior to the approval of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer 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, will require modification based on the accepted sewer study.

39. 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.

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- b. 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 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. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
 - c. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each lot 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 lot. Also, provide private easements for the private mains.
 - d. Providing water and sewer for this development is dependent upon prior construction of certain water and sewer facilities 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 water and sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.
 - e. If on site water and sewer mains are to be public and if it is a gated community, the Water Distribution and Wastewater Collection Divisions shall have keyed access satisfactory to the Water and Metropolitan Wastewater Departments' Managers. The City will not be held responsible for any issues that may arise relative to the availability of keys.
40. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
41. 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

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development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.

42. 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.

43. **PARK DEVELOPMENT:**

- a. Developer shall provide fair share funding of \$92,162 for the design and construction of the swimming pool proposed at the Carmel Valley Towncenter Community Park in the Carmel Valley North Community Planning Area. Said funding shall be based on a swimming pool costing \$2,900,000 and serving a population of 50,000 residents. This development represents 1,589 residents or 3.178% of the population requirement. $(1,589/50,000 = 3.178 \times \$2,900,000 = \$92,162)$
- b. Development shall provide fair share funding of \$2,511,656 for the acquisition, design and construction of population-based park acreage and facilities to serve the residents of this development. Said funding shall be based on the requirement that new residential construction shall provide population-based park land and facilities to serve the residents of this development. This development represents 1,589 residents which will require 3.81 useable acres of population-based park land and amenities. $(1,589 \times 2.4 \text{ acres}/1,000 \text{ population} = 3.81 \text{ acres} @ \$595,000/\text{acre} = \$2,266,950)$

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- c. Developer shall provide fair share funding of \$152,544 for the design and construction of the recreation building serving the residents of this development. Said funding shall be based on a recreation building of 12,000 square feet serving a population of 25,000 residents. This development represents 1,589 residents, or 6.356% of the population requirement. ($1,728/25,000 = 6.356\% \times \$2,400,000 = \$152,544$)
 - d. Developer shall post bonds, letter of credits or other accepted means of security in the amount of \$2,511,656 at the time the first building permit for this project is pulled to provide for the population-based park projects associated with this development. The bond for the swimming pool, in an amount of \$92,162 with a 3% per year increase, shall be payable upon occupancy of the 100th dwelling unit of this development. The bond for the recreation building, in an amount of \$152,544 with a 3% per year increase, shall be payable upon occupancy of the 150th dwelling unit of this development. The bond for the acquisition, design and construction of the 3.81 useable acres of park land and amenities, in the sum of \$2,266,950 with a 3% per year increase, shall be payable upon occupancy of the 350th dwelling unit. Said funds shall be deposited into an interest bearing trust fund administered by the City Auditor with distribution of said funds at the direction of the Park and Recreation Director and the Facilities Financing Program Manager.
44. 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.

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 Development Services Manager.
- 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.

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