

RESOLUTION NUMBER R-299050

ADOPTED ON MARCH 30, 2004

WHEREAS, Keith B. Rhodes, Trustee, of the Keith B. Rhodes Living Trust, dated November 11, 1999, and the John W. Grus Living Trust, dated October 2, 1996, and Fieldstone Communities Inc., a California Corporation, Applicants, and Latitude 33, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map [VTM] No. 7938 and street and easement vacations for the Rhodes Crossing Project located southeasterly of Camino Del Sur and SR-56, and legally described as a Portion of Section 13, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Peñasquitos Community Plan and Torrey Highlands Subarea Plan area, in the AR-1-1 and RS-1-14 zones which are proposed to be re-zoned to the RS-1-14, RM-3-9, CR-2-1 and CC-1-3 zones; and

WHEREAS, on February 5, 2004, the Planning Commission of the City of San Diego considered Rhodes Crossing VTM No. 7938 and street and easement vacations, and pursuant to Resolution No. 3464-PC voted 6-0 to recommend City Council denial of the vesting tentative map and street and easement vacations; and

WHEREAS, the matter was set for public hearing on March 30, 2004, 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 Rhodes Crossing Vesting Tentative Map No. 7938.

1. The map proposes the subdivision of a 147.39-acre site into 192 lots for residential, commercial and open space development (150 single-family, two condominium, fifteen commercial, sixteen open space, ten slope and one emergency access). This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Peñasquitos

Community Plan and Torrey Highlands Subarea Plan which designate the area for residential and commercial 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, RM-3-9, CR-2-1 and CC-1-3 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 Planned Development, Site Development and Conditional Use Permits [PDP/SDP/CUP].
- b. All lots meet the minimum dimension requirements of the RS-1-14, RM-3-9, CR-2-1 and CC-1-3 zones, as allowed under PDP/SDP/CUP permits.
- 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/CUP permit.
- d. Development of the site is controlled by Planned Development Permit No.53203/Site Development Permit No.53204/ Conditional Use Permit No. 53205.

3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 and San Diego Municipal Code section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential and commercial 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 and commercial uses.

6. The City of San Diego conducted an Initial Study in compliance with the California Environmental Quality Act which concluded that the project would result in significant direct environmental impacts in the following areas: biological resources, noise, historical resources, aesthetics/visual resources/community character, hydrology/water quality, geotechnical conditions and paleontological resources. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the proposed project as identified in the EIR [Project No. 3230/SCH No. 2002121089].

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 decision-maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources in conformance with the Subdivision Map Act section 66412.3 and the San Diego Municipal Code section 125.0440(h).

10. The subdivision is a condominium project as defined in California Civil Code section 1350 et. seq. and filed pursuant to the Subdivision Map Act. The following are the number of condominiums per lot; Lot 122 - 242 units and Lot 125 - 342 units for a total of 584 residential condominiums.

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

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

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), a Portion of Carmel Mountain Road located within the project boundaries as shown in Vesting Tentative Map No. 7938, shall be vacated, contingent upon the recordation of the approved final map for the project:

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the following public service easements, located within the project boundaries as shown in Tentative Map No. 98-0559, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. The drainage easements, slope and drainage easement and temporary access easements granted per Document recorded 6-29-2001 as File No. 2001-0445396.
- b. The temporary access easement granted per Document recorded 1-3-1997 as File No. 1997-0003715, drainage easements granted per Document recorded 1-3-1997 as

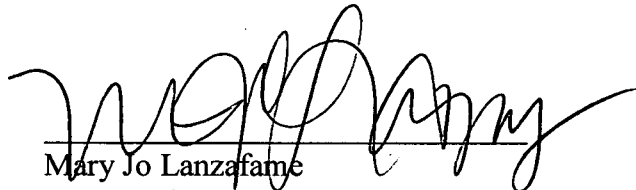
File No. 1997-0003690, and temporary drainage easements granted per Document recorded 1-3-1997 as File No. 1997-0003689.

- c. A portion of the water easement granted per Document recorded 2-23-1971 as File/Page 33951.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is overruled and Rhodes Crossing Vesting Tentative Map No. 7938 is granted to Keith B. Rhodes Trustee of the Keith B. Rhodes Living Trust, dated November 11, 1999, and the John W. Grus Living Trust, dated October 2, 1996, and Fieldstone Communities, Inc., subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq:pev
03/02/04
05/05/04 REV.
Or.Dept: DSD
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