

RESOLUTION NUMBER R-271351

ADOPTED ON JULY 5, 1988

WHEREAS, Investor's Leasing Company, appealed the decision of the Planning Commission in denying Vesting Tentative Map No. 87-0884 submitted by Terry Lingenfelder, Kim Fletcher and Dick Gillelen to subdivide approximately 123 acres into 375 lots for 360 detached single-family residential units and a park site, located west of Pomerado Road, southwest of the City of Poway, in the Scripps Miramar Ranch Community Plan area, in the A-1-1, R1-6000 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. 87-0884:

1. The map proposes the subdivision of a 123.0-acre site into 375 lots for residential development. This type of development is consistent with the General Plan and the Scripps Miramar Ranch Community Plan which designate the area for low (3 - 5 dwelling units per net residential acre), low-medium (5 - 10 dwelling units per net residential acre) density residential and open-space uses. 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 Hillside Review, A-1-1, R1-6000, and R-3000 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 A-1-1, R1-6000, R-3000 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.

D. Development of the site is controlled by Planned Residential Development Permit No. 87-0884.

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, built, density and

coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the Community Plan which provides for low (3 - 5 dwelling units per net residential acre), low-medium (5 - 10 dwelling units per net residential acre) density 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 referenced. However, a finding has been made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the 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 as 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

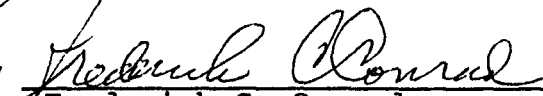
use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan 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.

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 Investor's Leasing Company, is granted; the decision of the Planning Commission is overruled, and Vesting Tentative Map No. 87-0884 is hereby granted to Terry Lingenfelder, Kim Fletcher and Dick Gillelen, 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 87-0884

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 has conditionally approved 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 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. The subdivider shall provide improvements as shown on the approved

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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.

8. 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.
9. 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.

10. In the event of the first final map recording prior to Sunburst Scripps, VTM 87-0883, the subdivider shall assure to the satisfaction of the City Engineer the construction of:
 - a. Pomerado Road: between Spring Canyon Road and a location approximately 500 feet east of Semillon Boulevard to meet the existing improvements.
 - b. Cypress Canyon Road ("O" Street): southerly to the intersection of Pomerado Road and Spring Canyon Road.
 - c. Spring Canyon Road: between Pomerado Road and the westerly boundary of TM 87-0883, as well as the reconstruction of a portion of the existing Spring Canyon Road (west of the property) to meet existing grade.
 - d. Appropriate traffic barriers on Spring Canyon Road to preclude off-site motorists usage of the residential streets of Scripps Ranch, in accordance with City Council Resolution No. 268716, to the satisfaction of the City Engineer.
 - e. The traffic signal at Pomerado Road and Spring Canyon Road when warrants are met satisfactory to the City Engineer.
11. 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

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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 of Sunburst Scripps, VTM 87-0883, and approximately 500 feet east of Semillon Boulevard.
12. Street "A" is classified as a 2-lane local street within a 60-foot-wide right-of-way between Pomerado Road and Street "B" transitioning to a 56-foot-wide right-of-way as shown on the approved tentative map. The subdivider shall provide additional right-of-way as necessary to provide for a turn lane. This right-of-way is to be fully improved with curbs, 4-foot-wide sidewalks and paving as shown on the approved tentative map in a manner satisfactory to the City Engineer.
13. Cypress Canyon Road (Street "O") is classified as a 2-lane collector within a 60'-wide right-of-way. The subdivider shall provide full width improvements, including curbs, 4-foot-wide sidewalks, and paving, in a manner satisfactory to the City Engineer.
- The subdivider shall reserve a 60-foot-wide street reservation at the northerly terminus of Cypress Canyon Road ("O" Street) as shown on the approved tentative map.
14. Street "R" is classified as a 2-lane collector street within an 60-foot-wide right-of-way and is to be improved as shown on the approved tentative map.
15. The remaining streets are classified as local streets and are to be improved in accordance with the approved tentative map.
16. The subdivider shall provide access to the landlocked Peace property and the property at the westerly terminus of "R" Street as indicated on the tentative map in a manner satisfactory to the City Engineer.

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17. The subdivider shall construct a traffic signal system at the intersection of Pomerado Road and Street "A" and provide for an interconnect with the future signal at Spring Canyon Road and Pomerado Road.
18. 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.
19. 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 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 water 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.
20. Sewer Requirements:
 - a. Provide a sewer study, satisfactory to the Water Utilities Director, for the proper sizing of the proposed off-site sewer to the north, in the City of Poway and justifying the adequacy of the existing facilities beyond the point of connection. Coordinate the location of the off-site facilities with the City of Poway. 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.

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- 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 20a, 20b, and 20c, 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.
21. 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.
22. 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 the 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.
23. 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 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.

24. All of the lots identified on the tentative map as open space shall be deeded either 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 applicable final map. No park fee credits will be given because of this land transfer. The subdivider may lot out a portion of Lot 361, not to exceed half-an-acre, to be combined with the adjacent property.

25. Lot No. 368 is designated as a park/school site and is to be developed as a park.

The San Diego Unified School District shall be provided the first right of refusal to acquire the site for an elementary school and shared park facility until June 29, 1988.

This park site shall be acquired by the City from "County Island" subdividers and improved in a manner satisfactory to the Park and Recreation Department. The subdivider shall initiate an agreement with the City to establish the procedure and method of compensation for both the purchase of Lot 368 and for the design and construction of such park.

26. Prior to the occupancy of the first residential units, the park shall be completed satisfactory to the Park and Recreation Department and to the City Engineer.

27. Lots 373, 374, and 375 shall be designated on the final map as non-building easements if the property remains under the subdivider's ownership at the time the final map is filed.

28. The property westerly of Pomerado Road shall be acquired and shall be incorporated into the final map.

29. 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.

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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.

30. Prior to the issuance of a land development permit, the developer shall present a letter of intent to the 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 Environmental Quality Division documenting the results of the paleontological monitoring and salvage program (if required).
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. Should an improvement be required that will impact land identified as open space, the developer shall contact the Park and Recreation Department for appropriate design criteria.

34. 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.
35. 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.
36. 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.
37. The final map shall conform to the provisions of PRD 87-0884.
38. 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.
39. 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.
40. 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.
41. 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.

42. The subdivider shall grant a general utility easement over the fire and utility access road as shown on the approved Tentative Map. Access to this utility road shall be controlled in a manner satisfactory to the Fire Department and to the City Engineer.

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 checked="" type="checkbox"/>	<input 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-271351* Adopted **JUL 5 1988**