

RESOLUTION NUMBER R- **291989**

ADOPTED ON JUL 26 1999

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where the portion of the street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, the adjacent property owner has requested the vacation of Del Mar Hills Drive to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the street, either for the public street system for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated in that the right-of-way is not needed for public street, bikeway, or open space purposes; and

(b) those properties adjoining the street to be vacated will continue to have access; and

(c) in connection with the vacation, the City desires to reserve a certain easement; and

(d) the public will benefit from the vacation through improved utilization of land; and

(e) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(e) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That Del Mar Hills Drive northwest of Del Mar Heights Road, as more particularly shown on Drawing No. 18896-B, and described in the legal description marked as Exhibit "A", both of which are attached hereto and made a part hereof, is ordered vacated.

2. That this resolution shall not become effective unless and until a curb, gutter, driveway and additional paving across the opening of Del Mar Hills Drive northwest of Del Mar Heights Road is installed as required by and to the satisfaction of the City Engineer. A permit shall be obtained for the installation of the curb, gutter, driveway and additional paving and a bond shall be posted in an amount that will cover the required installations.

3. That The City of San Diego reserves and excepts the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, including, but not limited to, water facilities and general utilities and all necessary and proper fixtures and equipment for use in connection therewith, through, over, under, upon, along, and across the hereinafter-described easement, together with the right of ingress thereto and egress therefrom, together with the right to maintain the said easement free and clear of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree and trees thereon, together with the right to otherwise protect from all hazards the operation and use of any right reserved. Upon acquisition of an encroachment permit from the City Engineer pursuant to the Municipal Code of the City, the owners of the underlying fee may utilize the above-described parcel of land for structures, the planting or growing of trees, or the installation of privately owned pipelines, or any other permitted uses approved by the City Engineer.

4. That the easement reserved is in, under, over, upon, along, and across Del Mar

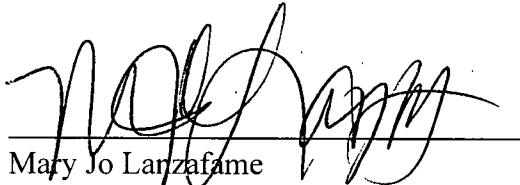
Hills Drive and that the easement is more particularly shown and delineated on Drawing No. 14340-B and Exhibit "A".

5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall cause a certified copy of this resolution, attested by him under seal, with drawing and exhibit, to be recorded in the office of the County Recorder.

6. In the event the above conditions are not completed within 12 months following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Larzafame  
Deputy City Attorney

MJL:cdk  
06/30/99  
Or.Dept:PDRD  
SA:98-526  
WO:120102  
Dwg:18896-B  
R-99-1580  
Form=sumv.frm

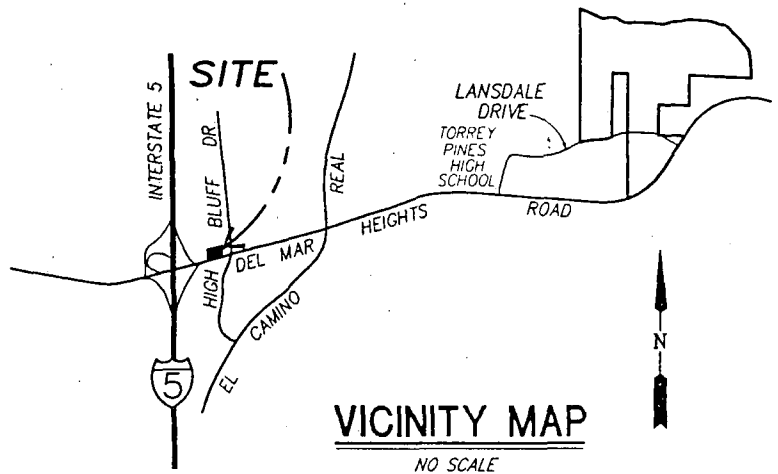
Document Number RR-291989-1 referred to as Drawing No. 18896-B and Exhibit A are available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

**ASSESSOR'S PARCEL NO.**

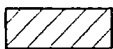
304-131-07

**REFERENCE DRAWINGS**

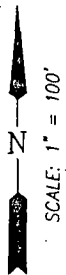
MAP NO. 6214, MAP NO 10394  
MAP NO. 10687



**LEGEND**



INDICATES PORTION OF DEL MAR HILLS DRIVE DEDICATED PER MAP 6214, VACATED WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED FROM STREET VACATION  
AREA = 4586 SQ. FT.  
= 0.105 AC.



N.C.W. NEIGHBORHOOD 3 UNIT NO.3  
MAP NO. 10687

Curve Table			
No.	Delta	Radius	Length
CI	90°06'03"	20.00'	31.45'



FILE: 1438STVAC.DWG JN: 1438

**Project Design Consultants**  
PLANNING ENGINEERING SURVEYING  
701 "B" Street, Suite 800, San Diego, Ca. 92101  
619-235-6471 FAX 234-0349

*Arnold L. White Jr.* 2/10/99  
ARNOLD L. WHITE JR. L.S. 7430 DATE  
MY REGISTRATION EXPIRES 12-31-01

**STREET VACATION – DEL MAR HILLS DRIVE– NORTH WEST OF DEL MAR HEIGHTS ROAD.  
AND  
GENERAL UTILITY AND ACCESS EASEMENT RESERVED  
FROM STREET VACATION**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	SA 98-526 W.O. NO. 120102
ORIGINAL	PDC					1926-6255 CCS '83 COORDINATES 286-1695 LAMBERT COORDINATES
					<i>Lee Turner</i> 5-21-99 FOR CITY ENGINEER DATE	18896-B

FILED JUL 26 1999  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA  
 DOCUMENT NO. KP-291999-1

EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM

CARMEL VALLEY NEIGHBORHOOD 4 SOUTH, UNIT 17

GENERAL PLAN AMENDMENT; CARMEL VALLEY COMMUNITY PLAN AMENDMENT; NEIGHBORHOODS 4, 5, AND 6  
PRECISE PLAN AMENDMENT; CARMEL VALLEY DEL MAR NEIGHBORHOOD 4, UNIT 17 PRECISE PLAN  
AMENDMENT; REZONE; TENTATIVE MAP AND CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT

LDR 96-7824

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 96-7824) shall be made conditions of the GENERAL PLAN AMENDMENT; CARMEL VALLEY COMMUNITY PLAN AMENDMENT; NEIGHBORHOODS 4, 5, AND 6 PRECISE PLAN AMENDMENT; CARMEL VALLEY DEL MAR NEIGHBORHOOD 4, UNIT 17 PRECISE PLAN AMENDMENT; REZONE; TENTATIVE MAP AND CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT; as described below.

PALEONTOLOGICAL RESOURCES

1. 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.
2. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.
3. 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.
4. 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.
5. 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.

DOCUMENT NO. 96-291989-1

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SAN DIEGO, CALIFORNIA

6. 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.

#### CULTURAL RESOURCES

7. 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.

#### NOISE

8. Prior to issuance of building permits, noise barriers ranging from four to six feet in height shall be shown on building plans along the backyards of Lots 1-12, 22, 44, 45, 48, 49 and 50. Noise barriers shall be located at the top of slope of the building pads as shown in Figure 3 of the Initial Study (attached). Noise barriers may be constructed as a wall, berm or both. Construction materials shall have a minimum surface density of 3.5 pounds per square-foot. Materials may consist of masonry, plexiglass, tempered glass or a combination of these materials. The barriers must be designed without openings or cracks.
9. Prior to issuance of building permits, a detailed acoustical analysis shall be required for Lot 1-12, 22-26, 44, 45, 48, 49 and 50 to ensure that interior Community Noise Equivalency Levels (CNEL) would not exceed 45 decibels (dB). Where required, these homes shall be equipped with air-conditioning and/or mechanical ventilation. Sound-rated windows may be required for homes adjacent to State Route 56. Measures developed by the detailed acoustical study shall be noted on the building plans.

#### GEOLOGY

10. 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.
11. Prior to the issuance of grading permits, the above mitigation monitoring and reporting program will require an additional deposit of \$450.00 to ensure the successful completion of the Mitigation Monitoring and Reporting Program.

R-291989