

# CLERK'S FILE COPY

RESOLUTION NUMBER R-304138

DATE OF FINAL PASSAGE SEP 16 2008

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(R-2009-186)

COR. COPY. 9/16/08

MEET

WHEREAS, Coast Income Properties Inc, Applicant/Subdivider, and C. John Eardensohn, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 352708) for the Torrey Hills project [Project], for subdivision of a 22.3 acre site for 484 residential condominiums and one commercial condominium. The site is located between Vista Sorrento Parkway and West Ocean Air Drive, south of Calle de Mar Mariposa legally described as Lots 1 through 4 of Torrey Hills Unit No. 19, according to Map No. 14301, filed November 13, 2001 as Doc. No. 2001-0823939 in the Torrey Hills Community Plan area; and

WHEREAS, this subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act. Lot 1 has 196 residential units and 1 commercial unit, lot 2 has 188 residential units, lot 3 has 40 residential units, lot 4 has 40 residential units and lot 5 has 20 residential units. The total number of residential units is 484 and the total commercial units is 1; and

WHEREAS the map proposes the subdivision of a 22.3 acres site into five lots for residential and commercial development and two lots for open space and retention of an existing building restriction easement; and

WHEREAS, Environmental Impact Report No. 106228 was prepared in accordance with the California Environmental Quality Act [CEQA]; 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 [SDMC] section 144.0220; and

WHEREAS, on August 7, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 352708, and pursuant to Resolution No. PC-4443-PC-2 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on September 16, 2008, the Council of the City of San Diego considered Vesting Tentative Map No. 352708 and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, 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; 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. 352708:

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 (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 and the proposed improvements are likely not to cause substantial environmental damage or substantially and unavoidably 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 and 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 and 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)).

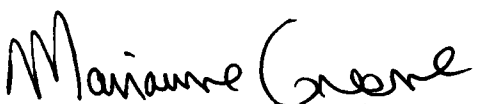
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

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).

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 352708 is granted to Coast Income Properties, Inc Applicant/Subdivider, and C. John Eardensohn, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Marianne Greene  
Deputy City Attorney

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CONDITIONS FOR VESTING TENTATIVE MAP NO. 352708

TORREY HILLS - PROJECT NO. 106228

ADOPTED BY RESOLUTION NO. R-304138 ON SEP 16 2008

**GENERAL**

1. This Vesting Tentative Map will expire September 16, 2011.
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 subdivide the existing site into five lots shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 352707.

**ENGINEERING**

5. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
6. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
7. The Subdivider shall close all existing non-utilized driveways on West Ocean Air Drive with City standard curb, gutter and sidewalk.
8. The Subdivider shall construct a 26-foot City standard driveway on West Ocean Air Drive.
9. The Subdivider shall replace all existing pedestrian ramps adjacent to the project site with City standard pedestrian ramps with truncated domes.
10. The Subdivider shall grant additional rights-of-way adjacent to the existing curb openings on Calle Mar De Mariposa to provide adequate landings for the pedestrian ramps.
11. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

12. 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.
13. 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.
14. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
15. 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.
16. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), 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.
17. 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 Section C.7 of SWRCB Order No. 99 08 DWQ.
18. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
19. Prior to recording the Final Map, all existing on-site utilities serving the subdivision shall be under grounded 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 under grounding, satisfactory to the City Engineer.
20. 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**

21. "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).
22. "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."
23. 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.

## **WATER**

24. The Subdivider shall design and construct new on-site 12-inch public water facilities, in a manner satisfactory to the Water Department Director and the City Engineer. Approval of final alignment, grade, easements and connection of the proposed water mains will be determined at final engineering plan check.
25. 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 and the City Engineer.

26. The Subdivider shall provide keyed access to the Water Operations Division if the proposed project is a gated community, in a manner satisfactory to the Water Department Director, on each gate located within any easement containing public water facilities. The City will not held responsible for any issues that may arise relative to the availability of keys.
27. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main, then the Subdivider shall design and construct adequate facilities to provide a redundant water supply.
28. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
29. 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 shall be modified at final engineering to comply with standards.

#### **WASTEWATER**

30. All onsite sewer facilities will be private.
31. 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 Vesting Tentative Map will require modification based on the accepted sewer study.
32. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

#### **GEOLOGY**

33. 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."



## **PARK AND RECREATION**

34. The Subdivider shall, on the Final Map, indicate a recreation easement for public access and use over the 1.05 acre park area within Lot 3, in conformance with the approved Vesting Tentative Map, to the satisfaction of the City Engineer and the Park and Recreation Director.
35. The Subdivider shall, on the Final Map, indicate a Landscape Maintenance Easement over all slope areas to be maintained by the Torrey Hills Maintenance Assessment District, to the satisfaction of the City Engineer and the Park and Recreation Director.
36. Prior to the issuance of an engineering permit for grading of the site, the grading plans shall be reviewed and approved by the Park and Recreation Department.
37. Prior to recording the Final Map, the Subdivider shall make a cash contribution of \$1,000,000 to a separate interest bearing bank account, specifically created and reserved for a recreation center to improve the remaining undeveloped four acres of park land in the Torrey Hills community.

## **HOUSING COMMISSION**

38. The Subdivider shall comply with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, §144.0505). Prior to recording a final map, the Subdivider either 1) enter into an agreement with the San Diego Housing Commission to ensure that the project provides for Tenant Relocation Benefits (in the event the units will be rented by tenants prior to condominium conversion) or 2) certify under the penalty of perjury that the units will not be occupied by tenants prior to condominium conversion. In addition, the Subdivider must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, §144.0503).

## **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.

- 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 90 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.
- The Subdivider shall conform to Municipal Code provisions for “Public Improvement Subject to Desuetude or Damage.” If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer
- 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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON SEPTEMBER 16, 2008.

\*Cor.Copy 10/07/08