

**CORRECTED COPY**

(R-2002-1301)(COR. COPY)

RESOLUTION NUMBER R-296134

ADOPTED ON FEBRUARY 26, 2002

WHEREAS, Leon Perl, Applicant, and Cooper Engineering Associates, Engineer, submitted by an application to the City of San Diego for a four parcel vesting tentative map (Vesting Tentative Map No. 40-0247 for the Estates at Costa Del Mar project), located north of Arroyo Sorrento Road and east of El Camino Real, and legally described as Portions of Parcel 2 and Parcel 3 of Parcel Map 11968 being Parcel 2 of Certificate of Compliance Document No. 95-0522519 recorded November 6, 1995 Lot Line Adjustment Plat 95-150, in the Carmel Valley Community Plan area, in the AR-1-1 zone, which is proposed to be rezoned to the AR-1-2 and OC-1-1 zones; and

WHEREAS, on November 29, 2001, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 40-0247, and pursuant to Resolution No. 3203-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on February 26, 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. 40-0247:

1. The map proposes the subdivision of a 10-acre site into four 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 and OC-1-1 zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Coastal Development Permit/Planned Development Permit/Site Development Permit [CDP/PDP/SDP] permit.

b. All lots meet the minimum dimension requirements of the proposed AR-1-2 zone, as allowed under a CDP/PDP/SDP.

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 CDP/PDP/SDP.

d. Development of the site is controlled by CDP/PDP/SDP Permit No. 40-0247.

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. 40-0247, 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.

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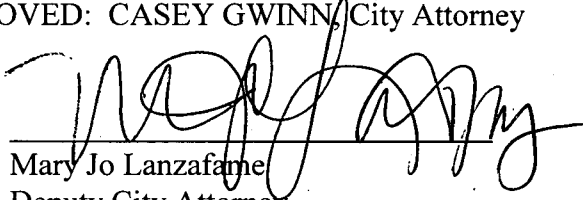
9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has been planned for the area and public 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. 40-0247 is granted to Leon Perl, 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

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Reviewed by Vicky Gallagher

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 40-0247  
ESTATES AT COSTA DEL MAR  
ADOPTED BY RESOLUTION NO. R-296134 ON FEBRUARY 26, 2002

1. This vesting tentative map will become effective on the adoption date of the associated rezone which is March 18, 2002, and expire three years thereafter on March 18, 2005. Should the rezone be denied then this vesting tentative map shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. 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 PDP/C.P./RZ/SDP Permit No. 40-0247.
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 Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
10. The subdivider must provide a geologic investigation report on the subject property to discover and address geotechnical recommendations for the proposed grading. 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 Chapter 14, Division 1 of the San Diego Municipal Code.
11. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
12. SEWER REQUIREMENTS:
  - a. All proposed on-site sewer will be private.
  - b. All proposed private sewer facilities that serve more than one lot shall be designed in accordance with the most current edition of the City of San Diego's sewer design guide and will require the preparation and approval of improvement drawings satisfactory to the Metropolitan Wastewater Department Director.
  - c. The subdivider shall obtain a building permit for any private pump station serving more than one lot.
  - d. The subdivider shall provide an Encroachment Maintenance and Removal Agreement for all private sewer mains located within City street right-of-ways.
  - e. The subdivider shall process and record a NOTICE & AGREEMENT for each ownership being served by a private pump station/sewer facilities which serves more than one ownership, which indemnifies the City and contains an agreement

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that the applicant, and successors in interest, will be responsible for the operation and maintenance of the private sewer systems.

- f. 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 re-designed.
- g. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one lot.

13. WATER REQUIREMENTS:

- a. Prior to the approval of any improvement plans, including grading, the subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water system that serves or traverses more than a single lot. All on-site water facilities shall be private including fire hydrants.
- b. 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, located within the Arroyo Sorrento Place right-of-way behind full height curb, in a manner satisfactory to the Water Department Director. Water facilities as shown on the approved tentative map will require modification consistent with City standards and final engineering.
- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
- d. 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards shall be redesigned or private.
- e. 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, and a pressure regulating station, 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 and the Water Department Director, will become off-site improvements required for this development.

14. The construction of Arroyo Sorrento Road from east of El Camino Real to Arroyo Sorrento Place shall be completed to the satisfaction of the City Engineer.
15. The subdivider shall construct Arroyo Sorrento Place from Arroyo Sorrento Road to the northern cul-de-sac. The subdivider shall dedicate 40' of right-of-way and shall provide a minimum pavement width of 20' including curb and gutter within a 6' to 10' curb to property line distance, satisfactory to the City Engineer.

The subdivider shall construct Arroyo Sorrento Place from Arroyo Sorrento Road to the northern cul-de-sac with a standard structural section, satisfactory to the City Engineer.

16. The subdivider shall construct the cul-de-sac at the northern end of Arroyo Sorrento Place. The subdivider shall dedicate 60' of right-of-way and shall provide a minimum pavement radius of 50' including curb and gutter within a 10' curb to property line distance, satisfactory to the City Engineer.
17. The subdivider shall assure, by permit and bond the installation of standard driveways on Arroyo Sorrento Place, satisfactory to the City Engineer.
18. The subdivider shall obtain a bonded grading permit for the grading proposed with this project. All grading shall conform to requirements in accordance with grading sections of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
19. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
20. 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.

21. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Findings to a Mitigated Negative Declaration LDR No. 40-0247 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:

- Biology
- Hydrology/Water Quality
- Paleontology.

22. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or 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.

23. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Review Department for each final map processed in connection with this vesting tentative map.
24. Prior to recording any final map, the applicant shall provide verification to the satisfaction of the City Manager that a conservation easement has been placed over the area shown as an MHPA conservation easement on the exhibit entitled MHPA Conservation Easement On That Portion Of Parcel 2 and 3 of Parcel Map 11968.

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 development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This vesting tentative parcel 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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