

RESOLUTION NUMBER R- 265578

ADOPTED ON APR 28 1986

WHEREAS, on January 6, 1986, the Subdivision Board of The City of San Diego, subject to certain conditions, approved Tentative Map No. TM-83-0896.1; and

WHEREAS, the decision of the Subdivision Board to approve TM-83-0896.1 was appealed to the Planning Commission of The City of San Diego; and

WHEREAS, on February 13, 1986, the Planning Commission heard the appeal of the Subdivision Board's decision to approve TM-83-0896.1 and voted 6 to 0 to uphold the decision of the Subdivision Board and approve Tentative Map No. TM-83-0896.1, subject to certain conditions; and

WHEREAS, on February 19, 1986, pursuant to the provisions of San Diego Municipal Code Section 102.0308, RANCHO DEL SOL PARTNERSHIP and ROBERT D. BARCZEWSKI, filed by PAUL C. ZUCKER, ZUCKER SYSTEMS, appealed the decision of the Planning Commission in approving the proposed tentative map submitted by PAUL ZUCKER and PACIFIC SOLAR PROPERTIES, INC., for a change to reflect a total number of 47 lots over a site area of 264.0 gross acres, located on the south side of Black Mountain Road, approximately one mile east of the intersection of Black Mountain Road and Carmel Valley Road, in the North City West and Penasquitos East communities, in the A-1-10 Zone; and

WHEREAS, said appeals were set for public hearing on March 31, 1986, and continued to April 14 and 28, 1986, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeals is empowered by the provisions of San Diego Municipal Code Section 102.0308 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Council adopts the findings of the Planning Commission as follows:

1. The proposed map is consistent with the General Plan and community plan which designate the property for agricultural residential use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan, community plan, A-1-10 Zoning/Development Regulations and State Map Act Section 66473.1 regarding solar access.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision.

4. The site is physically suitable for agricultural development.

5. The site is suitable for the proposed agricultural density of development.

6. The design of the subdivision or the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Mitigated Negative Declaration No. EMND-85-0349.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with A-1-10 zoning and conforms with City development regulations and with Planned Residential Development Permit No. PRD-83-0896.1.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

9 The Planning Commission has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego and hereby finds, pursuant to Section 66412.3 of the Government Code that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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

BE IT FURTHER RESOLVED, that the appeals of RANCHO DEL SOL PARTNERSHIP and ROBERT D. BARCZEWSKI, by PAUL C. ZUCKER, ZUCKER SYSTEMS, are denied; the decision of the Planning Commission to deny the appeals is sustained, and Tentative Map No. TM-83-0896.1 is hereby granted, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By *Frederick C. Conrad*
Frederick C. Conrad
Chief Deputy City Attorney

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TENTATIVE MAP NO. TM-83-0896.1

CONDITIONS

1. This tentative map will expire concurrently with Planned Residential Development Permit No. 83-0896.1.
2. The "General Conditions of Approval for Tentative Subdivision Maps" filed in the office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
3. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This property is also subject to a Building Permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
4. The subdivider must provide a geological report on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of Municipal Code Section 62.0410 et seq.
5. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
6. The subdivider shall revise the dedicated alignment of Black Mountain road, both adjacent to the subdivision and off-site to the east, in order to eliminate the reversing curves in a manner satisfactory to the City Engineer. This revised dedication alignment and the required improvements shall be to the prime arterial standards, including access rights relinquishment.

Improvements shall consist of a minimum of 40-foot-wide paved roadway within a 60-foot-wide dedicated right-of-way, meeting the existing pavement where feasible and an AC berm on both sides of the roadway, both adjacent to and within the subdivision.

Within the subdivision, the subdivider shall grant a 31-foot-wide street reservation adjacent, plus slope and drain easements where appropriate, to the required 60-foot-wide dedicated right-of-way westerly of Street "A" for an ultimate right-of-way width of 122 feet. Easterly of Street "A", a street reservation for the ultimate 122 feet of right-of-way shall be provided on the approximate alignment of the existing water main easement. All the area between this reservation and the dedicated right-of-way to the north shall be included in the street reservation.

7. The subdivider shall enter into an agreement with the City, waiving the right to oppose a special assessment initiated for future street improvements on Black Mountain Road and sidewalks on Street "A."

8. Street "A" is designated as a four-lane collector (72/92) and shall be partially dedicated and improved as a two-lane roadway with a 40-foot-wide paved roadway within a 60-foot-wide right-of-way with curbs and sidewalk on the west side and berm on the east side and a standard residential cul-de-sac located southerly of the intersection with Street "B". In addition, a 32-foot street reservation shall be included on the easterly side to provide for an ultimate four-lane collector.
 - a. The private street within Lot A representing a southerly extension of Street "A" to Carmel Valley Road shall be designed as a four-lane collector street and shall be located within a 92-foot-wide street reservation. Improvements shall consist of a 40-foot-wide pavement with curbs and sidewalks on the westerly side and berm on the easterly side. This street reservation shall be extended southerly to intersect with the future Carmel Valley Road in a manner satisfactory to the City Engineer.
9. The centerlines of Street "A" and Via de Pico Alto at Black Mountain Road shall be in alignment as required by the City Engineer. This may require additional dedication and paving on Via de Pico Alto.
10. The remaining streets within the subdivision shall be named, non-dedicated, privately maintained, private streets constructed to the alignment and structural section standards for local streets. Improvements will consist of a 32-foot-wide paved roadway, with concrete curbs on both sides, within a 52-foot-wide general utility and access easement. Rolled curbs may be constructed where approved by the City Engineer.
11. If a security gate is constructed at the entrance to the private street system, the subdivider shall provide additional right-of-way for the private street adjacent to Street "A," as required by the City Engineer, so that vehicles trying to gain access to the project will be able to turn around without backing up into the dedicated right-of-way of Street "A." Also, a minimum 20-foot-wide paved roadway shall be provided on both sides of any median.
12. Water Requirements:
 - a. Install a pressure reducing station at the intersection of Black Mountain Road and Street "A".
 - b. Install a 16-inch water main in Black Mountain Road between Via de Pico Alto and the westerly subdivision boundary or the westerly end of the new street improvements in Black Mountain Road, whichever is greater; in an easement along the westerly lot line of Lots 40 and 41; in the private street adjacent to Lots 18 and 19; 41 through 43; and in Street "A" north of a private street south of Lot 18 and Black Mountain Road.
 - c. Install parallel 16-inch water main in Black Mountain Road between Via de Pico Alto and the easterly subdivision boundary.

- d. Install eight-inch water main in a private street adjacent to Lots 27 through 31 and the private streets adjacent to Lots 21 through 23 and Lot 11.
- e. Install parallel eight-inch water main in private street (Lot A) southerly of Street "A".
- f. Install six-inch water main in the private street between Lot 37 and 40; in the private street between Lot 12 and 15; and in the private street between Lots 20 and 25.
- g. Install fire hydrants at locations satisfactory to the Fire Department.

13. Sewer Requirements:

- a. Install a system of gravity sewer mains as shown on the approved tentative map connecting to the existing McGonigle Canyon trunk sewer.
 - b. Lot 46 will be allowed to be temporarily pumped into the gravity sewer system south of Black Mountain Road by an Encroachment Permit.
 - c. Prior to Council approval of the final map, the subdivision shall deposit cash with the Water Utilities Department for Lot 46's share of the cost of building the Gonzales Canyon trunk sewer.
14. The subdivider shall grant a Planned Residential Development-type non-building easement over Lot 24 in Unit 3. The conditions of this non-building easement shall permit the equestrian center to be established and maintained on Lot 24 for the use of the residents within the Planned Residential Development only.
15. Negative open space easements shall be granted on areas A, B, D, E, and H. Positive open space easements shall be granted on areas C, F, and G. The negative open space easement shall contain conditions which will allow for agricultural and non-commercial recreational uses developed to serve the residents of the Planned Residential Development, as may be approved by the Planning Director and in conformance with the provisions with the Planned Residential Development permit.
16. In connection with the first unit, the subdivider shall improve off-site Carmel Valley Road adjacent to Parcel 2 of Parcel Map 12086 to eliminate the sharp reversing curves. The required improvements will provide a 20-foot-wide paved roadway through the most southerly 500-foot-radius curve along the tangent section of the right-of-way northerly of the curve, meeting the existing paving to both the north and south.
17. In connection with the approval of the final map for Unit No. 2 as shown on the approved tentative map, the subdivider shall provide an alignment and grade study for Carmel Valley Road within and adjacent to the subdivision that is satisfactory to the City Engineer. This study shall extend a sufficient distance off-site to demonstrate the appropriateness of the alignment as it impacts adjacent properties.

18. As condition of approval for final map for Unit No. 2, the subdivider shall grant a street reservation, as required by the City Engineer for the portion of Carmel Valley Road within the subdivision. The reservation shall provide for a six-lane primary arterial with slope rights and drain easements.

As a part of this requirement, the subdivider shall acquire the off-site mid-section of Carmel Valley Road as a street reservation, together with slope rights and drain easements.

19. Prior to the approval of off-site improvement plans for the realignment of Black Mountain Road and Carmel Valley Road, environmental clearance shall be obtained from the Deputy Director of the Environmental Quality Division.
20. This map shall conform to Planned Residential Development No. 83-0896.1.
21. Prior to the filing of the final map(s), the subdivider shall submit "Letter(s) of School Availability" from the applicable school District in accord with Council Policy.
22. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
23. The Improvement Phasing, shown on the tentative map, is approved only to the extent that they are compatible with and conform to the conditions contained herein, provided, however, that widening and channelization may be required at the intersection of Black Mountain Road and Street "A" to accommodate traffic.
24. Prior to approval of the first unit within the tentative map, the subdivider shall enter into a binding development agreement with the City by which he consents to future establishment of any necessary assessment districts covering the subject community's financing plan area and by which he consents to the payment of an estimated Facilities Benefit Assessment fee to be paid at the time of building permit issuance.
25. The subdivider shall provide a street reservation for a six-lane primary arterial facility, including slope and drain easements, along the approximate alignment of Highway 56 and shall identify the additional right-of-way required for the ultimate improvement of the freeway as separate lots within the subdivision, in a manner satisfactory to CalTrans.
26. The private street in Lot A, Unit 1, shall provide for an ultimate connection to Carmel Valley Road through Unit 2. In connection with the approval of the final map for Unit 2, the Lot A roadway in Unit No. 1 shall be extended northerly to a future connection with Carmel Valley Road. This connecting road shall be dedicated and improved as a 36/56 local street.
27. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for Black Mountain Road, Carmel Valley Road, and the unnamed prime arterial street located within the future right-of-way for Highway 56.

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-265578* Adopted APR 28 1986