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(R-2006-1038)

RESOLUTION NUMBER R- 301579

DATE OF FINAL PASSAGE JUN 20 2006

WHEREAS, Pardee Homes, Applicant/Subdivider, and Project Designs Consultants, Engineer, submitted an application to the City of San Diego for a 2-lot vesting tentative map and easement abandonment (Vesting Tentative Map No. 306147 and Easement Abandonment No. 9435) on a 35.3 acre site, for the construction of 410 residential condominiums, plus four guest units and two recreation centers to be known as Dennerly Ranch Planning Areas 2 and 3 [Project], located 0.25 mile east of Interstate 805 and .025 mile south of Otay Valley Road and bounded by the 664-acre California Terraces Precise Plan area to the south and the 225-acre Hidden Trails Precise Plan area to the east, and legally described as Parcel 1 and Parcel 2 of Parcel Map Number 15134 (APN 645-010-11), in the Otay Mesa Community Plan area, in the RM-2-4 zone; and

WHEREAS, on March 16, 2006, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 306147 and Easement Abandonment No. 9435, and pursuant to Resolution No. 3974-PC voted to recommend City Council approval of the project; and

WHEREAS, California Streets and Highways Code section 8333 allows for the summary vacation of public service easements where (a) the easement has not been used for the purpose for which it was dedicated or acquired for more than five consecutive years immediately following the proposed vacation, (b) the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date, or (c) the easement has been superseded by relocation and there are no other public facilities located within the easement.

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; 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, the matter was set for public hearing on JUN 20 2006, 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. 306147:

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 Act 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).

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

BE IT RESOLVED, that the following on-site and off-site public service easements:

1. A portion of the 20-foot sewer easement per document 1986-467860, filed October 16, 1986;
2. A portion of the 20-foot sewer and drainage easement per document 1998-0712011, filed November 2, 1998;
3. The 25-foot sewer easement per document 2000-0032726, filed January 21, 2000;
4. A portion of the 25-foot water easement per document 1952-118843, filed on September 9, 1952;
5. A portion of the 25-foot water easement per document 1999-0777422, filed on November 24, 1999

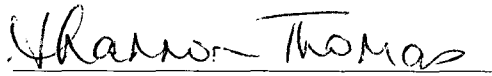
shall be vacated, contingent upon the recordation of the approved final map for the project, based on the following findings:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
2. The public will benefit from the action through improved use of the land made available by the vacation;
3. The vacation does not adversely affect any applicable land use plan;
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g) the abandonments shall be listed as such on the Map.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 306147 and Easement Abandonment No. 9435 are granted to Pardee Homes, Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:pev  
06/06/06  
Or.Dept:DSD  
R-2006-1038  
MMS #3331

CONDITIONS FOR VESTING TENTATIVE MAP NO. 306147

DENNERY RANCH PLANNING AREAS 2 AND 3 PROJECT

ADOPTED BY RESOLUTION NO. R-301579 ON JUN 20 2006

**GENERAL**

1. This Vesting Tentative Map will expire on JUN 20, 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 Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Site Development Permit No. 9436 and Planned Development Permit No. 298506.
5. The property contains easements which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

**ENGINEERING**

6. The Subdivider shall provide mutual access easements for Lots 1 and 2.
7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
9. The discharge point and rip rap for the brow ditch along the westerly project boundary shall be located within the floodway fringe and not within the floodway.
10. The drainage system proposed for this subdivision is private and subject to approval by the City Engineer.
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 use a "benchmark" acceptable to the City Engineer.

13. No additional grading permits will be issued until the mass grading drawing, 28847-D has been as-built.
14. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices [BMP] maintenance.
15. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
16. 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, satisfactory to the City Engineer.
17. 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 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.

18. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for all private facilities within the drain easement. No buildings or trees shall be permitted within the drainage easement.
19. A portion of this project has been identified as being within the Floodway of a Special Flood Hazard Area. The project does not propose work within the floodplain and no work in the floodplain is authorized.
20. The Subdivider shall grant a flowage easement over the Otay River Floodplain.
21. No structures except those allowed by Section 131.0222 (Use Regulations for Open Space Zones) of the Land Development Code shall be built within the Floodway.

22. The Subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
23. The Subdivider shall denote on the Final Map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two-feet.
24. The Subdivider 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.
25. 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 Vesting Tentative Map and covered in these special conditions will be authorized.
26. 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**

27. "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).
28. "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."
29. 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.

30. 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.

### **WASTEWATER REQUIREMENTS**

31. Prior to the issuance of any building permits, the Owner/Permittee shall abandon certain on-site public sewer mains identified on the project easement abandonment map or prepare and process documentation for their conversion to private sewer mains, satisfactory to the Metropolitan Wastewater Department Director.
32. Prior to the issuance of any building permits, the Owner/Permittee 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 Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes - 20 feet. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.
33. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
34. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the Owner/Permittee obtaining an Encroachment Maintenance and Removal Agreement.
35. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer facilities.
36. The Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.
37. The Owner/Permittee 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 redesigned.
38. The Owner/Permittee shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.



39. 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.

### **WATER REQUIREMENTS**

40. Prior to the submittal of any public improvement plans, the Owner/Permittee shall provide an acceptable water study in a manner satisfactory to the Water Department Director and the City Engineer. The study shall plan the pressure zone(s) and water facilities necessary to serve this development, including redundancy, consistent with previously accepted studies in this area. Proposed public water facilities, shown in accepted studies, which cannot be designed to comply with standards shall be private.
41. Prior to the issuance of any grading or building permits, the Owner/Permittee shall design and construct a 42-inch water transmission pipeline into the Dennery Road right-of-way in a manner satisfactory to the Water Department Director and the City Engineer.
42. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of the public water facilities, identified in accepted water studies, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, maintaining redundancy throughout phasing of construction. Any water facilities which cannot be designed to comply with public standards, including easements, shall be private.
43. The Owner/Permittee shall install parallel public potable transmission water facilities with a minimum separation of 20-feet. All public water mains shall be located a minimum of 5 feet from any curb face.
44. The Owner/Permittee shall install all water meters behind full height curb and outside of sidewalks or any vehicular travel way including driveways.
45. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permits for the installation of private back flow prevention devices on each water service within the development, in a manner satisfactory to the Water Department Director and the City Engineer.
46. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. Any proposed fire hydrant installation not conforming to Water Department standards for public fire hydrants, shall be private.
47. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities, including meters and fire hydrants, that are not located within fully improved public rights of way,

satisfactory to the Water Department Director and the City Engineer. Minimum easement widths shall be 26-feet-wide and fully paved. Easements, as shown on approved Exhibit "A," shall be modified to comply with standards at final engineering.

48. Prior to the issuance of any building permits, the Owner/Permittee shall grant a minimum 40-foot-wide water easement over any public water transmission pipeline, specifically traversing Lot "C," in a manner satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," shall be modified to comply with standards at final engineering.
49. Prior to the issuance of any building permits, the Owner/Permittee shall grant a building restricted easement over the entirety of Lot "C", in a manner satisfactory to the Water Department Director and the City Engineer.
50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall record, at the San Diego County Recorder's Office, all grants of easements containing public water facilities in a manner satisfactory to the Water Department Director and the City Engineer.
51. Prior to the issuance of any certificates of occupancy, all public water facilities and vehicular access roadways necessary to serve this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
52. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," or accepted water studies, shall be modified at final engineering in accordance with accepted standards.
53. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required.
54. Prior to the recordation of the water easement vacation or any Final Map, the South San Diego and the Coronado Pipelines must be abandoned and removed in a manner satisfactory to the Water Department Director and the City Engineer.
55. Prior to the Final Map, the Subdivider 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 REQUIREMENTS**

56. 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 REQUIREMENTS**

57. A total of 824 vehicular parking spaces, including 164 surface (parking stall) common parking spaces, 492 garaged and seventy-seven surface (parking stall) residential parking spaces, as well as ninety-one tandem residential parking spaces in driveways that are minimum 18-feet deep, for a total of 656 residential parking spaces, 164 common spaces and forty-two motorcycle spaces.
58. Prior to the issuance of any building permits project must insure by permit and bond for the extension of the left turn pocket for the eastbound traffic at the intersection of Dennery Road / Red Coral Lane to accommodate 250 feet of vehicular storage with 120 feet of transition, satisfactory to the City Engineer.
59. As shown on the submitted plans there shall be a storage area at all times in any garage with a minimum depth of 30 feet so that the effective vehicular parking area is less than 30 feet deep.
60. 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. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

## **ENVIRONMENTAL REQUIREMENTS**

61. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.
62. As conditions of Site Development Permit No. 298506/Planned Development Permit No. 9436 and Vesting Tentative Map No. 306147, the mitigation measures specified in the MMRP, and outlined in the Addendum to Environmental Impact Report: Project No. 5091 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
63. The Owner/Permittee shall comply with the MMRP as specified in the Addendum to Environmental Impact Report: Project No. 5091 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:

Land Use, Land Form Alternation/Visual Quality, Geology/Soils, Water Quality, Noise, Biological Resources, Historical Resources (Archaeology) and Paleontological Resources, Public Facilities and Utilities, Transportation/Circulation, Hydrology and Air Quality.

#### **PARKS AND OPEN SPACE REQUIREMENTS**

64. Prior to the recordation of the Final Map, a public access easement is required over the existing 25-foot wide sewer easement on Lot "A."

#### **LANDSCAPE REQUIREMENTS**

65. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department
66. Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner shall enter into a Landscape Establishment and Maintenance Agreement [LEMA] for a minimum 3-year period to assure the successful revegetation of all manufactured slopes. The LEMA shall be approved by the Landscape Section of the Development Services Department and the City Manager. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.
67. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manger and the Fire Marshall. the construction documents shall be in substantial conformance with Exhibit "A," and shall comply with the Uniform Fire Code, MC 0889.0201, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance - 18451).

#### **INFORMATION:**

- The approval of this Vesting 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.
- Subsequent applications related to 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.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting 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.
- 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.

Passed by the Council of The City of San Diego on JUN 20 2006, by the following vote:

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

Date of final passage JUN 20 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 301579