

RESOLUTION NUMBER R- 302092
DATE OF FINAL PASSAGE NOV 14 2006

WHEREAS, San Diego Unified School District, Applicant/Subdivider, and RBF Consulting, Engineer, submitted an application to the City of San Diego for a vesting tentative map [Vesting Tentative Map No. 8569], an extension of time for Vesting Tentative Map No. 98-1011, for the subdivision of a 12.09-acre site into 20 lots for the Fairbrook Estates project [Project], located south of Fairbrook Road and east of Caminito Magnifica, and legally described as Lot 40, Scripps Hills Unit No. 1, Map 9953 and Lot 215, Scripps Ranch Estates, Map 9587, in the Scripps Miramar Community Plan area, in the RS-1-8 and RS-1-9 zones (previously referred to as the R1-40000 and R1-20000 zones) which is proposed to be rezoned to the RS-1-12 and OP-1-1 zones (previously referred to as the R1-8000 and OS-P zones); and

WHEREAS, on July 13, 2006, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 8569, an extension of time to Vesting Tentative Map No. 98-1011, and pursuant to Resolution No. 4101-PC voted to recommend approval of the map; and

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 NOV 14 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. 8569, an extension of time to Vesting Tentative Map No. 98-1011:

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 (SDMC/Land Development Code 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).

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Vesting Tentative Map, No. 8569, an extension of time to Vesting Tentative Map No. 98-1011, is hereby granted to San Diego Unified School District, Applicant/Subdivider, and RBF Consulting, Engineer, subject to the attached conditions which are made part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
10/03/06
Or.Dept:DSD
R-2007-372
MMS#3863

CONDITIONS FOR VESTING TENTATIVE MAP NO. 8569

FAIRBROOK ESTATES – PROJECT NO. 5284

EXTENSION OF TIME TO VESTING TENTATIVE MAP NO. 98-1011

ADOPTED BY RESOLUTION NO. 302092 ON NOV 14 2006

GENERAL

1. This Vesting Tentative Map will expire on NOV 14 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. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Planned Development Permit No. 8570.

ENGINEERING

6. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is subject to approval by the City Engineer.
7. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
8. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

10. 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.

11. Prior to Final Map 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.
12. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Maintenance Practices [BMP's] maintenance.
13. 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, in accordance with the approved Water Quality Technical Report.
14. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

MAPPING

15. "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].
16. "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."
17. 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.

SEWER AND WATER

18. The subdivider shall install 8-inch water mains in Streets "A" and "B" connecting to the water main in Fairbrook Road in a manner satisfactory to the Water Department Director.
19. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install a redundant water system.
20. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for sizing, grade, and alignment of public sewer facilities and to show that the existing and proposed sewer facilities will provide adequate capacity and have cleaning velocities necessary to serve this development and the drainage basin in which it lies.
21. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved vesting tentative map, may require modifications based upon the accepted sewer study.
22. The subdivider shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines, the City of San Diego Sewer Design Guide, and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards shall be redesigned or become private.
23. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Department Directors, indicating that each lot will have it's own water service and sewer lateral or provide CC&R's for the operation and maintenance on on-site private water and sewer mains that serve more than one lot.

24. The subdivider shall grant adequate sewer easements, including vehicular access to each appurtenance (manholes, etc.), for all public sewer facilities that are not located in the public right of way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Minimum easement widths: sewer mains with manholes are 20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment maintenance and removal agreement. No trees, shrubs, or structures of any kind shall be installed in or over any access easement.

GEOLOGY

25. Prior to the issuance of a construction permit for grading, 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."

LANDSCAPE

26. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within the City right of way adjacent to and within this subdivision, until such time a landscape maintenance district or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.
27. The subdivider shall submit for approval, complete landscape construction documents (including plans, details, and specifications) for the required street tree improvements and any slopes requiring revegetation. These documents shall show the required quantity of street trees, the tree species, the planter area, and size, utility locations and driveways. All planting and irrigation plans and installation shall conform to the City's Landscape Standards. The following quantity of trees shall be installed in a clustered pattern utilizing more than one eucalyptus tree specie along the existing, proposed streets, and cul-de-sacs satisfactory to the City Manager:

Street "A" and "B" (including cul-de-sacs): 58 trees
Fairbrook Road: 45 trees

TRANSPORTATION

28. The developer shall provide traffic controls such as "All Way Stop" signs at the intersection of Fairbrook Road and Rue Fontenay/Street "A."
29. The subdivider shall grant, and the subsequent owner shall maintain a sight visibility easement over a portion of Lot 1.

30. Whenever street rights of way are required to be dedicated, it is the responsibility of the subdivider to provide the right of way free and clear of all encumbrances and prior easements. The subdivider shall secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
31. Street "A" (from Fairbrook Road to Street "B") is classified as a residential local street. The subdivider shall dedicate a 60-foot wide right of way and provide 40 feet of pavement, curb, gutter, and 5-foot wide sidewalks within a 10-foot curb-to-propertyline distance.
32. Street "A" (from Street "B" to the end of the cul-de-sac) is classified as a residential local street. The subdivider shall dedicate a 56-foot wide right of way and provide 36 feet of pavement, curb, gutter, and 5-foot wide sidewalks within a 10-foot curb-to-propertyline distance. The subdivider shall provide a 60-foot right of way radius and a 50-foot radius for the cul-de-sac at the end of Street "A."
33. Street "B" is classified as a residential cul-de-sac. The subdivider shall dedicate a 56-foot wide right of way and provide 36 feet of pavement, curb, gutter, and 5-foot wide sidewalks within a 10-foot curb-to-propertyline distance. The subdivider shall provide a 60-foot right of way radius and a 50-foot curb radius for the cul-de-sac at the end of Street "B."

PARKS AND OPEN SPACE

34. The park site, Lot "A," shown on the approved Vesting Tentative Map, is reserved in accordance with Section 66479, et seq., of the Subdivision Map Act. Provisions of the Act require that the subdivider shall, at the time of the recordation of the first final map within the subdivision, enter into an agreement for the City to acquire the park site within two years after the completion and acceptance of all public improvements, unless such period of time is extended by mutual agreement. The purchase price shall be fair market value thereof at the time of the filing of the first substantially complete map, December 24, 1998, plus the taxes against such reserved area from date of reservation, and any other costs incurred on any loan covering such reserved areas. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.
35. The developer shall rough grade the park site, Lot "A," to Park and Recreation Department's specifications and shall construct the contiguous street improvements. The developer shall enter into an agreement, acceptable to the City Manager, which defines the method of compensation for the work done on the future park site, including mitigation if required. The agreement shall be approved and signed prior to the filing of the first final map of the subdivision. Note: The City normally pays its fair share of costs toward the design of public

infrastructure required to serve the park. These costs do not include the costs of the sanitary and storm sewer alignments through the park..

36. The market value shall be determined by a mutually acceptable appraiser and shall be based upon the highest and best use of the property as though unsubdivided acreage as of the date of the filing of the Vesting Tentative Map. The appraisal shall be completed and approved prior to the filing of the first final map of this subdivision.
37. The subdivider shall grant a building restricted easement over Lot "C" (the lot directly to the west of the northwestern corner of Lot "A").
38. The subdivider shall grant a building restriction easement over Lot "B."

FACILITIES FINANCING

39. 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 Planning Department Director. 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.

40. This tentative map is a Vesting Tentative Map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this Vesting Tentative Map.

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 Vesting Tentative Map 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 NOV 14 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 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 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 NOV 14 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 *Debra Swenson-Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-302092