

RESOLUTION NUMBER R-292323

ADOPTED ON OCTOBER 19, 1999

WHEREAS, San Diego Unified School District, Applicant, and RB&F Associates, Engineer, submitted by an application to The City of San Diego for a 20-lot vesting tentative map (Vesting Tentative Map No. 98-1011 for the Fairbrook Estates project), located south of Fairbrook Road and east of Caminito Magnifica, and legally described as Lot 40, Scripps Hills Unit No. 1, Map 9953 and Lot 215, Scripps Ranch Estates, Map 9587, in the Scripps Miramar Ranch Community Plan area, in the R1-20000 and R1-40000 (proposed R1-8000 and OS-P zones; and

WHEREAS, on September 16, 1999, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 98-1011, and pursuant to Resolution No. 2847-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on October 19, 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. 98-1011:

1. The map proposes the subdivision of a 12.09-acre site into 20 lots for residential and park development (17 residential, two open space, and one park). This type of development is consistent with the General Plan and the Scripps Miramar Ranch 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 R1-8000 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 R1-8000 zone, 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 Permit No. 98-1011.

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 and park 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 and park 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. 98-1011, 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.

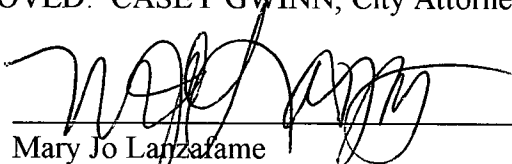
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and 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 the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 98-1011 is hereby granted to San Diego Unified School District, Applicant, and RB&F Associates, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

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Or.Dept:Clerk
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Reviewed by Robert Korch

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 98-1011
ADOPTED BY RESOLUTION NO. R-292323 ON OCTOBER 19, 1999

1. The Vesting Tentative Map will become effective on the effective date of the associated rezone and expire three years thereafter. Should the rezone be denied then this vesting 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 PRD Permit No. 98-1011.
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. 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.
 - 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

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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 U.S.C. §1531 et seq.).
9. 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.
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" (from Fairbrook Road to Street "B") is classified as a residential local street. The subdivider shall dedicate a 60-foot wide right-of-way and provide 40 feet of pavement, curb, gutter, and five-foot wide sidewalks within a ten-foot curb-to-propertyline distance.
13. Street "A" (from Street "B" to the end of the cul-de-sac) is classified as a residential local street. The subdivider shall dedicate a 56-foot wide right-of-way and provide 36 feet of pavement, curb, gutter, and five-foot wide sidewalks within a ten-foot curb-to-propertyline distance. The subdivider shall provide a 60-foot right-of-way radius and a 50-foot curb radius for the cul-de-sac at the end of Street "A."
14. Street "B" is classified as a residential cul-de-sac. The subdivider shall dedicate a 56-foot wide right-of-way and provide 36 feet of pavement, curb, gutter, and five-foot wide sidewalks within a ten-foot curb-to-propertyline distance. The

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subdivider shall provide a 60-foot right-of-way radius and a 50-foot curb radius for the cul-de-sac at the end of Street "B."

15. The applicant shall provide traffic controls such as all-way stop signs at the intersection of Fairbrook Road and Rue Fontenay/Street "A."
16. The subdivider shall grant, and the subsequent owner maintain, a sight-visibility easement over a portion of Lot 1.
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.
18. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
19. 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.
20. 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.

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21. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.
22. The park site shown on the approved Vesting Tentative Map, Lot 'A,' is reserved in accordance with Section 66479, et seq., of the California Subdivision Map Act. Provisions of the Act require that the subdivider shall, at the time of the recordation of the first final map within the subdivision, enter into an agreement for the City to acquire the park site within two years after the completion and acceptance of all public improvements, unless such period of time is extended by mutual agreement. the purchase price shall be the fair market value thereof at the time of the filing of the first substantially complete map, December 24, 1998, plus the taxes against such reserved area from the date of reservation, and any other costs incurred by the developer in the maintenance of such reserved areas, including interest costs incurred on any loan covering such reserved areas. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.
23. The developer shall rough grade the park site, Lot 'A,' to the Park and Recreation Department's specifications and shall construct the contiguous street improvements. The developer shall enter into an agreement, acceptable to the City Manager, which defines the method of compensation for the work done on the future park site, including mitigation if required. Said agreement shall be

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approved and signed prior to the filing of the first final map of the subdivision.
Note: The City normally pays its fair share of costs toward the design of public infrastructure required to serve the park. These costs do not include the costs of sanitary and storm sewer alignments through the park.

24. The market value shall be determined by a mutually acceptable appraiser and shall be based upon the highest and best private use of the property as though the property was part of a larger parcel and as though the larger parcel was raw unsubdivided acreage as of the date of the filing of the tentative map. The appraisal shall be completed and approved prior to the filing of the first final map of this subdivision.
25. The subdivider shall submit for approval, complete landscape construction documents (including plans, details and specifications) for the required street tree improvements and any slopes requiring revegetation. These documents shall show the required quantity of street trees, the tree species, the planter area and size, utility locations and driveways. All planting and irrigation plans and installation shall conform with the City's Landscape Technical Manual. The following quantity of trees shall be installed in a clustered pattern utilizing more than one eucalyptus tree specie along the existing, proposed streets, and cul-de-sacs satisfactory to the City Manager.

Street A and B (including cul-de-sacs): 58 trees
Fairway Road: 45 trees

26. The subdivider shall grant a building restricted easement over Lot 'C' (the lot directly to the west of the northwestern corner of Lot 'A').
27. The subdivider shall grant a building restriction easement over Lot 'B.'
28. WATER REQUIREMENTS:
 - A. The subdivider shall install eight-inch water mains in Streets "A" and "B" connecting to the water main in Fairbrook Road in a manner satisfactory to the Water Department Manager.
 - B. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install a redundant water system.

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29. SEWER REQUIREMENTS:

- A. Prior to 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 sewer facilities 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.

30. WATER AND SEWER REQUIREMENTS:

- A. The subdivider agrees to 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 redesigned or private.
- 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 mains that serve more than one lot.
- C. The subdivider shall grant adequate sewer easements, including vehicular access to each appurtenance (manholes, etc.), for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Minimum easement widths: sewer mains with manholes - 20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No trees, shrubs, or structures of any kind shall be installed in or over any access easement.

- 31. 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,

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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 Planning and Development Review 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.

32. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Planning and Development Review Department for each final map processed in connection with this Vesting Tentative Map.
33. Prior to the issuance of a grading permit for the proposed project, the applicant must provide copies of the necessary resource agency permit from the California Department of Fish and Game.

The total upland mitigation requirement of 4.10 acres would occur on an offsite parcel currently owned by the SDUSD in The City of San Diego community of Tierrasanta adjacent to Mission Trails Regional Park. The use of this Tierrasanta site as mitigation must be assured with the placement of a conservation or non-building easement or any other similar, equivalent method to guarantee its preservation in perpetuity. This mitigation assurance must be in place prior to issuance of any grading permits for the Fairbrook project site.

Prior to the issuance of building permits, a permanent wall shall be installed along the open space/MHPA boundary. The specific design of the wall shall be subject to review and approval by The City of San Diego Environmental Review Manager.

Impacts to 0.26 acre of disturbed wetland habitat shall be mitigated at a 2:1 ratio, for a total of 0.52 acre. Mitigation for wetland impacts shall consist of off-site habitat acquisition of freshwater marsh or better habitat adjacent to a larger, pre-existing mitigation project. The acquired mitigation site shall be specified and acquired prior to the issuance of any grading permit and shall be approved by the Environmental Review Manager of Land Development Review.


- A. Revegetation installation shall be provided by a licensed landscape contractor.

- B. Revegetation must occur prior to, concurrent with, or immediately following destruction of the on-site wetlands.
- C. Maintenance inspections shall be conducted weekly for the first four weeks, monthly for the next five months, and quarterly thereafter for the remainder of the revegetation project.
- D. The wetland mitigation site shall be monitored by a qualified project biologist over a five-year monitoring period. Monitoring shall occur immediately following plant installation, and quarterly for the first year, and twice a year for the next four years to evaluate the success of the revegetation efforts.
- E. By the fifth year, a 80% survival of all transplanted trees and 20% coverage of herbs shall be attained.
- F. The project biologist shall prepare and submit annual reports summarizing the results of each monitoring survey. Upon completion of the mitigation effort, a final report shall be submitted to the Environmental Review Manager of Land Development Review.

Alternative Adequate Mitigation for Upland Biological Impacts - In lieu of the setting aside of 4.10 acre of the proposed Tierrasanta parcel owned by SDUSD, the significant loss of upland habitat can be mitigated by the contribution of \$101,475 (\$22,500 per acre of impact plus 10% administration and maintenance costs) into the City's Habitat Acquisition Fund. Proof of this monetary contribution is required prior to the issuance of any grading permit. A combination of acreage and monetary contribution is also adequate mitigation.

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 Scripps Miramar Ranch Community Plan area.
- 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.
- 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 City Manager.

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