

RESOLUTION NUMBER R-294814

ADOPTED ON MAY 1, 2001

WHEREAS, Fairbanks Summit, Ltd., Applicant, and Farrington Engineering Consultants, Engineer, submitted by an application to the City of San Diego for a 37-lot tentative map (Tentative Map No. 99-1364 for the Fairbanks Summit project), located at the southwest boundary of Camino de la Luna, west of the South Village within Black Mountain Ranch, east of Fairbanks Ranch and west of the future extension of Camino Ruiz, and legally described as Parcel 3 of Parcel Map No. 7242 in the Black Mountain Ranch Subarea I Planning Area, in the AR-1-1 zone (previously referred to as the A-1-10 zone) which is proposed to be rezoned to the RS-1-11 zone (previously referred to as the R-1-10,000 zone); and

WHEREAS, on March 1, 2001, the Planning Commission of the City of San Diego considered Tentative Map No. 99-1364, and pursuant to Resolution No. 3102-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on May 1, 2001; 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. 99-1364:

1. The map proposes the subdivision of a 20.72-acre site into thirty-seven lots for residential development (thirty-five single-family residential lots, one multi-family residential lot, and one open space lot). This type of development is consistent with the General Plan and the Black Mountain Ranch Subarea I 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 RS-1-11 zone (previously referred to as R-1-10,000 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/Resource Protection Ordinance [PRD/RPO] permit.

b. All lots meet the minimum dimension requirements of the RS-1-11 zone (previously referred to as the R-1-10,000 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/Resource Protection Ordinance Permit No. 99-1364.

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 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 LDR No. 99-1364, 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.

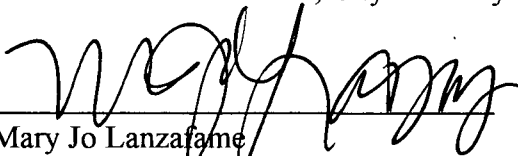
9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of The City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the 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. 99-1364 is granted to Fairbanks Summit, Ltd., subject to the conditions attached hereto and made a part hereof:

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:mdw:lc

07/20/01

Or.Dept:Clerk

R-2001-1738

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Reviewed by Patricia Grabski

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 99-1364
FAIRBANKS SUMMIT
ADOPTED BY RESOLUTION NO. R-294814 ON MAY 1, 2001

1. This tentative map will become effective on the effective date of the associated rezone and expires three years thereafter. Should the rezone be denied then this TM shall be deemed denied.
2. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the final map, unless otherwise noted.
3. 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.
4. The final map shall conform to the provisions of Planned Residential Development [PRD] and Resource Protection Ordinance [RPO] Permit No. 99-1364.
5. 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.

6. "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).
7. "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."
8. 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 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.
9. 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 Endangered Species Act of 1973 and any amendments thereto (16 U.S.C § 1531 *et seq.*).
10. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. Prior to the recordation of the final map or the issuance of any engineering permit for improvement or grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by Land Development Review Geology. The geotechnical investigation must be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports.
12. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
13. 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 or "joint-use agreements" for major transmission facilities.
14. Providing streets for this subdivision is dependent upon the prior construction of certain streets in previously approved developments in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
15. Vehicular access to the dwelling units within the PRD shall be by a system of privately maintained, non-dedicated private driveways, constructed in a manner satisfactory to the City Engineer.

16. The proposed project shall conform to the Black Mountain Ranch/Subarea I Transportation Phasing Plan in the Public Facilities Financing Plan, dated September 1998.
17. Camino De La Luna is classified as a two-lane collector street along the project's frontage. The subdivider shall dedicate 60 feet of right-of-way and shall provide 40 feet of pavement including curb, gutter and a 5-foot-wide non-contiguous sidewalk within a 10-foot curb to property line distance and 5-foot-wide General Utility Easement on both sides of Camino De La Luna, satisfactory to the City Engineer.
18. The subdivider shall provide a temporary cul-de-sac at the southerly terminus of Camino De La Luna, satisfactory to the City Engineer.
19. The subdivider shall construct, at the project entrance, two 20-foot-wide driveways with a 4-foot separation between driveway curb openings on Camino De La Luna, satisfactory to the City Engineer.
20. The subdivider shall obtain an encroachment removal agreement from the City Engineer for the enhanced paving, landscaping and irrigation in the City right-of way.
21. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
22. The subdivider shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
23. WATER REQUIREMENTS:
 - a. Prior to the approval of any public improvement drawings, the subdivider shall provide an acceptable water study satisfactory to the Director of the Water Department. The study shall plan the pressure zone(s) and water facilities necessary to serve this development including redundancy. If phasing of the development is proposed, then a phasing plan shall be included in the study with the affordable housing site in the first phase.
 - b. The subdivider shall design and construct all water facilities as required in the accepted water studies for this area, necessary to serve this development and extending to the subdivision boundary where practical. Water facilities, as shown

on the approved tentative map, will require modification based on the accepted water study.

- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Chief, the Director of the Water Department and the City Engineer.
- d. 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.
- e. The subdivider shall grant adequate water 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 Director of the Water Department. 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. The minimum width for water easements containing fire hydrants or water services shall be 30 feet wide, with 24 feet fully paved between full height curb.
- f. The subdivider shall provide evidence, satisfactory to the Director of the Water Department, 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.
- g. If on-site water facilities are to be public and if it is a gated community, the Water Operations Division shall have keyed access satisfactory to the Director of the Water Department. The City will not be held responsible for any issues that may arise relative to the availability of keys.
- h. 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.

24. SEWER REQUIREMENTS:

- a. Prior to the submittal of any public improvement drawings, the developer shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department 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 proposed sewer facilities, as required by the accepted sewer study, necessary to serve the subject development. Sewer facilities, as shown on the approved tentative map, may require modification based on the accepted sewer study.
- c. 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.
- d. The subdivider shall grant adequate sewer 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 Director of the Metropolitan Wastewater Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. An additional 5-foot width per additional utility is required for easements carrying more than one utility. For sewer mains more than 10 feet deep, 2 feet of additional easement width for each 1-foot of depth over 10 feet will also be required. The easements shall be located within single lots. No structures or landscaping of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
- e. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.
- f. Since the subject development is proposed to be a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Director of the Metropolitan Wastewater Department. The City will not be held responsible for any issues that may arise relative to possession of the keys.

- g. Providing sewer service for this development is dependent upon prior construction of certain water and sewer facilities in previously approved development plans in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.
 - h. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego's Sewer Design Guide.
- 25. 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.

26. LANDSCAPE REQUIREMENTS:

- a. 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 and median (if applicable) 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," dated May 1, 2001, Landscape Concept Plan, on file in the Development Services Department. The subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.

- b. 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 May 1, 2001, on file in the Development Services Department. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.
 - c. As part of the final map submittal, the subdivider shall identify on a separate sheet titled Non-title Sheet the brush management areas in substantial conformance with Exhibit "A," dated May 1, 2001, on file in 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 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. R-274506, and any other building code regulations."
 - d. The subdivider shall provide to the City a copy of the recorded "Temporary Easement Agreement," between Fairbanks Summit and Security Trust Company, for purposes of performing an off-site brush management program (50 feet wide) shown on Exhibit "A," Landscape Concept Plan/Brush Management Plan, dated May 1, 2001, on file in the Development Services Department.
 - e. Landscaping along Camino De La Luna shall be done in accordance with terms and conditions specified under "Public Road Access Agreement" (Document No. 2000-0009642), recorded on January 7, 2000 at the San Diego County Recorder's Office.
27. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Addendum (LDR No. 99-1364) to Environmental Impact Report [EIR] LDR No. 96-7902, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Biological Resources, Hydrology/Water Quality, and Paleontological Resources.
28. The Affordable Housing Requirements of PRD Permit No. 99-1364, on file with the Development Services Department, are incorporated by reference into this tentative map. The subdivider shall comply with the affordable housing element of the Black Mountain Ranch Subarea Plan. Prior to the recordation of the final map, the subdivider shall enter

into an agreement with the Executive Director of the Housing Authority of the City of San Diego, or designee, and the City Manager of the City of San Diego, or designee. The Affordable Housing Requirements are more thoroughly described through conditions of the accompanying PRD Permit No. 99-1364, such Permit becoming utilized upon recordation of this Tentative Map.

29. This subdivision is in a community plan area designated in the General Plan as Future 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 Director of the Development Services Department. 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 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 SDMC section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with SDMC 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 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.