

(R-99-751)

RESOLUTION NUMBER R-291084

ADOPTED ON DECEMBER 8, 1998

WHEREAS, K. Hovnanian at Carmel Village, Applicant, and Lundstrom and Associates, Engineer, submitted by an application to The City of San Diego for a 57-lot tentative map (Tentative Map No. 96-7824 for the Carmel Del Mar Neighborhood 4-South project), located north of State Route 56 and Carmel Country Road and southeast of Carmel Canyon Road, and legally described as Lot 48 of Carmel Del Mar Neighborhood 4, Unit 13, Map No. 13118, in the Carmel Del Mar Neighborhoods 4, 5 and 6 Precise Plan and the Carmel Valley Community Plan area, in the NC zone (proposed SF-3 zone); and

WHEREAS, on November 19, 1998, the Planning Commission of The City of San Diego considered Tentative Map No. 96-7824, and pursuant to Resolution No. 2733-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on December 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 Tentative Map No. 96-7824:

1. The map proposes the subdivision of a 6.24-acre site into 57 lots for residential development (50 residential, 1 play area, 4 street lots, 2 landscape lots). This type of development is consistent with the General Plan and the Carmel Valley Community Plan in that the site is locationally suited for residential development and will provide additional housing opportunities for the community. 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 SF-3 zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under the Carmel Valley Planned District Ordinance.

b. All lots meet the minimum dimension requirements of the SF-3 zone.

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.

d. Development of the site is controlled by Carmel Valley Planned District Development Plan Permit No. 96-7824.

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 will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Mitigated Negative Declaration No. 96-7824, 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.

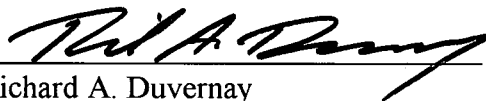
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development

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 Tentative Map No. 96-7824 is hereby granted to K. Hovnanian at Carmel Village, Applicant, and Lundstrom and Associates, 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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03/19/99
Or.Dept:Clerk
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Form=tmr.frm
Reviewed by Patricia J. Fitzgerald

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 96-7824
ADOPTED BY RESOLUTION NO. R-291084 ON DECEMBER 8, 1998
CARMEL DEL MAR NEIGHBORHOOD 4-SOUTH

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter. If the rezone and/or the Carmel Valley Development Plan amendment is denied, then this TM shall be deemed denied.
2. The final map shall conform to the provisions of Carmel Valley Development Plan No. 96-7824.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

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 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."
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,

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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.).

9. The subdivider must provide a geologic reconnaissance report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code section 62.0415 et seq.

Prior to issuance of grading permits, special measures, as described in the "Geotechnical Update Report for Lot 48 of the Carmel Del Mar Neighborhood 4, Unit 13 Project" (Pacific Soils Engineering, Inc., February 25, 1998), needed to mitigate the localized area of left-in-place alluvium shall be submitted by the geotechnical consultant for review and approval by the Development Services, Land Development Review Geology Section.

10. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, Subsection 2.
11. 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.

12. Prior to recordation of the final map, 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.

13. Water and Sewer Requirements
14. The drainage system proposed for this subdivision, as shown on the tentative map, is subject to approval by the City Engineer. The onsite drainage system shall be private.
15. 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.

16. 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.
17. Any landscaped medians will require encroachment permits and encroachment removal agreements from the City Engineer. Landscaping within the median will be maintained by the property owners in the subdivision. Landscaped medians are not allowed where the grade exceeds eight percent. The developer shall provide a two-foot-wide concrete maintenance strip behind the curb on both sides of any landscaped median and shall provide a storm drain system within the landscaped median to pick up storm water and irrigation water before it enters the adjacent travel lanes.

18. The subdivider shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with Sections 62.0401 - 62.0423 of the San Diego Municipal Code in a manner satisfactory to the City Engineer.
19. Vehicular access to the dwelling units within the subdivision shall be by a system of privately maintained, un-named, non-dedicated, private driveways; constructed in a manner satisfactory to the City Engineer.
20. The subdivider shall assure drainage at the toe of the slope in lot #57 and the drainage shall not discharge onto the adjacent property.
21. The subdivider shall assure the driveway median shall not extend into the City right-of-way. All driveways shall be constructed per City standards, satisfactory to the City Engineer.
22. The subdivider shall obtain an encroachment removal agreement, from the City Engineer, for landscaping, irrigation and slopes exceeding 2% located in the City right-of-way.
23. The subdivider shall provide "as-built" drawings 27194-D which currently affect the subject site. (See permit W-43820 and Subdivision Improvement Agreement, City Clerk Document No. RR-284301)
24. All walls, signs and the footings shall not be located within the City right-of-way.
25. The subdivider shall obtain a Letter of Permission from CalTrans for any work within their right-of-way.
26. 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 starting of monitoring.
 - a. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.
 - b. 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 will depend on the rate of excavation, the materials excavated and the abundance of fossils.
 - c. 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.

- d. 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.
 - e. 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.
27. Prior to the issuance of grading permits, the above mitigation monitoring and reporting program will require an additional deposit of \$450 to ensure the successful completion of the Mitigation Monitoring and Reporting Program.
28. A cultural resources survey prepared in 1985 for Neighborhoods 4, 5, and 6 Precise Plan identified eight archaeological sites on the tentative map site. A subsequent 1989 investigation found that all sites on the subject property had been destroyed without correct surveying for archaeological resource significance. The project applicant acknowledged that appropriate mitigation was not completed for the site and agreed to compensate for the loss of these resource through a monetary contribution to the City's archaeological preservation fund. The amount of monetary damages has been determined to be \$40,000 for the entire Precise Plan area of 822 acres. The proposed project share would therefore equal \$327 ($\$40,000/822\text{acres} = \$48.67/\text{acre} \times 6.72\text{ acres}$), to be paid prior to issuance of grading permits.

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