

RESOLUTION NUMBER R-298156

ADOPTED ON JULY 1, 2003

WHEREAS, Pardee Construction Company, Applicant, and Rick Engineering Company, Engineer, submitted an application to the City of San Diego for a 32-lot vesting tentative map (Vesting Tentative Map No. 11750) and Easement Vacation No. 11836, for the Sunset Pointe project, located at the southerly terminus of Lopez Ridge Road, southerly of Calle Cristobal, and legally described as a portion 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 RS-1-14 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. 11750 and Easement Vacation No. 11836, and 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. 11750 and Easement Vacation No. 11836:

1. The map proposes the subdivision of a 37.32-acre site into thirty-two lots for residential development (thirty residential, one open space, and one Homeowner's Association [HOA], open space and brush management). This type of development is consistent with the City of San Diego's Progress Guide and 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 and development regulations of the RS-1-14 and OC-1-1 zones in that:

a. Development of the site is controlled by Coastal Development Permit [CDP] No. 11758, Planned Development Permit [PDP] No. 11760, and Site Development Permit [SDP] No. 11761 [collectively, the Permits].

b. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under PDP No. 11760.

c. All lots meet the minimum dimension requirements of the RS-1-14 and OC-1-1 zones, as allowed under PDP No. 11760.

d. 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 PDP No. 11760.

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 specific economic, legal, social, technological, or other considerations made infeasible the mitigation measures or project alternatives identified in the Final EIR (LDR Nos. 99-0639 and 40-0329) to reduce unmitigated impacts to land use, landform alteration/visual quality (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 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.

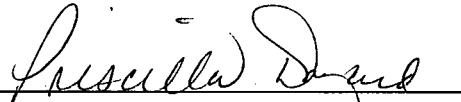
10. The property contains a portion of the sewer easement granted to the City of San Diego per document recorded December 30, 1987, as file no. 87-713712, which is no longer needed for the public purpose for which it is granted, and which must be vacated to implement the final map in accordance with 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 sewer easement granted to the City of San Diego per document recorded December 30, 1987, as file no. 87-713712, located within the project boundaries as shown in Vesting Tentative Map No. 11750, 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 Vesting Tentative Map No. 11750 and Easement Vacation No.11836, are granted to Pardee Construction Company, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PD:dm
06/11/03
08/19/03 (COR.COPY)
Or.Dept:Dev.Svcs.
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CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 11750
SUNSET POINT PROJECT
RESOLUTION NO. 298156, ADOPTED JULY 1, 2003

This tentative map will become effective on the effective date of the associated re-zoning and will expire three years thereafter. Should the re-zoning 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 tentative map, may protest the imposition within ninety days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
3. The final map shall conform to the provisions of CDP Permit No. 11758, PDP Permit No. 11760, and SDP No. 11761.
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. The final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
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 drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
10. 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.
11. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. Undergrounding of the existing Mitigation Monitoring and Reporting Program [MMRP] and/or proposed public utility systems and service facilities is required according to the San Diego Municipal Code.
13. Street "A" is classified as a local resident street within a 56/60-foot- wide right-of-way. The subdivider shall dedicate a 56/60-foot-wide right-of-way and shall provide 36/40 feet of pavement, curb, gutter and 5-foot-wide non-contiguous sidewalk within a 10-foot curb-to-property-line distance, along with a 5-foot general utilities easement, all satisfactory to the City Engineer. The C-D-S shall have a 50 ft curb radius with a 60-foot right-of-way radius.
14. 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) satisfactory to the City Engineer.
15. The vacation of a portion of the sewer easement granted to the City of San Diego per document recorded December 30, 1987, as file no. 87-713712, is conditioned upon

R-298156

approval and recordation of a final map in accordance with the Subdivision Map Act section 66434(g).

16. Prior to the recordation of the first final map, the subdivider shall grant and maintain a visibility easement at the access points of Units Nos. 1, 2, and 3 along their respective frontage on Street "A," as shown on Exhibit "A," satisfactory to the City Engineer. No landscaping higher than 30 inches in height shall be maintained in the visibility area.
17. Water Requirements:
 - a. The subdivider shall design and construct a system of public 8-inch water facilities in Street "A" from Lopez ridge Way to the westerly cul-de-sac, and in an easement from Street "A" to Sunny Mesa Road, in a manner satisfactory to the Water Department Director.
 - b. The subdivider shall grant a minimum 30 feet wide water and sewer easement traversing Lots 13 and 31, immediately adjacent to the westerly Lot 13 property line, from Street "A" to Sunny Mesa Road in a manner satisfactory to the Director of the Water Department.
 - c. The subdivider shall install five hydrants at locations satisfactory to the Fire Marshall, the Director of the Water Department, and the City Engineer.
 - d. The subdivider shall install a water service to each lot in a manner satisfactory to the Director of the Water Department and the City Engineer.
 - e. The subdivider agrees to design and construct all proposed public water facilities, including pipelines, services, meters, and easements, in accordance with the 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, as shown on the approved tentative map will require modification at final engineering to comply with standards. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be redesigned.
18. Sewer Requirements
 - a. Provide the submittal of any public improvement drawing, including grading plans, the subdivider shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department, for the sizing, grade and alignment of public gravity sewer mains (and private gravity sewer mains serving more than

one lot) and show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

- b. The subdivider shall install 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.
- c. The subdivider shall design all proposed public sewer facilities to the most current edition of the city of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be 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 right-of-way, satisfactory to the metropolitan Director of the Wastewater Department. The minimum easement width for sewer mains with manholes is 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 easement containing more than one utility. For sewer mains more than 10 feet deep, 2 feet of additional easement width for each foot of depth over 10 feet shall be required.
- f. No structures or landscaping that would inhibit or prevent access shall be installed in or over any sewer access easement.
- g. No approved 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 will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.

19. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, consistent with the approved Water Quality Technical Report.
20. Landscape Requirements:
 - a. Prior to the recording of the final map, the subdivider shall submit interim landscape/erosion control and permanent irrigation construction documents for slope re-vegetation and hydroseeding of all disturbed land in accordance with the Landscape Regulations and Standards and to the satisfaction of the City Manager. The applicant shall assure by permit, cost estimate and bond for the installation of landscaping per landscape construction documents.
 - b. Prior to the recording of the final map, the Permittee or subsequent Owner/Developer 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 (parcel/final map).
 - c. Prior to recording of the final map, the Permittee or subsequent Owner/Developer 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 zone(s) per Section 142.0412 of the Land Development Code."
21. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
22. The applicant shall comply with the MMRP as specified in Environmental Impact Report Project No. 3179, LDR Nos. 99-0639 and 40-0329, SCH No. 99091107, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following nine issue areas:

Land Use
Landform Alteration/Visual Quality
Biological Resources
Geology/Soils

R-298156

Hydrology/Water Quality
Air Quality
Cultural Resources
Paleontological Resources
Noise

23. Lot 31 shall have an open space easement granted to the City and be owned and maintained by the Home Owners Association [HOA].
24. Lot 32 shall be granted to the City, at no cost, for open space. Said lot shall be free and clear of all private easements, private encroachments, private agreements and/or liens.
25. 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.

26. 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 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 vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.