

RESOLUTION NUMBER R-298152

ADOPTED ON JULY 1, 2003

WHEREAS, Pardee Homes, Applicant, and Rick Engineering Company, Engineer, submitted by an application to the City of San Diego for a 155-lot vesting tentative map (Vesting Tentative Map No. 9691 for the Crescent Heights project), located at the southeast corner of Camino Santa Fe and Calle Cristobal, and described as the North Half of Section 34, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone) which is proposed to be rezoned to the RX-1-2, RM-2-5, and OC-1-1 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 9691, voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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 Vesting Tentative Map No. 9691:

1. The map proposes the subdivision of a 185.2-acre site into 155 lots (128 residential, two multi-family, sixteen Home Owners Association [HOA] and nine open space) for residential development. This type of development is consistent with the General Plan and the Mira 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/development regulations of the RX-1-2, RM-2-5 and OC-1-1 zones 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 Coastal Development and Planned Residential Development [CDP/PRDP] Permit.
 - b. All lots meet the minimum dimension requirements of the RX-1-2, RM-2-5 and OC-1-1 zones, as allowed under a CDP/PRDP.
 - 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 CDP/PRDP.
 - d. Development of the site is controlled by PRD Permit No. 9693 and CD Permit No. 9694.
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. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (LDR No. 99-0639) to reduce the significant and unmitigated impacts to land use, visual quality/landform alteration (direct), hydrology/water quality (cumulative), and air quality (cumulative).
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 City Council 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.

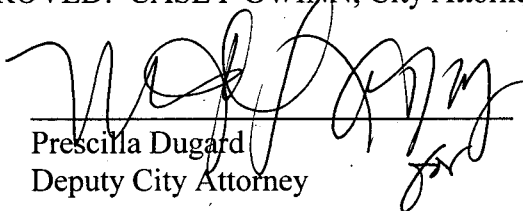
10. Lot 134 and lot 139 are condominium projects as defined in Section 1350, et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 144.

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 accepted, and Vesting Tentative Map No. 9691 is granted to Pardee Homes, Applicant, subject to the attached conditions which are made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By



Prescilla Dugard
Deputy City Attorney

PD:dm

6/10/03

Or.Dept:Dev.Svcs.

R-2004-5

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Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 9691
CRESCENT HEIGHTS
ADOPTED BY RESOLUTION NO. R-298152 ON JULY 1, 2003

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 vesting tentative map shall be deemed denied.

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 development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
3. The final maps shall conform to the provisions of Planned Residential Development Permit [PRDP] No. 9693 and Coastal Development Permit [CDP] No. 9694.
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 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."
7. Every 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.
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 USC § 1531, et seq.).
9. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
10. The subdivider shall file four final maps. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
11. 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.
12. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
13. The geotechnical report provided by the subdivider's consultant has been reviewed. Based on that review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project for the purpose of environmental review. Additional information will not be required by LDR Geology with regards to the TM/PRDP/RZ/CDP. However, additional geotechnical review will be required as final improvement and grading plans are developed for the project.
14. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code.

15. 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
16. Calle Cristobal is classified as a 4-lane major street. The subdivider shall provide 64 feet of pavement, a median, curb and gutter, and 5-foot wide contiguous sidewalks within a 10-foot curb to property line distance.
17. Camino Sante Fe is classified as a 4-lane major. The subdivider shall provide 64 feet of pavement, curb and gutter, and 5-foot wide contiguous sidewalks within a 10-foot curb to property line distance.
18. Streets "A" through "E" are classified as residential streets. The subdivider shall dedicate 54-foot wide rights-of-way and provide 34 feet of pavement, curb, gutter, and 5-foot wide sidewalks within a 10-foot curb to property line distance.
19. The cul-de-sac for Streets "A" and "E" shall have a 50-foot curb radius with a 60-foot right-of-way radius. Street "B" shall have a 35-foot curb radius with a 45-foot right-of-way radius.
20. Where non-contiguous sidewalks are implemented the subdivider shall grant 5-foot wide general utility easements adjacent to the right-of-way on both sides of the street and the grade within the easement shall be at a 2 percent fall towards the street.
21. All driveways shall be constructed per Standard Drawing G-14a, G-16, and SDG-100.
22. The subdivider shall provide and maintain a minimum parking inner clear-area dimensions within all single-car, side-by-side two-car, and tandem two-car garages of 9.5 feet by 19 feet, 18 feet by 19 feet, and 9.5 feet by 36 feet respectively.
23. The subdivider shall construct a standard 25-foot wide two-way driveway, accessing the proposed development on the west side of Camino Santa Fe.
24. The subdivider shall assure by permit and bond the construction of a traffic signal and appropriate signal interconnect at the intersection of Calle Cristobal and Street "A," satisfactory to the City Engineer.
25. The subdivider shall assure the project access along Camino Santa Fe shall be right-in and right out only. A full-width median shall be maintained along Camino Santa Fe fronting the westerly portion of the subject project.

26. The subdivider shall grant the City and maintain an adequate sight distance for the access points of the north multi-residential development, the west multi-residential development, and both the westerly and northerly street access points of the single-family development onto Camino Santa Fe and Calle Cristobal, respectively.
27. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141).
28. This project proposes to export 360,800 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
29. Drainage systems not located within a public street are private and will be privately maintained. The drainage system proposed with this development shall be private and is subject to approval by the City Engineer.
30. 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 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.

31. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance.

32. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
33. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.
34. 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 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," Landscape Concept Plan, on file in the Office of the Development Services Department. The subdivider shall assure by permit and bond the installation of landscaping per the landscape construction documents.
 - b. 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." The approved bonded Landscape Maintenance Agreement shall be recorded prior to recordation of the final map.
 - c. The subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." 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."
35. MSCP REQUIREMENTS:
 - a. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Environmental Documentation for the "Crescent Heights and Sunset Pointe Project" (LDR Nos. 99-0639 and 40-0329, SCH No. 99091107), satisfactory to the City Manager and the City Engineer, for

the following issues areas to ensure compliance with the Multiple Habitat Planning Conservation Program [MSCP] Land Use Adjacency Guidelines: Land Use, Biological Resources and Hydrology/Water Quality. Additionally, the following conditions shall apply:

- b. Prior to recordation of the first final map and/or issuance of any grading permits, the subdivider shall assure construction of fencing ranging from five to six feet (combination of tubular steel, block wall/tubular steel, or block wall and tubular steel on retaining wall) along areas adjacent to the Multiple Habitat Planning Area [MHPA], including vernal pool Lots 136 and 138, satisfactory to the City Manager and the City Engineer, to restrict access to the MHPA. Any necessary future fence repairs shall be conducted in a manner which does not result in impacts to sensitive biology resource or wildlife movement. For vernal pool Lots 136 and 138, fencing shall be erected and maintained along Calle Cristobal satisfactory to the City Manager and the City Engineer.
- c. Prior to recordation of the first final map and/or issuance of any grading permits, the adjusted on-site MHPA area(s) shall be conserved and conveyed to the City's MHPA, through either dedication in fee to the City, OR placement in a conservation easement OR covenant of easement, which is then recorded on the property. For areas in the MHPA within brush management zone two and proposed revegetation areas, a conservation easement or covenant of easement would be appropriate. All other areas could be conveyed through any of the three above methods. Management of the on-site preserved MHPA and revegetation areas shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.

36. 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. Minimum water main size to serve attached multi-family development is 12-inches in diameter.
- b. The subdivider shall design and construct all public water facilities, as required in the accepted water study, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study and to maintain redundancy throughout construction phasing.

- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Director of the Water Department.
- 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 Director of the Water Department. Easements shall be located within single lots.
- e. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 20 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Easements or lack thereof, as shown on the approved tentative map, will require modification based on standards at final engineering. Easements shall cover entire drive aisles, especially driveway curb cuts.
- f. The subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, private utilities or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
- g. The subdivider shall design and construct all irrigations systems to utilize reclaimed water in a manner satisfactory to the Director of the Water Department.
- h. 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 or dwelling unit.
- i. If on site water facilities are to be public and it is a gated development, then the subdivider shall provide keyed access to the Water Operations Division in a manner 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.
- j. 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.

Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or redesigned.

37. WASTEWATER REQUIREMENTS:

- a. Prior to the submittal of any public improvement drawings, including grading plans, the subdivider shall provide evidence of an accepted sewer study satisfactory to the Director of the Metropolitan Wastewater Department, for the sizing, grade and alignment of proposed public and private 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 and adjacent areas that cannot gravity sewer to an existing sewer system.
- b. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development and extending to the subdivision boundary. 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 Director of the Metropolitan Wastewater Department. 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 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24-foot wide and paved full width. An additional 5 feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than 10 feet deep, two feet of additional easement width for each foot of depth over 10 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 Director of the Metropolitan Wastewater Department, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot/ownership.

38. OPEN SPACE REQUIREMENTS:

- a. All lots granted to the City or encumbered by a conservation easement shall be free and clear of all private easements, private encroachments, and private agreements or liens.
- b. Lots 129, 130, and 155 shall have building restricted easements.
- c. Lots 131, 133, 135, 137, 140, 144, 145, 146, 148, 149, 150, 151, and 153 shall have Open Space Easements and be owned and maintained by the Home Owners Association.
- d. No landscaping easements were shown and none are approved. Any landscaping easements as well as all landscaping and irrigation within those easements must be approved by the Maintenance Assessment District section of Park and Recreation.
- e. Prior to recording the first final map and/or issuance of any grading permit, a conservation easement, in favor of the City of San Diego, with USFWS and CDF&G named as third party beneficiaries, shall be recorded over lots 136, 138, 141, 142, 143, 147, 152 and 154.
- f. The Subdivider shall dedicate in fee to the City of San Diego, at no cost, with the first final map and/or grading permit, lot 132 consisting of approximately 28.73 acres as mitigation for specific development project impacts.

- g. A portion of the following lots are in excess of the mitigation requirements for specific development impacts (“Excess Mitigation Area”):

<u>Lot Number</u>	<u>Area in acres</u>
142	3.99
143	22.35
147	16.46
152	9.14
154	6.49

The Subdivider may use the Excess Mitigation Area as mitigation for the Subdivider’s subsequent Development projects or it may be “banked” and may be used to provide mitigation for future development projects of other owners within the MSCP area consistent with applicable USFWS and CDF&G conservation banking policies and the MSCP Implementing Agreement.

- h. Prior to recording the first final map and/or issuance of any grading permit the Subdivider shall enter into an agreement with the City Manager to implement the use of the Excess Mitigation Area lots for mitigation. The agreement shall contain provisions for the permanent protection of the Excess Mitigation Area by a conservation easement or covenant of easement. The agreement shall require the preparation of a general biological survey report identifying the location, extent, type and quality of vegetation, habitat and sensitive species and a method for accounting for the use of the Excess Mitigation Area for mitigation. Biological surveys conducted as part of the Multiple Species Conservation Plan or previous environmental impact reports maybe used where the Subdivider and the City Manager agree the data adequately reflects the vegetation, habitat and sensitive species in the Excess Mitigation Area.
- i. No later than July 1, 2008, unless otherwise extended by the Deputy Director of the Open Space Division of Park and Recreation and the City Manager, lots 136, 138, 141, 142, 143, 147, 152 and 154 shall be granted in fee to the City of San Diego, at no cost to the City, for Open Space.
39. This subdivision is in a community plan area designated in the General Plan as Planned 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

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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.

40. The subdivider shall install a traffic signal and appropriate interconnect at the intersection of Calle Cristobal and Street "A," satisfactory to the City Engineer.

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 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 development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.