

(R-98-691)

RESOLUTION NUMBER R-289510

ADOPTED ON DECEMBER 2, 1997

WHEREAS, Presley Homes, Applicant, and Lundstrom & Associates, Engineer, filed an application for a 128 lot tentative map for the Mercy Road Homes development, located east of Mercy Road and south of Kika Court, and described as the Parcel 2 of Parcel Map 14491, as recorded with the Office of the County Recorder of San Diego County, November 21, 1995, as File No. 1995-0530858 of Official Records, in the R-1-10,000, A-1-10 and HR (proposed R-3000 and HR) zones, in the Mira Mesa Community Plan Area; and

WHEREAS, the Planning Commission of The City of San Diego voted to recommend City Council approval of the project and tentative map; and

WHEREAS, the matter was set for public hearing on December 2, 1997, the Council of The City of San Diego considered Tentative Map No. 96-7108, Mercy Road Homes, pursuant to San Diego Municipal Code section 102.0307, and received for its consideration written and oral presentations, and heard from all interested parties present at the public hearing; 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. 96-7108 for the Mercy Road Homes development:

1. The map proposes the subdivision of a 12.7-acre site into 128 lots (113 residential lots, one tot lot, one play lot, nine street lots, and four landscape lots) for residential development.

This type of development is consistent with the adopted General Plan and the Mira Mesa Community Plan, which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development 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 zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Residential Development (PRD) Permit.

b. All lots meet the minimum dimension requirements of the R-3000 zone, 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, as allowed under a PRD.

d. Development of the site is controlled by PRD Permit No. 96-7108.

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 or 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 Mitigated Negative Declaration No. 96-7108, 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.

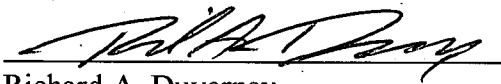
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate 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.

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

BE IT FURTHER RESOLVED, that Tentative Map No. 96-7108 for the Mercy Road  
Homes development is hereby granted to Presley Homes, Applicant, and Lundstrom &  
Associates, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
01/13/98  
Or.Dept:Clerk  
R-98-691  
Form=tmr.frm

CITY COUNCIL CONDITIONS FOR  
TENTATIVE MAP NO. 96-7108

1. This tentative map will become effective with the effective date of the rezone and will expire three years thereafter. If the rezone or associated street vacation is denied, then this tentative map shall be deemed denied.
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 final map shall conform to the provisions of Planned Residential Development Permit No. 96-7108.
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. 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,

 289510

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. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Mitigated Negative Declaration No. 96-7108, satisfactory to the Planning Director and the City Engineer, which is included herein by this reference.
10. 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.
11. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
12. The subdivider has reserved the right to record multiple final maps as shown on the approved tentative map. In accordance with Section 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, relating to the filing of multiple final maps, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
13. 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.
14. The landscape shall be designed and constructed in accordance with the Landscape Technical Manual.
15. The subdivider shall provide a reciprocal access easement, satisfactory to the City Engineer.
16. The vacation of a segment of Alemania Street shall be at the fair market value as established by Real Estates Assets Department.
17. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within 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. Maintenance for the improvements within the pedestrian accessway on Alemania Road shall be

 289510

assured for two years after installation or until plant material is established (whichever is longer) as part of the landscape maintenance agreement.

18. No blasting for the purposes of grading shall occur prior to 12:00 on any Saturday.
19. Prior to the recordation of Unit 2 Final Map, or the creation of the 51st lot, the subdivider shall assure and construct a pedestrian access way, from the southerly subdivision boundary to 200 feet north of Mercy Road, satisfactory to the Development Services Manager.
20. The subdivider shall provide a pedestrian and non-motor vehicular easement from Kika Court southerly, connecting off-site to Alemania Road, satisfactory to the City Engineer.
21. The subdivider shall red curb the north side of Kika Court, from Mercy Road to 60 feet easterly.
22. Vehicular access to the dwelling units within the PRD shall be by means of a privately maintained, unnamed, non-dedicated private driveways constructed in a manner satisfactory to the City Engineer.
23. Private driveways with less than a 34 foot curb to curb width shall have parking on one side only. Parking shall be prohibited in private driveways with less than a 28 foot curb to curb width.
24. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
25. The subdivider shall construct a 5 foot-wide sidewalk on the south side of Kika Court adjacent to this subdivision.
26. The subdivider shall replace the damaged sidewalk on Kika Court adjacent to this subdivision.
27. Water Requirements:
  - a. The subdivider shall relocate the existing 8-inch water main, located adjacent to the easterly property line, satisfactory to the Water Department Manager. The main shall be located within Driveway "C" and a 20-foot-wide water easement between Lots 32, 33, and 34.
  - b. The subdivider shall install a system of looping 8-inch water mains, on-site, satisfactory to the Water Department Manager.

*R.* 289510

- c. 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) dwelling units are located on a dead-end main then a looped system shall be installed.

28. Sewer Requirements:

- a. Prior to the preparation of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, 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 and the drainage basin in which it lies.
- b. The subdivider shall install all facilities as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved tentative map, may require modification based on the accepted sewer study.

29. Water and Sewer Requirements:

- a. The subdivider shall design all public 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.
- b. The subdivider shall grant water and sewer easements over the private driveways throughout the development, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. These easements shall be a minimum of 24-feet-wide with a minimum of 24 feet of paving. Water meters shall be located outside of vehicular travel ways, but within the easement. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
- c. No encroachments of any kind shall be permitted within the existing 58-foot-wide water and sewer easement located between Kika Court and the Interstate 15 right-of-way except pavement, curb, gutter and sidewalk with the approval of appropriate encroachment removal agreements. No trees shall be located within 10-feet of any underground water or sewer facility.
- d. If on site water and sewer mains are to be public and if it is a gated community, the Water Operations and Wastewater Collection Divisions shall have keyed access satisfactory to the Water and Metropolitan Wastewater Departments' Managers. The City will not be held responsible for any issues that may arise relative to the availability of keys.
- e. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each lot

R. 289510



will have its own water service and sewer lateral or provide CC&Rs 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.

30. The subdivider shall provide a downstream drainage analysis to ensure the adequacy of the existing facilities for handling additional runoff generated as a result of this development.
31. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
32. 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 acknowledgment 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.

33. 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 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

R- 289510

Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.

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

 289510