

RESOLUTION NUMBER R-291819

ADOPTED ON JUNE 22, 1999

WHEREAS, J.J.B. Investments, Inc., Applicant, and Project Design Consultants, Engineer, submitted an application to The City of San Diego for a 26-lot vesting tentative map (Vesting Tentative Map No. 98-0405 for the Li/Collins Project) and the vacation of a segment of Orange Grove Avenue, located West of La Harina Court and South of Carmel Valley Road, and legally described as a portion of Lot 2 of Olive Grove Tract and a portion of the West half of Orange Grove Avenue, in the Torrey Highlands Subarea IV Plan area, in the A-1-10 zone (proposed R1-5000 zone); and

WHEREAS, after approval of the above referenced map by the City Council, J.J.B. Investments, Inc., will transfer their interest in the property to Greystone Homes, Inc.; and

WHEREAS, on May 6, 1999, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 98-0405 and the vacation of a segment of Orange Grove Avenue, and voted to recommend City Council approval thereof; and

WHEREAS, the matter was set for public hearing on June 22, 1999, 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. 98-0405:

1. The map proposes the subdivision of a 7.43-acre site into 26 lots for residential development. This type of development is consistent with the General Plan and the Torrey Highlands Subarea IV Plan 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 R1-5000 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 a Planned Residential Development [PRD] permit.

b. All lots meet the minimum dimension requirements of the R1-5000 zone, 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. 98-0405.

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 could cause substantial environmental damage. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Militated Negative Declaration No. 98-0405, 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.

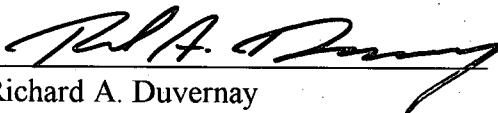
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 98-0405 is hereby granted to Greystone Homes, Inc., and Project Design Consultants, subject to the conditions attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66499.20 1.2, a portion of Orange Grove Avenue, located within the Torrey Highland Subarea IV Plan area, as shown on Vesting Tentative Map No. 98-0405, shall be vacated, contingent upon the recordation of the final map.

APPROVED: CASEY GWINN, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney


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Reviewed by Mike Westlake

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 98-0405  
ADOPTED BY RESOLUTION NO. R-291 819 ON JUNE 22, 1999

1. This Vesting Tentative Map will become effective on the effective date of the associated Rezone and will expire three years thereafter. Should the rezone or the street vacation 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 final map shall conform to the provisions of PRD/RPO Permit No. 98-0405.
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. The final map shall:
  - a. Use the California Coordinate System for its "Basis of Bearings" 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 tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).
9. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
10. 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.
11. 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.
12. Driveways are to be designed and constructed in accordance with City Standard Drawings SDG-100, G-14A, and G-16.
13. The subdivider shall obtain an Encroachment Removal Agreement for the sidewalk underdrains on Carmel Valley Road and Donaker Street. These improvements shall be constructed per the City Standard Drawings to the satisfaction of the City Engineer.
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 dedicate an offsite cul-de-sac with a 60-foot right of way radius, at the southerly terminus of Donaker Street. The subdivider shall provide

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pavement, curb, gutter, and a 5-foot wide sidewalk within a 10-foot curb-to-propertyline distance with a curb radius of 50 feet.

16. Street "A" is classified as a local residential street. The subdivider shall dedicate a 56-foot wide right-of-way and a 60-foot right-of-way radius for the cul-de-sac, and provide 36 feet of pavement, curb, gutter, and 5-foot wide sidewalks within a ten-foot curb-to-propertyline distance, and a 50-foot curb radius for the cul-de-sac.
17. Donaker Street is classified as a local residential street. The subdivider shall dedicate a 60-foot wide right-of-way transitioning to a 56-foot right-of-way at the southerly terminus and provide 40 feet of pavement, transitioning to 36 feet at the southerly terminus, curb, gutter, 5-foot wide sidewalks within a 10-foot curb-to-propertyline distance.  
  
The subdivider shall provide red curb for the frontages of lots 19 through 21.
18. The subdivider shall maintain a sight distance easement for lot 20.
19. The subdivider shall grant an open space easement over these portions of lots 15 and 16 necessary for the preservation of the vernal pool, wetlands, and their watershed, to the satisfaction of the Environmental Review Manager of The City of San Diego.
20. 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.
21. The drainage system proposed with this development is subject to approval by the City Engineer. All drainage systems not located within public streets shall be private.
22. 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

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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.

23. 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.

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

25. This subdivision is subject to Poway Unified School District Resolution No. 67-87, which established a Mello-Roos Community Facilities District for school facilities.

26. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration, LDR No. 98-0405, satisfactory to the City Manager and the City Engineer. Prior to issuance of building permits, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: noise and biological resources.

27. The project shall conform to the Torrey Highlands Subarea IV land use plan dated July 1996, the transportation phasing plan in the Public Facilities Financing Plan dated October 1996, and the final EIR/traffic study dated June 1996.

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28. The subdivider shall submit an improvement plan showing the required quantity of street trees, the tree species and note that the trees are located in a minimum of 40 square feet of landscape area. All planting and irrigation shall conform with the Landscape Concept Note on the tentative map and the City's Landscape Technical Manual.
29. A non-title sheet shall be incorporated into the Final Map which shows the brush management program consistent with the Exhibit A. The notes describing the maintenance obligations shall specify the brush management program as an interim program that shall terminate upon the approved improvements of the adjacent properties where the improvements remove the fire hazard.
30. The subdivider shall assure by permit and bond the installation of the required street trees.
31. The subdivider shall submit a brush management maintenance agreement from the adjoining property owners.
32. The subdivider shall submit for review a Landscape Maintenance Agreement for all landscape within the public right of way. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the parcel map.
33. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of LOW. The Permittee shall implement the Brush Management Program in accordance with the plan shown on Exhibit "A," Landscape Concept and Brush Management Plan, dated June 22, 1999, on file in the Office of Planning and Development Review Department:
  - a. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with "Exhibit A" and shall comply with the Uniform Fire Code, San Diego Municipal Code section 55.0889.0201, and Section Six of the Landscape Technical Manual (Document No. RR-274506) on file at the Office of the City Clerk.
  - b. The construction documents shall conform to the architectural features as described in Section 6.6-2 of the Landscape Technical Manual.
  - c. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks,



- trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One (including the alternative compliance zone one area) subject to approval by the Fire Chief and the City Manager.
- d. All requirements for fire-resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risks still exist.
  - e. No invasive plant material shall be permitted.
  - f. Provide the following note on the Brush Management Construction documents: "It shall be the responsibility of the Permittee to schedule a preconstruction meeting on site with the contractor and Planning and Development Review to discuss and outline the implementation of the Brush Management Program."
  - g. Prior to issuance of any Certificate of Occupancy or final inspection for any building, the Brush Management Program shall be implemented.
  - h. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual and as shown on Exhibit "A."
34. The affordable housing requirements of Planned Residential Development Permit/Resource Protection Ordinance Permit No. 98-0405, approved by Resolution No. R-291820, a copy of which is on file with the City Clerk, is hereby incorporated by reference into this vesting tentative map. The subdivider shall comply with the affordable housing element of the Torrey Highlands Subarea Plan. Prior to the recordation of the Final Map, the subdivider shall enter into an agreement with the Executive Director of the Housing Authority of The City of San Diego, or designee, and the City Manager of the City. The affordable housing requirements of Planned Residential Development Permit/Resource Protection Ordinance Permit No. 98-0405 shall apply whether or not the permit is utilized or expires.

35. WATER REQUIREMENTS:

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Director. The study shall plan the pressure zone(s) and water facilities necessary to serve this development, including redundancy. Minimum water main size in Donaker Street shall be 12-inch.
- b. The subdivider shall install all water 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 and relocation.
- 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 necessary facilities to provide a redundant water supply.

36. SEWER REQUIREMENTS:

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public sewer facilities 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. The study shall include a plan for vehicular access to all appurtenances located within easements.
- b. The subdivider shall install all facilities, including necessary vehicular access, 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.

37. WATER AND SEWER REQUIREMENTS:

- a. The subdivider agrees to design all proposed public water and sewer facilities in accordance with the criteria established in 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' Directors. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Director. 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 allowed in or over any access easement.
- c. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Directors, 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.

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 Director of Building Inspection.
- 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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