

RESOLUTION NUMBER R- 301272
DATE OF FINAL PASSAGE MAR 06 2006

WHEREAS, Pardee Homes, Applicant/Subdivider, and Rick Engineering Company, Engineer, submitted an application to the City of San Diego for Map Waiver No. 95709, to waive the requirement for a tentative map and a final map to construct seven 6-unit condominium buildings on Parcel No. 16 for the Sabre Springs-Savannah Terrace [Project], located east of Interstate 15 at the northwest corner of Poway Road and Creekview Drive, at 12625 Fiorenza Lane, in the RM-2-5 zone of the Sabre Springs Community Plan Area, and legally described as being Lot 3 of Savannah Terrace Springs, Areas 15, 16, 17 and 18, Map Waiver No. 14740 in the City of San Diego, County of San Diego, State of California; and

WHEREAS, the subdivision is a condominium project 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 dwellings is forty-two; and

WHEREAS, the Project proposes to subdivide a 2.22-acre site into a 1-lot parcel for a 42-unit residential condominium development; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: noise, biological resources, and biological resources/land use adjacency. Subsequent revisions in the

project proposal create the specific mitigation identified in Section V of the Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on **MAR 06 2006**, the City Council of the City of San Diego considered Map Waiver No. 95709, and pursuant to Sections 125.0120-125.0122 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, 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 Map Waiver No. 95709:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the San Diego Municipal Code/Land Development Code (SDMC/LDC section 125.0440(b)).

3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (SDMC/LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC/LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (SDMC/LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

8. 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 (SDMC/LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (SDMC/LDC section 125.0122 and Subdivision Map Act Section 66428(b)).

10. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of San Diego Municipal Code section 10.0404 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.

11. 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 SWRC

12. 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,

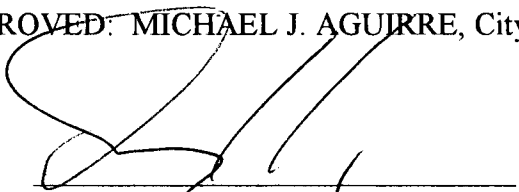
and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ

That said 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 sustained, and Map Waiver is granted to Pardee Homes and Rick Engineering Company, Engineer, subject to the attached conditions which are made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
02/08/06
Or.Dept:DSD
R-2006-692
MMS #3015
MAPS Map Waiver 11-02-04

CONDITIONS FOR MAP WAIVER NO. 95709

SABRE SPRINGS – SAVANNAH TERRACE PROJECT

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Map Waiver will expire _____, 2009.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.
4. The Certificate of Compliance shall conform to the provisions of Rezone Ordinance No. O-_____, Community Plan Amendment No. 40451 and Planned Development No. 95020.
5. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

6. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

7. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
8. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
9. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

10. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

11. 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.

12. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP's maintenance, satisfactory to the City Engineer.

13. 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 Map Waiver and covered in these special conditions will be authorized.

14. 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

15. 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

16. The subdivider shall design and construct public 16-inch water facilities, to relocate existing facilities traversing the property into Creekview Drive and Catarina Lane [Drive], in a manner satisfactory to the Water Department Director and City Engineer.

17. The Subdivider shall design and construct a system of public 12-inch water facilities in Creekview Drive and Catarina Lane [Drive], where adequate easement is granted, to serve no more than two fire hydrants unless otherwise looped, in a manner satisfactory to the Water Department Director.

18. All new water services to the site, irrigation, will require private, above ground Back Flow Prevention Devices [BFPDs]. The Water Department will not permit BFPD installations below grade or within structures.

19. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and City Engineer. No more than two fire hydrants shall be located on a dead-end main.

20. The Subdivider shall grant adequate minimum 30-foot-wide water easement with a minimum of 24-feet of paving with adequate room for meters and fire hydrants to be installed behind full height curb, in a manner satisfactory to the Water Department Director and the City Engineer. Easements shall be located within single lots. No structures or landscaping of any kind shall be installed in or over any portion of easement utilized for access.

21. The Subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments into any easements containing public water facilities, in a manner satisfactory to the Water Department Director and City Engineer.

22. The Subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than a single lot.

23. The Subdivider shall provide keyed access to the Water Operations Division, in a manner satisfactory to the Water Department Director to access on-site public water facilities within this gated community. The City will not be held responsible for any issues that may arise relative to the availability of keys.

24. 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 Facilities Design Guidelines and City regulations, standards, and practices pertaining thereto.

25. Prior to the issuance of any 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

26. 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 "Technical Guidelines for Geotechnical Reports."

ENVIRONMENTAL

27. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the MITIGATED NEGATIVE DECLARATION, LDR NO. 17749 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Noise
- Biological Resources
- Biological Resources/Land Use Adjacency

28. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

29. Prior to issuance of any construction permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the monitoring biologist, and staff from the City's Mitigation Monitoring Coordination [MMC] Section.

30. Prior to the issuance of any construction/grading permits, the City Manager shall verify the appropriate mitigation requirements and notes (i.e. preconstruction meeting, sound attenuation measures, etc.) are listed on the construction/grading plans and the appropriate construction sheets referenced. These notes shall be included in the specifications under the heading "ENVIRONMENTAL/DEVELOPMENT REQUIREMENTS."

PARKS AND OPEN SPACE

31. Park requirements for the proposed development will be satisfied by payment of the established per-unit facilities benefit assessment.

INFORMATION:

- The approval of this Map Waiver 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 Certificate of Compliance in accordance with San Diego Municipal Code.
- This property is subject to a building permit park fee in accordance with the 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.
- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Sabre Springs Community Plan area.
- Subsequent applications related to this Map Waiver 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 Map Waiver, may protest the imposition within ninety days of the approval of this Map Waiver by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

Passed by the Council of The City of San Diego on MAR 0 6 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 0 6 2006:

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R - 301272