

RESOLUTION NUMBER R- 306731

DATE OF FINAL PASSAGE MAR 29 2011

A RESOLUTION OF VESTING TENTATIVE MAP NO. 601114
FOR GABLES CARMEL VALLEY – PROJECT NO. 167252.

WHEREAS, Lion Gables Realty Limited Partnership, Applicant and Marvin Del Carmel, General Partnership, Robert L. Blosser and June C. Hudson, Husband and Wife, Subdivider, and Trudi Lim, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 601114, for the subdivision of the site into five separate parcels. The project site is located at the southeast corner of Tang Drive and Carmel Creek Road in the in the existing CVPD MF-1 zone (proposed CVPD MF-3) zone of the Carmel Valley Neighborhood 8 Precise Plan; and

WHEREAS, the Vesting Tentative Map proposes the subdivision of a 5.22 acre site into 5 lots as follows: Lot 1 for Multi-Family residential, Lot A and Lot B for Open Space, Lot C for MHPA, and Lot D for Tang Drive; 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, on March 29, 2011, the Council of the City of San Diego considered Vesting Tentative Map No. 601114 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. 601114:

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)). The proposed subdivision would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Carmel Valley Neighborhood 8 Precise Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440(b)). The proposed subdivision would comply with the development regulations of the underlying MF3 Zone and all of the applicable development regulations of the Land Development Code. This application includes a request to deviate from three requirements. The requirements are: 1) from LDC Section 131.0443(d)(1)(A) to allow a ten foot front yard setback for approximately 212 linear feet where a variable front yard setback of fifteen to twenty feet is required, 2) from LDC Section 142.0340(d) to allow a retaining wall system of two tiers with heights up to nineteen feet where each retaining wall is allowed to be a maximum of six feet high in the side yard setback, 3) from LDC Section 142.0560, Table 142-05J which requires automobile parking spaces to be a minimum of 18 feet long to allow 35 spaces to be 17 feet long and 18 spaces to be 15 feet long due to the proposed storage lockers above these spaces. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. The deviations are considered minor and determined to be consistent with the purpose and intent of the Carmel Valley Planned District MF3 zone and the Planned Development Permit regulations.

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)).

The proposed subdivision would be consistent with the recommended residential land use and density range of the Carmel Valley Neighborhood 8 Precise Plan and would comply with the applicable development of the underlying Carmel Valley Planned District MF3 Zone. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

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)). An initial study was conducted for the proposed subdivision in accordance with the California Environmental Quality Act (CEQA) that determined the project could have potential adverse impacts to (list impacts). A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. Therefore, 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.

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)). The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

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)). The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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)). The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

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). The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine 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 and found that the addition of 92 residential apartment units would assist the housing needs of the Carmel Valley community.

9. The Subdivider will continue to be required to underground any new service run to the proposed structures within the subdivision. All new services will be placed underground consistent with City standards.

10. 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. All proposed, privately owned underground utilities will be constructed with accepted engineering practices and meet or exceed requirements of the Municipal Code and Council Policy No. 600-25.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

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

SMT:als
3/07/2011
Or.Dept:DSD
PL#2011-05875

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 601114
GABLES CARMEL VALLEY - PROJECT NO. 167252

ADOPTED BY RESOLUTION NO. R- 306731 ON MAR 29 2011

GENERAL

1. This Vesting Tentative Map will expire on MAR 29, 2014.
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 issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The Final Map shall conform to the provisions of Planned Development Permit No. 601111, Site Development Permit No. 601110 and Coastal Development Permit No. 652351.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The existing 90 watt, low-pressure sodium street light along the site frontage will be required to be upgraded to a 150 watt, high-pressure sodium, full cutoff Type III fixture, to the satisfaction of the City Engineer.
7. Prior to the issuance of any permits, the Subdivider shall provide a letter of concurrence from the adjacent property owner for the offsite grading within their property.

8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the 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.
10. 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. RR-297376.

MAPPING

11. "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).
12. "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."
13. The 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.

GEOLOGY

14. 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."

MSCP

15. Prior to recording the final map, the on-site MHPA within Lot C shall be conveyed to the City's MSCP preserve through a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Game [CDFG]. Lot C shall remain in private ownership and be maintained in perpetuity by the Subdivider. The language of the covenant of easement shall allow for the restoration and revegetation of the area.

LANDSCAPE

16. Prior to recording 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 zones per Section 142.0412 of the Land Development Code."

PUBLIC UTILITIES

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. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.
18. 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.
19. No trees or shrubs exceeding three feet in height at maturity shall be located within ten feet of any public sewer mains or laterals.

TRANSPORTATION

20. The Subdivider shall relinquish abutter's rights of access to Tang Drive, satisfactory to the City Engineer.

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 Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.