

RESOLUTION NUMBER R-296291

ADOPTED ON APRIL 9, 2002

WHEREAS, Hillside Ventures, LTD., Applicant, and Farrington Engineering Consultants, Engineer, submitted by an application to the City of San Diego for a nineteen-lot tentative map (Tentative Map No. 41-0480 for the Fairbanks Summit II project), located south of Camino De La Rosa and west of Camino de La Luna, and legally described as Parcel Map 7242, in the Black Mountain Ranch Subarea I Planning area, in the AR-1-1 zone, which is proposed to be rezoned to the RS-1-11 zone; and

WHEREAS, on February 21, 2002, the Planning Commission of the City of San Diego considered Tentative Map No. 41-0480, and pursuant to Resolution No. 3240-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on April 9, 2002, 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. 41-0480:

1. The map proposes the subdivision of a 10.4-acre site into nineteen lots for residential development (seventeen single family, one multi-family, and one open space). This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Black Mountain Ranch Subarea 1 Planning area 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 RS-1-11 zone in that:

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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 Permit/Site Development Permit [PDP/SDP].

b. All lots meet the minimum dimension requirements of the proposed RS-1-11 zone, as allowed under a PDP/SDP.

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 PDP/SDP.

d. Development of the site is controlled by PDP/SDP No. 41-0480.

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, based upon the findings of Environmental Impact Report [EIR] No. 96-7902, which is included herein by this reference. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of an Addendum (LDR No. 41-0480) to EIR No. 96-7902, 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

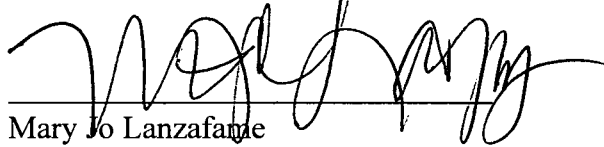
been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the Council.

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. 41-0480 is granted to Hillside Ventures, LTD., Applicant, and Farrington Engineering Consultants, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
05/01/02
Or.Dept:Clerk
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Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 41-0480
FAIRBANKS SUMMIT II
ADOPTED BY RESOLUTION NO. R-296291 ON APRIL 9, 2002

1. This 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 Tentative Map 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 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 Permit [PDP] and Site Development Permit No. 41-0480.
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.
6. 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.
7. "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].
8. "California Coordinate System" means the coordinate system as defined in Section 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."
9. 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

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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.

10. 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 USC Section 1531 et seq.).
11. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. 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.
13. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code.
14. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Addendum (LDR No.41-0480) 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
15. 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.
16. 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.
17. 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

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of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.

18. 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.
19. The proposed project shall conform to the Black Mountain Ranch/Subarea I Transportation Phasing Plan in the Public Facilities Financing Plan, dated September 1998.
20. 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 five foot wide contiguous sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
21. The subdivider shall provide a temporary cul-de-sac at the southerly terminus of Camino De La Luna, satisfactory to the City Engineer.
22. The subdivider shall install a City standard 24 foot wide driveway, at the Affordable Housing site entrance on Camino De La Luna, per Standard Drawings G-14A, G-16 and SDG-100, satisfactory to the City Engineer.
23. 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.
24. WATER REQUIREMENTS:
 - a. The subdivider shall design and construct public water facilities as identified in accepted water studies for this area in a manner satisfactory to the Water Department Director and the City Engineer.
 - b. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.
 - c. The subdivider agrees to design and construct all proposed public water facilities and associated easements 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. Facilities and easements, as shown on the approved tentative map, shall be modified at final engineering in accordance with accepted standards.

- d. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, 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 and to access appurtenances shall be a minimum of 24 feet wide, fully paved between full height curbs.
- e. The subdivider shall provide Covenants, Conditions & Restrictions [CC&R's] for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single lot.
- f. Providing water for this subdivision is dependent upon prior construction of certain public water facilities in previously approved developments in this area. If the 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 and the Water Department Director, will become off-site improvements required for this development.

25. SEWER REQUIREMENTS:

- a. 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 proposed public gravity sewer mains.
- b. The subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
- c. The subdivider shall design and construct 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, 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. Minimum easement width for sewer mains with manholes - 20 feet. The easements shall be located within single lots.
- e. Vehicular access roadbeds shall be a minimum of twenty feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds to sewer mains with laterals

shall be a minimum 24 foot wide and paved full width. An additional five feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than ten feet deep, two feet of additional easement width for each foot of depth over ten feet shall be required.

- f. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
 - g. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
 - h. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
 - i. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each unit 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.
 - j. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the 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.
26. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
27. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), *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 implemented concurrently with the commencement of grading activities, and a 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

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owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

28. LANDSCAPE REQUIREMENTS:

- a. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Plans shall include a Street Tree Location Plan, which identifies a station point for each street tree location that takes into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
- b. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit 41-0480 and Exhibit "A," dated April 9, 2002, on file in the Development Services Department.
- c. 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," dated April 9, 2002, on file in the Development Services Department.. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.
- d. The subdivider shall identify on a separate sheet titled "Non-title Sheet" the brush management areas in substantial conformance with Exhibit "A," dated April 9, 2002, 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."

29. OPEN SPACE REQUIREMENTS:

- a. Lot 18 shall have an open space easement and be owned and maintained by the H.O.A.
- b. The subdivider shall obtain an access easement across City owned open space for access to Lot 19. The subdivider shall pay fair market value as determined by the

real estate assets department if the easement is granted by the City Council. If the City Council does not grant the easement then the project must be redesigned.

30. AFFORDABLE HOUSING REQUIREMENTS:

- a. The Affordable Housing Requirements of PDP Permit No. 41-0480 on file with the Development Services Department, are hereby incorporated by reference into this vesting tentative map. 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 PDP Permit No. 41-0480, such Permit becoming utilized upon recordation of this Tentative Map.

31. 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 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 payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- 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.