

RESOLUTION NUMBER R-296950

ADOPTED ON AUG 05 2002

WHEREAS, Dassons-Cielo del Mar, LTD, Applicant, and San Dieguito Engineering, Inc., Engineer, submitted by an application to the City of San Diego for a 40-lot vesting tentative map and street vacation (Vesting Tentative Map No. 40-0513 for the Cielo del Mar project), located south of State Route 56 and east of Del Vino Court, and legally described as the East half, of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Del Mar Mesa Community Plan area, in the AR-1-1 zone; and

WHEREAS, on July 12, 2002, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 40-0513 and voted to recommend City Council approval; and

WHEREAS, the matter was set for public hearing on AUG 05 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. 40-0513:

1. The map proposes the subdivision of a 80.8-acre site into forty lots (consisting of thirty-two residential lots, three open space lots, three brush management lots, one non-residential lot and one private driveway lot) for residential development. This type of development is consistent with the General Plan, the Del Mar Mesa Community Plan and the Del Mar Mesa Subarea V Plan, which designate the site for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the AR-1-1 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 Coastal Development Permit (CDP)/Planned Development Permit (PDP)/Neighborhood Use Permit (NUP)/Site Development Permit (SDP) No. 40-0513.

b. All lots meet the minimum dimension requirements of the AR-1-1 Zone, as allowed under a CDP/PDP/SDP/NUP No. 40-0513.

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/NUP No. 40-0513.

d. Development of the site is controlled by CDP/PDP/NUP/SDP Permit No. 40-0513.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision 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.

7. 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.

8. The Planning Commission has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

9. A portion of Road Survey 65, also known as Lusardi Road, recorded August 22, 1896, in Deed Book 257, pages 35, is no longer needed for the public purpose for which it was granted

10. A portion of the water easement granted to the City of San Diego, in grant deed recorded October 15, 1970 as File No. 188659, within the subject Tentative Map, is no longer needed for the public purpose for which it was granted.

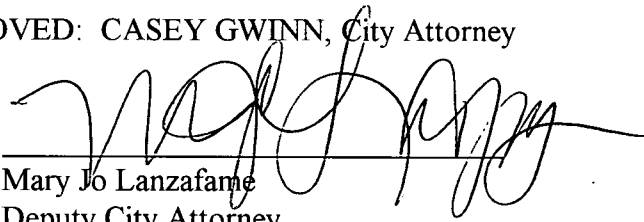
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Road Survey 65, also known as Lusardi Road, recorded August 22, 1896, in Deed Book 275, pages 35, as shown in Vesting Tentative Map No. 40-0513, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 40-0513 is granted to Dassons-Cielo Del Mar, LTD, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:pev  
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Or. Dept: Clerk  
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CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 40-0513  
CIELO DEL MAR  
ADOPTED BY RESOLUTION NO. R- 296950 ON AUG 05 2002

1. This Vesting Tentative Map will expire three years from date of approval.
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 CDP/PDP/NUP/SDP Permit No. 40-0513.
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. Undergrounding of existing and/or proposed public utility systems and service of facilities is required according to the San Diego Municipal Code.
11. 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 Section 62.0415 et seq.
12. The subdivider shall obtain a bonded 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.
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 subdivider shall provide evidence to ensure that an affirmative marketing program is established.
15. The Owner/Permittee is required under the North City Future Urbanizing Area Framework Plan and the Del Mar Mesa Specific Plan to provide for housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission/Housing Authority of the City of San Diego. The low-income housing component shall equal 10 percent of the market rate dwelling unit equivalent. The owner/Permittee has an option beyond provision of dwelling units onsite to pay an in-lieu fee to the Housing Authority to meet their low-income housing requirement Affordable

Housing. This project is eligible under the in-lieu-fee option of the Del Mar Mesa Specific Plan to meet the affordable housing requirement in this manner, and the Owner/Permittee has stated their intent to pay the in-lieu fee for Del Mar Mesa as required, at the time of issuance of building permits.

16. Prior to issuance of any building permits, the subdivider shall make available within its sales office information on energy efficient technologies and appliances as well as offer a program to incorporate alternative energy technologies into the residences as a construction option.
17. The drainage system with inclusion of post-construction Best Management Practices devices for this project (including the off-site Public Street "Z"), as shown on the approved plans, is subject to approval by the City Engineer.
18. 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.

19. WATER REQUIREMENTS:

- a. The subdivider shall design and construct parallel public 8-inch water facilities within the Rancho Toyon Place right-of-way, continuing in Private Driveway "A" and "East Driveway", to the easterly subdivision boundary, in a manner satisfactory to the Water Department
- b. The subdivider shall design and construct a system of public 8-inch water facilities, fronting all lots, located within acceptable access and easements, in a manner satisfactory to the Water Department Director.

- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.
- d. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, 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.
- e. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves-15 feet; water mains with services or fire hydrants-30 feet with 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs/rolled curbs shall have protective posts per SDW-102. Easements, as shown on the approved Tentative Map, will require modification based on standards and final engineering.
- f. The subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
- g. If any portion of the subdivision will have gated access, then the subdivider shall provide keyed access to the Water Operations Division in a manner satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
- h. The subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements, 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 for construction, operation, maintenance and access, shall be private or redesigned. The subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot will have its own water service or provide CCR's for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot.
- i. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as

required by the City Engineer, will become off-site improvements required for this development including a water pump station and associated piping.

20. WASTEWATER REQUIREMENTS:

- a. The developer shall construct 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. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
- c. The developer shall design and construct 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.
- d. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the 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.
- e. For public on-site sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
- f. The developer 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 Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes - 20 feet. The easements shall be located within single lots.
- g. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 foot wide and paved full width. An additional 5 feet of width per additional utility is required for easements containing more than one utility. For



sewer mains more than 10 feet deep, two feet of additional easement width for each foot of depth over 10 feet shall be required.

- h. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
  - i. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
  - j. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
  - l. The developer 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.
  - n. Prior to the issuance of any building permits, the applicant shall process and record a notice and 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 that the applicant, and successors in interest, will be responsible for the operation and maintenance of the private sewer systems.
  - o. The developer shall obtain a building permit for any private pump station serving a condominium project or more than one lot.
21. The project shall conform to the Del Mar Mesa/Subarea V Specific Plan, Transportation Phasing Plan and Public Facilities Financing Plan.
22. The project shall be connected to Survey Road 56 by a network of improved public streets based on the approved Transportation Phasing Plan for Del Mar Mesa/Subarea V Specific Plan.
23. The subdivider shall assure the construction of Public Street "Z" (for both the off-site portion from the western end project boundary to Mesa Verde Estates boundary and for the portion within the project boundary) . Street "Z" is classified as a modified local residential street (with a design speed of 25 MPH or less). The subdivider shall dedicate 52-feet of right-of-way and shall provide 28-feet of pavement, curb, gutter and an 8 foot-wide D.G. Multi-Use trail within a 14 foot-wide curb to property line distance on the south side Public Street "Z" satisfactory to the City Engineer.

24. The subdivider shall assure the construction of the cul-de-sac at the end of Street "Z" with a turnaround radius of 50-feet of pavement within 60-foot radius of right-of-way, satisfactory to the City Engineer.
25. The subdivider shall assure the construction of Private Driveways "A" and "B" with a minimum pavement width of 28-feet within 46-feet of parkway, satisfactory to the City Engineer.
26. The subdivider shall assure the construction of the shared driveways (located east and west of Private Driveway "A") with a minimum pavement width of 28-feet east of the shared driveway and 26-feet for the west shared driveway within 32-feet of parkway, satisfactory to the City Engineer.
27. The Subdivider shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Findings to a Master Environmental Impact Report No. 95-0353 (LDR No. 40-0513) satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specified in the MMRP shall be implemented.
28. STREET VACATION REQUIREMENTS:

The street vacation of a portion of Road Survey 65, within the subject Tentative Map, also known as Lusardi Road, is conditioned upon approval and recordation of a final map in accordance with the Subdivision Map Act Section 66434(g).

- a. The off-site portion of Road Survey 65, also known as Lusardi Road, located westerly of subject Tentative Map shall be vacated.
- b. Upon dedication and improvement of an off-site street connecting to Road Survey 65, westerly of the subject Tentative Map, satisfactory to the City Engineer.
- c. A general utility and access easement, satisfactory to the City Engineer shall be granted over, under, upon, and across Private Driveway "A", Private Driveway "B", Shared Driveway west of Private Driveway "A", Shared Driveway east of Private Driveway "A" and where required for public utility uses.
- d. An access easement shall be granted over, upon and across Private Driveway "A" and as required to provide access to Road Survey 65. This easement shall state on the Final Map:

"We hereby grant to Public entities and agencies, including the City of San Diego, the State of California, the United States Government, non-profit environmental trusts or similar non-profit entities an easement for access purposes over, upon, and across Lot 33 and shared driveway east and west of private driveway "A" shown on this Map within this subdivision and identified as "an Access Easement granted hereon"; easement will be for the purpose of providing vehicular ingress and egress to open space land, environmentally sensitive habitat, or other undeveloped land to adjacent and nearby lands within Del Mar Mesa Subarea V of the North City Future Urbanizing Area, for the purpose of inspection, monitoring, management, care, preservation, scientific research and other related uses in a manner consistent with the needs of environmentally sensitive lands. This grant of easement does not convey a general right of access to the public."

29. The vacation of a portion of the water easement granted to the City of San Diego, in grant deed recorded October 15, 1970 as File No. 188659, is conditioned upon determination of the fair market value, compensation, or exchange of the easement as required by the Real Estate Assets Department.
30. OPEN SPACE REQUIREMENTS:
- a. Lots 34, 35, 36 and 40 shall have open space easements for brush management and be owned and maintained by the Homeowner's Association (HOA).
  - b. Lots 37, 38 and 39 shall be deeded to the City, at no cost, for open space. The lots shall be free and clear of all private easements, private encroachments, private agreements or liens.
  - c. The proposed trail shall be a non-motor vehicle, pedestrian, equestrian right-of-way.
  - d. The modular retaining walls shall not be located on the right-of-way but shall be adjacent to the trail on the Homeowner's Association property and maintained by the Homeowner's Association.
  - e. The new alignment of Survey Road 65 west of the site is approved with conditions. The subdivider will provide fencing materials to construct a separation fence on the south side of the new alignment in city open space, the type of materials shall be satisfactory to the Park and Recreation Director.

31. LANDSCAPING REQUIREMENTS:

- a. The subdivider shall submit interim landscape/erosion control and permanent irrigation (if applicable) construction documents for 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 2002, Landscape Concept Plan, on file in the Office of Development Services. 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 August 5, 2002. The approved Landscape Maintenance Agreement shall be recorded 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". 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. The subdivider shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A". Brush Management Program/Landscape Concept Plan, dated August 5, 2002, on file in the Office of Development Services.
- e. The subdivider shall provide landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A".
- f. The subdivider shall provide a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A", and shall comply with the Uniform Fire Code, Municipal Code Section 55.0889.0201, the Landscape Standards and the Land Development Code Section 142.0412 (Ordinance - 18451).

The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code Section 142.0412 as follows:

For any Lot West of I-805	Zone One	Zone Two
	35 feet	40 feet

The construction documents shall conform to the architectural features as described in Section 142.0412(d).

Within Zone One combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

Provide the following note on the Brush Management Construction Documents. It shall be the responsibility of the subdivider to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

32. 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 the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Del Mar Mesa Community Plan area.
- 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 development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.