

RESOLUTION NUMBER R-292971

ADOPTED ON APRIL 11, 2000

WHEREAS, Garden Communities, RP, LLC, Applicant, and Hunsaker & Associates, Engineer, submitted by an application to The City of San Diego for a 88-lot tentative map (Tentative Map No. 96-7716 for the Garden Communities project), located at the westerly end of Adobe Bluffs Drive, and legally described as a portion of the southwest quarter of the northwest quarter of Section 12, and the west quarter of the southwest quarter of northwest quarter of Section 12, all of Township 14 South, Range 3 West, San Bernardino Meridian, and lot 3 of Olive Grove Tract Recorded July 18, 1904, page 297 of Miscellaneous Records of San Diego County in the Torrey Highlands Subarea IV Plan area, in the A1-10 zone (proposed R-1-6000 zone); and

WHEREAS, on March 2, 2000, the Planning Commission of The City of San Diego considered Tentative Map No. 96-7716, and pursuant to Resolution No. 2933-PC2 voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on April 11, 2000, 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. 96-7716:

1. The map proposes the subdivision of a 30.5-acre site into 88 lots for residential development (84 residential, four open space). This type of development is consistent with the General Plan and the Torrey Highlands Subarea IV Future Urbanizing Area, 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 R-1-6000 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 R1-6000 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. 96-7716.

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 are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of Mitigated Negative Declaration LDR No. 96-7716, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Mitigated Negative Declaration.

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.

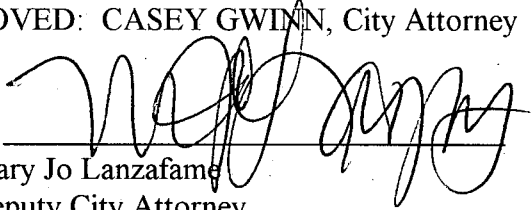
9. The Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the 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. 96-7716 is hereby granted to Garden Communities, RP, LLC, Applicant and Hunsaker & Associates, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev

4/27/00

Or.Dept:Clerk

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Reviewed by Robert Gentiles

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 96-7716
ADOPTED BY RESOLUTION NO. R-292971 ON APRIL 11, 2000

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter. Should the rezone or street vacations 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. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within 90 days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final map shall conform to the provisions of Planned Residential Development & Resource Protection Ordinance Permit No. 96-7716.
5. 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.

6. "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].
7. "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."
8. 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


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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.
9. 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 USC Section 1531 et seq.).
 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 proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, Subsection 2.
 13. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration No. 99-0575 (LDR No. 99-0575) to the satisfaction of the City Manager and City Engineer. Prior to the issuance of the first grading permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
 - a. Biological Resources
 - b. Hydrology/Water Quality

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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. This 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.
16. Prior to the recordation of the final map and/or the issuance of the first grading permit, the city Manager shall verify that a perpetual conservation easement has been recorded over Tentative Map lots A, B, and C, totaling approximately 7.45 acres. The easement shall identify permissible uses and activities as well as applicable restrictions within these open space lots.
17. Adobe Bluffs Drive, Streets A, B, C, D & E are classified as local residential streets. The subdivider shall dedicate 56-foot rights-of-way and provide with 36 feet of pavement curb, gutter and 5 foot wide sidewalks within a 10 foot curb to property line distance. The subdivider shall meet the existing offsite improvements of Adobe Bluffs Drive.
18. The final design of the intersection of Black Mountain Road and Street A requires the City Engineer's approval. Black Mountain Road will have a minimum of 24 feet of pavement with A.C. berms.
19. The subdivider shall provide an offsite temporary turnaround at the north end of Street E.
20. The subdivider shall grant a 54-foot-wide Irrevocable Offer of Dedication with slope easements within "Lot A."
21. 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 Sections 62.0401 - 62.0423 of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
22. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within the City right-of-

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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.

23. The drainage system proposed for this subdivision, as shown on the tentative map, is subject to approval by the City Engineer. Drainage facilities not located in a public street shall be private. If during final design the existing 84-inch pipe is found to be under pressure additional design and/or modifications may be required.
24. 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.

25. 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 right-of-way and median (if applicable) improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Technical Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit A, Landscape Concept Plan, on file in the Office of Planning and Development Review. The subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.
26. The subdivider shall identify on a separate sheet titled "Non-title Sheet" the brush management areas in substantial conformance with Exhibit "A." These

brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard reduction zone per Section 6 of the City of San Diego 'Landscape Technical Manual' approved by the Planning Commission on March 16, 1989 as Resolution No. 0480-PC, and approved by the City Council on October 3, 1989 as Resolution No. 274506, and any other building code regulations."

27. The subdivider shall provide letters of permission from adjacent property owners for the establishment and maintenance of permanent and temporary off-site brush management zones.

28. WATER REQUIREMENTS:

c. 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 a permanent pressure regulating station at the northerly end of Street "E." The study shall, also, address any temporary facilities.

d. The subdivider shall install all 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.

e. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or 30 dwelling units are located on a dead-end main then the subdivider shall install necessary water facilities to provide a redundant water supply.

29. 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 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.

- b. The subdivider shall install all facilities, 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.

30. WATER AND SEWER REQUIREMENTS:

- a. The subdivider agrees to design and construct 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 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 landscaping of any kind 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 installed in or over any easement used for vehicular access. No trees or shrubs exceeding three feet in height shall be installed within any water or sewer 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.
31. 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.

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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.

- 32 The Affordable Housing Requirements of PRD/RZ/RPO Permit No. 96-7716 on file with the Office of Planning and Development Review, are hereby incorporated by reference into this 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 of San Diego, or designee. The Affordable Housing Requirements of the PRD/RZ/RPO Permit No. 96-7716 shall apply whether or not 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 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.

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