

RESOLUTION NUMBER R-297043

ADOPTED ON SEPTEMBER 10, 2002

WHEREAS, Westshaw Associates, Applicant, and Latitude 33, Engineer, submitted by an application to the City of San Diego for a FIVE-lot tentative map (Tentative Map No. 7383 for the Meadows Del Mar project) and the vacation of certain easements, located south of SR-56 and east of Carmel Valley Road, and legally described as the south ½ of Section 21, Township 14 South, Range 3 West, San Bernardino Meridian, along with the southeast ¼ of the northwest ¼ of Section 21, and a portion of the south ½ of the southeast ¼ of Section 20, Township 14 South, Range 3 West, San Bernardino Meridian, in the Del Mar Mesa Specific Plan, Subarea V Community Plan area, in the AR-1-1 zone; and

WHEREAS, on August 1, 2002, the Planning Commission of the City of San Diego considered Tentative Map No. 7383 and street vacation 5757, and pursuant to Resolution No. 3295-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on September 10, 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 Tentative Map No. 7383:

1. The map proposes the subdivision of a 24.01-acre site into five lots for a maximum 300 unit commercial condominium resort/hotel development. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Del Mar Mesa Specifics Plan, Subarea V Community Plan which designate the area for resort/hotel 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 AR1-1 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 Conditional Use Permit [CUP].

b. All lots meet the minimum dimension requirements of the AR-1-1 zone, as allowed under a CUP.

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 CUP.

d. Development of the site is controlled by Planned Residential Development/Conditional Use Permit/Resource Protection Ordinance [PRD/CUP/RPO] Permit No. 89-1296.

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 resort/hotel 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 resort/hotel uses.

6. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. There are no significant impacts beyond those identified in EIR No. 89-1296 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, the Progress Guide and the General Plan of the City of San Diego, and hereby finds, pursuant to 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.

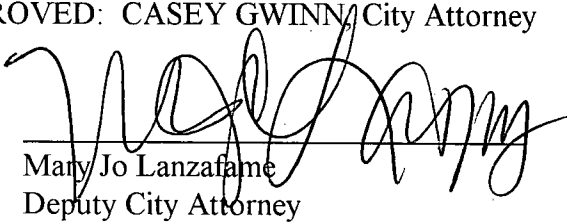
10. Portions of the general utility and access easement and portions of the sewer access easement in Lot 152 and Lot 146 in Map 13684 are no longer needed for the public purpose for which they are granted.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 7383 is granted to Westshaw Associates, Applicant and Latitude 33, 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:pev  
9/24/02  
Or.Dept:Clerk  
R-2003-365  
Form=tmr-comm&inds frm  
Reviewed by Farah Mahzari

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 7383  
MEADOWS DEL MAR PROJECT  
ADOPTED BY RESOLUTION NO. R-297043 ON SEPTEMBER 10, 2002

1. This Tentative Map will expire September 10, 2005.
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 PRD/CUP/RPO Permit No.89-1296.
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

**R-297043**

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 USC § 1531 et seq.).
10. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to the San Diego Municipal Code.
12. 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 the San Diego Municipal Code.
13. The vacation of portion of the general utility and access easement and portions of the sewer access easement vacations in Lot 152 and Lot 146 in Map 13684 are conditioned upon:
  - a. Approval and recordation of a final map in accordance with the Subdivision Map Act section 66434(g).
  - b. Relocation of existing utilities satisfactory to the City Engineer and all existing public water facilities located within the vacated easements shall be relocated or abandoned in a manner satisfactory to the Water Department Director and the City Engineer.
  - c. Dedication of general utility and access and sewer access easements satisfactory to the City Engineer.
14. 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.

R-297043

15. Water Requirements:

- a. The Subdivider shall provide an acceptable comprehensive public water relocation and construction phasing plan indicating how the Subdivider shall maintain redundancy in the existing public water system and provide adequate fire flows, to serve existing development to the east, throughout the build-out of the subdivision, in a manner satisfactory to the Water Department Director, the Fire Marshal and the City Engineer.
- b. The Subdivider shall design and construct relocated 12-inch public water facilities from the existing water facilities within Meadows Del Mar private driveway to the easterly subdivision boundary connecting to existing water facilities in a manner satisfactory to the Water Department Director and the City Engineer.
- c. The Subdivider shall design and construct minimum 24-foot-wide fully paved vehicular access road ways within every easement containing public water facilities traversing the project site, in a manner, satisfactory to the Water Department Director.
- d. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer. All public fire hydrants within the subdivision boundary shall be installed with protective posts per Regional Standard Drawing Numbers SDW-102 and W-16 in a manner satisfactory to the Water Department Director and the City Engineer.
- e. 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. Grants of easement containing public water facilities shall have minimum widths of 30-feet with minimum 24-foot-wide fully paved vehicular access.
- f. The Subdivider shall process encroachment maintenance and removal agreements, in a manner satisfactory to the Water Department Director, for all acceptable encroachments including, but not limited to, structures, enhanced paving, landscaping, and private utilities, into any easement containing public water facilities. No structures, trees or shrubs 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

R.297043

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 shall provide CC&Rs for the operation and maintenance of all on-site private water facilities that serve or traverse more than a single condominium unit or lot.
  - i. 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 San Diego Water Facility Design Guidelines and regulations, standards, and practices pertaining thereto. Public water facilities and associated easements and access, as shown on the approved tentative map, shall be modified at final engineering to conform to standards.
  - j. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved tentative maps 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 and the Water Department Director, will become off-site improvements required for this development.
  - k. The Subdivider shall assure the design and construction of new water service(s) outside of any vehicular use area, in a manner satisfactory to the Water Department Director and the City Engineer.
  - l. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service, in a manner satisfactory to the Water Department Director and the City Engineer.
  - m. The Subdivider shall agree to the sole responsibility for the mitigation of any damage caused to or by the public water facilities traversing or adjacent to the project site due to construction activities associated with this development.
16. The subdivider shall provide mutual access easements across Lots 1 thru 5 as required.
17. The subdivider shall show the type and location of all post-construction BMP's on the final construction drawings. By a separate report, the subdivider shall address the BMP's maintenance schedule, maintenance costs, and who will be responsible for the future maintenance and associated costs. The report also needs to address water quality. Describe the type of pollutants that will be generated post development, the pollutants to be captured by the BMP's and the quality of the resultant discharge.

18. All structures built within the Special Flood Hazard Area must have the lowest floor elevated two feet above the base flood elevation or if the structure is nonresidential it maybe flood proofed to that same elevation.
19. All fill placed within the Special Flood Hazard Area must be compacted to 95% relative compaction.
20. The developer shall denote on the final map and the improvement plans "Subject to Inundation" all area lower than the base flood elevation plus 1 foot.
20. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
21. The drainage system proposed for this subdivision, is private and, is subject to approval by the City Engineer.
22. 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.

23. 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

R 297043



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.

24. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
25. The subdivider is permitted to file up to 5 final maps. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit. The subdivider will record one map, over each parcel as shown on the tentative map.

FOR INFORMATION:

- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

R-297043