

RESOLUTION NUMBER R-292057

ADOPTED ON AUGUST 3, 1999

WHEREAS, Sterling Land Development, LLC, Applicant, and Civcom & Associates, Engineer, submitted by an application to The City of San Diego for a 14-lot tentative map (Tentative Map No. 98-1189 for the Torrey Brooke project), located east of La Trucha Street and north of Adobe Bluffs Drive, and legally described as Lot 4 of Olive Grove Tract according to map filed in the Office of the County Recorder of San Diego County, in the Torrey Highlands Subarea IV Plan area, in the A-1-10/HR zone (proposed A1-10, HRO, and R1-6000 zones); and

WHEREAS, on July 15, 1999, the Planning Commission of The City of San Diego considered Tentative Map No. 98-1189, and voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on August 3, 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 Tentative Map No. 98-1189:

1. The map proposes the subdivision of a 7.42-acre site into 14 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 proposed A1-10, HRO, and R1-6000 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 Planned Residential Development [PRD] permit.

b. All lots meet the minimum dimension requirements of the proposed R1-6000, 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. 98-1189.

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 or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 98-1189, which is included hereby 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 pursuant to California Government Code section 66499.20 1/2, portions of Magnolia Drive and Orange Avenue within the project boundaries as shown on Tentative Map No. 98-1189, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 98-1189 is hereby granted to Sterling Land Development, LLC, Applicant, and Civcom & 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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Reviewed by Robert Korch

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 98-1189
ADOPTED BY RESOLUTION NO. R- 292057 ON AUGUST 3, 1999

1. This tentative map will expire three years after the effective date of the of the associated rezone. Should the rezone or street vacation be denied then this 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. 98-1189.
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. The 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

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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 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.
9. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
10. 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.
11. **WATER REQUIREMENTS:**
 - a. The subdivider shall install an 8-inch water main in Street "A" in a manner satisfactory to the Water Department Director.
 - b. 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 appropriate water facilities to provide a redundant water supply.

SEWER REQUIREMENTS:

- a. Prior to the recordation of the final map and 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 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. The study shall identify appropriate easements and vehicular access.

- b. The subdivider shall install all sewer facilities as required by the accepted sewer study necessary to serve this development, including vehicular access within easements. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.

WATER AND SEWER REQUIREMENTS:

- a. The subdivider agrees to design all proposed public water and sewer facilities, including easements, in accordance with established criteria 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 private or redesigned.
- 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 fully improved 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 structures or landscaping 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' Directors, indicating that each dwelling unit 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 unit.
- d. Providing water and sewer for this development is dependent upon prior construction of certain water and sewer facilities in previously approved

developments 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.

12. The drainage system proposed for this subdivision, is subject to approval by the City Engineer.
13. The developer 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.
14. 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.

15. Street "A" is classified as a residential cul-de-sac. The subdivider shall dedicate on-site a 54-foot right of way and provide 34-feet of pavement, curb, gutter and five foot wide sidewalks within a ten foot curb-to-properly line distance. The cul-de-sac shall have a 50 foot right-of-way radius with a 40 foot curb radius, all satisfactory to the City Engineer. The subdivider shall also provide a dedicated and improved off-site roadway southerly of the subdivision connecting Street "A" to the existing Adobe Bluffs Drive. This off-site roadway shall be improved with a paved roadway in a manner satisfactory to the City Engineer and shall

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minimize any adverse impact to the development potential of the property through which the dedication is needed.

16. 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.
17. The subdivider shall construct a pedestrian ramp on the south side of Adobe Bluffs Drive opposite Street "A."
18. O.S. 57 (Black Mountain Road) traverses through the subdivision. Carmel Valley Road will eventually replace the existing traveled way known as Black Mountain Road. If prior to the approval of the final map, Carmel Valley Road is dedicated and the improvements accepted by the City Engineer, the subdivider shall make a separate application to vacate O.S. 57 within the subdivision. The exact limits of the vacation will be determined by the City Engineer.

If prior to the approval of the final map, Carmel Valley Road is not dedicated, the subdivider shall enter into a bonded agreement, to vacate O.S. 57 when Carmel Valley Road is dedicated and the improvements accepted by the City Engineer.

19. The driveways shall be constructed in accordance with City Standard Drawings G-14a, G-16 and SDG 100.
20. Open Space Requirements:
 - a. Open space Lot C shall be granted at no cost to the City in fee for open space. Said lots shall be free and clear of any private easements, private encroachments, liens, and agreements.
 - b. Lots A & B shall have an open space easement and be owned and maintained by the subdivider or Homeowners Association.
21. The subdivider shall comply with the Mitigation Monitoring and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration, LDR No. 98-1189, satisfactory to the City Manager and the City Engineer. Prior to the issuance of the first grading permit and/or recordation of the final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area:

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Biology
Water Quality

22. The subdivider shall deposit \$450.00 to for the implementation of the MMRP.
23. Prior to the recordation of the first final map or the issuance of a grading permit, or any other permit the subdivider shall provide evidence of compliance with the affordable housing requirements of the North City Future Urbanizing Area Framework Plan and the Torrey Highlands Subarea Plan, in a manner satisfactory to the City Manager, and the Executive Director of the Housing Authority. The subdivider's project is eligible under the in-lieu fee option of the Torrey Highlands subarea Plan to meet the affordable housing requirement in this manner, an the subdivider has stated his intent to the then current in-lieu fee for Torrey Highlands as required, at the time of issuance of building permits.
24. 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.

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