

RESOLUTION NUMBER R-293716

ADOPTED ON AUGUST 15, 2000

WHEREAS, D.R. Horton, Applicant, and P&D Consultants, Inc., Engineer, submitted an application to The City of San Diego for a 65-lot tentative map (Tentative Map No. 96-7676 for the Bryn Glen project), located south of Carmel Valley Road, and legally described as Parcels 1 and 2 of Parcel Map 6902, in the Torrey Highlands Subarea IV Future Urbanizing Area, in the AR-1-1 zone (previously referred to as the A1-10 zone) (proposed RS-1-7 zone which was previously referred to as the R1-5000 zone); and

WHEREAS, on July 20, 2000, the Planning Commission of The City of San Diego considered Tentative Map No. 96-7676, and pursuant to Resolution No. 2982-PC-2 voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on August 15, 2000, testimony having been heard, evidence having been submitted, and the 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. 96-7676:

1. The map proposes the subdivision of a 37.3-acre site into 70 lots (65 residential and five open space) lots. 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/development regulations of the RS-1-7 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 RS-1-7 zone, as allowed under a PRD.
 - 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. 96-7676.
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 or 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 or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Mitigated Negative Declaration No. 96-7676, 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, in as much 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 the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for

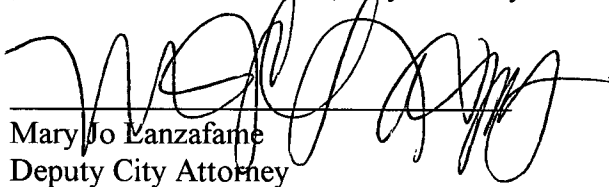
installation, as determined by the City Engineer, in accordance with financing and environmental policies of the Council.

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. 96-7676 is hereby granted to D.R. Horton, Applicant and P&D Consultants, Inc., Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

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Reviewed by Robert Gentiles

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 96-7676
ADOPTED BY RESOLUTION NO. R-293716 ON AUGUST 15, 2000

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. 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. 96-7676.
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 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.).
9. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 144.0240 (previously found in Section 102.0404, subsection 2).
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. This project shall conform to the Torrey Highland 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.
13. 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.
14. Providing streets for this subdivision is dependent upon the prior construction of certain streets in previously approved developments in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
15. The alignment and grade for Camino Ruiz adjacent to this project has not yet been established. Prior to the issuance of any permits or recordation of the first final map, the alignment of Camino Ruiz adjacent to this development and to its intersection with Carmel Valley Road shall be established through a certified environmental document.
16. Camino Ruiz is classified as a six-lane prime arterial with a design speed of 55 mph. Prior to the recordation of the first final map, the applicant shall provide half width improvement from the southerly property boundary to Carmel Valley Road satisfactory to the City

- Engineer. All right-of-way within the subdivision shall be granted with the recordation of the first final map. Appropriate transition or termination shall be designed and constructed to the satisfaction of the City Engineer. This may require off site right-of-way acquisition and construction.
17. Street A is classified as a residential street. The subdivider shall dedicate a 56-foot right-of-way from Camino Ruiz to Street B and dedicate 54-foot right-of-way west of Street B with appropriate transitions. The subdivider shall provide 36 and 34 feet of pavement respectively, curb, gutter and five-foot wide sidewalks within a 10-foot curb-to-property-line distance. Street A cul-de-sac shall have a 50-foot curb radius with a 60-foot right-of-way radius.
 18. Street B is classified as a residential street. The subdivider shall dedicate a 54-foot right-of-way and provide 34 feet of pavement, curb, gutter and five-foot wide sidewalks within a 10-foot curb-to-property-line distance. Street B cul-de-sac may have a 35-foot curb radius with a 45-foot right-of-way radius.
 19. 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.
 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 subdivider shall provide pedestrian ramps at all street intersections.
 22. Walls and their footings shall not be located in the City right-of-way.
 23. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100 on all residential lots.
 24. The drainage system proposed for this subdivision is subject to approval by the City Engineer.
 25. 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*

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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.

26. Portions of the project are located in the floodplain of Mc Gonigle Canyon Creek, as delineated on Panel 1332 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency [FEMA]. In connection with the approval of the final map.
 - a. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
 - b. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
 - c. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
 - d. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
 - e. The developer shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
 - f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds five FPS.
 - g. The developer shall provide safety fencing where required by the City Engineer.

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- h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
- i. The developer shall grant drainage easements, satisfactory to the City Engineer.
- j. No permits shall be issued for grading or other work in the floodway of McGonigle Canyon until the developer obtains a Conditional Letter of Map Amendment [Conditional LOMA] or Conditional Letter of Map Revision [Conditional LOMR] from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego's Development Services Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- k. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Development Services Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- l. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects will notify the Development Services Department of such issuance as soon as it is informed by FEMA.
- m. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.

27. Landscape Requirements:

Prior to the recordation of the final map, 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 improvements and slope revegetation and hydroseeding of all disturbed land. The landscape construction documents shall be in substantial conformance with Exhibit "A," dated August 15, 2000, Landscape Concept Plan, on file in the Development Services Department

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Prior to the recordation of the final map, the applicant shall assure by permit and bond the construction of landscaping per item "a" above.

Prior to the recordation of the final map, the Permittee or subsequent Owner/Developer shall submit for review a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," dated August 15, 2000, on file in the Development Services Department. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.

Prior to recordation of the final map, the Permittee or subsequent Owner/ Developer shall provide written confirmation to the City allowing this project to have brush management zone two established off-site.

28. Transportation Development:

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.

The future alignment of Camino Ruiz will be determined by an alignment study to be approved by a certified environmental document.

Full access/median break shall not be allowed at the project's access to Camino Ruiz.

For the affordable housing site alternative a minimum of 25 parking spaces is required.

29. Water Requirements:

The subdivider shall relocate the Del Mar Heights Pipeline into Carmel Valley Road and Camino Ruiz in a manner satisfactory to the Water Department Director.

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 facilities identified in the findings and conclusions of the "Miramar (712)/North City (610) Water Study." The study shall include a construction phasing plan.

The subdivider shall install all facilities as required in the accepted water studies, including relocation, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies.

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

The subdivider agrees to assume full responsibility for any damage caused to or by the Del Mar Heights Pipeline as a result of the construction activities associated with this development.

30. Sewer Requirements:

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. The study shall indicate appropriate easements and vehicular access.

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.

31. Water and Sewer Requirements:

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The subdivider agrees to design and construct all proposed public water and sewer facilities 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 redesigned or private.

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 landscaping 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.

If on site water and/or sewer facilities are to be public and if it is a gated community, the Water Operations and Wastewater Collection Divisions shall have keyed access satisfactory to the Water and Metropolitan Wastewater Departments' Directors. The City will not be held responsible for any issues that may arise relative to the availability of keys.


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.

Providing water and sewer for this development is dependent upon prior construction of certain water and sewer facilities in previously approved TMs 88- 1041, 87-0115, 95-0173, and 98-0261 in this area. If facilities 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.

32. Open Space Requirements:

Lots 69 and 70 shall have an open space easement.

Lot 68 shall be granted to the City in fee, at no cost, for open space. The lot shall be free and clear of private encroachments, private easements, private agreements and liens.

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No Brush Management Zones 1 or 2 shall be located on existing or proposed city open space, either on or off site.

No private storm drains are permitted in city open space including riprap:

33. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration No. 96-7676 [LDR no. 96-7676] 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:

Biological Resources

Hydrology/Water Quality

Noise

Paleontological Resources

34. 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.

35. The Affordable Housing Requirements of PRD Permit NO. 96-7676 on file with the Development Services Department 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 [Affordable Housing 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 Permit No. 96-7676 shall apply whether or not the permit is utilized or expires.

36. 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

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of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

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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