



RESOLUTION NUMBER R- 307593
DATE OF FINAL PASSAGE JUL 23 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP
NO. 855754 FOR SANDY LANE – PROJECT NO. 237907.

WHEREAS, Sandra L. McDowell Barczewski, Trustee of Sandra L. McDowell Barczewski Trust, Property Owner/Subdivider, and Hunsaker and Associates Planning, Engineering and Surveying submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 855754) for a subdivision. The project site is located on a vacant lot east of Rancho Santa Fe Farms Road, south of Rancho Del Sol Way, and north of Caminito Mendiola, at 13551 Rancho Santa Fe Farms Road. The property is legally described as Parcel 1, Parcel Map No. 20874; and

WHEREAS, the Map proposes the subdivision of a 1.47-acre site into 12 lots, including ten residential lots, a common driveway lot, and an open space lot; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 July ~~23~~, 2012, the City Council of the City of San Diego considered Vesting Tentative Map No. 855754, and pursuant to San Diego Municipal Code section(s) 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard 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 City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 855754 for the Sandy Lane project, on file in the Office of the City Clerk as Document No. RR- 307593:

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 § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)). The proposed 12 lot subdivision of a 1.47-acre property would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size, and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Pacific Highlands Ranch Subarea Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code (San Diego Municipal Code § 125.0440(b)). The proposed 12 lot subdivision would comply with the development regulations of the underlying RX-1-2 zone and all of the applicable development regulations of the Land Development Code. This application includes a request to deviate from the required minimum street frontage, front and rear setbacks, minimum building separation, and the maximum fence height. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. The deviations are considered minor and determined to be consistent with the purpose and intent of the RX-1-2 zone together with the purpose and intent of the Pacific Highlands Ranch Subarea Plan.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The proposed 12 lot subdivision would be consistent with the recommended residential land use and density range of the Pacific Highlands Ranch Subarea Plan and would comply with the applicable development of the underlying RX-1-2 zone and the design goals and

recommendations of the Pacific Highland Ranch Subarea Plan. The bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses. Therefore, the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). This proposed 12 lot subdivision was reviewed and found to be within the scope of Master Environmental Impact Report No. 96-7918, certified on July 28, 1998. This Master Environmental Impact Report adequately describes the activity for the purposes of CEQA. The subsequent review determined the project could have potential adverse paleontological impacts. A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. The subsequent environmental review determined that the project would have no impact on biological resources. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The design of the proposed 12 lot subdivision, through building materials, site orientation, architectural treatments, and the placement and selection of plant materials, provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

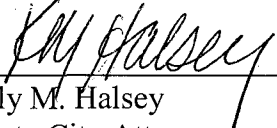
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal

Code § 125.0440(h) and Subdivision Map Act § 66412.3). The decision maker has reviewed the administrative record, including the project plans, technical studies, environmental documentation, and public testimony, to determine the effects of the proposed subdivision on the housing needs of the region, has considered that those needs are balanced against the needs for public services and the available fiscal and environmental resources, and has found that the addition of ten new residential dwelling units would assist the housing needs of the Pacific Highlands Ranch Subarea Plan area.

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

BE IT FURTHER RESOLVED, that based on the aforementioned findings adopted by the City Council, Vesting Tentative Map No. 855754 is hereby granted to Sandra L. McDowell Barczewski, Trustee of Sandra L. McDowell Barczewski Trust, subject to the conditions which are attached and hereby incorporated into this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Keely M. Halsey
Deputy City Attorney

KMH:als
07/06/12
Or.Dept:DSD
Doc. No. 379617_4

CONDITIONS FOR VESTING TENTATIVE MAP NO. 855754

SANDY LANE - PROJECT NO. 237907

ADOPTED BY RESOLUTION NO. R- 307593 ON JUL 23 2012

GENERAL

1. This Vesting Tentative Map will expire on July 23, 2015.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 855751 and Public Right-of-Way Vacation No. 926458.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

6. This project is subject to the affordable housing requirements of the NCFUA Framework Plan and the Pacific Highlands Ranch Subarea Plan. Prior to issuance of the first residential building permit, the Applicant shall pay a fee to the San Diego Housing Commission in conformance with the NCFUA Framework Plan requirements for affordable housing based on the current fee amount at that time.

The current rate of the fee is equal to \$4,840 per market rate unit, and is subject to change.

ENGINEERING

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. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. 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.
10. Prior to the recordation of a Final Map, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
11. The Final Map shall comply with the provisions of PDP Permit No. 855715.
12. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private, shall be privately maintained and subject to approval by the City Engineer.
13. 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 Development Services Manager. 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.
14. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of

subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

15. 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.
16. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
17. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
18. 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.
19. 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.
20. The Subdivider 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.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider 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.

22. The subdivider shall grant the City a 5' x 5' water easement over the water meter.

MAPPING

23. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
24. "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."
25. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearings" 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.

WATER & WASTEWATER

26. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
27. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

28. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the removal of the existing 16 inch water main and services per drawing 24661-D.
29. Prior to the issuance of any building permits, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
30. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of all public water facilities, including services and meters, 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.
31. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of all public sewer facilities are to be in accordance with established criteria in the most current City of San Diego sewer design guide.
32. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

GEOLOGY

34. The Subdivider shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
35. The Subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE

36. Prior to the recordation of the parcel, the subdivider shall submit complete

landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan on file in the Office of the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.

TRANSPORTATION

37. The proposed project shall comply with the Pacific Highlands Ranch Transportation Phasing Plan and Mitigation Monitoring and Reporting Program.

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission 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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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.
- 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 San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the

public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

- A Facilities Benefit Assessment (FBA) will apply to this project. The FBA is currently estimated at \$872,450 for 10 single family dwelling units (10 x \$87,245). The FBA is subject to change upon Council approval of an update of the Pacific Highlands Ranch Public Facilities Financing Plan and/or the start of each fiscal year (July 1).
- The development within Pacific Highlands Ranch is subject to a Transportation Phasing Plan which limits development until certain transportation improvements have been satisfied.