

RESOLUTION NUMBER R- 297591

ADOPTED ON JAN 28 2003

WHEREAS, Western Pacific Housing Cabrera LLC, Applicant, and Hunsaker & Associates, Engineer, submitted by an application to the City of San Diego for a 42-lot tentative map (Tentative Map No. 9335 for the Cabrera II project), located west of Camino Ruiz and south of Torrey Santa Fe Road, and legally described as Parcel 1 and Portion of Parcel 2 of PM 18867; Lots 10-12, 36-41, 53, 54, 115 and 116 of Torrey Santa Fe, Map 14274 and Parcel A of PM 19037, in the Torrey Highlands SubArea Community Plan area, in the RM-3-8, RM-1-1 and OP-2-1 zones, which is proposed to be rezoned to the RM-1-1 and OP-2-1 zones; and

WHEREAS, on 12-12-02, the Planning Commission of the City of San Diego considered Tentative Map No. 9335 and Street Vacation No. 9337, and pursuant to Resolution No. 3341-PC voted to recommend City Council approval of the map and vacations; and

WHEREAS, the matter was set for public hearing on JAN 28 2003, 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. 9335:

1. The map proposes the subdivision of a 12.9-acre site into forty-two lots (forty residential, one open space, one industrial to be developed by separate permit) for residential and industrial development. This type of development is consistent with the General Plan and the Torrey Highlands Subarea IV Plan, which designate the area for residential and industrial 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 RM-1-1 and OP-2-1 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 Planned Development Permit and Site Development Permit.
- b. All lots meet the minimum dimension requirements of the RM-1-1 and OP-2-1 zones, as allowed under a Planned Development Permit and Site Development 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 Planned Development Permit and Site Development Permit.
- d. Development of the site is controlled by Planned Development Permit 9334.

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 and industrial 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 and industrial 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 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 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. The property contains right-of-ways and public service easements which must be vacated to implement the final map in accordance with San Diego Municipal Code Section 125.0430.

BE IT FURTHER RESOLVED, that pursuant to California Government Code Section 66434(g), all of Torrey Santa Fe Court, a portion of Sierra Mesa Court, a portion of Via Cresta Road and a portion of Cooper Canyon Road, located within the project boundaries as shown in Tentative Map No. 9335, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Torrey Santa Fe Court shall be vacated, contingent upon easement reservations or relocations of gas and electric facilities satisfactory to the San Diego Gas and Electric Company.

BE IT FURTHER RESOLVED, that Torrey Santa Fe Court and said portion of Cooper Canyon Road shall be vacated, contingent upon the relocation of water facilities satisfactory to the City Engineer.

BE IT FURTHER RESOLVED, that pursuant to California Government Code Section 66434(g), the following public service easements, located within the project boundaries as shown in Tentative Map No. 9335, shall be vacated, contingent upon the recordation of the approved final map for the project:

1. A portion of the building restricted easement granted on Parcel Map No. 18411.
2. A portion of the general access and utility easement dedicated by Document recorded 9-20-2001 as File No. 2001-0678260. Said easement shall be vacated upon

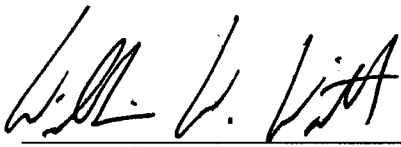
realignment and dedication of a general access and utility easement, satisfactory to the City Engineer.

3. A portion of the pedestrian and non-motor vehicular right of way dedicated on Map No. 14274. Said easement shall be vacated upon realignment and dedication of a pedestrian and non-motor vehicular right of way, satisfactory to the City Engineer.

4. A portion of the open space easement granted on Map 14274. Said easement shall be vacated upon realignment and dedication of an open space easement, satisfactory to the City Engineer.

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

APPROVED: CASEY GWINN, City Attorney

By   
William W. Witt  
Deputy City Attorney

WWW:cdk  
01/06/03  
Orig.Dept.: DSD  
R-2003-867

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 9335  
CABRERA II PROJECT

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_, 2003

1. This Tentative Map will become effective on the date of the associated re-zone and will expire three years thereafter. Should the re-zone or street and easement vacations be denied then this 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. 9334.

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

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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. 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.

11. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.

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 San Diego Municipal Code.

13. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code.

14. 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.

15. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Environmental Impact Report (EIR) Addendum, LDR No. 41-1092, satisfactory to the City Manager and City Engineer. Prior to the issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area:

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Hydrology/Water Quality

- a. Drainage systems not located within a public street are private and will be privately maintained. The drainage system proposed for this subdivision is subject to approval by the City Engineer.
- b. 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.

16. The subdivider shall submit a Water Quality Technical Report and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings. All runoff from the site shall be filtered/treated for removal of pollutants prior to leaving the site. The Report 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.

17. Prior to any issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permit, the subdivider shall enter into an Maintenance Agreement for the ongoing permanent BMP maintenance.

19. The subdivider shall enter into a Reservation and Dedication Agreement with the San Diego Housing Commission. The Reservation and Dedication Agreement will detail that

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the 66 affordable housing units [53 units for Torrey Santa Fe project (PRD 98-0292) and 13 units for Torrey Glen project (PRD 98-0261)] originally required to be located at this site, will be located at the Torrey Highlands Village project (PDP 40-0968).

20. Prior to the issuance of the first grading permit, the subdivider shall submit a five (5) year revegetation Plan for the review and approval of the Environmental Review Manager (EMR). The area to be revegetated (0.10 acre) shall be conformance with the City of San Diego Biology Guidelines, Attachment "A", General Outline for Revegetation/Restoration Plans. The Plan shall contain at a minimum, but not be limited to the following:

- a. Existing site conditions
- b. Mitigation roles and responsibilities
- c. Site preparation
- d. Plant installation/irrigation specifications
- e. Maintenance Program
- f. Biological Monitoring, including performance/success criteria and reporting program.

21. Providing streets for this subdivision is dependent upon the prior construction of certain streets in previously approved developments in this area. If they have not been constructed when required for this subdivision, development, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision..

22. The project shall conform to the Transportation Phasing Plan for the Torrey Highlands/Subarea IV in the Public Facilities Financing Plan dated October 1996.

23. The subdivider shall construct Arroyo Grande Road, Via Cresta Road and Sierra Mesa Road as residential local streets. The applicant shall dedicate 54 foot of rights-of-way and provide 34 feet of pavement, curb, gutter and a 5-foot sidewalk within a 10-foot curb-to-property line distance, satisfactory to the City Engineer.

24. The subdivider shall provide a sight distance easement for Lots 17 and 29 along Arroyo Grande Road.

25. The subdivider shall request a deviation from standards for the proposed knuckle at Arroyo Grande Road/Sierra Mesa Road.

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26. The subdivider shall prohibit parking by painting a red curb along Lot 29 frontage on the west side of Arroyo Grande Road.

27. Waste Water

- a. The subdivider 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.
- b. The subdivider 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.
- c. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- d. No approved 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.
- e. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- 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&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

28. Water

- a. Prior to the recordation of the public rights-of-way vacation, final map, or the approval of any parcel map, the subdivider shall demolish all public water facilities, as shown on improvement drawing number 30459-D, within the Torrey Santa Fe Court and Cooper Canyon Road rights-of-way to be vacated, as needed, in a manner satisfactory to the Water Department Director and the City Engineer.
- b. The subdivider shall design and construct a looping system of public 8-inch water facilities within all public rights-of-way traversing the site, in

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a manner satisfactory to the Water Department Director and the City Engineer.

- c. The subdivider shall install encroachment water services, to serve each lot with less than forty (40) feet of frontage on public water facilities or less than ten feet curb to property line distance, in a manner satisfactory to the Water Department Director and the City Engineer.
- d. The subdivider shall install fire hydrants at locations satisfactory to the Water Department, the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water system, then the subdivider shall design and construct a redundant water system in a manner satisfactory to the Water Department Director.
- 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. Easements shall be located within single lots.
- f. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 20 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Easements or lack thereof, as shown on the approved tentative map, will require modification based on standards at final engineering.
- g. 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 modified at final engineering to comply with standards.
- h. The subdivider shall design and construct all irrigations systems to utilize reclaimed water in a manner satisfactory to the Water Department Director.
- i. Providing water for this development is dependent upon prior construction of certain public water facilities in this area. If water 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. Lot A shall have a building restricted easements and be owned and maintained by the Home Owners Association. The pedestrian trail in Lot A shall be a Non-Motor vehicle right-of-way 10 feet wide and graded to comply with ADA requirements.

30. Landscape:

31. 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.

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 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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