

RESOLUTION NUMBER R-300748

ADOPTED ON AUGUST 2, 2005

WHEREAS, Pardee Homes, Applicant/Subdivider, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 8163) to subdivide a 30.1-acre site into 108 single-family lots, one multi-family lot, and eight open space lots, for the Penasquitos West project [Project], located east of Camino del Sur and west of Calderon Road, bound on the north and south by residential development (APN 306-021-15), and legally described as the west half of the south quarter of Section 12, Township 14 South, Range 3 West, San Bernardino Meridian, in the Torrey Highlands Subarea IV Plan area, in the RS-1-14 and RM-1-3 zones; and

WHEREAS, on February 24, 2005, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 8163, and pursuant to Resolution No 05-180-PC voted to recommend City Council approval of the Vesting Tentative Map; and

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

WHEREAS, the matter was set for public hearing on August 2, 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 Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 8163:

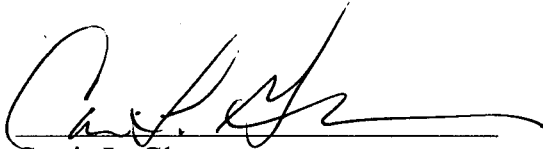
1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the Torrey Highlands Subarea Plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and State Map Act sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the SDMC/LDC (SDMC/LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and State Map Act sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (SDMC/LDC 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 (SDMC/LDC 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 (SDMC/LDC section 125.0440(f) and State Map Act section 6474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC 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 (SDMC/LDC section 125.0440(h) and State Map Act section 66412.3).

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 8163 is granted to Pardee Homes, Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Carrie L. Gleeson
Chief Deputy City Attorney

CLG:pev
09/20/05
Or.Dept:Clerks
R-2006-171
MMS #2010
MAPS Tentative Map 04/05/05

CONDITIONS FOR VESTING TENTATIVE MAP NO. 8163

PENASQUITOS WEST PROJECT

ADOPTED BY RESOLUTION NO. R-300748 ON AUGUST 2, 2005

GENERAL

1. This Vesting Tentative Map will expire on August 2, 2008.
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. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
4. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

5. The Final Map shall conform to the provisions of Planned Residential Permit No. 89234 and Resource Protection Ordinance Permit No. 8166.
6. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
7. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
8. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
10. All driveways and curb openings shall comply with City Standard Drawings G14B, G-16 and SDG-100.
11. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is subject to approval by the City Engineer.

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. 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 SWRC.

A copy of the acknowledgement 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

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 subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

16. 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. 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

17. "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).

18. "California Coordinate System means the coordinate system as defined in Sections 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."

19. 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.

SEWER AND WATER

20. 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.

21. The developer shall construct the Carmel Valley Trunk Sewer or enter into a reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.

22. 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.

23. 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.

24. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium 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/condominium.

25. Providing sewer services for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in this area; and if these facilities 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.

26. The Subdivider shall design and construct all public potable water facilities, as required in the accepted water studies, necessary to serve this development.

Water facilities, as shown on the approved Vesting Tentative Map, will require modification based on the accepted water studies and to maintain potable redundancy throughout construction phasing at final engineering.

27. The Subdivider shall design and construct a system of public reclaimed water facilities, within the public rights-of-way, to front all areas irrigated by irrigation services and meters, in a manner satisfactory to the Water Department Director and the City Engineer. Minimum reclaimed water main size shall be 6 inches in diameter.

28. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. At no time shall more than two fire hydrants or thirty dwelling units be located on dead end water facilities.

29. The Subdivider shall install all public water mains within public streets in a manner satisfactory to the Water Department Director and the City Engineer.

30. The Subdivider shall grant adequate water easements, including paved 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. Water easements, as shown on the approved Vesting Tentative Map, will require modification based on standards at final engineering.

31. 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.

32. The Subdivider shall design and construct all irrigations systems, served by irrigation services, to utilize reclaimed water in a manner satisfactory to the Water Department Director.

33. The Subdivider shall install a water service to serve each lot or provide CC&Rs for the operation and maintenance of on site private water facilities that serve or traverse more than one lot or dwelling unit.

34. 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.

GEOLOGY

35. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.

36. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

LANDSCAPE

37. In the event grading should occur prior to the recordation of the final map, the Subdivider shall submit complete landscape construction documents comprising of plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Technical Manual, Exhibit "A," and to the satisfaction of the City Manager.

38. In the event grading should occur prior to the recordation of the final map, the Permittee or subsequent Owner/Developer shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way and all common areas, including slope revegetation, consistent with Exhibit "A." The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.

TRANSPORTATION

39. Street "A" is classified as a modified residential local street. The applicant shall dedicate a 60-foot right-of-way and shall provide 40 feet of pavement, curb, gutter, and a 5-foot sidewalk within a 10-foot curb to property line distance at the intersection with Camino Del Sur, satisfactory to the City Engineer.

40. The applicant shall provide a standard left-turn pocket of 250 feet in length at the intersection of Camino Del Sur and Street "A," satisfactory to the City Engineer.

41. The applicant shall construct Camino Del Sur as a 6-lane major street along the project's frontage. The applicant shall dedicate 147 feet of right-of-way and shall provide 88 feet of pavement, 24-foot wide median, curb, gutter and a 5-foot to 10-foot sidewalk within 15 -20-foot curb to property line distance, satisfactory to the City Engineer.

42. The applicant shall modify the traffic signal at the intersection of Camino Del Sur and Street "A" to incorporate the proposed project, satisfactory to the City Engineer.

43. Streets "B," "C," "D," and "E" are classified as residential streets. The applicant shall dedicate a 54-foot right-of-way and shall provide 34 feet of pavement, curb, gutter and a 5-foot sidewalk with a 10-foot curb to property line distance, satisfactory to the City Engineer.

ENVIRONMENTAL

44. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

45. As conditions of Resource Protection Ordinance Permit No. 8166 and Planned Residential Development Permit No. 89234, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration, No. 99-1278 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/ MITIGATION REQUIREMENTS.

46. The Owner shall comply with the MMRP as specified in the Mitigated Negative Declaration, No. 99-1278 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: biological resources, historical resources, paleontological resources, noise, traffic/ circulation, water, sewer, solid waste, fire and schools.

47. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

48. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

AFFORDABLE HOUSING

49. The Affordable Housing Requirements of Planned Residential Permit No. 89234 and Resource Protection Ordinance Permit No. 8166, on file with the Development Services Department, are hereby incorporated by reference into this Vesting Tentative Map. The Subdivider shall comply with the affordable element of the Torrey Highlands Subarea Plan. Prior to the recordation of the final map, the Subdivider shall enter into an agreement with the Executive Director of the Housing Authority of the City of San Diego, or designee and the City Manager of the City of San Diego, or designee. The Affordable Housing Requirements are more thoroughly described through conditions of the accompanying Planned Residential Permit No. 89234 and Resource Protection Ordinance Permit No. 8166. Such Permit shall become utilized upon recordation of this Vesting Tentative Map.

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.
- 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.