

RESOLUTION NUMBER R-292175

ADOPTED ON SEPTEMBER 14, 1999

WHEREAS, Del Mar Land Management, a California Limited Partnership, Applicant, and Kimley-Horn & Associates, Engineer, submitted by an application to The City of San Diego for a 166-lot vesting tentative map (Vesting Tentative Map No. 96-7919 for the Seabreeze Farms project), located north of State Route 56 and west of Carmel Valley Road, and legally described as Parcel 2 of Parcel Map 12086, in the Carmel Valley Community Plan area, in the A1-10 (Agricultural) zone (proposed A1-10 (Agricultural); SF-2 (Single Family), MF-1 (Multi Family), and OS (Open Space) zones);

WHEREAS, on August 5, 1999, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 96-7919, and voted to recommend City Council approval of the map; and

WHEREAS, after approval of the above-referenced project by the City Council, Del Mar Land Management, Owner/Permittee, will transfer ownership of the property to Seabreeze LLC, thereby making Seabreeze LLC the new Owner/Permittee of the Seabreeze Farms project; and

WHEREAS, the matter was set for public hearing on September 14, 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. 96-7919:

1. The map proposes the subdivision of a 73.7-acre site into 156 lots for residential and equestrian development (146 single family, 3 brush management, 5 open space, and

1 equestrian). This type of development is consistent with the General Plan and the Carmel Valley Community Plan which designate the area for residential and equestrian 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, SF-2, MF-1, and OS 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 Carmel Valley Planned District Development Permit [CVPDDP].

b. All lots meet the minimum dimension requirements of the A1-10, SF-2, MF-1, and OS zones, as allowed under a CVPDDP 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 CVPDDP.

d. Development of the site is controlled by Carmel Valley Planned District Development Permit/Resource Protection Ordinance Permit No. 96-7917.

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 and equestrian 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 and equestrian 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. 96-7919, 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.

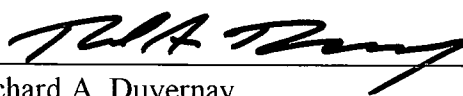
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate 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. 96-7919 is hereby granted to Seabreeze LLC, 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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Or.Dept:Clerk  
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Reviewed by Farah Mahzari

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 96-7919  
ADOPTED BY RESOLUTION NO. R-292175 ON SEPTEMBER 14, 1999

1. This tentative map will become effective on the effective date of the associated rezone and expire three years thereafter. Should the rezone 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 Carmel Valley Planned District Development Permit/Resource Protection Ordinance [CVPDDP/RPO] Permit No. 96-7919.
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 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.

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8. The approval of this vesting 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. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.
10. 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. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
13. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration, LDR No. 96-7919, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

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Biological Resources  
Hydrology/Water Quality  
Landform Alterations/Visual Quality  
Air Quality  
Geology/Soils  
Paleontology  
Public Facilities and Services  
Public Health and Safety  
MMRP Fee

14. All open space lots within the subdivision shall have open space easements.
15. 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.
16. This vesting 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.
17. 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.
  18. Carmel Valley Road is classified as a two lane collector with 40 feet of pavement and 5-foot contiguous sidewalks within 60 feet of right-of-way. Prior to the recordation of the first final map, the applicant shall dedicate additional right-of-way adjacent to this development to provide for half width improvement of the right-of-way and enter into a bonded agreement with the City which would secure the applicant's responsibility for improvement of the half width roadway, to the satisfaction of the City Engineer.
  19. The most southerly section of Carmel Valley Road adjacent to this development is being realigned by this development. The applicant shall provide 24 feet of standard pavement with temporary asphalt berm and appropriate transition to the existing road to the satisfaction of the City Engineer from the westerly boundary of lot 61 to westerly boundary of lot 6. If the road is constructed by the adjacent developer prior to the recordation of the first map, this condition will not be required.
  20. The realignment of Carmel Valley Road along this development's frontage would result in excess right-of-way within the boundaries of this Tentative Map. Prior to the recordation of any final map, all dedicated rights-of-way within that final map shall be vacated to the satisfaction of the City Engineer. In the event that the rights-of-way are not vacated, the applicant shall make appropriate adjustments to the lots impacted by the vacation process. This adjustment may result in the loss of one or more lots.
  21. The subdivider shall grant the City an Irrevocable Offer of Dedication for the future cul-de-sac at the future southern terminus of Carmel Valley Road and enter into a bonded Deferred Improvement Agreement for the construction of the cul-de-sac. The exact location of the cul-de-sac will be determined by the City Engineer prior to the recordation of the first final map.
  22. Street C is classified as a modified residential street. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36 feet of pavement, curb, gutter, and 5-foot-wide sidewalks within a 10-foot curb-to-property-line distance, satisfactory to the City Engineer.

Parking shall be prohibited on both sides of the street from Carmel Knolls Drive to the multi-family site driveway.

23. Streets A, B and D thru I are classified as residential local streets. The subdivider shall dedicate a 54-foot-wide right-of-way and shall provide 34 feet of pavement, curb, gutter, and 5-foot-wide sidewalks within a 10-foot curb-to-property-line distance, satisfactory to the City Engineer.

Street I cul-de-sac shall have a 40-foot curb radius with a 50-foot right-of-way radius.

24. The subdivider shall construct a traffic signal at the intersection of Del Mar Heights Road and Seagrove Drive.
25. The subdivider shall provide a fair share contribution (approximately one percent) for the future construction of Del Mar Heights Road from Carmel Valley Road/Camino Santa Fe to the easterly Carmel Valley Community boundary.
26. The subdivider shall obtain a bonded 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 San Diego Municipal Code sections 62.0401 62.0423 in a manner satisfactory to the City Engineer.
27. The subdivider shall construct pedestrian ramps at all street intersections.
28. All driveways and curb openings shall comply with City of San Diego Standard Drawing G-14a, G-16 and SDG 100.
29. 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.
30. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
31. The subdivider shall provide controlled access for the emergency access points to Carmel Valley Road and private driveway and said access shall be constructed in a manner satisfactory to the Fire Department and the City Engineer.
32. The subdivider shall construct an equestrian trail from the northwestern subdivision boundary running southerly to the southern subdivision boundary. This trail shall be



designed to make a connection to future northern and southern trails. Said trails shall be constructed in accordance with the City of San Diego Planning and Development Review's A Plan for Equestrian Trails Facilities manual.

33. The drainage system(s) proposed for this subdivision is subject to approval by the City Engineer. All drainage systems not located in a public street shall be private.
34. The developer shall provide a downstream drainage study, that demonstrates that no adverse impacts will occur to downstream systems and/or 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.
35. 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-PWQ.

36. 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 Planning and Development Review 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 submit complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless

otherwise approved), for the required street tree improvements and the erosion control for new slope areas. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 14, 1999, on file in the Office of Planning and Development Review.

38. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Planning and Development Review Department for each final map processed in connection with this vesting tentative map.
39. The Affordable Housing Requirements (Condition No. 43) of Carmel Valley Planned District Development Permit/Resource Protection Ordinance [CVPDDP/RPO] Permit No. 96-7919, granted by City Council Resolution No. R-292176 and on file in the Office of the City Clerk, is incorporated by reference into this Vesting Tentative Map. The subdivider shall comply with the affordable housing requirements of the Carmel Valley Neighborhood 4 Precise Plan for the Seabreeze Farms Project. 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 of San Diego. Condition No. 43 of CVPDDP/RPO Permit No. 96-7919 shall apply whether the permit is utilized or expires.

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 City Manager.
- 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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