

RESOLUTION NUMBER R-291149

ADOPTED ON JANUARY 11, 1999

WHEREAS, Laguna Bernardo Company, Applicant, and Crosby, Mead, Benton & Associates, Engineer, submitted by an application to The City of San Diego for a 50-lot vesting tentative map (Vesting Tentative Map No. 98-0197 for the Saddle Club Estates project), located easterly of Pomerado Road and Mirasol Drive, and legally described as Parcels 1 and 2 of Parcel Map 6480, in the Ranch Bernardo Community Plan area, in the A-1-1 and A-1-10 zones (proposed R-1-10 and A-1-10 zones); and

WHEREAS, on November 19, 1998, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 98-0197, and pursuant to Resolution No. 2732-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on January 11, 1999, 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. 98-0197:

1. The map proposes the subdivision of a 34.46-acre site into 50 lots for residential development (40 residential, 5 private streets, 1 open space, 3 slope, 1 sewer pump station). This type of development is consistent with the General Plan and the Rancho Bernardo 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 and development regulations of the proposed R-1-10 and A-1-10 zones 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-1-10 and A-1-10 zones, as allowed under a PRD permit.

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 permit.

d. Development of the site is controlled by Planned Residential Development/Resource Protection Ordinance Permit No. 98-0197.

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 will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Mitigated Negative Declaration No. 98-0197, 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 Government Code section 66412.3, 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, as part of the Saddle Club Estates project, Laguna Bernardo Company has agreed to pledge certain extraordinary benefits as memorialized in the attached letter from Laguna Bernardo Company dated January 11, 1999.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 98-0197 is hereby granted to Laguna Bernardo Company, Applicant, and Crosby, Mead, Benton & 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

03/25/99

Or.Dept:Clerk

R-99-827

Form=tmr frm

Reviewed by John Fisher

# *Laguna Bernardo Company*

REAL ESTATE DEVELOPMENT

January 11, 1999

Honorable Mayor and City Councilmembers  
City of San Diego  
202 "C" Street  
San Diego, CA 92101

Dear Mayor and members of the City Council:

Today the Laguna Bernardo Company is requesting City approval for a 40 semi-custom home project to replace the current Riding Club facility on Pomerado Road. Although the Saddle Club Estates property is designated for Equestrian Recreational in the Rancho Bernardo Community Plan, its recreational use has diminished over the years while other recreational activities in the community have grown -- most notably in youth soccer.

Most recently, in an effort to meet the needs of Rancho Bernardo's younger generation, Councilmember Warden and the Rancho Bernardo Recreation Council have sought new opportunities to expand soccer fields at the Rancho Bernardo Community Park. This is exciting news for RB's booming population of young athletes, and especially for the growing number of local soccer players, parents and fans. Although a recent newspaper article reported that a site has been selected, it is our understanding that there isn't sufficient funding in Rancho Bernardo to complete this important project.

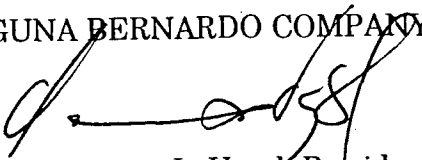
Accordingly, Laguna Bernardo pledges to contribute \$200,000, consisting of its own project consulting and management services and cash (not less than \$40,000), toward the expansion of soccer fields in the Rancho Bernardo Community. We believe that providing this extraordinary benefit to the community would provide new recreational opportunities for our youth over and above any impacts of the Saddle Club Estates project and the loss of the Riding Club facility.

In addition, Laguna Bernardo has proposed the donation of 15.1 acres of the project as open space for the City of San Diego's MHPA, all developer impact fees, and three horse barns and fencing to assist in the relocation of the equestrian uses to San Pasqual Valley.

It would be a privilege for us to participate in this worthwhile, and much-needed, community project as part of the Saddle Club Estates project. Thank you for your thoughtful consideration.

Best regards,

LAGUNA BERNARDO COMPANY

  
By: Terrence L. Vogel, President

SC\TLV\JCThomas

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 98-0197  
ADOPTED BY RESOLUTION NO. R-290149 ON JANUARY 11, 1999  
SADDLE CLUB ESTATES

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter. If the rezone is denied then this VTM 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/Resource Protection Ordinance [PRD/RPO] Permit No. 98-0197.
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. 769830.

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. 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,

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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.).

9. 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. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
10. The subdivider is permitted to file up to two final maps. 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.
11. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, subsection 2.
13. A soil investigation (signed by a certified Geotechnical Engineer) must be submitted, reviewed and approved prior to issuance of any grading permit. The geotechnical consultant must review and sign all grading plans.
14. The subdivider shall modify the traffic signal and appurtenances at the intersection of Pomerado Road Mirasol Drive/Street "A."
15. Private Street "A" - The subdivider shall grant a 48-foot wide general utility easement, with 28 feet of pavement, curb, gutter, and 5-foot wide sidewalks, within a 10-foot curb-to-general utility easement line distance. Parking shall be prohibited on the non-loaded side of the street.
16. Private Streets "B", "C", "D" and "E" - The subdivider shall grant a 54-foot general utility easement, with 34 feet of pavement, curb, gutter and 5-foot wide sidewalks within a 10-foot curb-to-general utility easement line distance.
17. The cul-de-sacs shall have a 45-foot general utility easement radius with a 35-foot curb radius.
18. Private Street entry - The subdivider shall grant a 76-foot wide general utility easement, with 44 feet of pavement, a 12-foot median, curb, gutter, and 5-foot wide sidewalks, within a 10-foot curb-to-general utility easement line distance.
19. This subdivision shall be served by a system of non-dedicated, named, private streets. Private streets shall be designed and constructed to the same structural,

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- geometrical and drainage standards as dedicated streets in accordance with the Street Design Manual, satisfactory to the City Engineer.
20. The subdivider shall close the non-utilized drive way on Pomerado Road and replace with City standard curb, gutter and sidewalk.
  21. Revestment of access rights and the vacation of sewer, and building restricted easements shall be at the fair market value as determine by Real Estates Assets.
  22. All structures that conflict with private streets and lot lines shall be removed prior to the recordation of the final map.
  23. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
  24. All driveways and curb openings shall comply with City of San Standard Drawings G-14A, G-16 and SDG-100.
  25. The subdivider shall provide controlled access for the emergency - access point, and said access shall be constructed in a manner satisfactory to the Fire Department and the City Engineer.
  26. Water Requirements:
    - a. The subdivider shall install a looping system of 8-inch water mains in the proposed private streets connecting to the existing 680 HGL water main in Mirasol Drive, south of the pressure regulating station and to the 793 HGL water main in Pomerado Road via a pressure regulating station, satisfactory to the Water Department Manager.
    - b. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
  27. Sewer Requirements:
    - a. Prior to the recordation of the final map or the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer 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.
  28. 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 proposed facilities do not meet the current standards, then such facilities shall be private or redesigned.
  - b. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each lot 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 facilities that serve more than one lot. Also, provide private easements for the private facilities.
  - c. If on site water and sewer mains are to be public and if it is a gated community, then 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.
  - d. The subdivider shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
29. 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.
  30. The drainage system proposed for this development, shall be private and is subject to approval by the City Engineer.
  31. The developer 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.
  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. Portions of the project are located in the floodplain of an unnamed tributary of Lake Hodges, as delineated on Panel 1091 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this vesting tentative map:
- a. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
  - b. Pad elevations for Lots 11, 12, 13, 15, 16 and 17 are subject to FEMA approval
  - c. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures to that same elevation.
  - d. The subdivider shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
  - e. The developer shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
  - f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
  - g. The developer shall provide safety fencing where required by the City Engineer.
  - h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
  - i. No permits shall be issued for grading or other work in the floodplain of an unnamed tributary of Lake Hodges until the developer obtains a

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Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego's Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

- j. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
  - k. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects will notify the Development Services of such issuance as soon as it is informed by FEMA.
  - l. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.
34. Open Space Requirements:
- a. Lot "J" shall be dedicated in fee simple to the City for open space.
  - b. The subdivider shall provide evidence that residents of this development are deed restricted to a private recreation facility within the Rancho Bernardo Community in accordance with the community plan.
  - c. Lots A through I shall be recorded as nonbuilding areas.
35. 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.
36. 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.

37. Prior to the issuance of grading permits or recordation of final map, the subdivider shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement an archaeological monitoring program. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review (LDR) Division. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL CONSTRUCTION MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.**

The qualified archaeologist shall attend preconstruction meetings to make comments and/or suggestions concerning the archaeological construction monitoring program and discuss plans with the engineer. The requirement for archaeological monitoring shall be noted on the grading plan.

The qualified archaeologist or archaeological monitor shall be present on site full-time during cutting.

In the event that unanticipated cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. **THE ARCHAEOLOGIST SHALL CONTACT LDR AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

All cultural materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.

A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to issuance of a certificate of occupancy. **THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

38. The subdivider shall improve the existing bus stop to comply with ADA accessibility standards. The improvement plans shall indicate a three and one

half foot wide by fifteen foot long concrete pad adjacent to the sidewalk at the bus stop, satisfactory to the City Engineer and MTDB.

39. Prior to the recordation of the final map, a contribution by the subdivider, \$200,000 in cash and services, toward the expansion of soccer fields in Rancho Bernardo which includes \$40,000 in cash to be deposited in a private account to be used exclusively for the Rancho Bernardo Soccer Field Expansion Project that is memorialized in the letter by the Laguna Bernardo Company, dated January 11, 1999.
40. Prior to the recordation of the final map, pedestrian access to the private street system and to the dedicated open space at the northern boundary shall be indicated on the final map and granted thereon. No physical improvements shall prevent pedestrian access to these areas and access shall be indicated on the improvement plans, to the satisfaction of the City Manager and the City Engineer.

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

3/4/99

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