

(R-2003-144)

RESOLUTION NUMBER R-296844

ADOPTED ON JULY 23, 2002

WHEREAS, Johnson Communities of Southern California, Applicant, and Latitude 33, Engineer, submitted by an application to the City of San Diego for a 7-lot tentative map (Tentative Map No. 41-0366 for the Vista Bougainvillea project) and street vacation, located vacation east of Del Vino Court and on the south side of Rancho Toyon Place, and legally described as Parcel 2 of Parcel Map 18709, in the Del Mar Mesa Specific Plan area, in the AR-1-2 zone; and

WHEREAS, on May 30, 2002, the Planning Commission of the City of San Diego considered Tentative Map No. 41-0366, and pursuant to Resolution No. 3269-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on July 23, 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. 41-0366:

1. The map proposes the subdivision of a 3.38-acre site into seven lots for residential development. This type of development is consistent with the General Plan and the Del Mar Mesa Specific Plan, Subarea V, 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/development regulations of the AR-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 Permit and Site Development Permit.
 - b. All lots meet the minimum dimension requirements of the AR-1-2 zone, as allowed under a Planned Development Permit and Site Development 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 Planned Development Permit and Site Development Permit.
 - d. Development of the site is controlled by Planned Development Permit and Site Development Permit No. 41-0366.
3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 and San Diego Municipal Code section 125.0440(g) regarding the design of the subdivision for future passive or natural heating or 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 or 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 to Master Environmental Impact Report No. 41-0366, 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, in as much 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 Planning Commission has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, 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. A portion of Road Survey 65, also known as Lusardi Road, recorded August 22, 1986, in Deed Book 257, pages 33 and 34, within and adjacent to the subject Tentative Map, is no longer needed for the public purpose for which it was granted; and finds that:

- a) there is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
 - b) the public will benefit from the action through improved use of the land made available by the vacation;
 - c) the vacation does not adversely affect any applicable land use plan or; and
 - d) the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.
1. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

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

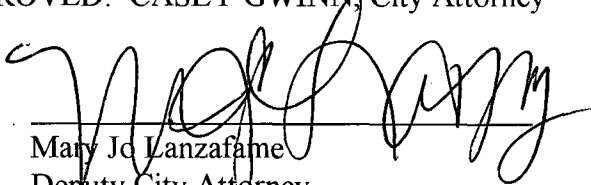
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), a portion of Road Survey 65, also known as Lusardi Road, recorded August 22, 1986, in Deed Book 257, pages 33 and 34, located within the project boundaries as shown in Tentative Map No. 41-0366, shall be vacated, contingent 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. 41-0366 is granted to Johnson Communities of Southern

California, Applicant and Latitude 33, 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:pev

8/13/02

Or.Dept:Clerk

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Reviewed by Derrick Johnson

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 41-0366
VISTA BOUGAINVILLEA PROJECT
ADOPTED BY RESOLUTION NO. R-296844 ON JULY 23, 2002

1. This tentative map will expire July 23, 2005.
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 Permit and Site Development Permit No. 41-0366.
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 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."
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

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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.

9. The issuance of this tentative map by The City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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. 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 17.1 D of the IA.

10. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Findings to Master Environmental Impact Report, No. 41-0366, satisfactory to the City Manager. Prior to the issuance of the Tentative Map, Street Vacation, Planned Development Permit, Neighborhood Use Permit, and Site Development Permit [TM/SV/PDP/NUP/ESL Permit No. 41-0366], all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

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Biological Resources, Land Use, Geology, Hydrology/Water Quality, Landform Alteration, Light/Glare/Shading, Public Facilities and Services, Safety, Paleontological Resources, and Transportation Circulation.

11. Prior to issuance of any grading permits and/or building permits, the City Manager shall verify that appropriate fencing is shown on the project plans to prevent unauthorized access into the adjacent MHPA (Lot 7 of the TM). All required fencing shall be properly maintained and any future repairs shall be conducted in a manner which does not result in impacts to sensitive biological resources.
12. Prior to issuance of any grading permits, the Del Mar Mesa mitigation parcel (APN# 308-020-10) proposed to mitigate for direct impacts to a sensitive habitat shall be fully executed in accordance with the "Mitigation Agreement for the Johnson Communities Del Mar Mesa Mitigation Parcel (April 22, 2002)" and MMRP item 4A.
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. 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.
15. Undergrounding of the proposed public utility systems and service facilities is required according to San Diego Municipal Code.
16. The street vacation of a portion of Road Survey 65, also known as Lusardi Road, is conditioned upon approval and recordation of a final map in accordance with the Subdivision Map Act Section 66434(g). The off-site street vacation of a portion of Road Survey 65, also known as Lusardi Road, located between the westerly line of subject Tentative Map and Del Vino Court is conditioned upon approval and recordation of a precise drawing and description in accordance with Section 8300 et seq. of the California Streets and Highways Code.
17. A mutual access easement shall be granted for the common driveway serving Lots 6 & 7.
18. An access easement shall be granted over Lot 7 to serve APN#308-020-56.

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19. The project shall conform to Del Mar Mesa/Subarea V Transportation Phasing Plan.
20. The subdivider shall construct Ranch Toyon Place as a two-lane residential street with a minimum pavement width of 28' within 52' of right-of-way including 10'-14' parkway and 8' multi-use trail on the north side.
21. The subdivider shall construct the proposed driveway access at a minimum of 20' plus 3' flare to each lot.
22. The project shall be connected to SR-56 by a network of improved public streets based on the approved transportation phasing plan for Del Mar Mesa/Subarea V.
23. The proposed project shall conform to the approved Mesa Verde Estates Vesting Tentative Map (VTM 96-0625) and the proposed Maas Residence (TM 40-0645).
24. Water :
 - a. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants located within rights-of-way having no curbs or rolled curbs shall have protective posts per SDW-102.
 - b. The subdivider shall install water meters behind a full height curb in a manner satisfactory to the Water Department Director.
 - c. The subdivider agrees to design and construct all proposed public water facilities, including services, meters and 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. Water facilities and easements, as shown on the approved tentative map, will require modification at final engineering in a manner satisfactory to the Water Department Director and the City Engineer.
 - d. The subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot.
 - e. 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, including, but not limited to, a water pump station and approximately 1,500 lineal feet of 8-inch pipe

25. Sewer:

- a. The subdivider shall construct their fair share of the Carmel Valley Trunk Sewer and enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.
- b. 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 redefined.
- c. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- d. 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 removal agreement.
- e. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- f. Providing sewers 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 proposed for this development, as shown on the approved tentative map, is subject to approval by the City Engineer.

27. Landscape:

- a. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape improvement plans shall indicate each street tree by station points and staking the field with a lodge pole

tree stake prior to any utilities stub-outs. Trees stakes shall remain in place until trees are planted.

- b. Prior to issuance of any engineering permits for grading, landscape construction documents(including irrigation plans) for slope planting, erosion control, re-vegetation and hydro-seeding shall be submitted to the City Manager for approval.
 - c. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within and visible from the public right-of-way. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recording of the final map.
 - d. Prior to issuance of permits or recording of final maps, all easement or right of entry permits for the purpose of Brush Management shall be obtained.
 - e. Prior to any construction or grading, it shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Mitigation Monitoring & Conservation section of the Development Services Department to discuss and outline the implementation of the Brush Management Program.
28. The subdivider shall obtain a Certificate of Compliance or Exemption from the Del Mar Union School District and the San Dieguito Union School District that demonstrates project impacts on school facilities are adequately mitigated within each school district as required in the Del Mar Meas Specific Plan.
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 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.