

RESOLUTION NUMBER R-271350

ADOPTED ON JULY 5, 1988

WHEREAS, James A. Clarke, Owner/Permittee, appealed the decision of the Planning Commission in denying Vesting Tentative Map No. 87-0883 submitted by Sunburst Homes Corporation, a general partnership - James A. Clarke and William C. Ruzich, principal owners, to construct a planned residential development described as Southwest 1/4 of the Southwest 1/4 of Section 26, Township 14 South, Range 2 West and a portion of Northwest 1/4 of Section 35, Township 14 South, Range 2 West, SBM, located at the northwest side of Pomerado Road, east of the existing terminus of Fronsac Court, in the Scripps Miramar Ranch Community Plan area, in the R1-6000, R-2500, R-3000, CN and Hillside Review Overlay Zones; and

WHEREAS, the matter was set for public hearing on July 5, 1988, 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 Vesting Tentative Map No. 87-0883:

1. The map proposes the subdivision of a 56.7 acre site into 334 lots for residential development. This type of development is consistent with the General Plan and the Scripps Miramar Ranch

Community Plan. An overall community goal of the Community Plan is to "maintain and enhance the rural-residential characteristic of the existing Scripps Miramar Ranch, while promoting a variety of housing opportunities throughout the community." A residential element objective is to "[p]romote a variety of housing types and prices throughout the community in support of the City-wide concept of balanced housing opportunities" and "[e]ncourage quality design of family-oriented homes emphasizing usable outdoor living area on the home sites." Almost all of the residential areas of the existing Scripps Miramar Ranch are developed with single-family homes on relatively large lots. The map and associated planned residential development provides a variety of housing opportunities; single-family homes on standard lots, single-family homes on small lots, and duplexes. The single-family lots, as well as duplex homes, provide outdoor living areas on the home sites. As demonstrated by the project's architecture, the single-family homes on small lots have many of the small qualities of homes on larger lots. The Community Plan recognizes that the County Island provides an "extensive amount of common external open space systems." In view of this, the Community Plan states that "consideration should be given to relaxing the standards for usable open space in each subdivision in order to minimize grading." Nonetheless, this project exceeds the open space requirements of the Planned Residential Development Ordinance. The project meets a number of the parks, recreation and open space objectives of the Community Plan, by providing a pedestrian trail from the park to the Cypress Canyon

Open Space, topographic open space buffers including a one hundred (100) foot landscaped buffer between existing single-family homes and the proposed single-family homes, and almost fifty percent (50%) of the project is in some type of open space. As required by the Community Plan, the project is "in substantial conformance with the conceptual grading plan and land use plan adopted by the City Council in association with the approved plan amendment for this area."

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the R1-6000, R-3000, R-2500, and CN Zones in that:

A. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, only as allowed under a planned residential development permit.

B. All lots meet the minimum dimension requirements of the R1-6000, R-3000, R-2500, and CN Zones, only as allowed under a planned residential development permit.

C. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations only as allowed under a planned residential development permit.

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 coverage of development and the character and design of the proposed open space is in substantial compliance with the conceptual grading plan and land use adopted by the City Council.

5. The site is physically suitable for the proposed density of development. It is consistent with the Community Plan which provides for low density (3-5 du/ac), low-medium (5-10 du/ac) and medium (10-15 du/ac) residential and open space.

6. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of Addendum No. 87-0884 to Environmental Impact Report No. 84-0744 which is included herein by this reference. However, a finding has been made pursuant to Subdivision (c) of Section 21081 of the Public Resource Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Addendum and Environmental Impact Report.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available/or required by condition of this map to provide for water and sewage facilities as well a other related public services.

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.

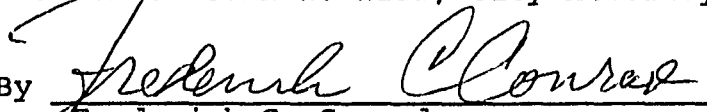
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan for The City of San Diego and hereby finds, pursuant to Section 64412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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 James A. Clarke, Owner/Permittee, is granted; the decision of the Planning Commission is overruled, and Vesting Tentative Map No. 87-0883 is hereby granted to Sunburst Homes Corporation, a general partnership - James A. Clarke and William C. Ruzich, principal owners, 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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CITY COUNCIL CONDITIONS  
TM 87-0883

1. This tentative map will become effective with either the effective date of the County Island Annexation, or with the date of Council approval of the associated street vacation, whichever ever occurs later. The tentative map will expire three years from such approval. If the annexation or street vacation are denied, this tentative map shall be deemed denied.
2. Concurrent with the recordation of the final map, the Resolution of Vacation shall be recorded. The City Council shall conditionally approve the vacation of the unused portions of Pomerado Road with the approval of the tentative map. The closing of Pomerado Road is to be coordinated with the recordation of the annexation of County Island and shall not be reopened until alternative 8A is completed as a 4-lane road from Pomerado Road to Interstate 15.
3. The "General Conditions 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.

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. 769635.

4. This property is subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Scripps Miramar Ranch Community Plan area.

The subdivider shall initiate an agreement with the City to establish the procedure for the payment of such park fees for the development of the County Island Annex.

5. The subdivider must provide a geological reconnaissance report on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
6. 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.
7. Pomerado Road shall be constructed to 4-lane major street standards at Spring Canyon Road transitioning southerly to the 56-foot-wide to 70-foot-wide right-of-way as shown on the approved tentative map. The

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subdivider shall provide full width improvements within the 98-foot-wide section and the modified improvements for the 56 to 70-foot-wide right-of-way. A median break will be allowed for the private driveway between lots 332 and 169 to allow left turns into, but to prohibit left turns out of the project. Transitions and improvements shall be constructed satisfactory to the City Engineer.

The subdivider shall extend the improvement of Pomerado Road offsite to the existing improvements approximately 500 feet east of Semillon Boulevard matching the typical section as shown on the approved tentative map.

The improvements for Pomerado Road shall be assured with the filing of the first final map.

The subdivider shall provide adequate sight distance at all driveways along Pomerado Road satisfactory to the City Engineer.

8. In the event of the first final map recording prior to Scripps Eastview, VTM 87-0884, the following conditions shall be assured satisfactory to the City Engineer:
  - a. Pomerado Road is classified as a 4-lane major within a 98-foot-wide right-of-way at the intersection of Pomerado Road and Spring Canyon Road transitioning to the modified 88-foot-wide section as shown on VTM 87-0884. The subdivider shall provide improvements as shown on the approved tentative map from the off-site intersection of Pomerado Road and Spring Canyon Road to the northerly off-site transition to meet the existing right-of-way providing for adequate sight distance at Street "A" satisfactory to the City Engineer. This improvement shall be assured with the filing of the first final map.
  - b. Prior to the recordation of the final map, the subdivider shall enter into an agreement with the City for FBA credits and/or reimbursement from appropriate funds for the construction of the easterly half of Pomerado Road from the Spring Canyon Road and Pomerado Road intersection to Poway City limits in accordance with City Council Resolution No. 268716.
  - c. The subdivider may request a Cost Reimbursement District in accordance with Ordinance Number O-17013 adopted on January 25, 1988, for the off-site portion of Pomerado Road not subject to reimbursement per City Council Resolution No. 268716.
  - d. The subdivider shall obtain the appropriate permits from the City of Poway for the northerly off-site transition to meet the existing Pomerado Road.

The transition to meet the existing Pomerado Road may be "temporarily" constructed within the City of San Diego provided that the developer enter into an agreement with the City specifying when the developer is to acquire and commence construction of the acceptable off-site transition. This deferred improvement is to be bonded for in a manner satisfactory to the City Engineer.

- e. The subdivider shall provide access to the landlocked Peace property and the property at the westerly terminus of "R" Street as shown on VTM 87-0884, in a manner satisfactory to the City Engineer.
9. Spring Canyon Road is classified as a 4-lane collector within a 98-foot-wide right-of-way. The subdivider shall provide full-width improvement including curbs, 5-foot-wide sidewalks, and a raised turn pocket at the signalized intersection, and paving as shown on the approved tentative map. The subdivider shall reconstruct a portion of the existing Spring Canyon Road to meet the proposed grade. This improvement is to be assured satisfactory to the City Engineer with the filing of the first final map.
10. Cypress Canyon Road is classified as a 2-lane collector within a 60-foot-wide right-of-way transitioning to 72 feet at the intersection of Spring Canyon Road to provide a turn lane. The subdivider shall provide full-width improvements, including curbs, 4-foot-wide sidewalks, and paving, in a manner satisfactory to the City Engineer, as shown on the approved tentative map.
11. "R" Street is classified as a 2-lane collector within a 60-foot-wide right-of-way. The subdivider shall provide curbs, 4-foot-wide sidewalks and paving as shown on the approved tentative map.
12. Fronsac Court is classified as a local street and is to be fully improved as shown on the approved tentative map.
13. The remaining vehicular access to the dwelling units within the project shall be by means of a system of named, non-dedicated, private streets constructed in a manner satisfactory to the City Engineer.  
  
These private streets shall be within a minimum 35- to 37-foot-wide general utility easement. The subdivider shall provide 24 to 26 feet of paving, as shown on the approved tentative map, with a 4-foot-wide sidewalk on one side.
14. The subdivider shall construct a traffic signal system at the intersection of Pomerado Road and Spring Canyon Road, satisfactory to the City Engineer, with interconnect provisions included.

15. The subdivider shall install appropriate traffic barriers on Spring Canyon Road to preclude off-site motorists usage of the residential streets of Scripps Ranch satisfactory to the City Engineer in accordance with City Council Resolution No. 268716.
16. In the event the City Council approves a community financing plan, the subdivider may, prior to the recordation of the first final map, enter into an agreement with the City for reimbursement in cash or credits against FBA's due at building permit issuance and in cash from contributions from properties within the Miramar Ranch North community in amounts to be determined by the City Engineer for construction of:
  - a. The traffic signal system at Pomerado Road and Spring Canyon Road.
  - b. The reconstruction of a short portion of Spring Canyon Road in accordance with City Council Resolution No. 268716.
  - c. Fifty percent of construction costs, including engineering but excluding right-of-way unless otherwise approved by the City Council, of Pomerado Road in accordance with City Council Resolution No. 268716.
  - d. Traffic barriers on Spring Canyon Road as required by City Council Resolution No. 268716.
  - e. This agreement shall include a provision for the reimbursement from appropriate funds and/or FBA credits for the improvement of Pomerado Road between the subdivision boundary and approximately 500 feet east of Semillon Boulevard.
17. A Transportation Phasing Plan is required for this subdivision. Prior to approval of the final map, the Transportation Phasing Plan must be approved by the City Engineer and this subdivision must conform to the approved Transportation Phasing Plan.
18. Water Requirements:
  - a. Provide an updated Water System Master Plan report of "Basic Water System for Lago Dorado - Scripps Miramar Ranch - Beeler Canyon," dated February 6, 1974, as directed by the Water Utilities Department, for approval by the Water Utilities Director. The cost of said updated study to be applied as a credit against applicable water reimbursement charges for this subdivision.
  - b. Install water facilities required to serve this project, sized according to the approved updated study.
  - c. This project shall participate in proportionate cost of water facilities that may be required, in addition to those directly

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serving the subdivision, as set forth in the updated water study/report outlined herein.

- d. The cost of any oversizing of water distribution systems installed by this subdivision to the benefit of others may be applied as a credit against applicable reimbursement charges for this subdivision. If this cost exceeds the reimbursement charges, the subdivider shall amend the existing reimbursement agreement.
- e. Install fire hydrants at locations satisfactory to the City Engineer.
- f. The relocated tank access road must be paved to concrete alley standards where grade is 12 % or more; if grade is less than 12%, the pavement will be 3" AC on 6" CTB or equal.
- g. Lot 167 shall be granted to the City of San Diego so that fee title ownership and control of the tank access road will be ensured.

19. Sewer Requirements:

- a. The subdivider shall provide a sewer study, satisfactory to the Water Utilities Director, justifying the adequacy of the existing facilities already constructed in the adjacent subdivisions to the south and west to handle the anticipated effluent from this subdivision, and for the proper sizing of the proposed off-site sewer, if any, to the north, in the City of Poway, and justifying the adequacy of the existing facilities beyond the point of connection. This study shall include the sizing of on-site gravity mains and shall indicate that the grade of the sewer mains will provide adequate capacity and cleansing velocities.
- b. Install all facilities required by the approved study.
- c. The subdivider will be responsible for the preparation of a sewer agreement between the City of Poway and the City of San Diego for the transportation and metering of City flows through Poway to the trunk sewer within Penasquitos Canyon and the City of San Diego.
- d. In the event that timely approval cannot be obtained from the City of Poway for conditions 19a, 19b, and 19c, herein, this subdivision will be allowed to construct a private pump station and related sewer force mains and connect to existing facilities in Scripps Ranch or Penasquitos Canyon (Sabre Springs) providing a sewer study, satisfactory to the Water Utilities Director, justifying the adequacy of existing facilities to handle the pumped effluent on a temporary basis. The subdivider will be responsible for the maintenance of this system until adequate

gravity sewer lines are constructed to the satisfaction of the City of San Diego.

- e. A home owners' association will be required to maintain and operate a private sewer pump station.
  - f. In the event that a home owners' association cannot be established satisfactory to the City or if public sewers drain to the pump station, the developer shall enter into an agreement to maintain and operate a temporary sewer pump station. This agreement would include necessary deposits for operation, maintenance, and demolition of the station. The developer shall also be required to pay his pro-rate share of permanent gravity sewer systems to serve this subdivision.
20. Prior to the recordation of the final subdivision map, the subdivider shall assure an extension of Poway Municipal Water District service to the affected Creek Road homes, by the payment to the City of Poway of this subdivider's pro-rated share of the County Island's contribution to the water line to be built by Poway, the sum not to exceed a total of \$50,000.
21. During the grading and up to the operation of the temporary water service, a monitoring program shall be implemented in which the water quality of the Creek Road residences' wells would be monitored as grading associated with the development occurs. The program would involve water sampling of the wells twice a month or as directed by the Deputy Director of Environmental Quality Division, who shall review the results of the monitoring program. If deterioration of the water quality and/or quantity, as a result of the grading, is detected, the subdivider shall immediately provide piped potable water to Creek Road residents.
22. Temporary water service shall be provided to the affected Creek Road residences prior to the issuance of the first building permit in a manner satisfactory to the Water Utilities and Environmental Quality Directors as required in Environmental Impact Report No. 84-0744. The operation of this temporary water service may be deleted upon completion of the water line to be built by the City of Poway.
- This temporary water service shall be within the existing Pomerado Road right-of-way or within easements from individual residences along Creek Road for the installation and access to this water service.
- The subdivider shall initiate an agreement with the City of San Diego and the City of Poway for the provisions of this water service.
23. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.

The subdivider shall provide temporary erosion control measures that are to include--but are not limited to--berms, interceptor ditches, sand bagging, hay bales, filtered inlets, debris basins, energy dissipating structures, or silt traps.

24. All of the lots identified on the tentative map as open space shall be either deeded to the city for open space purposes, negative open space easements or non-building easements as determined by the Park and Recreation Department. 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 map. No park fee credits will be given because of this land transfer.

The southerly portion of Lot 328 may be lotted out on the final map and labeled "not a building site" with the limits as determined by the City Engineer to provide access for the property to the east.

25. Lot 333 shall be designated on the final map as a non-building easement if the property remains under the subdivider's ownership at the time the final map is filed.
26. The property westerly of the realigned Pomerado Road not owned by the subdivider shall be acquired and shall be incorporated into the final map.
27. Prior to the occupancy of the first residential units, the park, as shown on Tentative Map 87-0884 Scripps Eastview, shall be completed satisfactory to the Park and Recreation Department and to the City Engineer.
28. This subdivision is in a community plan area designated as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Prior to Council approval of the first 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.

29. Prior to the issuance of a land development permit, the developer shall present of a letter of intent to the City of San Diego Environmental Quality Division indicating that a qualified paleontologist has been retained to carry out the following resource program:
  - a. A qualified paleontologist shall be present at any pre-grading meetings to consult with the grading and excavation contractors.

- b. A qualified paleontological monitor shall be present at all times during the original cutting of previously undisturbed sediments of the Friars and Mission Valley Formations.
  - c. The paleontological monitor shall be allowed, if necessary, to temporarily divert, divert, or halt grading activities to recover fossil remains.
  - d. The occasional use of on-site machinery may be required to ensure timely removal of fossil remains.
  - e. Remains collected during a salvage program shall be prepared (i.e., separated from their enclosing rock matrix) and then with the owner's permission deposited in a scientific institution with paleontological collections.
  - f. A letter shall be submitted to the Deputy Director of the Environment Quality Division documenting the results of the paleontological monitoring and salvage program (if required).
30. A three-year Landscape Maintenance monitoring program shall be implemented by the developer to ensure successful revegetation of all manufactured slopes. The program shall include irrigation, plant replacement, and fertilization. Once a year for three years following the date of initial plantings, the Deputy Director of EQD shall review the revegetation program to verify satisfactory establishment of the vegetation. If the initial plantings have not been adequately established, the maintenance plan shall remain in effect for an additional year.
31. 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 and may impose reasonable conditions, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
32. 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 proposed in connection with each unit.
33. All rights-of-way required to be dedicated with this map must be free and clear of all encumbrances and prior easements. The subdivider must secure from an easement grantee a subordination agreement for distribution facilities located within the dedication or, in the case of major transmission facilities, a joint-use agreement.

34. 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.
35. The final map shall conform to the provisions of PRD 87-0883.
36. 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 processed in connection with this vesting tentative map.
37. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: (a) the allocation schedule of the Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987 and any successor plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.
38. This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.
39. This subdivision is subject to payment of School Impact Fees at the time of issuance of building permits as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887) in accordance with procedures established by the Director of Building Inspection.



**CORRECTED COPY**

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**JUL 5 1988**

Passed and adopted by the Council of The City of San Diego on.....  
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"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-271350** Adopted **JUL 5 1988**