

RESOLUTION NUMBER R- 299731

ADOPTED ON OCT 05 2004

WHEREAS, Dano Pegasus, L.L.C., Applicant/Subdivider, and Hunsaker & Associates, Inc., Engineer, submitted an application to the City of San Diego for a Tentative Map No. 11483 for the subdivision of a 5.7 acre site into 31 parcel lots consisting of 16 residential lots, one street lot, six homeowner association open space lots, one bridge lot for existing pedestrian walkway bridge, seven church facility lots, slope and drainage easements abandonment, and partial street vacation for the Pegasus Project [Project], located north of Gemini Avenue, east of Pegasus Avenue, south of Capricorn Way, and west of Black Mountain Road, and legally described as a subdivision of a portion of the south 5 acres of the Southwest Quarter of the Southeast Quarter of Section 30, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey approved on November 19, 1880, RX-1-2 zone, in the Mira Mesa Community Plan area; and

WHEREAS, on August 12, 2004, the Planning Commission of the City of San Diego considered Tentative Map No. 11483, slope and drainage easements abandonment, and partial street vacation, and pursuant to Resolution No. 3553-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on October 5, 2005, 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. 11483:

1. The map proposes the subdivision of a 5.7 acre site into 31 parcel lots consisting of 16 residential lots, one street lot, six homeowner association open space lots, one bridge lot for existing pedestrian walkway bridge, seven church facility lots, slope and drainage easements abandonment, and partial street vacation. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Mira Mesa Community Plan 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 Land Development Code [LDC] Section 125.0440(a) and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
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 are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of Mitigated Negative Declaration LDR No. 6861, 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.
10. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

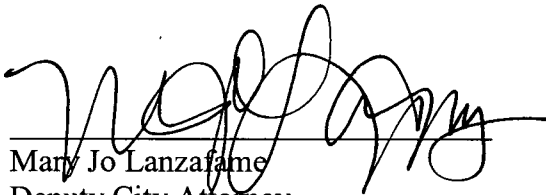
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of slope easement, drainage easement, and unnamed street for pedestrian bridge, located within the project boundaries as shown in Tentative Map No. 11483, shall be partially 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. 11483 is granted to Dano Pegasus, L.L.C, Applicant/Subdivider and Hunsaker & Associates, Inc., Engineer, subject to the attached conditions which are made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq:cdk
09/15/04
Or.Dept:DSD
R-2005-298


CONDITIONS FOR TENTATIVE MAP NO. 11483
PEGASUS – PROJECT NO. 6861
ADOPTED BY CITY COUNCIL RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire on October 5, 2007.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Conditional Use Permit No. 96842 and Planned Development Permit No. 11482.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

6. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance.
7. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
8. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, in accordance with the approved Water Quality Technical Report.
9. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
10. The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to approval by the City Engineer.


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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. 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.
13. 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.
14. The subdivider shall grant a flood storage easement at the northeast corner of the proposed Lot 18.
15. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. 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.

MAPPING

16. "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].
17. "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."

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18. 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.
19. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

20. The Subdivider shall design and construct a system of public 8-inch water facilities within Private Driveway "A" to front all lots in a manner satisfactory to the Water Department Director and the City Engineer.
21. The Subdivider shall install individual water services, one to each dwelling unit or provide a letter, to the Development Project Manager, agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single condominium unit or lot.
22. The Subdivider shall provide acceptable water easements for all public water facilities located outside of fully improved public rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer.
23. The Subdivider agrees to design and construct all proposed public water facilities 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 as shown on the approved tentative map shall be modified at final engineering to comply with standards.
24. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San

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- Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
25. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
 26. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
 27. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, 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 facilities that serve more than one lot.
 28. Prior to Certificate of Occupancy, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

GEOLOGY

29. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports.

TRANSPORTATION

30. Prior to the recordation of the first Final Map, subdivider shall assure by permit and bond, modification of the traffic signal at the intersection of Black Mountain Road and Galvin Avenue to provide full access to the proposed project site, including the construction of standard curb returns to the future west-leg of the subject intersection, as shown on Exhibit "A," satisfactory to the City Engineer.
31. Prior to the recordation of the first Final Map, subdivider shall assure by permit and bond, an Irrevocable Offer of Dedication (IOD) along the project frontage to Black Mountain Road, for the future widening of Black Mountain Road, as shown on Exhibit "A," satisfactory to the City Engineer.

PARKS AND OPEN SPACE

32. The Homeowners Association shall be responsible to maintain the landscape on Black Mountain Road along the frontage of the property. The Maintenance Assessment District will not be responsible for the maintenance of that area.

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INFORMATION:

- The approval of this Tentative Map by the City Council of 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.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final 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 impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the 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.

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