

RESOLUTION NUMBER R-290682

ADOPTED ON SEPTEMBER 8, 1998

WHEREAS, Jerry L. Elder, Applicant, and O'Day Consultants, Engineer, submitted by an application for a 64-lot vesting tentative map (Vesting Tentative Map No. 91-0899 for the Torrey Surf project), located east of Interstate 5 and north of Carmel Mountain Road, and legally described as the north two-thirds of the west two-thirds of the northwest one-quarter of the southwest one-quarter, Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, in the Carmel Valley Community Plan area, in the A-1-10 zone (proposed SF2 and OC-1-1 zones); and

WHEREAS, on July 2, 1998, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 91-0899, and voted to recommend City Council approval of the map; and

WHEREAS, after the City Council approved the above referenced vesting tentative map, ownership of the property was transferred from Jerry L. Elder to Standard Pacific Corp., a Delaware corporation; and

WHEREAS, the matter was set for public hearing on September 8, 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. 91-0899:

1. The map proposes the subdivision of a 17.98 acre site into 64 lots (63 residential and one open space) 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 and open space 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 SF2 and OC-1-1 Zones 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 [CVPD] Permit.

b. All lots meet the minimum dimension requirements of the SF2 and OC-1-1 Zones, as allowed under a CVPD Permit.

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 CVPD Permit.

d. Development of the site is controlled by Carmel Valley Planned District/Resource Protection Ordinance Permit No. 91-0899.

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 or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential and open space uses.

6. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Environmental Impact Report No. 91-0899, which is included herein by this reference. However, a finding has been made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems, in as much 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.

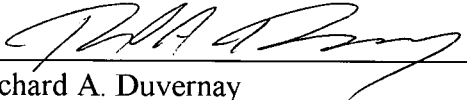
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision, as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, 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 the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 91-0899 is hereby granted to Standard Pacific Corp., Owner/Permittee, and O'Day 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

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Or.Dept:Clerk
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Reviewed by Nick Osler

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 91-0899
ADOPTED BY RESOLUTION NO. R-290682 ON SEPTEMBER 8, 1998

1. This vesting tentative map will expire September 8, 2001.
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/Hillside Review Permit No. 91-0899.
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 vesting 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. 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. These tie lines to the existing control shall be

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shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

8. The approval of this vesting 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.).
9. Prior to the recordation of the first final map or the issuance of a grading permit, the owner shall provide a letter from the San Diego Gas & Electric Company (SDG&E), to the Development Services, stating that the grading and improvement plans and the final map for the subdivision provide the necessary access road grading, easements, and/or rights-of-way that satisfy SDG&E's needs for access through the subdivision to SDG&E's existing 150-foot-wide easement and facilities within that easement.
10. The subdivider shall provide the Development Services with a Letter of Permission to Grade, from SDG&E, for any grading performed within SDG&E's existing 150-foot-wide easement.
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 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. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.

ENVIRONMENTAL MITIGATION MEASURES

LANDFORM ALTERATION/VISUAL QUALITY:

14. Prior to the issuance of grading permits, the City of San Diego's Land Development Review shall review final maps and grading plans to verify implementation of proposed contour grading of manufactured slopes where feasible. Field inspectors with the City of San Diego's Development Services shall inspect the grading to ensure conformance with approved grading plans.
15. Manufactured slopes over ten feet in height with high visibility from major public roads or neighborhood and community public facilities shall be contoured or undulated to produce a more naturalized appearance. Landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create a undulated slope appearance. Monitoring shall be required to assure the long-term establishment of the landscaping. The maintenance program would be effective for a three-year period following the installation of the plantings or until such time as all plantings are established. The long-term monitoring shall establish an inspection schedule, establish replanting specification, and require written notification once a year to the Development Services Development Coordinator from the applicant-hired consultant to verify the status of the revegetation.

BIOLOGY:

16. Prior to the issuance of a grading permit the Environmental Review Manager of Development Services shall review the Tentative Map to ensure that mitigation includes on-site preservation of a majority of the on-site vernal pool habitat, 2.23 acres of Tier I habitat, 0.62 acres of Tier II habitat, 1.05 acres of Tier IIIB habitat, and 0.50 acres of Tier IV. Off-site acquisition of habitat is to occur in the following quantities: Tier I - 10.62 acres inside the MHPA or 21.24 acres outside the MHPA; Tier II - 1.62 acres inside the MHPA or 2.43 acres outside the MHPA; and Tier IIIB - 0.36 acres inside the MHPA or 0.73 acres outside the MHPA.
17. Prior to the issuance of grading permits for the Torrey Surf parcel, a vernal pool preservation and mitigation plan shall be submitted to and approved by the City of San Diego Environmental Review Manager to verify that impacts to vernal pools are mitigated on- or off-site at a 2:1 ratio for surface area and 15:1 for upland habitat around the vernal pool to ensure capture of sufficient watershed area.

18. Prior to the issuance of a grading permit, conservation easements shall be placed over the open space portions of the property.
19. Preliminary grading, prior to recordation of the final map, may be permitted, subject to approval by the City Engineer.

HYDROLOGY/WATER QUALITY:

20. When the Notice of Termination for construction of this project is filed, implementation of stormwater discharge best management practices (BMPs), including maintenance and monitoring, would be required by the City of San Diego.

GEOLOGY/SOILS:

21. Prior to the issuance of grading permits, the Environmental Analysis Section (EAS) shall review the grading plans to ensure the measures have been provided. The applicant shall notify the EAS upon installation of the erosion control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided to the EAS. The maintenance of erosion control devices shall be the responsibility of the applicant and the future property owners for the individual lots. The City shall be responsible for maintenance of drainage improvements in the public right-of-way and in public easements. Erosion control measures shall be provided to the satisfaction of the City Engineer in conjunction with site development. These measures will include such devices as hay bales and sandbags to control and direct runoff during construction, temporary detention basins to detain runoff and restrict sediment from leaving the site, directing runoff to the storm drain system proposed as part of the project and permanent desiltation basins constructed for the community, and the placement of rip rap at outlets draining into natural areas to dissipate energy and help trap sediment. The locations shall be noted on the grading plans.
22. Landscaping of cut/fill slopes and the undeveloped building pads shall be accomplished within 90 days of completion of grading.
23. Prior to the issuance of grading permits, the EAS shall review plans to ensure the measures have been provided. In conformance with the provisions of Public Resources Code Section 21081.6, the applicant shall retain an engineer of work to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site.
24. Energy dissipation devices shall be installed at the terminus of canyon subdrains to minimize erosion impacts to native vegetation.

25. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to ensure that grading will be performed in accordance with the geotechnical investigation.

PALEONTOLOGY:

26. Prior to issuance of a grading permit, the applicant shall implement the paleontological monitoring program as described in Addendum to EIR No. 91-0899, 96-7573, 96-7929 for Torrey Surf. The monitoring program shall be completed to the satisfaction of the Environmental Review Manager of Land Development Review (LDR) prior to the issuance of a certificate of occupancy.
27. 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. This is also an environmental mitigation.
28. 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.
29. This vesting 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.

30. 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.
31. The subdivider shall assure that the streets within this subdivision and the same streets within Carmel Estates (VTM 95-0381) have the same grade and alignments, satisfactory to the City Engineer.
32. Retaining walls and their footings shall not encroach into the City right-of-way.
33. Street "B" is classified as a residential street. The subdivider shall dedicate a 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, and five-foot-wide sidewalks within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. All unit driveways that front on Street "B" shall be designed to permit vehicles to exit the driveway facing Street "B".
34. Street "C", with knuckles, as shown on the VTM is not approved. Street "C" shall be designed and constructed in accordance with the City's Street Design Manual and to the Satisfaction of the City Engineer, which may result in the loss of lots.

Streets "C", "D", & "F" are classified as local residential streets. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36 feet of pavement, curb, gutter, and five-foot-wide sidewalks within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

Street "F" shall have a cul-de-sac curb radius of 50 feet and a right of way radius of 60 feet.

35. Street "E" is classified as a residential street. The subdivider shall dedicate a 48 foot right-of-way and shall provide 28 feet of pavement, curb, gutter and 5 foot

wide sidewalks within a 10 foot curb-to-property-line distance, satisfactory to the City Engineer. Parking shall be prohibited on one side of the street.

36. All unit driveways shall be provided with a 20 foot minimum depth from the right-of-way line to the garage door or 18 foot minimum with roll-up garage door.
37. All driveways and curb openings shall comply with City of San Diego Standard Drawings G-14a, G-16 and SDG-100.
38. 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.
39. 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.
40. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
41. Water Requirements:
 - a. Prior to the recordation of the final map and submittal 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), water facilities necessary to serve this development, points of connection to existing public facilities, and a phasing plan. The study shall be consistent with the conclusions and findings of the "Miramar (712)/North City (610) Water Study," prepared by Dudek & Associates, Inc., and include an appropriate transmission 610 HGL pipeline to be located within an acceptable alignment.
 - b. Prior to the recordation of the final map, 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, may 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 or thirty (30) dwelling units are located on a dead-end main, then the subdivider shall install a looped water system.

42. Sewer Requirements:

- a. Prior to the recordation of the final map and submittal 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.

43. 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." Proposed facilities that do not meet the current standards shall be redesigned or private.
- 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. No trees, shrubs, or structures of any kind shall be installed in or over any access easement.

- 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 TMs 95-0554, 91-0834, and PRD 95-0599 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. 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 there to.
44. In accordance with the Carmel Valley Planned District Ordinance, a comprehensive drainage plan for the entire Neighborhood 8A Precise Plan area shall be approved by the City Engineer.
45. 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.
46. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is subject to approval by the City Engineer.
47. 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.

48. Open Space:

- a. Brush management zones will not be permitted in the adjacent 150-foot-wide SDG&E easement adjacent to Lots 54 - 63 inclusive.
- b. Lot 64 shall have an open space easement, to be owned and maintained by the Home Owner's Association.

Should Lot 64 be granted in fee simple to the City, the lot must be reduced in size to provide zone 2 & 3 brush management for lots 35-37, 38-41 and Lots 53-54 inclusive. The brush management zones shall be owned and maintained by the Home Owner's Association.

49. 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.

50. 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.

51. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Services 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 development may be subject to impact fees, as established by the City Council.
- 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.