

RESOLUTION NUMBER R-267921

ADOPTED ON MARCH 24, 1987

WHEREAS, RANCHO BERNARDO COMMUNITY PLANNING BOARD, by Gary A. Kreitzer, appealed the decision of the Planning Commission in approving Tentative Map No. TM-85-0399 submitted by WESTWOOD VALLEY PARTNERSHIP and CHARLES W. CHRISTENSEN & ASSOCIATES for a 354-lot subdivision of a portion of Rancho San Bernardo, located north of Rancho Bernardo Road east of the City-County limits, in the Rancho Bernardo Community Plan area, in the R1-5000 and R1-5000 SLO Zones; and

WHEREAS, said appeal was set for public hearing on March 3, 1987, and continued to March 24, 1987, 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 this Council adopts the following findings with respect to Tentative Map No. TM-85-0399:

1. The map proposes a 354-lot subdivision of a 139-acre site for residential development. This type of development is consistent with the General Plan and Rancho Bernardo Community Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the R1-5000 and R1-5000 SLO Zones in that:

a. All lots have frontage on a dedicated street which is open to and usable by vehicular traffic.

b. All lots meet the minimum dimension requirements of the R1-5000 Zone.

c. All lots are designed so that required improvements do not result in nonconforming lots with respect to building area, setbacks, side yard and rear yard regulations.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating and/or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is suitable for the proposed density of development. This is consistent with the community plan which provides for this density.

6. The design of the subdivision or the proposed improvements are likely relating to grading based upon the findings in Environmental Impact Report No. EIR-85-0453 which is included herein and made a part hereof by reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch the needed public services and facilities are available or required by condition of this map.

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 as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

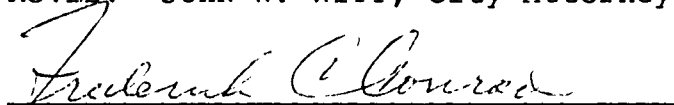
9. This Council has reviewed the adopted Housing Element, the Progress Guide and General Plan for The City of San Diego and hereby finds, pursuant to Government Code Section 66412.3 that the housing needs of the region are being met since residential development has been planned for the area and public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

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

BE IT FURTHER RESOLVED, that the appeal of RANCHO BERNARDO COMMUNITY PLANNING BOARD is denied; the decision of the Planning Commission is sustained, and said Tentative Map No. TM-85-0399 is hereby granted to WESTWOOD VALLEY PARTNERSHIP and CHARLES W. CHRISTENSEN & ASSOCIATES, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

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Or.Dept:Clerk
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TENTATIVE MAP NO. TM 85-0399 CONDITIONS
CITY COUNCIL

1. This map shall expire March 24, 1990.
2. The "General Conditions of Approval for Tentative 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. 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.

The undergrounding of 60KV or larger overhead transmission facilities located along the City/County boundary is exempt. The undergrounding of existing 12KV distribution facilities underbuilt on the existing transmission line towers is waived.

4. The subdivider must provide a geological reconnaissance 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. This property is subject to payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Rancho Bernardo Community Plan area.
6. Poblado Road/K Street/Duenda Road shall be dedicated and fully improved as a collector street with curbs, sidewalks, and a 40-foot-wide paved roadway within a 60-foot-wide right-of-way, as shown on the approved tentative map, with a minimum centerline radius of 500 feet.
7. The remaining streets shall be dedicated and fully improved as local streets with curbs, sidewalks, and a paved roadway as shown on the approved tentative map.

Streets "B" and "F" shall have 36-foot-wide paved roadway within a 56-foot-wide right-of-way. "E" Street shall be paved 32 feet wide within a 52-foot-wide right-of-way widening in a manner satisfactory to the City Engineer to meet the existing 36/56 section constructed in Autillo Way to the south.

8. Flood Control Requirements:
 - a. Portions of this subdivision have been identified as lying within a floodway and a floodplain fringe. The subdivider shall grant a

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flowage easement in a manner satisfactory to the City Engineer over the property within the floodway.

- b. The development of any property within the floodplain fringe shall require the property to be graded to an elevation higher than the 100 year frequency flood elevation plus two feet.
 - c. The subdivider shall provide a hydraulic and a hydrologic study for approval by the City Engineer.
 - d. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for flood control facilities.
 - e. The subdivider shall denote on the map and improvement plans as subject to inundation those areas at an elevation lower than the 100 year of frequency flood elevation plus one foot.
 - f. The subdivider shall provide slope protection as required by the City Engineer where the velocities exceed 5 f.p.s.
9. The subdivider shall grant a negative open space easement over the natural slopes within Lots AA through EE and Lot GG in a manner satisfactory to the Park and Recreation Director.
10. Lots FF and HH shall be deeded to the City for open space purposes. The deed conveying the property to the City of San Diego is to be submitted to the City Council for acceptance concurrently with the filing of the final subdivision map. No park fee credits will be given because of this land transfer.

The subdivider shall construct a pedestrian path, acceptable to the Park and Recreation Director, through these lots and shall provide evidence satisfactory to the Park and Recreation Director showing that the pedestrian path will be maintained by the homeowners association, or some other means determined satisfactory by the Park and Recreation Director.

11. The subdivider has expressed a desire to develop a portion of Lot FF as a mini-park. This proposal is subject to approval by the Park and Recreation Director. If approved:
- a. the subdivider shall retain fee title to that portion of Lot FF to be developed as a mini-park.
 - b. All development of the mini-park shall be the responsibility of the subdivider, including a pedestrian path along the western edge of the mini-park as an open space connecting link.

- c. All subsequent maintenance of the mini-park and the pedestrian path shall be the responsibility of the subdivider through a home owners association, or other means determined satisfactory by the Park and Recreation Director.
 - d. The subdivider shall grant to the City of San Diego a positive open space easement over the area covered by the mini-park and pedestrian path, granting access to the general public equal to that of the subdivision home owners.
12. The variable slope area between Lots 106 through 110 and Poblado Road shall be a separate lot with a non-building area easement granted over the lot and shall be maintained by the homeowners association.
13. The subdivider shall construct traffic signal systems, in a manner satisfactory to the City Engineer, at the following intersections:
- a. Rancho Bernardo Road and Matinal Road
 - b. West Bernardo Drive and Matinal Road
 - c. West Bernardo Drive and Duenda Road.

The funding of these traffic signal systems was identified in the Rancho Bernardo Financing Plan. The two traffic signal systems on West Bernardo Drive are to be funded through traffic signal charges collected with building permits. The traffic signal at Rancho Bernardo Road and Matinal Road is funded 50 percent by TSC and 50 percent by developers.

The construction of all three traffic signal systems is a requirement of this tentative map. The subdivider may be authorized a credit/reimbursement of traffic signal charges applicable to the dwelling units within the subdivision through an agreement approved by the Council in connection with Council approval of the first final map. The amount of the credit/reimbursement shall be determined by the City Engineer.

14. Water Requirements:

- a. Provide a water study for Westwood Valley for approval by the Water Utilities Director.
- b. Install a system of water mains and facilities in compliance with this approved water study.
- c. Install fire hydrants at locations satisfactory to the City Engineer.

15. Sewer Requirements:

- a. Provide a sewer study for Westwood Valley for approval by the Water Utilities Director.
 - b. Install a system of sewer mains and facilities in compliance with this approved sewer study.
16. The drainage system proposed for this subdivision shown on the approved tentative map is subject to approval by the City Engineer.
17. Grading and improvement plans for Units 6 and 9 shall be reviewed and approved by the Deputy Director of the Environmental Quality Division, to ensure that the following archaeology monitoring program is specified on the grading and improvement plans:
- a. The applicant shall implement the following archaeology monitoring program to mitigate potential indirect impacts to sites SDi-5938 (Locs 1 and 4); and W-219 and W-1489.
 1. A letter shall be submitted to the Deputy Director of the Environmental Quality Division stating that a qualified archaeologist has been retained to conduct the archaeology monitoring program.
 2. Grading plans and schedule shall be provided to a qualified archaeologist in advance of actual grading
 3. A qualified archaeologist shall be present at any pre-grade meetings to discuss grading plans with the contractors.
 4. Prior to any grading within Units 6 and 9, the sites shall be staked and fenced. The archaeologist monitor shall be on-site during all grading in the vicinity of Sites SDi-5938 (Locs 1 and 4), W-219 and W-1489 to ensure that no indirect impacts occur to these sites.
 5. The archaeologist monitor should be allowed to temporarily direct or divert grading, should any portion of the sites be impacted.
 6. A report describing the results of the above monitoring program shall be submitted to the Deputy Director of the Environmental Quality Division after the monitoring is completed.
18. Prior to Council approval of the final map, the subdivider shall provide evidence satisfactory to the Deputy Director of the Environmental Quality Division showing that the subdivider will implement a phased archaeological mitigation program in accordance with the "Research Design and Significance Evaluation for a Phase II Data Recovery Mitigation Program for the Westwood Valley Project" which is on file in the Environmental Quality Division.

19. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering Department for each final map processing in connection with this vesting tentative map.
20. Prior to Council approval of the final map, the subdivider shall provide evidence satisfactory to the Park & Recreation Director showing that the residents within this subdivision shall have membership within a private recreation facility.
21. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or Future Urbanizing. As such, special financing plans have been, or will be established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into a development agreement, paying a facilities benefit assessment, or such other means as may have been established by the City Council.

22. Prior to the filing of the final map(s), the subdivider shall submit "Letter(s) of School Availability" from the Poway Unified School District in accordance with Council Policy.
23. 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.
24. This map shall conform to the conditions of Hillside Review Permit 85-0453.
25. Prior to Council approval of the final map of Units 5 & 6, the applicant shall enter into an agreement with the City requiring the applicant to implement a 1.4 acre wetlands enhancement program, as described in detail in the final Environmental Impact Report for the Westwood Valley project dated November 13, 1986. This agreement shall be reviewed and approved by the Deputy Director of the Environmental Quality Division and recorded with the County Recorder.

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Passed and adopted by the Council of The City of San Diego on MAR 24 1987,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
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

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