

RESOLUTION NUMBER R-295653

ADOPTED ON OCTOBER 30, 2001

WHEREAS, Cal Sun Development Company, Applicant, and SB&O Inc., Engineer, submitted by an application to the City of San Diego for a thirty-one-lot tentative map (Tentative Map No. 40-0789 for the Scripps Pomerado project) and street vacation, located southeasterly of Pomerado Road and Spring Canyon Road, and legally described as Portions of the Southeast Quarter and Southwest Quarter of the Southwest Quarter of Section 26, Township 14 South, Range 2 West, and the Northwest Quarter of Section 35, Township 14 South, Range 2 West, San Bernardino Base Meridian, in the Scripps Miramar Ranch Community Plan area, in the CN zone, which is proposed to be rezoned to the RX-1-2 zone; and

WHEREAS, on August 30, 2001, the Planning Commission of the City of San Diego considered Tentative Map No. 40-0789, and pursuant to Resolution No. 3171-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on October 30, 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 it adopts the following findings with respect to Tentative Map No. 40-0789:

1. The map proposes the subdivision of a 3.66-acre site into thirty-one lots for residential development (twenty-seven residential lots and four open space lots). This type of development is consistent with the City of San Diego's Progress Guide and 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 RX-1-2 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 Development [PD] permit.

b. All lots meet the minimum dimension requirements of the RX-1-2 zone, as allowed under a PD 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 PD permit.

d. Development of the site is controlled by Planned Development/Site Development Permit No. 40-0789.

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 No. 40-0789, 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.

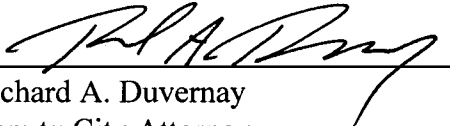
10. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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), a portion of the public street known as Mission Road 1-A, located within the project boundaries as shown in Tentative Map No. 40-0789, 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. 40-0789 is granted to Cal Sun Development Company, Applicant, and SB&O Inc., Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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12/07/01
Or.Dept:Clerk
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Reviewed by Vicky Gallagher

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 40-0789
SCRIPPS POMERADO
ADOPTED BY RESOLUTION NO. R-295653 ON OCTOBER 30, 2001

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. Should the rezone be denied then this 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. 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 90 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 Development [PD] Permit No. 40-0789.
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.

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- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
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 Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).
10. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code.
12. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Scripps Pomerado Mitigated Negative Declaration (LDR No. 40-0789), 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.
13. The subdivider shall obtain a bonded grading permit 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.
14. Streets A and B are classified as private residential streets. The subdivider shall grant a 44 foot General Utility Easement (GUE) and provide 34 feet of pavement, curb, gutter and 4.5 foot wide sidewalks satisfactory to City Engineer.
15. The subdivider shall provide pedestrian ramps at all street intersections.
16. 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.

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17. The emergency access driveway shall have controlled access satisfactory to the Fire Department and City Engineer.
18. Walls and their footings are not to be located within the City right-of-way.
19. Water Requirements:
 - a. The subdivider shall design and construct a system of public 8-inch water facilities, located in Private Streets 'A' and 'B', connecting to existing public water facilities in Pomerado Road which operate at the 1150 HGL, in a manner satisfactory to the Water Department Director.
 - b. The subdivider shall grant a water easement over Private Streets 'A' and 'B' and maintain a minimum paved width 24-feet-wide in a manner satisfactory to the Water Department Director.
 - c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the City Engineer, and the Water Department Director.
 - d. The subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
20. Sewer Requirement:
 - a. All proposed sewer facilities shall be private.
 - b. Prior to the submittal of any public improvement drawings, including grading plans, the subdivider shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of private or 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.
 - c. 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.

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- d. The subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide. Improvement drawings are required for private sewer facilities serving more than one lot.
 - e. The subdivider shall provide, satisfactory to the Metropolitan Wastewater Department Director, Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer mains that serve more than one lot.
21. The drainage system proposed for this subdivision is subject to approval by the City Engineer.
 22. The subdivider shall vacate the existing offsite 10 foot drainage easement at the fair market value as determined by the Real Estate Assets Department.
 23. The portion of the public street known as Mission Road 1-A may be vacated upon determination of the fair market value and compensation as required by the Real Estate Assets Department. The street vacation is conditioned upon approval and recordation of a final map in accordance with the Subdivision Map Act.
 24. 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 Standards and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 30, 2001, on file in the Development Services Department. The subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.
 25. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," Landscape Concept Plan, dated October 30, 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.
 26. The subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 30, 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 note shall be provided on the 'Non-title sheet' to identify

the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

27. Lots A, B, C, and D shall have building restricted easements and be owned and maintained by the H. O. A.
28. A five foot high fence shall be required on the top of the Keystone retaining wall for safety.
29. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or 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 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.

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 development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, 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.