

RESOLUTION NUMBER R- 301989

DATE OF FINAL PASSAGE OCT 16 2006

WHEREAS, the Leon Perl Family Trust, Applicant/Subdivider, and Cooper Engineering and Associates, Engineers, submitted an application with the City of San Diego for a tentative map [Tentative Map No. 38592], to subdivide a 10.22-acre site into five parcels for the Costa Del Mar II project [Project]. The project site is located at 11655 Arroyo Sorrento Place and legally described as those portions of Parcel 2 and 3 of Parcel Map 11968, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance, Doc. #95-0522519, recorded November 16, 1995, Lot Line Adjustment Plat 95-150 in the Carmel Valley Community Plan area; AR-1-1 zone (proposed AR-1-2 and OC-1-1 zones); and

WHEREAS, on May 11, 2006, the Planning Commission of the City of San Diego considered Tentative Map No. 38592, and pursuant to Resolution No. 4023-PC voted to recommend City Council approval of the 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 Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for a public hearing on OCT 1 6 2006,

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. 38592:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the San Diego Municipal Code/Land Development Code (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 Subdivision 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 (SDMC/LDC section 125.0440(d) and Subdivision 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 Subdivision 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 Subdivision 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 (SDMC/LDC section 125.0440(g) and Subdivision 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 Subdivision Map Act section 66412.3).

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

BE IT FURTHER RESOLVED, that Tentative Map No. 38592, is hereby granted to the Leon Perl Family Trust, Applicant/Subdivider, and Cooper and Associates, Engineer, subject to the attached conditions which are made part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
09/11/06
Or.Dept:DSD
R-2007-272
MMS#3750

CONDITIONS FOR TENTATIVE MAP NO. 38592

COSTA DEL MAR II – PROJECT NO. 17013

ADOPTED BY RESOLUTION NO. ~~R-001989~~ ON OCT 16 2006

GENERAL

OCT 16

1. This Tentative Map will expire on _____, 2009.
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 Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Rezone No. 35893, Planned Development Permit 38591, Site Development Permit No. 38590, Coastal Development Permit No. 38589 and Neighborhood Use Permit No. 295570.

AFFORDABLE HOUSING

5. Prior to the recordation of the final map, the Subdivider 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

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
8. 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 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

9. "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].
10. "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."
11. 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.
12. 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 AND WATER

13. The Subdivider shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single lot.
14. The Subdivider shall construct eight 2-inch water services and one 8-inch fire service per Improvement Drawing Number 32617-D.
15. If the Subdivider makes any request for new water facilities, including services or fire hydrants, the Subdivider shall design and construct such facilities 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.

16. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.
17. 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 of San Diego Water Facility Design guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, may require modifications to comply with standards.
18. All onsite sewer facilities will be private.
19. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
20. The Subdivider shall design any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
21. 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.

TRANSPORTATION

22. The Subdivider shall construct Arroyo Sorrento Place from Arroyo Sorrento Road to the northern cul-de-sac. Said street shall have a standard structural section, 40' of right-of-way with a minimum of 20' pavement including curb and gutter within a 5' to 10' curb to property line distance, satisfactory to the City Engineer.
23. The Subdivider shall assure, by permit and bond, the installation of standard driveways on Arroyo Sorrento Place, to the satisfaction of the City Engineer.

INFORMATION

- The approval of this Tentative Map by the 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.
- Subsequent applications related to this 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 Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

Passed by the Council of The City of San Diego on OCT 1 6 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 1 6 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>R 001989</u>