

9/17/07

RESOLUTION NUMBER R- 302992
DATE OF FINAL PASSAGE SEP 17 2007

WHEREAS, Pardee Homes, Subdivider/Applicant, and Curtis J. Turner, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 232063) and a public right-of-way vacation (Public Right-of-Way Vacation No. 266926) for the subdivision of 44.80 acres and a public right-of-way and easement vacation to allow the development of a 145-lot subdivision to be known as the Carmel Valley Neighborhood Ten project [Project], located in the Carmel Valley Neighborhood Ten Precise Plan area west of Carmel Country Road along both sides of Carmel Mountain Road and at the terminus of Briarlake Woods Drive and Gaylemont Lane, and legally described as:

being a portion of the southwest quarter of the southeast quarter of Section 29, together with a portion of the west 10 acres of the southeast quarter of the southeast quarter of said Section 29, Township 14 South, Range 3 West, San Bernardino Base Meridian, according to Official Plat thereof;

Excepting therefrom that portion granted to the City of San Diego by deed recorded February 29, 2000 as File No. 2000-0101939 of Official Records;

Together with Lot 3 in Section 28, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof;

Together with Lot E of Carmel Valley Neighborhood 10 Unit 12 South (B), according to Map thereof No. 15607 filed in the Office of the County Recorder of San Diego County August 10, 2005;

Together with portions of Carmel Mountain Road, Canter Heights Drive and Coach Horse Court, as dedicated to public use, all being in the City of San Diego, County of San Diego, State of California, in the Carmel Valley Community Plan area, in the SF-2, SF-3 and OS Zones of the Carmel Valley Planned District Ordinance; and

WHEREAS, the Map proposes the subdivision of a 44.80-acre site into 145 lots; 121 lots for single-family development, six open space lots to be deeded to the City of San Diego in fee simple, sixteen lots for ownership by the homeowners association for brush management,

manufactured slopes, monument entries, pocket parks, green space and a private driveway and two homeowners association lots to provide legal and physical access to a parcel beyond the subdivision boundary; and

WHEREAS, the City of San Diego conducted an Initial Study in compliance with the California Environmental Quality Act which concluded that the project would result in significant direct environmental impacts in the following areas: Air Quality, Biological Resources, Landform/Visual Quality, Land Use and Paleontological Resources. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the proposed project as identified in the Addendum to an Environmental Impact Report and Subsequent EIR No. 72526; 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 design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25- Underground Conversion of Utility Lines at Developers Expense.

WHEREAS, on June 21, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 232063, and pursuant to Resolution No. 4275-PC voted to recommend City Council approval of the map; 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 public hearing on SEP 17 2007, 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. 232063:

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 [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 Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (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 (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 (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 (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 (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 (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

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 66434(g), the following public service easements, located within the project boundaries as shown in Tentative Map No. 232063, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. A portion of the water easement granted per deed recorded August 17, 1971, File No. 182708.
- b. A portion of the water easement granted per deed recorded February 23, 1971, Doc No. 33948.
- c. A portion of the public right-of-way granted in survey 65, and the City Council finds that:
 - (1) There is no present or prospective use for the water easements and public right-of-way, for which the water easements were originally acquired, or for any other public use of a like nature that can be anticipated;
 - (2) The public will benefit from the vacation through improved utilization of land made available by the abandonment;
 - (3) The vacation of the water easements and public right-of-way is consistent with any applicable land use plan.
 - (4) The water easement system and public right-of-way for which the easements were originally acquired will not be detrimentally affected by this abandonment, or the purpose for which the easements and public right-of-way were acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the slope easement granted June 1, 2000, Doc No. 2000-0288862, located within the project boundaries as shown in Tentative Map No. 232063, shall be vacated, contingent upon the recordation of the approved final map for the project, and the City Council finds that

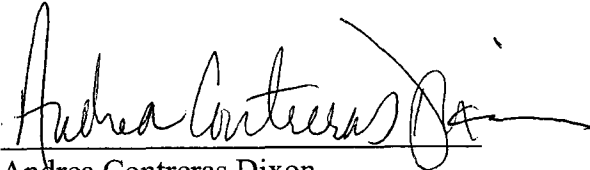
- a. There is no present or prospective public use for the slope easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the abandonment of the slope easement through improved utilization of the land made available by the abandonment;
- c. The abandonment is consistent with any applicable land use plan; and
- d. The public facility or purpose for which the slope easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the slope easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), all of the building restricted easement granted over Lot "E" per final map 15067, August 10, 2005, File No. 2005-0683772, located within the project boundaries as shown in Tentative Map No. 232063, shall be vacated, contingent upon the recordation of the approved final map for the project, and the City Council finds that

- a. There is no present or prospective public use for the building restricted easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the abandonment of the building restricted easement through improved utilization of the land made available by the abandonment;
- c. The abandonment is consistent with any applicable land use plan; and
- d. The public facility or purpose for which the building restricted easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the building restricted easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 232063 and Public Right of Way Vacation No. 232063 is granted to Pardee Homes, Subdivider/Applicant and Curtis J. Turner, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
06/25/07
Or.Dept:DSD
R-2007-1292
MMS #5011

CONDITIONS FOR TENTATIVE MAP NO. 232063

CARMEL VALLEY NEIGHBORHOOD TEN PROJECT

ADOPTED BY RESOLUTION NO. R- 302992 ON SEP 17 2007

GENERAL

1. This Tentative Map will expire September 17, 2010.
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. The Subdivider is permitted to file up to four final maps. The Subdivider has requested to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer may require review of any and all necessary off-site improvements in connection with each map.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Coastal Development Permit No. 225393/Site Development Permit No. 232067.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. Prior to recording the first 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.

ENGINEERING

9. The Final Map shall comply with the provisions of Coastal Development Permit No. 225393/Site Development Permit No. 232067.
10. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. 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.
12. 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.
13. The Subdivider shall obtain a 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.
14. 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.
15. The Subdivider is permitted to file up to four 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
21. All driveways and curb openings shall comply with City Standard Drawings G-14A, G14B, G-16 and SDG-100.
22. The Subdivider shall construct two City standard curb ramps at each curb return.
23. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for the private storm drain pipe and CDS Unit (located at the northeast corner of the Gablewood Way cul-de-sac, as shown on Exhibit 'E' of the Water Quality Technical Report dated April 2007) within the storm drain easement and Gablewood Way right-of-way.

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 existing 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.

WATER

28. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.
29. If the Subdivider makes any request for new water facilities, including services or fire hydrants, then 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.
30. 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.

GEOLOGY

31. 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

32. Prior to recordation of the final map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the L D C."

TRANSPORTATION

33. The Subdivider shall dedicate and construct "Canter Heights Drive" between Carmel Mountain Road and Street "Q" as a 39 foot curb to curb within a 59 foot right-of-way with a 5 foot contiguous sidewalk on the east and a 5 foot non-contiguous sidewalk on the west, to the satisfaction of the City Engineer.
34. The Subdivider shall dedicate a 5 foot general utility easement adjacent to on the east side and beyond the right-of-way of "Canter Heights Drive" between Carmel Mountain Road and Street "Q," to the satisfaction of the City Engineer.
35. The Subdivider shall dedicate and construct a north bound left turn lane and a west bound through/right turn lane at the intersection of Canter Heights Drive and Carmel Mountain Road, to the satisfaction of the City Engineer.
36. The Subdivider shall install no parking signs on both sides of "Canter Heights Drive" between Carmel Mountain Road and Street "Q" and at the terminus of "Briarlake Woods Drive," to the satisfaction of the City Engineer.
37. The Subdivider shall dedicate and construct residential local Streets "N", "Q", "R," and "S" as a 34 foot curb to curb within a 54 foot right-of-way with curb, gutter and 5 foot sidewalk, to the satisfaction of the City Engineer.
38. The Subdivider shall dedicate and construct residential local Streets "F", "Gaylemont Lane" and "Briarlake Woods Drive" as a 36 foot curb to curb within a 56 foot right-of-way with curb, gutter and 5 foot sidewalk, to the satisfaction of the City Engineer.
39. The Subdivider shall dedicate and construct a 50 foot curb radius within a dedicated 60 foot radius right-of-way cul-de-sac with curb, gutter and 5 foot sidewalk on the west end of Street "N" and the terminus of "Gaylemont Lane," to the satisfaction of the City Engineer.
40. The Subdivider shall dedicate and construct a 35 foot curb radius within a 45 foot radius right-of-way cul-de-sac with curb, gutter and 5 foot sidewalk at the terminus of "Briarlake Woods Drive," to the satisfaction of the City Engineer.
41. The Subdivider shall improve and modify the existing traffic signal to a 4-way signal at the intersection of Carmel Mountain Road and Canter Heights Drive, to the satisfaction of the City Engineer.
42. The Subdivider shall construct barricades, gates and signage indicating the end of the street at the terminus of "Gaylemont Lane" and "Briarlake Woods Drive" and Street "S," to the satisfaction of the City Engineer.

PARK & RECREATION

43. Lots "AA," "CC," "G," "H," "I," and "Q" shall be deeded to the City in fee as open space per the Multiple Species Conservation Program and shall be free and clear of all private easements, private encroachments, private agreement and/or liens.
44. Lots "M," "C," and "O" shall have a landscape maintenance easement.

INFORMATION:

- The approval of this Vesting 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 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 Development Services.
- 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.