

RESOLUTION NUMBER R-286126

ADOPTED ON JULY 18, 1995

WHEREAS, ENVIRONMENTAL DEVELOPMENT, LTD., Applicant, and RICK ENGINEERING, Engineer, filed an application for a 271-lot tentative map and a request for an underground waiver, located east of Interstate 805 and south of Interstate 905, and described as a portion of the Northwest Quarter, Section 36, Township 18 South, Range 2 West, and a portion of Lots 1 and 2, Section 31, Township 18 South, Range 2 West, in the A-1-10 (proposed R-1-5000) Zone; and

WHEREAS, on July 18, 1995, the City Council of The City of San Diego considered Tentative Map No. 93-0140, REMINGTON HILLS, and a request for an underground waiver, pursuant to Section 102.0307 of the Municipal Code of The City of San Diego, and 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. 93-0140:

1. The map proposes the subdivision of a 76.7-acre site into 271 lots (253 residential, 17 open space and 1 Tot Lot) for residential development. This type of development is consistent with the General Plan and the Otay Mesa 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 R-1-5000 Zone 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-1-5000 Zone, 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/Resource Protection Ordinance Permit No. 93-0140.

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 in Environmental Impact Report No. 93-0140 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 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.

10. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.


11. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code section 102.0404 and Council Policy 600-25.

12. The requested waiver qualifies under the guidelines of Council Policy 600-25 in that the conversion would involve either a substantial investment in temporary facilities (cable poles, temporary recircuiting, etc.) or a significant amount of work considered off-site to the development which is financing the conversion.

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

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Tentative Map No. 93-0140, REMINGTON HILLS, is hereby granted to Environmental Development, Ltd., Applicant, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

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Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
TENTATIVE MAP NO. 93-0140

1. This tentative map will become effective with City Council approval of the associated rezoning and will expire three years thereafter. If the rezoning is denied, then this tentative map shall be deemed denied.
2. The final map shall conform to the provisions of Planned Residential Development/Resource Protection Ordinance Permit No. 93-0140.
3. Prior to the recordation of the first final map, the subdivider shall vacate all excess portions of Otay Mesa Road, satisfactory to the City Engineer.
4. 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.

5. "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).
6. "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."
7. 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 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.
8. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
9. Prior to the recordation of any final map or the issuance of a grading or pre-grading permit for any portion of the project site, proof of an incidental take permit under

Section 7 or Section 10a of the Endangered Species Act, relative to the California gnatcatcher, shall be provided to the Development Services Department. If such permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign required in obtaining a Section 7 or Section 10a permit will require reconsideration by the appropriate City decision-making body.

Prior to the issuance of an Interim Habitat Loss Permit and associated grading or pre-grading permit for any portion of the project site, the project is required to obtain final concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the NCCP Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence will require reconsideration by the appropriate City decision-making body.

Approval of this map does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a five percent cumulative loss calculated at the grading permit stage.

10. 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.
11. 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 in connection with each unit.
12. 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.
13. 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 62.0415 et seq.
14. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2. The existing 12KV will be temporarily underbuilt to the relocated 69KV facility.
15. 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.
16. The subdivider shall provide all facilities recommended in the approved traffic study, on file in the Office of the City Engineer, satisfactory to the City Engineer.
17. Otay Mesa Road is classified as a two-lane collector street with bike lanes within a 55-foot-wide right-of-way. The subdivider shall dedicate a 55-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, bike lanes, and four-foot-wide sidewalk

within a ten-foot curb-to-property-line distance on the north side and a five-foot curb-to-property-line distance with no sidewalk on the south side of the street, from the easterly subdivision boundary, southwesterly to Beyer Boulevard, and provide proper transitions to existing pavement, satisfactory to the City Engineer. Parking shall be prohibited on both sides of the street.

The geometric design of Otay Mesa Road shall be in accordance with the City Street Design Manual.

A reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be established by the City Council to recover a portion of the costs of constructing the required off-site improvements of Otay Mesa Road when the adjacent properties develop.

18. Street "A" and Street "B" (at Otay Mesa Road) are classified as local residential streets within a minimum of 72-foot-wide rights-of-way transitioning to 60-foot-wide rights-of-way. The subdivider shall dedicate a minimum of 72-foot-wide right-of-way, transitioning to a 60-foot-wide right-of-way, and shall provide 40 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and 12-foot raised median, satisfactory to the City Engineer.
19. Street "A" (between Otay Mesa Road and Street "C") and Street "B" (between Otay Mesa Road and Street "D") are classified as local residential streets within 60-foot-wide rights-of-way. The subdivider shall dedicate a 60-foot-wide right-of-way, and shall provide 40 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance with a minimum 400-foot sight distance at Otay Mesa Road, satisfactory to the City Engineer.
20. Street "A" (between Street "C" and Street "G"), Street "B" (between Street "D" and Street "J"), Street "C," and Street "D" (between Street "B" and Street "J") are classified as local residential streets within 56-foot-wide rights-of-way. The subdivider shall dedicate 56-foot-wide rights-of-way and shall provide 36 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
21. Street "A" (north of Street "G") is a residential cul-de-sac. The subdivider shall dedicate a 50-foot-wide right-of-way and a 45-foot cul-de-sac right-of-way radius and shall provide 30 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and 35-foot cul-de-sac curb radius, satisfactory to the City Engineer. Parking shall be prohibited on the east side of the street.
22. Cul-de-sac "E," Cul-de-sac "F," Cul-de-sac "G", and Cul-de-sac "K", are classified as local residential streets within 56-foot-wide rights-of-way. The subdivider shall dedicate 56-foot-wide rights-of-way and shall provide 36 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a cul-de-sac with a 45-foot right-of-way radius and a 35-foot curb radius, satisfactory to the City Engineer.
23. Cul-de-sac "D" (north of Street "J") and Cul-de-sac "H" are classified as local residential single loaded streets within 43-foot-wide rights-of-way. The subdivider shall dedicate 43-foot-wide rights-of-way and shall provide 28 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance on the south side of the street, and a cul-de-sac with a 45-foot right-of-way radius and a 35-foot curb radius, satisfactory to the City Engineer.

24. Cul-de-sac "I" is classified as a local residential single loaded street within a 43-foot-wide right-of-way. The subdivider shall dedicate a 43-foot-wide right-of-way and shall provide 28 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance on the west and south side of the street, and a cul-de-sac with a 58-foot right-of-way radius and a 48-foot curb radius, satisfactory to the City Engineer.
25. Street "J" is classified as a local residential single loaded street within a 43-foot-wide right-of-way. The subdivider shall dedicate a 43-foot-wide right-of-way and shall provide full pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance on the south side of the street, and a cul-de-sac with a 45-foot right-of-way radius and a 35-foot curb radius, satisfactory to the City Engineer.
26. Caltrans approval and required permits, for this development, will be required prior to the recording of the first final map.
27. The subdivider shall contribute their fair share of the total cost of the traffic signal at the intersection of Otay Mesa Road and Beyer Boulevard, satisfactory to the City Engineer.
28. The subdivider shall, at the intersection of Otay Mesa Road and Beyer Boulevard, restripe the south bound approach to provide a left-turn/through-lane and a right-turn lane, satisfactory to the City Engineer.
29. Detail "A", as shown on the tentative map, is not approved. The subdivider shall provide transitions outside of the subdivision boundary, satisfactory to the City Engineer. In the event that the subdivider is not able to obtain the right-of-way off site of the tentative map boundary, concurrently with the recordation of the first final map, the subdivider shall enter into a bonded agreement with the City for the design, right-of-way acquisition, construction and contingencies of the transition work, satisfactory to the City Engineer.
30. Water Requirements:
 - a. The subdivider shall provide a water master plan, satisfactory to the Water Utilities Director, based on the scope of work developed by John Powell and Associates, Inc., dated November 22, 1993, entitled "Water Supply and Storage Analysis for the South San Diego and Otay Mesa Service Areas."
 - b. The subdivider shall provide a water study, satisfactory to the Water Utilities Director. The study shall plan the pressure zone(s) and distribution system necessary to serve this development.
 - c. The subdivider shall provide a phasing plan, satisfactory to the Water Utilities Director, to program costs and assign responsibility to install all facilities required in the approved water studies.
 - d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
 - e. The subdivider shall install all facilities, as required by the approved water studies and phasing plan, necessary to serve this development.
31. Sewer Requirements:

- a. The subdivider shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that existing and proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies. A phasing plan shall be included in the study.
 - b. The subdivider shall install all facilities, as required by the approved sewer study and phasing plan, necessary to serve this development.
32. Water and Sewer Requirements:
- a. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The developer shall design and install a reclaimed water distribution system within the subdivision, in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution with the City of San Diego." The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
 - b. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, indicating that each parcel will have its own water service and sewer lateral or provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. Also, provide private easements for the private mains.
 - c. The subdivider shall provide adequate water and/or sewer easements with vehicular access to all water and sewer facilities not located in a public right-of-way, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over any easement without first obtaining an encroachment removal permit.
 - d. The subdivider shall design all water and sewer facilities to the most current edition of the Water Utilities Department's *Water and Sewer Design Guide*. If facilities and easements do not meet the current standards, then such facilities shall be private.
33. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
34. The subdivider shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
35. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed

NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

36. The subdivider shall construct drainage detention basins, the design, location, and size of which are subject to approval by the City Engineer. The design shall be such that the discharge from the improved subdivision shall be no more than the discharge would have been from the land in the unimproved state.
37. The Engineering & Development Department will be making a drainage study of the Otay Mesa border area. The extent of the area to be studied shall be determined by the City Engineer. The study shall propose a method to control runoff across the international border. A method of financing the design, construction, and maintenance of these facilities shall be established, and this subdivider may be required to contribute money for this purpose, either through a development agreement or other means, as determined by the City Engineer. In order to accomplish this, the subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for these flood control improvements. This agreement shall be entered into in connection with Council approval of the first final map.
38. The developer shall provide that all residences belong to a Landscape/Lighting Maintenance District. If a Landscape/Lighting Maintenance District has not been established prior to the recording of the final map, the subdivider shall establish a Landscape/Lighting Maintenance District.
39. Open Space Requirements:
 - a. Lot 71 shall be deeded to the City in fee simple, at no cost, for open space purposes. The lot shall be free and clear of any private encroachments, easements, or agreements.
 - b. Prior to the recordation of the final map for Lots 193 through 196, a negative open space easement shall be indicated over these lots for Brush Management Zones 2 and 3, to the satisfaction of the Development Services Director. Lots 193 through 196 shall be owned and maintained by the homeowners' association.
 - c. Prior to the recordation of the final map for Lots 22 through 33, 38 through 70, 96 through 100, and 170 through 176, a brush management area for Zone 1 shall be indicated over these lots, to the satisfaction of the Development Services Director.
40. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 93-0140, satisfactory to the Development Services Director and the City Engineer.
41. Prior to the recordation of first final map, the subdivider shall pay a "fair share" of the total cost of constructing traffic control measures at the SR-905/Otay Mesa Road intersection, satisfactory to the City Engineer. Traffic control measures will be evaluated

by the City and CalTrans during development of requirements and specifications for the SR-905/Otay Mesa Road intersection.

42. 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 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.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
- This development 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.
- This development may be subject to impact fees, as established by the City Council.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.