

RESOLUTION NUMBER R- 300569ADOPTED ON JUN 21 2005

WHEREAS, Loma Cabrillo LLC and Lennar-Greystone Homes, Inc. Applicant/Subdivider, and Latitude 33, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map, No. 211022, for the subdivision of a 13.4 acre site into two parcels including the creation of 170 residential condominium units, and vacation of the 0.55 acre public Right-of-way known as Kenyon Court for the Cabrillo Point Loma project [Project] located southwesterly of Kenyon and Fordham streets, between Wing and Kemper streets, legally described as Parcel 1 and Parcel 2 of PM No. 19321 and the public Right-of-way known as Kenyon Court, in the CO-1-2 Zone, Coastal Height, Airport Environs and Airport Approach Overlay zones, within the Midway Pacific Highway Corridor Community Plan; and

WHEREAS, on April 21, 2005, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 211022, section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act section 66428, and pursuant to Resolution No. 3713-PC, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the matter was set for public hearing on JUN 21 2005, 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 City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 211022:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code section 125.0440.a and State Map Action sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code section 125.0440.b).

3. The site is physically suitable for the type and density of development (Land Development Code section 125.0440.c and State Map Act sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code section 125.0440.d and State Map Act section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code section 125.0440.e and State Map Act section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code section 125.0440.f and State Map Act section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code section 125.0440.g and State Map Act section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code section 125.0440.h and State Map Act section 66412.3).

9. The property contains right-of-ways and public service easements which must be vacated to implement the Vesting Tentative Map in accordance with San Diego Municipal Code section 125.0430.

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 66445 (j), Kenyon Court, located within the project boundaries as shown in Vesting Tentative Map No. 211022, shall be vacated, reserving therefrom, an easement for utility purposes, and contingent upon the recordation of the approved Parcel Map for the project.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66445 (j), the following public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 211022, shall be vacated, contingent upon the recordation of the approved Parcel Map for the project:

- a) Existing c/l 10' wide sewer easement granted to city of San Diego, per Bk. 6647, pg. 506 rec. July 03, 1957 O.R.
- b) Existing 4' easement of unnamed purposes granted to City of San Diego, per Map No. 3734.
- c) Existing communication easement granted to Pacific Telephone And Telegraph Company per Bk. 6868, pg. 246 Rec. December 12, 1957 O.R.
- d) Existing utility easement granted to San Diego Gas And Electric Company, per Bk. 7091, pg. 556 Rec. May 22, 1958 O.R.
- e) Existing c/l 5' wide communication easement to Pacific Telephone And Telegraph Company per Bk. 7130, pg. 90 Rec. June 19, 1958 O.R.
- f) Existing c/l 10' wide drainage easement granted to City of San Diego per Map 4700.
- g) Existing c/l 10' wide sewer easement granted to City of San Diego per Map 4700.

BE IT FURTHER RESOLVED, that the recommendations of the Planning Commission and Vesting Tentative Map No. 211022, is hereby granted to Loma Cabrillo LLC and Lennar-Greystone Homes, Applicant/Subdivider, subject to the attached conditions which are made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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06/06/05
Or.Dept:DSD
R-2005-1287

CONDITIONS FOR VESTING TENTATIVE MAP NO. 211022

CABRILLO POINT LOMA - PROJECT NO. 23708

GENERAL

1. This Vesting Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the office of the County Recorder.
4. A Final Map shall be recorded in the office of the County Recorder, prior to the Vesting Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Conditional Use Permit No. 211334 (Amendment to Conditional Use Permit No. 88-0252) and Planned Development Permit [PDP] No. 61679.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

7. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

8. The subdivider shall close all existing non-utilized driveways with City standard curb, gutter and sidewalk, on Kenyon Street, per Standard Drawings G-2 and SDG-100.
9. The subdivider shall construct one 20-foot wide, one 30-foot wide and two 26-foot wide driveways, on Kenyon Street, per Standard Drawings G-14A, G-16 and SDG-100.
10. The subdivider shall replace any damaged sidewalk with City standard sidewalk, along the project frontage on Kenyon Street, per Standard Drawings G-7 and G-9.

11. The subdivider shall close the existing Kenyon Court with City standard curb, gutter and sidewalk, on Kenyon Street, per Standard Drawings G-2, G-7, G-9 and SDG-100.
12. The subdivider shall remove the existing 33-inch storm drain and install a new 48-inch public storm drain within a new proposed storm drain easement.
13. Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for all private utilities in the public right-of-way, sewer and storm drain easements.
14. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
15. Prior to the 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.
16. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post construction Best Management Practices [BMP's] on the final construction drawings, consistent with the approved Water Quality Technical Report.
17. The drainage system for this project shall be private and will be subject to approval by the City Engineer. The existing public storm drain system shall be relocated as a public storm drain through the site.
18. 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.
19. 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.
20. 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.

21. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
22. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized.
23. 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.

MAPPING

24. "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].
25. "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."
26. 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.
 - 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.

27. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER

28. 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.
29. 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 vesting tentative map will require modification based on the accepted sewer study.

WATER

30. The subdivider shall replace the existing 8-inch main with a new 12-inch public water main within Kenyon Street right-of-way between the existing Kenyon Court and Fordham Street, in a manner satisfactory to the Water Department Director and the City Engineer.
31. For any future development on the hospital-to-remain site, the subdivider shall remove the existing water services and install new services and meters of appropriate size to serve the future development. These new services must be located within or adjacent to the Kenyon Street right-of-way frontage of Parcel 1 of Map 19321.
32. The subdivider shall design and construct all new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.
33. All on-site water facilities shall be private including all domestic, irrigation, and fire systems. Prior to the approval of any improvement plans, the subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water system that serves or traverses more than a single unit.
34. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department and the City Engineer.
35. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

36. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

GEOLOGY

Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

LANDSCAPE

37. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
38. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of Development Services.
39. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
40. Prior to any grading (building permit) the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.
41. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.
42. SPECIAL CONDITION - TREE REPLACEMENT PROGRAM: Prior to grading permit approval, the Permittee shall provide a tree replacement plan (in

the event transplanted trees do not survive) showing the quantity, size and location of replacement trees at a minimum 24-inch box size. Replacement trees shall be of the same or similar species (such as *Pinus halepensis* or *Pinus ularica*) and shall normally attain the same Form and Function at maturity.

43. SPECIAL CONDITION - LONG-TERM ESTABLISHMENT / MAINTENANCE: Prior to grading permit approval, the Owner and/or Permittee shall enter into a Landscape Establishment/Maintenance Agreement [LEMA] for all tree transplantation and tree replacement. The LEMA shall include a three-five year monitoring period to ensure the success of transplanted trees or replacement trees as necessary. A certified Arborist shall provide annual reports to and request inspections from the Mitigation Monitoring & Coordination [MMC] Section of Development Services. The LEMA shall be approved by the Landscape Section of Development Services.
44. SPECIAL CONDITION - IRRIGATION: The tree replacement plan shall include landscape construction documents with a separate irrigation system. Replacement trees shall be irrigated with a separate low flow or drip irrigation system (including an injection fertilizer mechanism) to insure accelerated growth to compensate for the loss of privacy and bio mass.
45. SPECIAL CONDITION - CHANGES: Any proposed changes to approved plans shall require a Substantial Conformance Review [SCR] or Mitigation Monitoring & Coordination [MMC] approval of field changes or an as-built plan.

ENVIRONMENTAL

46. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration No. 23708 satisfactory to the City Manager and City Engineer. Prior to issuance of any construction permit(s) or filing of final map(s), all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: **Paleontological Resources, Air Quality, Health and Safety, and Utilities-Construction Waste**

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of 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.*).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of

San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- This development may be subject to payment of a park fee prior to the filing of the Final 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.
- Subsequent applications related to 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.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.