

RESOLUTION NUMBER R-294384

ADOPTED ON DECEMBER 12, 2000

WHEREAS, Gary and Leslie Schotz, Applicant, and Morrison Engineering Inc., Engineer, submitted by an application to the City of San Diego for a nine-lot tentative map (Tentative Map No. 99-1350 for the Schotz Estates project) and street vacations, located approximately 0.15 miles east of Carmel Country Road along both sides of Shaw Ridge Road, and legally described as the West Half of the Southwest Quarter of the Northeast Quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Base Meridian, in the Del Mar Mesa Specific Plan (Subarea V) of the North City Future Urbanizing Area and partially within the Multiple Habitat Planning Area [MHPA] of the Del Mar Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone); and

WHEREAS, on November 16, 2000, the Planning Commission of the City of San Diego considered Tentative Map No. 99-1350, and pursuant to Resolution No. 3050-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on December 12, 2000, 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. 99-1350:

1. The map proposes the subdivision of a 19.45 acre site into nine lots for residential development (seven residential lots, one open space lot, and one recreational lot). This type of development is consistent with the General Plan and the Del Mar Mesa 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 AR-1-1 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 Permit/Resource Protection Ordinance [PRD/RPO] permit.

b. All lots meet the minimum dimension requirements of the AR-1-1 zone, as allowed under a PRD/RPO 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/RPO permit.

d. Development of the site is controlled by Planned Residential Development Permit/Resource Protection Ordinance Permit No. 99-1350.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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 are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the Findings to a Master Environmental Impact Report [MEIR], LDR No. 99-1350 (Findings to MEIR No. 95-0353), 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 of 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.

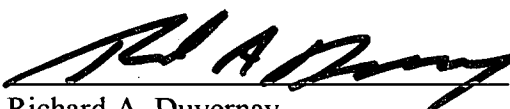
10. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Shaw Ridge Road located within the project boundaries as shown on Tentative Map No. 99-1350, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 99-1350 is hereby granted to Gary and Leslie Schotz, 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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Reviewed by Patricia Grabski

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 99-1350
SCHOTZ ESTATES
ADOPTED BY RESOLUTION NO. R- 294384 ON DECEMBER 12, 2000

1. 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.
2. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
3. The Final Map shall conform to the provisions of Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-1350.
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 California Public Resources Code sections 8801 through 8819. 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 shown in relation to the

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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 (Geotechnical) Investigation 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 [SDMC] section 62.0415 *et seq.*
10. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
11. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Findings to a Master Environmental Impact Report [MEIR], LDR No. 99-1350 (Findings to MEIR No. 95-0353), satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading and/or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Hydrology/Water Quality; Biological Resources; Land Use; Light/Glare/Shading; Landform Alteration; Public Facilities and Services (Schools, Libraries, Water, Sewer, Fire); Paleontological Resources; and Safety.
12. This project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.
13. The subdivider shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands causes or actions, liability or loss because of, or arising out of the partial vacation of Shaw Ridge Road.
14. The final map shall not be recorded until Del Mar Mesa Road, as shown on City Drawing No. 29261-D, is dedicated improved and accepted by the City Engineer.
15. Lot 1 shall be deeded to the City, at no cost, in fee simple, for Open Space. The lot shall be free and clear of any private encroachments, private easements, private agreements or liens.

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16. From the easterly subdivision boundary to STA 119 + 00 Del Mar Mesa Road is classified as a Residential Local Street (modified) within a 50 foot-wide right-of-way. The subdivider shall dedicate a 50 foot-wide right-of-way and shall provide 28 feet of pavement with Type G curb and gutter, and a 14 foot curb to property line distance on the north side of Del Mar Mesa Road comprised of an 8 foot-wide D.G. Multi-Use trail and equestrian path located 6 feet north of the face of curb and an 8 foot parkway with a five foot-wide general utility easement on the south side of the road, satisfactory to the City Engineer.
17. From STA 119 + 00 to the westerly subdivision boundary, Del Mar Mesa Road is classified as a Residential Local Street (modified) within a 52-foot-wide right-of-way. The subdivider shall dedicate a 52-foot-wide right-of-way and shall provide 28 feet of pavement with type G curb and gutter, and a 16-foot curb to property line distance on the north side of Del Mar Mesa Road comprised of a 10-foot-wide D.G. Multi-Use trail and equestrian path as well as a 3-foot-high split-rail fence located 6 feet north of the face of curb and an 8-foot parkway with a five foot-wide general utility easement on the south side of the road, satisfactory to the City Engineer.
18. The subdivider shall provide Mutual Access Easements between Lots 2 and 3, and Lots 4 and 6.
19. The subdivider shall design and construct an 8-inch water main in "private drive" from Del Mar Mesa Road to the southerly cul-de-sac in a manner satisfactory to the Water Department Director and the City Engineer.
20. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
21. The subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides.
22. The subdivider shall grant adequate water and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director. 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 structures or landscaping of any kind shall be installed in or over any access easement. Minimum easement width: 24 feet fully paved.

23. The subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve more than one lot.
24. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in the area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.
25. Prior to the submittal of any public improvement drawings the subdivider shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, 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.
26. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
27. The subdivider shall design all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
28. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, 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 appropriate Department Director. The minimum easement width for sewer mains with manholes is 20 feet. The easements shall be located within single lots.
29. No structures or landscaping, including medians and enhanced paving, shall be installed in or over any easement prior to the subdivider obtaining an Encroachment Maintenance and Removal Agreement.
30. No trees or shrubs exceeding three feet in height shall be installed within ten feet of any sewer facilities.

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31. The subdivider shall obtain a bonded engineering permit from the City Engineer for the grading proposed with this project. All grading shall conform to the requirements set forth in the SDMC in a manner satisfactory to the City Engineer.
32. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
33. 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.

34. The subdivider shall provide evidence of compliance with the affordable housing requirements of the North City Future Urbanizing Area Framework Plan and the Del Mar Mesa Specific Plan, in a manner satisfactory to the City Manager, and the Executive Director of the Housing Authority. Such evidence of compliance shall include execution of an Affordable Housing Agreement with the Executive Director of the Housing Authority that provides security for performance. The subdivider's project is eligible under the in-lieu fee option of the Del Mar Mesa Specific Plan to meet the affordable housing requirement in this manner, and the subdivider has stated its intent to pay the then current in-lieu fee for Del Mar Mesa as required, at the time of issuance of building permits.
35. The subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Technical Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," the Landscape Concept Plan, dated December 12, 2000, on file in the Office of the Development Services Department. The

applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.

36. The subdivider shall submit for review, a bonded Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," dated December 12, 2000, on file in the Office of the Development Services Department. The approved Landscape Maintenance Agreement shall be recorded prior to or concurrently with the recordation of the Final Map.
37. The subdivider shall identify on a separate sheet titled "Non-title Sheet" the brush management areas in substantial conformance with Exhibit "A," dated December 12, 2000, on file in the Office of the Development Services Department. These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the "Non-title sheet" to identify the hatched areas: "Indicates fire hazard reduction zone per Section 6 of the City of San Diego Landscape Technical Manual approved by the Planning Commission on March 16, 1989 as Resolution No. 0480-PC, and approved by the City Council on October 3, 1989 as Resolution No. 274506, and any other building code regulations."

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 impact fees, as established by the City Council, at the time of issuance of building permits.
- 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 Director of the Development Services Department.
- This Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.