

RESOLUTION NUMBER R-290951

ADOPTED ON NOVEMBER 10, 1998

WHEREAS, San Dieguito Partnership, Applicant, and Rick Engineering Company, Engineer, submitted by an application to The City of San Diego for an 87-lot vesting tentative map (Vesting Tentative Map No. 98-0983 for the Villas at Stallions Crossing project), located on the east side of El Camino Real, south of San Dieguito Road, and legally described as a portion of the northwest quarter of the southwest quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian, in the North City Future Urbanizing Area, in the A1-10 zone; and

WHEREAS, on September 26, 1996, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 98-0983, and voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on November 10, 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. 98-0983:

1. The map proposes the subdivision of a 26.9-acre site into 60 lots for residential development (47 single family, 1 open space, 3 private driveways, 2 brush management, 1 private park, 5 landscape/signage, and 1 detention basin). This type of development is consistent with the General Plan and the Future Urbanizing Area, 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 A1-10, HR and FPF zones in that:

a. All lots have access to a dedicated street via a private drive which is open to and usable by vehicular traffic, as allowed under a Planned Residential Development [PRD] permit.

b. All lots meet the minimum dimension requirements of the A1-10, as allowed under a PRD 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 PRD permit.

d. Development of the site is controlled by Planned Residential Development/Resource Protection Ordinance Permit No. 98-0983.

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 physically 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 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. 95-0197 and Addendum LDR No. 98-0912, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report and Addendum.

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.

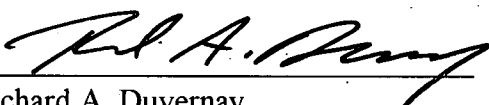
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Government Code

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. 98-0983 is hereby granted to San Dieguito Partnership, 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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01/07/98
10/27/00 VTM Conditions Corrected
Or.Dept:Clerk
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Reviewed by Deborah Johnson

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 98-0983
ADOPTED BY RESOLUTION NO. R-290951 ON NOVEMBER 10, 1998

1. This Vesting Tentative Map will expire November 10, 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 Planned Residential Development/Resource Protection Ordinance Permit No. 98-0983.
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. 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 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 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.).

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9. 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.
10. The subdivider is permitted to file up to 4 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.
11. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. The subdivider must provide a geologic (geotechnical) investigation report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0415 et seq.
13. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2. Agriculturally zoned land remaining in open space is exempt from undergrounding requirements according to Council Policy 600-25.
14. 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.
15. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscape and appurtenances thereto within the City right-of-way until a Land Maintenance District, Property Owner's Association or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.
16. El Camino Real is classified as a four-lane major street within a 98-foot-wide right-of-way. The subdivider shall widen El Camino Real from Derby Downs Road to the northerly subdivision boundary. The subdivider shall provide half-width improvements within the existing El Camino Real right-of-way, with off-site transitions, to include pavement, curb, gutter, a five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a full 14-foot-wide raised landscaped center median, to provide a full four-lane major street, satisfactory to the City Engineer.

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The subdivider shall be entitled to credit from contributing Public Facility Financing Programs for the cost of all off-site improvements to El Camino Real which exceed the project's fair share based on projected traffic.

The future El Camino Real median north of Street "A", shall be landscaped with plant material which will not block the line of sight, for approximately 550 feet north of the intersection.

17. Street "A" is a residential cul-de-sac. The subdivider shall dedicate a cul-de-sac with a right-of-way radius of 45 feet. The subdivider shall provide pavement, curb, gutter and 5-foot-wide sidewalks within a 10 foot curb-to-propertyline distance with a cul-de-sac curb radius of 35 feet, satisfactory to the City Engineer.

No parking shall be permitted within the cul-de-sac.
18. The subdivider shall provide a sight visibility easement at the intersection of El Camino Real and Street "A", satisfactory to the City Engineer.
19. The subdivision will be served by a system of privately maintained, non-dedicated, unnamed private driveways, constructed in a manner satisfactory to the City Engineer.
20. The subdivider shall ensure that the proposed structural street section for El Camino Real meets the Schedule "J", pavement requirements, per City Standard Dwg. SDG 113, satisfactory to the City Engineer.
21. The subdivider shall locate the sound wall, including the footing, outside of the El Camino right-of-way, satisfactory to the City Engineer.
22. All lots adjacent to El Camino Real shall relinquish abutter's rights-of-access.
23. The subdivider shall provide mutual-access easements, as required, satisfactory to the Development Services Manager and the City Engineer.
24. The subdivider shall provide a sidewalk connecting each dwelling unit to the sidewalk on the public streets, satisfactory to the City Engineer.
25. Private driveways with less than a 34 foot curb-to-curb width shall have parking on one side only. Parking shall be prohibited in driveways less than 28 foot curb-to-curb width.
26. Water Requirements:
 - a. Prior to the recordation of the final map or the 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) necessary to serve this development.

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- b. Prior to the recordation of the final map the subdivider shall assure by permit and bond the installation of all facilities as required in the accepted water study, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study.
- c. Prior to the recordation of the final map the subdivider shall extend the 24-inch water pipeline in El Camino Real to the northerly subdivision boundary, however, pursuant to further studies, may be re-sized to the satisfaction of the Water Department Manager.
- 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 or thirty (30) dwelling units are located on a dead-end main, then the subdivider shall install a redundant water system.

27. Sewer Requirements:

- a. Prior to the recordation of the final map or the 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. Prior to the recordation of the final map the subdivider shall assure by permit and bond the installation of 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 based on the accepted sewer study.

28. Water and Sewer Requirements:

- a. The subdivider shall design all proposed 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 private or redesigned.
- b. 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 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 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, trees or shrubs of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures, trees or shrubs of any kind shall be installed in or over any access easement.

- d. 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.
29. The drainage system, including the detention basin, proposed for this subdivision shall be private and is subject to approval by the City Engineer.
30. 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.
31. 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.

32. A portion of this project has been identified as being within a floodway of the San Dieguito River, as delineated on Panels 1326 and 1328 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this Vesting Tentative Map.

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- a. The detention basin shall not be located within the floodway.
- b. The subdivider shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- c. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
- d. The subdivider shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
- e. The subdivider shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
- f. The subdivider shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- g. The subdivider shall provide safety fencing where required by the City Engineer.
- h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
- i. No permits shall be issued for grading or other work in the floodplain of the San Dieguito River until the subdivider obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego's Development Services. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
- j. When as-built grading and public improvement plans are available, the subdivider must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of Development Services of the City of San Diego. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
- k. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects will notify Development Services of such issuance as soon as it is informed by FEMA.
- l. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work

in designated floodplains shall be included in all grading and improvement plans.

33. Open Space:
- a. Lots "A" and "K" are to be owned and maintained by the Home Owners' Association.
 - b. Lot 48 shall be owned and maintained by the Homeowners Association for the Villas project. Prior to the issuance of the first Final Map,, the subdivider shall place a non-building easement on this parcel.
34. Brush management shall be in accordance with the Landscape Technical Manual.
35. 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.
36. This subdivision is in a community plan area designated in the General Plan as Future 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.
37. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Addendum 98-0192 to Environmental Impact Report No. 95-0197, satisfactory to the Development Services Manager and the City Engineer, which is included herein by this reference.
38. Prior to the issuance of a grading permit, surveys for the Pacific pocket mouse consistent with the USFWS will be required.
39. Special site preparation and grading techniques, as described in the geotechnical reconnaissance and in any additional geotechnical investigation performed for the project shall be shown on the grading plans and implemented as a condition of the grading permit.

Permanent erosion-control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, and construction and maintenance of detention basin shall be installed. Maintenance of the desilting basin shall be the responsibility of a homeowners association or similar maintenance district.

Placement of temporary measures and detention basins shall be field inspected by the Development Services Department in conformance with the tentative map immediately after grading. These (temporary BPMs) shall be in place as soon as feasible after grading begins. Permanent landscaping, as defined by the landscape plan and revegetation plan, shall be field inspected by Development Services prior to issuance of building permits.

40. Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.**

The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.

The paleontologist or paleontological monitor shall be on site full time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and shall depend on the rate of excavation, the materials excavated and the abundance of fossils.

The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.

This mitigation monitoring and reporting program shall require an additional deposit of \$450.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.

41. Prior to recordation of a Final Map for this project a data recovery program, consistent with the program described in Addendum 98-0912 to EIR 95-0197, shall be completed. No grading permit shall be issued until the City Manager

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determines, in accordance with the data recovery program, that no additional excavation of CA-SDI-687 is required.

42. The private park, identified as Lot A, shall be owned, designed, and maintained by a Homeowners Association of the residents of the Villas project. The City shall not take ownership of said lot.
43. Prior to the issuance of any land development permit, a signed Memorandum of Agreement will be provided from Southern California Edison, San Dieguito River Park Joint Powers Authority, and the City of San Diego indicating agreement with the density transfers required to support the 47 unit development.
44. Prior to the issuance of the first final map the subdivider shall pay to the City of San Diego \$227, 480 for the purpose of providing Affordable Housing.

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.
- The FY 99 Interim Development Impact Fee for Subarea II is \$17,655 per unit. This fee is due upon issuance of each building permit on Parcel E of the project.
- 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.

10/27/00 COR.COPY

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