

RESOLUTION NUMBER R-296202

ADOPTED ON MARCH 19, 2002

WHEREAS, Gondor Investments, LLC, Owner/Applicant, and Partners Planning and Engineering, Engineer, submitted by an application to the City of San Diego for a twenty-lot vesting tentative map (Vesting Tentative Map No. 40-0315 for the Torrey Highlands project), located southwesterly of proposed State Route 56 and Camino Ruiz, and legally described as Parcel D and a portion of Parcel A of Parcel map 16038,, in the Torrey Highlands Subarea IV Plan Area, in the in the AR-1-1 zone, which is proposed to be rezoned to the IP-2-1, CV-1-2 and OC-1-1 zones; and

WHEREAS, the matter was set for public hearing on March 19, 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. 40-0315:

1. The map proposes the subdivision of a 79.02-acre site into twenty lots for light industrial development use. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Torrey Highlands Subarea IV Plan Area which designate the area for industrial/commercial 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 IP-2-1 and CV-1-2 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 Development Permit [PDP] permit.

b. All lots meet the minimum dimension requirements of the IP-2-1 and CV-1-2 zones, as allowed under a PDP 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 PDP permit.

d. Development of the site is controlled by PDP Permit No. 40-0315.

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 industrial/commercial 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 industrial/commercial uses.

6. The design of the subdivision and the proposed improvements are designed to mitigate all potential significant environmental impacts caused by the project to a level below significance and will not injure fish or wildlife or their habitat based upon the findings of Mitigated Negative Declaration [MND], LDR No. 40-0315, which is included herein by this reference. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented with this subdivision map and accompanying PDP and Site Development Permit.

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.

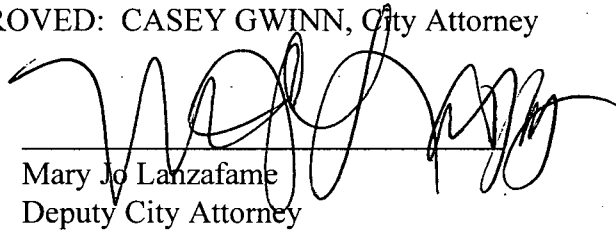
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 40-0315 is granted to Gondor Investments, LLC,

Owner/Applicant, and Partners Planning and Engineering, 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

04/30/02

Or.Dept:Clerk

R-2002-1303

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Reviewed by Robert Korch

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 40-0315  
TORREY HIGHLANDS  
ADOPTED BY RESOLUTION NO. R-296202 ON MARCH 19, 2002

1. This tentative map will become effective on the effective date of the associated rezone and expire three years thereafter. 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 Planned Development Permit No. 40-0315.
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.

- 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. Based on the review of the geotechnical reports the consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed development and no additional geotechnical information will be required for this Tentative Map. However, additional geotechnical review and an updated report will be required as final improvement and grading plans are developed for the project.
11. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code.
12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration LDR No. 40-0315, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Hydrology/Water Quality, Biological Resources, Noise and Paleontological Resources.
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. The final map and grading plans shall be submitted to Caltrans for review. The subdivider shall submit a letter of project support from Caltrans.

15. There shall be a note on the grading plans that state, (a) All grading within SR-56 right-of-way shall conform to Section 19 of the California Standard Specifications. (b) The subdivider shall contact CalTrans prior the start of grading for this subdivision.
16. The approval of this tentative map does not constitute the approval of SR-56 alignment and grade nor does it approve the alignment and grade of Camino Ruiz interchange. These final alignments and grades may have an impact on the subject development.
17. Camino Ruiz is classified as six-lane prime arterial. The subdivider shall dedicate a 150'-170' of right-of-way along the project's frontage and shall provide 115 feet-135 feet of pavement, a 14 foot median, curb, gutter and a 5 foot wide sidewalk within a 15'-20' foot curb to property line distance, satisfactory to the City Engineer.
18. Street "A" is classified as a modified four-lane urban collector with transition to two-lane collector with two-way left-turn lane. The subdivider shall dedicate 108 feet wide right-of-way transition to 82 feet of right-of-way and shall provide 64' of pavement, 14' median, curb, gutter and a 5 foot sidewalk within a 15' curb to property line distance with transition to 52' pavement, curb, gutter and 5 foot wide sidewalk within 15 foot curb to propertyline distance, satisfactory to the City Engineer.
19. The subdivider shall construct a dual southbound right-turn lanes and a traffic signal at the intersection of Camino Ruiz and Street "A", satisfactory to the City Engineer.
20. The subdivider shall construct a traffic signal at the intersection of Street "A" and project's access, satisfactory to the City Engineer.
21. The subdivider shall create a continuous driveway aisle connection between the lots 1 thru 9 and lot 10 thru 18 on each side of Street "A", satisfactory to the City Engineer.
22. The subdivider shall construct the median on Street "A" to allow left-turn in only serving lots 5 and 6 and lots 13 and 14, satisfactory to the City Engineer.
23. The subdivider shall construct pedestrian ramps at all street intersections.
24. The subdivider shall design the proposed project to accommodate the planned SR-56 freeway, satisfactory to the City Engineer.
25. The subdivider shall design the proposed bike trail for SR-56 freeway, satisfactory to the City Engineer.

26. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer. All drainage systems not located within a public street right-of-way shall be private.
27. The subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
28. Water Requirements:
  - a. The subdivider shall design and construct parallel water mains in Street "A" from Camino Ruiz to the westerly subdivision boundary consistent with the Water System Analysis for Torrey Highlands Subarea IV, or any subsequent studies, in a manner satisfactory to the Water Department Director.
  - b. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.
  - c. The subdivider agrees to design and construct all proposed 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.
  - d. The subdivider shall grant adequate water and/or access 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 Water Department Director. 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 access easement.
  - e. The subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot will have its own water service or provide Covenants, Conditions and Restrictions [CC&R's] for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot.
  - f. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area including, but not limited to, the completion of the water facilities in Camino

Ruiz, Street "B" and Street "A" in Torrey Highlands Subarea IV. 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.

29. WASTEWATER REQUIREMENTS:

- a. The subdivider shall construct their fair share of the Carmel Valley Trunk Sewer and enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.
  - b. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments. 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.
  - c. 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 re-designed, satisfactory to the Metropolitan Wastewater Department Director.
  - d. Sewer lateral connections to public sewer mains will not exceed 20 feet in depth.
  - e. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego sewer design guide.
  - f. 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&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
30. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), *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 implemented



concurrently with the commencement of grading activities, and a 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. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

31. LANDSCAPE REQUIREMENTS:

- a. 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, 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," Landscape Concept Plan, dated March 19, 2002, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
- b. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," dated March 19, 2002, on file in the Development Services Department. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.
- c. The subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," dated March 19, 2002, 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.'
- d. Prior to issuance of any engineering permits for grading, construction documents for slope and retaining wall planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the

Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit 40-0315 (including Environmental conditions) and Exhibit "A," dated March 19, 2002, on file in the Development Services Department.

- e. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The subdivider shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

32. OPEN SPACE:

- a. Lot 19 shall have an open space easement and be owned and maintained by the developer.
- b. The bike path adjacent to SR-56 shall be a non-moter vehicle right-of-way and be maintained by the City.
- c. Brush Management zones must be provided entirely within lots 17, 18 and 19.

33. 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.

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. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Planning & Development Review 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.