

RESOLUTION NUMBER R-296048

ADOPTED ON-FEBRUARY 5, 2002

WHEREAS, Elizabeth Riis, Applicant, and Cooper Engineering Associates, Engineer, submitted by an application to the City of San Diego for an eight-lot vesting tentative map (Vesting Tentative Map No. 40-0197 for the Torrey View Estates project), located south of Arroyo Sorrento Road and east of El Camino Real, and legally described as Lot 6 of Sorrento Estates, Map 8735, in the Carmel Valley Community Plan area, in the AR-1-1 zone, which is proposed to be rezoned to the AR-1-2 zone; and

WHEREAS, on November 15, 2001, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 40-0197, and pursuant to Resolution No. 3196-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on February 5, 2002, 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 it adopts the following findings with respect to Vesting Tentative Map No. 40-0197:

1. The map proposes the subdivision of a 11.85-acre site into eight lots for residential development. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Carmel Valley Community Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the proposed AR-1-2 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 Site Development/Planned Development [SD/PD] permit.
 - b. All lots meet the minimum dimension requirements of the proposed AR-1-2 zone, as allowed under a SD/PD 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 SD/PD permit.
 - d. Development of the site is controlled by Site Development/Planned Development Permit No. 40-0197.
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 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. 40-0197, 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 of the Progress Guide and General Plan of the City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has

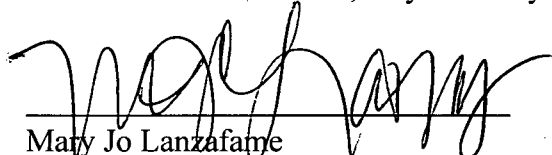
been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the Council.

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 Vesting Tentative Map No. 40-0197 is granted to Elizabeth Riis, Applicant, and Cooper Engineering 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:lc

03/23/02

Or.Dept:Clerk

R-2002-1297

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Reviewed by Vicky Gallagher

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 40-0197
TORREY VIEW ESTATES
ADOPTED BY RESOLUTION NO. R-296048 ON FEBRUARY 5, 2002

1. This tentative map will become effective with approval of the rezone and will expire 3 years thereafter. Should the rezone be denied then this VTM shall be deemed void and of no further effect.
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 Site Development/Planned Development [SD/PD] Permit No. 40-0197.
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 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 Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).
10. The subdivider must provide a geologic (geotechnical) investigation 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.
11. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404(2).
12. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Findings to a Mitigated Negative Declaration LDR No. 40-0197 satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading and/or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
 - Land Use - MSCP Subarea Plan Compliance
 - Biology
 - Hydrology/Water Quality
 - Paleontology Resources
13. The subdivider shall enter into an encroachment removal agreement for the D-27 sidewalk underdrains which carry the individual Lots 1 through 5 surface drainage to the public street drainage system satisfactory to the City Engineer.
14. The subdivider shall install a standard 30 foot-wide driveway for private driveway "A" at its interface with Arroyo Sorrento Road satisfactory to the City Engineer.
15. The subdivider shall have Lots 6, 7, and 8 enter into a maintenance agreement for operation and maintenance responsibilities of private driveway "A" serving these properties satisfactory to the City Engineer.

16. The subdivide shall install a sidewalk under drain for any drainage of Lots 1 through 5 fronting Arroyo Sorrento Road satisfactory to the City Engineer.
17. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
18. The subdivider shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
18. The subdivider shall provide documentation stating that the Torrey Woods (City project reference Torrey Pines Estates VTM 96-7573) Homeowner's Association [HOA], the adjacent easterly upstream development, will maintain the desiltation basin silt removal areas and access roads satisfactory to the City Engineer.
19. The subdivider shall provide Covenants, Conditions, and Restrictions [CC&Rs] for each of the following: Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5 for the onsite maintenance of the private slopes, open space areas, the 42" RCP storm drain pipe undercrossing Private Driveway "A", rip rap areas east and west of Private Driveway "A" and the Floodwater Storage Easement. The private storm drain detention basin system will be maintained by the respective owners under a Declaration of Covenants and Restrictions recorded against each parcel satisfactory to the City Engineer. The responsibility to operate and maintain the private storm detention basin system shall be recorded against each property and disclosed to each property owner as part of the escrow closing.
20. The subdivider shall grant a floodwater storage easement for Lot 2, Lot 4 and Lot 5 satisfactory to the City Engineer.
21. The individual lot's drainage systems shall be operated and maintained privately and are subject to approval of the City Engineer.
22. 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

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.

23. Prior to the recording of the final map, a four foot (4') walking path along the southern portions of Lot 6 and 7, configured in such a manner so as not to destroy trees (as shown on Exhibit "A") shall be offered for dedication as a pedestrian-only public right-of-way. Prior to the issuance of any certificate of occupancy, the walking path shall be improved with decomposed granite and a ranch-style fence made of either wood or PVC vinyl. The walking path shall be maintained by the owners of Lots 6 and 7 until the acceptance of the dedication by the City of San Diego. Upon acceptance of the dedication, the walking patch will be maintained by the City. If the City does not accept the dedication within three years of the recording of the final map, the offer shall terminate.
24. WATER REQUIREMENTS:
- a. The subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water facilities that serve or traverse more than a single lot.
 - b. All on-site water facilities shall be private including fire hydrants.
 - c. The subdivider shall design and construct public water services (domestic, irrigation, and fire) and meters necessary to provide service to all lots within the subdivision in a manner satisfactory to the Water Department Director. Meters shall be located within the Arroyo Sorrento Road right-of-way. Water facilities as shown on the approved tentative map will require modification consistent with City standards.
 - d. The subdivider shall install private fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - e. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto.
 - f. Providing water for this development is dependent upon prior construction of certain water facilities required of previously approved TM 96-7573 including, but

not limited to, a 16-inch water main, a pressure regulating station, and fire hydrants within the Arroyo Sorrento Road right-of-way. 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.

25. SEWER REQUIREMENTS:

- a. The developer 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 re-designed.
- b. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved tentative maps 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.

26. LANDSCAPING CONDITIONS:

- a. Prior to the recordation of the (parcel/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 and improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," dated February 5, 2002, Landscape Concept Plan, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
- b. Prior to recordation of the (parcel/final map), the Permittee or subsequent Owner/Developer shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," dated February 5, 2002, Landscape Concept Plan, on file in the Development Services Department. 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 zone(s) per Section 142.0412 of the Land Development Code."

27. 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 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.

28. The subdivider shall grant to the City of San Diego additional Open Space for each of the existing three Open Space easements as follows:

Grant .120 additional acres to the existing .710 acres for a net Open Space Parcel "A" of .830 acres;

Grant .117 additional acres to the existing .313 acres for a net Open Space Parcel "B" of .430 acres;

Grant .127 additional acres to the existing 2.723 acres for a net Open Space Parcel "C" of 2.850 acres

The combined total of all Open Space parcels shall equal 4.11 acres satisfactory to the Environmental Review Manager and the City Engineer.

29. 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.

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. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, 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.

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