

(R-2001-1478)

RESOLUTION NUMBER R-294526

ADOPTED ON FEBRUARY 6, 2001

WHEREAS, McMillin Companies, Applicant, and Leppert Engineering Corporation, Engineer, submitted by an application to the City of San Diego for a 155-lot vesting tentative map (Vesting Tentative Map No. 98-1177 for the McMillin Torrey Highlands project), located between proposed "A" Street and State Route 56/McGonigle Canyon westerly of the future Camino Ruiz, and legally described as Parcel 4, Parcel Map 8133 in the Torrey Highlands Subarea IV Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 and Hillside Review Overlay [HRO] zones) which is proposed to be rezoned to RS-1-14 zone (previously referred to as R-1-5000 zone); and

WHEREAS, on November 30, 2000, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 98-1177, and pursuant to Resolution No. 3055-1-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on February 6, 2001, 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. 98-1177:

1. The map proposes the subdivision of a 78.4-acre site into 155 lots for residential development (142 single-family, 1 multi-family, 2 landscape maintenance districts, 7 brush management, 2 open space, 1 future SR-56 lots). 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 AR-1-1 zone (previously referred to as A-1-10 and Hillside Review Overlay [HRO] zones) which is proposed to be rezoned to the RS-1-14 zone (previously referred to as R-1-5000 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 AR-1-1 zone (previously referred to as A-1-10 and Hillside Review Overlay [HRO] zones) which is proposed to be rezoned to the RS-1-14 zone (previously referred to as R-1-5000 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. 98-1177.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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 avoidably injure fish or wildlife or their habitat based upon the findings of Mitigation Negative Declaration, LDR No. 98-1177, which is included herein by this reference. A Mitigation Monitoring and Reporting Program has been adopted that will mitigate all potential impacts to areas identified in the Initial Study to a level below significance.

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.

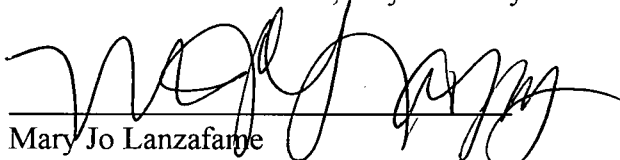
9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego, and finds, pursuant to California Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area 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. 98-1177 is granted to McMillin Companies, Applicant, and Leppert Engineering Corporation, 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:mdw  
05/09/01  
Or.Dept:Clerk  
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Form=tmr.frm  
Reviewed by Robert Korch

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 98-1177  
MCMILLIN TORREY HIGHLANDS  
ADOPTED BY RESOLUTION NO. R-294526 ON FEBRUARY 6, 2001

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. Should the rezone be denied then this VTM 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 vesting tentative map, may protest the imposition within 90 days of the approval of this vesting 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 PRD & RPO Permit No. 98-1177.
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. Every 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.

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- 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 Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. §§ 1531 et seq.).

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. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
11. The subdivider shall provide evidence to ensure that an affirmative marketing program is established
12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 98-1177, satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading permit,

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mitigation measures as specifically outlined in the MMRP shall be implemented in the following area: Land Use, Biological Resources, Uplands, Hydrology/Water Quality, Air Quality, Paleontological Resources, and Safety.

13. The MMRP shall require a deposit of \$3,200.00 to be collected prior to the recordation of the first final map and/or issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.
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. 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.


Additional geotechnical review will be required as final improvement and grading plans are developed for the project.

16. 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," dated February 6, 2001, Landscape Concept Plan, on file in the Development Services Department.
17. The subdivider shall assure by permit and bond the construction of landscaping per above-referenced Condition No. 16.
18. The subdivider shall submit for review a bonded landscape maintenance agreement for all landscape improvements within the public right-of-way area and brush management slopes consistent with Exhibit "A," dated February 6, 2001, on file in the Development Services Department. The approved bonded landscape maintenance agreement shall be recorded prior to recordation of the first final map.
19. The subdivider shall identify on a separate sheet titled "Non-title Sheet" the brush management areas in substantial conformance with Exhibit "A," dated February 6, 2001, on file in the Development Services Department. These brush management areas shall be

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identified with a hatch symbol with no specific dimensions or zones called out. The following shall be included 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 on file in the office of the City Clerk and any other building code regulations."

20. The project shall conform to the Transportation Phasing Plan for the Torrey Highlands/Subarea IV in the Public Facilities Financing Plan dated October 1996.
21. Camino Ruiz is classified as a six-lane primary arterial. The subdivider shall submit a grade and alignment study for Camino Ruiz and the easterly on/off ramp of SR-56. The subdivider will be required to dedicate and improve Camino Ruiz to provide for two way traffic and provide an additional southbound right turn lane at the intersection of Street "A." Improvements shall consist of pavement, curb, gutter and sidewalk.
22. Street "A" (between Street "B" and Camino Ruiz) is classified as a two lane collector with a two-way left turn lane. The subdivider shall dedicate an 82-foot-wide right-of-way and provide 52 feet of pavement, curb, gutter and a 5-foot-wide sidewalk within a 15 foot curb-to-property-line distance. Eastbound dual left turn lanes must be constructed at the intersection of Camino Ruiz.
23. Street "A" (between Street "B" and Street "O" of Torrey Santa Fe VTM 99-0292) is classified as a two lane collector with a two way left turn lane. The subdivider shall provide right-of-way improvements for two way traffic. The subdivider shall dedicate a 49 foot right-of-way and provide 34 feet of pavement, curb, gutter and 5 foot wide non-contiguous sidewalk within a 15 foot curb-to-property line distance.
24. Street "A" (from street "O" of Torrey Santa Fe VTM 98-0922, westerly) is classified as a collector street. The subdivider shall dedicate a 60 foot right-of-way and provide 40 feet of pavement, curb, gutter, 5 foot wide sidewalk, with a 5-foot-wide general utility easement, graded with a 2% fall towards the street on both sides of the street. The cul-de-sac shall have a 40 foot curb radius with a 50 foot right-of-way radius.
25. Street "B" is classified as a collector street. The subdivider shall provide right-of-way and improvements for two-way traffic. The subdivider shall dedicate a 43-foot right-of-way and provide 34 feet of pavement, curb, gutter, 5-foot wide sidewalk, with a 5-foot-wide general utility easement, graded with a 2% fall towards the street on both sides of the street.

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26. The alignment and grade for Street "B" has not been established. The subdivider is responsible for providing a certified alignment and grade for the road, dedicate and construct the road to provide for two-way traffic adjacent to the subdivision. The subdivider may record final maps on areas within the vesting tentative map that are not adjacent to Street "B" as long as the secondary access is not a requirement and/or needed. Any final map adjacent to Street "B" may only be recorded after alignment and grade of Street "B" has been approved through a certified environmental document.
27. Street "F" is classified as two lane collector. The subdivider shall dedicate a 60 foot right-of-way, provide 40 feet of pavement, curb, gutter and 5-foot-wide sidewalks with a 5-foot-wide general utility easement, graded with a 2% fall towards the street, on both sides of the street.
28. Streets C, D, E, G and H are classified as residential streets. The subdivider shall dedicate 54 foot rights-of-way, provide 34 feet of pavement, curb, gutter and 5-foot-wide sidewalks, with a 5-foot-wide general utility easement, graded with a 2% fall towards the street, on both sides of the street.
29. Streets D and H cul-de-sacs shall have a 40 foot curb radius with a 50 foot right-of-way radius.
30. Streets C, E and G cul-de-sacs shall have a 50 foot curb radius with a 60 foot right-of-way radius.
31. The subdivider shall provide pedestrian ramps at all street intersections.
32. All walls and their footings shall be located outside of the City right-of-way.
33. The subdivider shall obtain a bonded grading permit (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, satisfactory to the City Engineer.
34. Water Requirements:
  - a. Prior to the approval of any public improvement drawings, the subdivider shall provide an acceptable water study satisfactory to the Director of the Water Department. The study shall plan the pressure zone(s) and water facilities necessary to serve this development including redundancy. If phasing of the development is proposed, then a phasing plan shall be included in the study with the affordable housing site in the first phase.




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- b. The subdivider shall design and construct all water facilities as required in the accepted water studies for this area, necessary to serve this development in a manner satisfactory to the Director of the Water Department and the City Engineer. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies.
- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Director of the Water Department.
- d. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides. Proposed facilities that do not meet the current standards shall be private or redesigned.
- e. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department. 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 easement utilized for access.
- f. The subdivider shall provide evidence, satisfactory to the Director of the Water Department indicating that each lot will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve more than one lot.
- g. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved TMs 98-0261, 96-7676, 88-1041, and 95-0153 including, but not limited to, the completion of the Black Mountain Reservoir and associated pipelines, and a 36-inch pipeline in Camino Ruiz. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

35. Sewer Requirements:

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- a. The subdivider shall construct their fair share of the Carmel Valley Trunk Sewer and may enter into a Reimbursement Agreement for all development that exceeds the fair share of the Carmel Valley Trunk Sewer.
- b. Prior to the recordation of the final map or the submittal of any public improvement drawings, the subdivider shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department 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 to all sewer manholes.
- c. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development, including vehicular access within easements. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- d. The subdivider shall design all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or redesigned. Existing sewer facilities, to which this development proposes to connect must be brought up to current standards.
- e. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds shall be a minimum of 20-foot-wide and surfaced with suitable approved material satisfactory to the appropriate Department Director. The minimum easement width for sewer mains with manholes is 20 feet. The easements shall be located within single lots.
- f. No structures or landscaping, including medians and enhanced paving, shall be installed in or over any easement prior to the subdivider obtaining an encroachment removal agreement.
- g. No trees or shrubs exceeding three feet in height shall be installed within ten feet of any sewer facilities.
- h. The subdivider shall provide evidence satisfactory to the Director of the Metropolitan Wastewater Department indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer mains that serve more than one lot.

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- i. Providing sewer for this development is dependent upon prior construction of certain 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 sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.
36. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is subject to approval by the City Engineer. Drainage systems not located in a public street shall be private.
37. 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.

38. A portion of the Mc Gonigle Canyon floodplain is located within the vesting tentative map boundary. Any grading within the floodplain will require Federal Emergency Management Agency [FEMA] approval.
39. Open Space Requirements:
  - a. Lots A & C shall be owned by the Homeowners' Association [H.O.A.] and shall have a landscaping easement.
  - b. Extend Lot F to include the private storm drain and be maintained by the H.O.A.
  - c. If trails are to be used by the general public then trails across private property will become a 10-foot-wide non-motor vehicle/pedestrian public right of way.

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- d. Lots D, E, F, G & H shall have an open space easement, and Lot I shall have a building restricted easement or open space easement.
40. Drainage from the development should not impact the Multiple Habitat Planning Area [MHPA] in terms of water quality, sedimentation and increased velocity. Drainage from residential lots should be directed towards streets and collected into a storm drain system prior to discharge into the MHPA with controls in place for water quality impacts and velocity increases at the points shown on the VTM/grading plan Exhibit "A," dated February 6, 2001, on file in the Development Services Department.
  41. Street lighting should not be located adjacent to the MHPA. Any outdoor lighting for residential lots that abut the MHPA should be directed away from the MHPA and shielded if necessary.
  42. Barrier fencing (masonry, chain-link or wrought iron with 3 foot solid base) should be installed at the MHPA boundary or alternatively at the top of slope for each residential lot adjacent to the MHPA. Decorative fencing should be installed in locations where streets A and C terminate adjacent to the open space to discourage access at points where trail access is not being provided. Trail access should be limited to the locations shown on VTM No. 98-1177, Exhibit "A," dated February 6, 2001, on file in the Development Services Department.
  43. The area within the MHPA is required to be conserved as open space either by easement or through fee title dedication to the City. Management of the lands within the MHPA shall be the responsibility of the entity that holds fee title. The project applicant shall also assist the City with the distribution of an MHPA educational brochure to new residents within the project site at the time of lot purchase.
  44. Noise impacts affecting the MHPA must be mitigated or avoided during the breeding season (March 15 through Sept. 15) of the California gnatcatcher.
  45. No exotic, invasive plant species shall be planted adjacent to the MHPA.
  46. 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 Manager of Development Services. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a

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Facilities Benefit Assessment [FBA] or such other means as may have been established by the Council.

47. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.
48. The Affordable Housing Requirements of PRD Permit No. 98-1177 on file with the Development Services Department, are hereby incorporated by reference into this vesting tentative map. The subdivider shall comply with the affordable housing element of the Torrey Highlands Subarea IV 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 are more thoroughly described in conditions of the accompanying Planned Residential Development Permit No. 98-1177. These requirements are applicable to this Vesting Tentative Map and shall become effective with the recordation of the Final Map.

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