

Item 331 - March 18, 14
Sub item - B

(R-2014-442)

RESOLUTION NUMBER R- 308827

DATE OF FINAL PASSAGE MAR 18 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.1213889 AND VACATING PORTIONS OF THE PUBLIC RIGHT-OF-WAY, MEADOWOOD DEVELOPMENT - PROJECT NO. 317414.

WHEREAS, Three Sided, L.P., Subdivider, and Dan Rehm, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1213889, and public right-of-way vacation for the subdivision of a 2.2-acre site into thirteen lots for the construction of nine single-family residential units (the Meadowood Development project); and

WHEREAS, the Meadowood Development project site is located on the north side of Carmel Valley Road, approximately 750 feet from Rancho Santa Fe Farms Road, APN No. 305-021-07, and is legally described as the East half of the West half of the Southeast quarter of Section 10, Township 14 South, Range 3, excepting therefrom that portion lying northerly from the center line of that dirt road (known as Black Mountain Road or Fourth Street Extension) running in a generally East-West direction through the south half of Section 10; and also excepting therefrom that portion thereof lying Southeasterly of the center line of the 60-foot easement to the City of San Diego; and

WHEREAS, the Map proposes the subdivision of a 2.2-acre-site into thirteen (13) lots for residential units, private open space, and a private driveway. Lots 1 through 9 acres for residential development, Lot 10 is a private driveway and Lots A, B and C are for private open spaces; and

WHEREAS, in connection with the consideration of the Meadowood Development project, Project No. 317414, the City Council considered MEIR No. 96-7918, Findings to EIR No. 96-7918, and the Initial Study prepared for the Meadowood Development project; 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, on January 23, 2014, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1213889 and Public Right-of-Way Vacation No. 1109121, and pursuant to Resolution No.4580-PC, the Planning Commission voted to recommend City Council approval of the map; 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 March 18, 2014, the City Council of the City of San Diego considered Vesting Tentative Map No.1213889, and Public Right-of-Way and/or Easement Vacation No. 1109121, and pursuant to San Diego Municipal Code sections 125.0440, 125.0430, 125.0941, 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.1213889:

Vesting Tentative Map Findings – SDMC Section 125.0440

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 thirteen lot subdivision of a 2.2-acre property for a nine unit residential development will provide for a balanced community and equitable development within the community through the provision of housing that provides varying architectural styles, size and affordability. 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 and improvement will be consistent with 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 thirteen lot subdivision of a 2.2-acre property for a nine unit residential development will comply with the development regulations of the underlying RS-1-14 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, as eight of the nine residential lots have no frontage on a public right-of-way. 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 RS-1-14 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 thirteen lot subdivision of a 2.2-acre property for a nine unit residential development is consistent with the recommended residential land use and density range of the Pacific Highlands Ranch Subarea Plan and will comply with the applicable development of the underlying RS-1-14 zone and the design goals and recommendations of the Pacific Highland Ranch Subarea Plan. The bulk, scale and siting of the proposed development is 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 are 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)). The proposed thirteen lot subdivision of a 2.2-acre

property for a nine unit residential development 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 environmental review determined that the project will have no impact on biological resources. Therefore, the design of the subdivision and 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 improvement 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 and use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements will be permitted, constructed, and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements will 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 will 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 will not conflict with the 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 thirteen lot subdivision of a 2.2-acre property for a nine unit residential development, 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 site is designated as Low Density Residential by the Pacific Highlands Ranch Subarea Plan which allows densities between 2-5 dwelling units per acre. Density is based upon net site area exclusive of major road dedications (e.g. Carmel Valley Road). The proposed nine residential lot subdivision is within the allowed density range. The North City Future Urbanizing Area (NCFUA) Framework Plan and the Pacific Highlands Ranch Subarea Plan requires new development to provide housing to accommodate the needs of low income households, as certified by the Housing Commission. The applicant has

chosen the option of paying an in-lieu fee to the Housing Commission's NCFUA Affordable Housing Trust Account to meet their affordable housing requirement rather than provide the dwelling units on-site.

Balanced needs for public facilities were taken into consideration with the development of the Pacific Highlands Ranch Subarea Plan and the projected build-out with the applied zone designations. The subdivision of this parcel into nine residential lots is consistent with what was anticipated in the community plan. Environmentally Sensitive Lands are not present on the site. The project design has taken into account the best use of the land to minimize grading. The decision maker has done the following: reviewed the administrative record including the project plans, technical studies, environmental documentation; heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region; balanced those needs against the needs for public services and the available fiscal and environmental resources; and found that the addition of nine residential lots for private development is consistent with the housing needs anticipated for the Pacific Highlands Ranch 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 portions of the public right-of-way of Carmel Valley Road, located within the project boundaries as shown in Vesting Tentative Map No. 1213889, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

Public Right-of-Way Vacation Findings – SDMC Section 125.0941

9. 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.

There is no present or prospective public use for this former alignment portion of Carmel Valley Road, 750-feet east of Rancho Santa Fe Farms Road. This portion of Carmel Valley Farms Road was previously an active portion of public right-of-way; however, with development in the area, Carmel Valley Road has been realigned farther to the south and the subject portion within the old alignment is no longer used as a public right-of-way. This portion of street does not contain underground franchise facilities or public water and sewer improvements. No public facilities would be affected by the proposed vacation.

10. The public will benefit from the action through improved use of the land made available by the vacation.

Ownership of the unimproved portion of Carmel Valley Road would revert to the underlying adjacent property owners. This proposed vacated portion of Carmel Valley Road would become part of a proposed 13-lot subdivision, including nine residential lots, a private driveway lot, and three open space lots in compliance with the Pacific Highlands Ranch Subarea Plan. The public would benefit by the stated improvements of this property through improved utilization of the land.

11. The vacation does not adversely affect any applicable land use plan.

The proposed area to be vacated is zoned RS-1-14, a Residential Zone, and the Pacific Highlands Ranch Subarea Plan designates this area for Low-Density Residential land use at 2-5 dwelling units per net acre. This proposed street vacation was reviewed by City Staff and determined to be consistent with the Pacific Highlands Community Plan. This vacation, if approved, will allow this property to be further developed for Low-Density Residential use allowed by the underlying RS-1-14 Zone. Therefore the proposed vacation does not adversely affect the applicable land use plan.

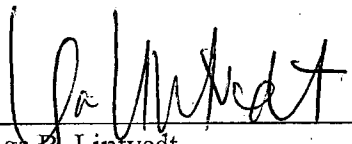
12. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The area of the proposed vacation is currently excess right-of-way in an old or previously used alignment of Carmel Valley Road. It is currently vacant and has no prospective public use. The unimproved street does not contain underground franchise facilities or public water or sewer improvements. Public facilities would be not be affected by the proposed vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1213889, and Public Right-of-Way Vacation No. 1109121 is hereby granted to Three Sided, L.P., subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Inga B. Lintvedt
Deputy City Attorney

IBL:mcm
01/30/14
Or. Dept: DSD
Doc. No. 732102

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24003648

CONDITIONS FOR VESTING TENTATIVE MAP NO. 1213889

PUBLIC RIGHT-OF-WAY VACATION NO. 1109121

MEADOWOOD DEVELOPMENT - PROJECT NO. 317414

ADOPTED BY RESOLUTION NO. R-~~308827~~ ON MAR 18 2014

GENERAL

1. This Vesting Tentative Map will expire MAR 18 2017 (three years after approval date).
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 Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the San Diego County Recorder.
4. 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.
5. The Final Map shall conform to the provisions of Planned Development Permit.
6. 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

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Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. Prior to the recordation of the final map, a private drainage easement for proposed drainage system shall be obtained, satisfactory to the City Engineer.
8. The Final Map shall comply with the provisions of PDP No. 1109069.
9. Prior to recordation of the Final Map, 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.
10. Prior to recordation of the Final Map, 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, satisfactory to the City Engineer.
11. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(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.
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. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.
13. Prior to recordation of the Final Map, the Subdivider shall submit a a-letter of permission for the proposed offsite grading, satisfactory to the City Engineer. Prior to the issuance of any grading permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the sidewalk underdrain at Carmel Valley Road, satisfactory to the City Engineer.

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14. The proposed driveways at Carmel Valley Road shall comply with City Standard Drawings SDG-160 and SDG-164.
15. Prior to recordation of the Final Map, 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.
16. 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.
17. Prior to recordation of the Final Map, the Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
18. Prior to recordation of the Final Map, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
19. Prior to recordation of the Final Map, the Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. Prior to recordation of the Final Map, 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.
21. 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. 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. RR-297376.

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MAPPING

22. "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].
23. "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."
24. 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 First Order accuracy. 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.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 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.

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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.

Passed by the Council of The City of San Diego on MAR 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 18 2014

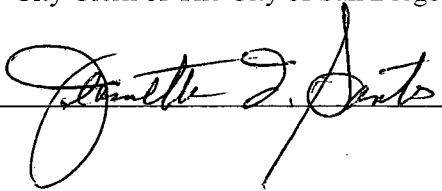
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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Resolution Number R-_____