

RESOLUTION NUMBER R-290167

ADOPTED ON MAY 26, 1998

WHEREAS, Hallmark Communities, Inc., Applicant, and JP Engineering, Engineer, filed an application for a 20 lot tentative map for the Hallmark Legends project (Tentative Map No. 96-7622), located westerly of Carmel Mountain Road and southerly of Entreken Way, and described as Lot 1 of Black Mountain Vista North, Unit No. 4, Map 12603, in the Rancho Peñasquitos Community Plan area, in the CN (proposed R1-5000) zone; and

WHEREAS, on April 2, 1998, the Planning Commission of The City of San Diego considered Tentative Map 96-7622 and pursuant to Resolution No. 2621-2-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on May 26, 1998, 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. 96-7622:

1. The map proposes the subdivision of a 2.94-acre site into 20 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 R1-5000 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 R1-5000 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. 96-7622.
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 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 could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their

habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 96-7622, 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.

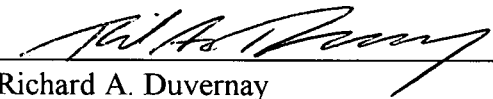
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area 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 the recommendation of the Planning Commission is sustained, and Tentative Map No. 96-7622 is hereby granted to Hallmark Communities, Inc.,

Applicant, and JP Engineering, 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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CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 96-7622
ADOPTED BY RESOLUTION NO. R-290167 ON MAY 26, 1998

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter. Should the associated Community Plan amendment or rezone be denied, then this tentative map shall be deemed denied.
2. The final map shall conform to the provisions of PRD Permit No. 96-7622.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the final map, unless otherwise noted.
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 Sections 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. The 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.

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- 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, 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 recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
11. 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.
12. Street "A" is classified as a residential local street. The subdivider shall dedicate a 54-foot right-of-way and provide 34 feet of pavement, curb, gutter and 5-foot sidewalk within a 10-foot curb-to-property line distance, satisfactory to the City Engineer.
13. The subdivider shall restripe Entreken Way between Calderon Road and Carmel Mountain Road to provide westbound to southbound left-turn left-turn pocket at the intersection of Entreken Way/Calderon Road.
14. The subdivider shall dedicate a 5-foot landscape easement between lots 1 and 2 and lots 4, 5, 6, 7 & 8 along Street "A."

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

15. 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.
16. Entreken Way is classified as a modified local street. The subdivider shall dedicate 2 feet along Entreken Way to provide a ten-foot curb to property line distance.
17. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
18. 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.
19. **WATER AND SEWER REQUIREMENTS:**
 - a. The developer shall install 8-inch water mains, in Street "A" connecting to existing water mains in Carmel Mountain Road and Entreken Way, satisfactory to the Water Department Manager.
 - b. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

- c. Prior to the submittal of any public improvement drawings, the developer 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.
- d. The developer 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.
- e. The developer shall design all proposed public water and sewer facilities to the most current edition of the "City of San Diego Water & Sewer Design Guide". Proposed facilities that do not meet the current standards shall be private or modified.

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 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.