

RESOLUTION NUMBER R-288836

ADOPTED ON JUNE 10, 1997

WHEREAS, Michael J. Hall, Applicant, and Project Design Consultants, Engineer, filed an application for a 15 lot tentative map (Tentative Map No. 96-0711) and the vacation of an unnamed street, for a site located west of Black Mountain Road and north of Stargaze Avenue, and described as Lot 170 of Black Mountain Meadows, Map 9948, in the Rancho Peñasquitos Community Plan area, in the R-1-5000 zone; and

WHEREAS, on April 17, 1997, by Resolution No. 2508-PC, the Planning Commission of The City of San Diego recommended approval of Tentative Map No. 96-0711; and

WHEREAS, the matter was set for public hearing on June 10, 1997, 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. 96-0711:

1. The map proposes the subdivision of a 3.26-acre site into 15 lots for residential development. This type of development is consistent with the General Plan and the Rancho Peñasquitos 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.
 - b. All lots meet the minimum dimension requirements of the R-1-5000 zone.
 - 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.
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.
 5. The site is 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 will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Negative Declaration No. 96-0711, which is included herein by this reference.
 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 property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307. The tentative map must be approved by 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 recommendation of the Planning Commission is sustained, and Tentative Map No. 96-0711 is hereby granted to Michael J. Hall, Applicant, and Project Design Consultants, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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Or.Dept:Clerk
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Conditions to Tentative Map 96-0711

1. This tentative map will become effective with City Council approval of the street vacation and will expire three years thereafter. If the street vacation is denied then this tentative map shall be null and void.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
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. "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).
5. "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."
6. 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.
7. 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 U.S.C. Section 1531 et seq.).

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8. The subdivider must provide a geologic reconnaissance 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.
9. 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.
10. 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.
11. The subdivider shall obtain an engineering grading permit from the City Engineer for the grading proposed with this subdivision. All grading shall conform to the requirements in accordance with the City of San Diego Municipal Code Sections 62.0401 and 62.0423.
12. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
13. The subdivider shall construct pedestrian ramps at all street intersections, including on the north side of Stargaze Avenue at Davenport Avenue. In addition, the subdivider shall reconstruct the existing pedestrian ramps at the southeast and southeast corners of the subdivision to current City standards.
14. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance Agreement, agreeing to maintain all landscaping and appurtenances, with the City right-of-way adjacent to and within this subdivision, until such time a landscape maintenance district or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

The subdivider shall obtain an encroachment removal Agreement for all landscape and appurtenances, within the City right-of-way.
15. The applicant shall relinquish the access rights to Black Mountain Road for Lots 7 & 8.
16. Street "A" is classified as a residential cul-de-sac. The subdivider shall dedicate a 56-foot wide right-of-way with a cul-de-sac right-of-way radius of 45 feet. The subdivider shall provide 36 feet of pavement, curb, gutter, and 4-foot wide sidewalk within a ten-foot curb-to-property line distance, with a cul-de-sac curb radius of 35 feet, satisfactory to the City Engineer.

17. The subdivider shall provide a detailed lot layout for Lot 15. The subdivider shall design the driveway to allow a one point turn movement to permit a vehicle to exit the driveway facing Meadowrun Street.
18. Water and Sewer Requirements:
 - a. The developer shall install an 8-inch water main in Street "A" from Meadowrun Street to the cul-de-sac, satisfactory to the Water Department Manager.
 - b. The developer 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) dwelling units are located on a dead-end main than a looped system shall be installed.
 - c. The developer shall install a system of gravity sewer mains in Street "A" satisfactory to the Metropolitan Wastewater Department Manager. The developer shall provide calculations for the sizing of gravity sewer mains and to show that the existing and proposed facilities will provide adequate capacity and have cleansing velocities necessary to serve this development.
 - d. The developer shall design all water and sewer facilities to the most current edition of the City of San Diego Water & Sewer Design Guide. If facilities do not meet the current standards, then such facilities shall be private.
 - e. The developer shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each unit 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 unit. Also, provide private easements for the private mains.
19. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
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 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 Development Services Manager. 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 the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Penasquitos Community Plan area.

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 Development Services Manager.

This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.