

(R-92-1791)

RESOLUTION NUMBER R-279851

ADOPTED ON APRIL 27, 1992

WHEREAS, Village and Country Properties, by Donald R. Worley of Worley, Schwartz, Garfield & Rice, appealed the decision of the Planning Commission in denying Vesting Tentative Map No. 88-0767 (Rancho La Cresta Project) submitted by Village and Country Properties and Sholders and Sanford, Inc., for a 382-lot subdivision located north of Spring Canyon Road, encompassing Scripps North Parkway, west of the Poway City boundary, and described as the northeast quarter of Section 27, Township 14 South, Range 2 West, SBM, in the Scripps Miramar Ranch Community Plan area, in the R-3000, R1-6000, A-1-10 and HR zones; and

WHEREAS, the matter was set for public hearing on April 27, 1992, 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. 88-0767:

1. The map proposes the subdivision of a 162.8-acre site into 382 lots for residential development (2.78 dwelling units per acre). This type of development is consistent with the General Plan and the Scripps Miramar Ranch Community Plan which designate the area for residential use (3-10 dwelling units per acre). 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 R-3000, R1-6000, A-1-10 and HR 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 (PRD) permit.

b. All lots meet the minimum dimension requirements of the R-3000, R1-6000, A-1-10 and HR zones, only as allowed under a PRD.

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 PRD.

d. Development of the site is controlled by Planned Residential Development Permit No. 88-0767.

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 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 physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and 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 Environmental Impact Report ("EIR") No. 88-0767 which is included herein by this reference. 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 EIR.

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

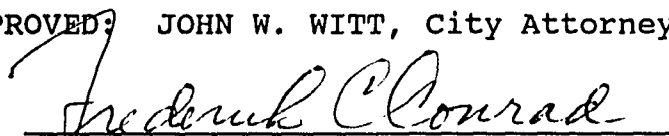
Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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 Village and Country Properties by Donald R. Worley of Worley, Schwartz, Garfield & Rice is granted; the decision of the Planning Commission is overruled; and Vesting Tentative Map No. 88-0767 is hereby granted to Village and Country Properties and Sholders and Sanford, Inc., 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

FCC:lc
05/21/92
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
VESTING TENTATIVE MAP NO. 88-0767

1. This tentative map will become effective upon the subdivider satisfying Conditions No. 13, No. 27, and No. 28. In the event the above conditions are not satisfied within one hundred and twenty (120) days after City Council approval of this Resolution, this Resolution shall become void and be of no further force or effect. This tentative map will expire three (3) years after the effective date.
2. 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.

3. "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).
4. "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."
5. Every 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, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control

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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.

6. The subdivider must provide a geological report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
7. This property may be 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. If an agreement has been approved for a payment procedure for the subdividers of the County Island annexation which addresses this property, this subdivider shall comply with such agreements.
8. 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.
9. Streets "B" through "H," "J" through "P," "R" through "T," "V" through "Z," and "BB" are classified as local residential streets within a 50-foot-wide right-of-way. The subdivider shall dedicate 50 feet of right-of-way and a 45-foot cul-de-sac radius right-of-way, and provide improvements of 30 feet of pavement with a 35-foot curb radius for the cul-de-sacs, curb, gutter, and a four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
10. Street "A" is classified as a two-lane residential street within a 65-foot-wide right-of-way with a bike lane. The subdivider shall dedicate a 65-foot-wide right-of-way and provide improvements of 45 feet of pavement, curb, gutter, and a four-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. The horizontal radii for Street "A" shall comply with the Street Design Manual and shall be satisfactory to the City Engineer. The subdivider shall provide additional right-of-way and improvements, as necessary, for adequate vehicle storage for left-turn movement at the intersection of Scripps North Parkway & Street "A," satisfactory to the City Engineer.

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11. Streets "U" and "I" are classified as two-lane residential streets and Streets "Q" and "AA" are classified as two-lane collector streets within a 60-foot-wide right-of-way. The subdivider shall dedicate 60 feet of right-of-way and provide 40 feet of pavement, curb, gutter, and a four-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. Street "AA" shall match the grade and alignment of Cypress Canyon Road on the adjacent subdivision to the west (VTM 89-0550), satisfactory to the City Engineer.
12. Street "Q" (Cypress Canyon Road) off-site is classified as a two-lane collector street within a 60-foot-wide right-of-way. The subdivider shall provide dedication of 60-feet of right-of-way and improvements of 40 feet of pavement, curb, gutter, and a four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. Street "Q" shall align with Street "O," as required and as shown on Tentative Map no. 87-0884, satisfactory to the City Engineer. The subdivider shall provide evidence indicating that approval has been obtained from the City of Poway for this alignment, design, construction, and necessary right-of-way for Street "Q" through the City of Poway, satisfactory to the City Engineer. The right-of-way shall be dedicated and the slope easements granted to the City of San Diego within the City of Poway. Prior to recordation of the first final map, the subdivider shall initiate an agreement between the City of Poway and the City of San Diego for the maintenance of the slopes and roadway, satisfactory to the City Engineer. The subdivider shall obtain all the necessary permits from the City of Poway for the grading and improvements for the off-site road, satisfactory to the City Engineer and the City of Poway.
13. Scripps North Parkway is classified as a four-lane major street within a 98-foot-wide right-of-way, with improvements of 64 feet of pavement, curb, gutter, a five-foot-wide sidewalk on both sides of the street and a 14-foot-wide center median. The subdivider shall provide full-width dedication of right of way, including easements, satisfactory to the City Engineer.
14. The subdivider shall grant, on the final map, negative open space easements over all of Lots "A," "B," "C," and "E" through "O," satisfactory to the City Engineer.
15. Prior to recordation of the first final map, Lot "D" shall be deeded to the City in fee title as open space, satisfactory to the Park & Recreation Director and the City Engineer.

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16. Water Requirements:

- a. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
- b. The subdivider shall install pressure-regulating stations (PRV's) as follows:
 - i. In Street "A" between Street "U" and Scripps North Parkway (Lot "B"), 890 to 815 HGL. Set PRV at 800 HGL maximum.
 - ii. In Street "A" between Lot 34 and Lot 42, 1020 to 890 HGL.
 - iii. In Street "I" between Unit 4 and Unit 5, 1020 to 890 HGL.
 - iv. In Street "U" between Lot 282 and Lot 283, 1020 to 890 HGL.
- c. The subdivider shall install a 16-inch water main in Street "AA" from the westerly subdivision boundary to Street "A."
- d. The subdivider shall install 12-inch water mains in Streets "Q," "A," "I," and "U." The subdivider shall provide for a 1020 HGL loop in Streets "A" and "U." The subdivider shall connect to the 12-inch mains in Sabre Springs and Scripps Eastview (two connections total).
- e. The subdivider shall install four-inch, six-inch, and eight-inch water mains in the cul-de-sacs, satisfactory to the Fire Department and the Water Utilities Director.
- f. The subdivider shall install a 300 HP pump at the Miramar-Scripps Pump Station, in a manner satisfactory to the Water Utilities Director.
- g. This development shall be subject to the "Miramar-Scripps Pump Station Service Area Water Facilities Update Study," by Boyle Engineering Corporation, dated August 1988, and the "Implementation Phasing Plan," by John Powell & Associates.

16. Sewer Requirements:

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- a. The subdivider shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity and sewer mains and to show that the grade of the mains will provide adequate capacity and cleansing velocities.
 - b. The subdivider shall install all facilities as required by the approved study.
17. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral.
 18. Prior to recordation of the first final map, the subdivider shall provide a traffic signal system at the intersection of Scripps North Parkway and Street "A", satisfactory to the City Engineer. A reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be initiated by the subdivider and established by the City Council to recover a portion of the costs of constructing the required traffic signal system.
 19. Providing water mains, sewer mains, and streets for this subdivision is dependent upon the prior construction of certain water mains, sewer mains, and streets in previously approved subdivisions in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved water mains, sewer mains, and streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
 20. This subdivision is in a community plan area designated in the General Plan 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.

Therefore, in connection with 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 an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

21. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development Department for each final map processed in connection with this vesting tentative map.

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22. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
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. All final maps shall conform to the provisions of Planned Residential Development Permit No. 88-0767.
25. This subdivision may be 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.
26. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
27. The subdivider shall pay to the City the sum of thirty-thousand dollars (\$30,000) for transfer to the Scripps Ranch Community Special Account for use in the Harmonium Day Care Program at Jerabek Elementary School. Said payment will be made to the City within 120 days of approval of the vesting tentative map.
28. Within 120 days of City Council approval of this development the subdivider shall enter into a Stipulation for Judgement and Final Order(s) of Condemnation in the case entitled City of San Diego vs. Milton Upton, Village and Country Properties, et al. (San Diego Superior Court Case No. 633253), and related cross actions, satisfactory to the City of San Diego and the City of Poway, and dismissals with prejudice of the subdivider's cross complaints in that actions filed against the City of San Diego and the City of Poway. Further, subdivider will be required and does waive and relinquish any and all causes of action arising of or in connection with this Planned Residential Development Permit and Vesting Tentative Map and the litigation associated with Alternate 8A.

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Passed and adopted by the Council of The City of San Diego on APR 27 1992
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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 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:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

By Blonda L. Barnes Deputy.

Office of the City Clerk, San Diego, California

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