

RESOLUTION NUMBER R- 310222

DATE OF FINAL PASSAGE JAN 25 2016

ITEM # 201 C  
1/25/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE VESTING TENTATIVE MAP NO. 1050354 FOR THE RESERVE PROJECT NO. 292065.

WHEREAS, The Copley Press, Incorporation, Subdivider, and SWS Engineering, Inc., Tracy H. Santucci, Engineer, submitted an application to the City of San Diego for a vesting tentative map, Vesting Tentative Map No. 1050354 for the subdivision of the property into three parcels for single family residential development, The Reserve (Project); and

WHEREAS, the project site is located at 6850 Country Club Drive, east of the southern terminus of Country Club Drive, south of the terminus of both Romero Drive and Encelia Drive. The property is legally described as Parcels 1, 2, and 3 of Miscellaneous Map No. 36; and

WHEREAS, the Map proposes the Subdivision of a 25.14-acre-site into three parcels; 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 November 19, 2015, the Planning Commission of the City of San Diego considered Vesting Tentative Parcel Map No. 1050354, and pursuant to San Diego Municipal Code section 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 Planning Commission having fully

considered the matter and being fully advised concerning the same approved the Vesting Tentative Map; and

WHEREAS, appeals of the Planning Commission's approvals were filed on December 14, 2015; 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 January 25, 2016, on appeal, the City Council of the City of San Diego considered Vesting Tentative Parcel Map No. 1050354, 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 Parcel Map No. 1050354:

**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 Action §§ 66473.5, 66474(a), and 66474(b)).** The proposed development to subdivide a 25.14-acre property into three lots and construct two new single family homes is located on a site which has a Parks/Open Space land use designation. This land use designation, while it allows for residential uses, it limits the residential dwelling units to single family. The existing zoning of RS-1-4 allows a dwelling unit per 10,000 square feet of site. The total acreage of 25.14 acres would allow a potential of 110 units. The proposal of two dwelling units, is allowed with this land use designation. The proposed three lot subdivision of a 25.14-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 La Jolla Community Plan and Local Coastal Program Land Use 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.** The proposed three lot subdivision would comply with the development regulations of the underlying RS-1-4 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the proposed deviation to a reduced Street Frontage as approved under the Planned Development Permit. The proposed three parcels meet the minimum lot area, lot wide, lot depth of the underlying RS-1-4 Zone. This project includes Design Guidelines which were reviewed and found to be consistent with the development regulations of the underlying RS-1-4 zone and the Environmentally Sensitive Lands Regulations. These Design Guidelines include building setback, building height, grading, massing and landscape criteria. The Design Guidelines will be used to review the specific development proposal for the two new residential parcels, which are required to be reviewed through a Process 2 Substantial Conformance Review. 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-1-4 zone together with the purpose and intent of the Environmentally Sensitive Lands Regulations to locate or cluster the proposed development onto the more developable portion of the project site.

**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 three lot subdivision of a 25.14-acre property is to a property containing an existing accessory structure to remain and contains environmentally sensitive lands. The three lot subdivision is designed to be consistent with the land use designation and density range of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is located on a site which has a Parks/Open Space land use designation. This land use designation, while it allows for residential uses, it limits the residential dwelling units to single family. The existing zoning of RS-1-4 allows a dwelling unit per 10,000 square feet of site. The total acreage of 25.14 acres would allow a potential of 110 units. The proposal of two dwelling units, is allowed with this land use designation. This project includes designed guidelines including building setback, building height, grading, massing (bulk and scale) and landscape criteria. They were reviewed and found to be consistent with the development regulations of the underlying RS-1-4 zone and the Environmentally Sensitive Lands Regulations. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and 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 three lot subdivision is designed to comply with the development regulations of the underlying RS-1-4 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the

proposed deviation to a reduced Street Frontage as approved under the Planned Development Permit. The project proposes to subdivide the 25.14-acre property into three lots and construct two new single family homes. Development is proposed on a total of 6.29-acres of the 25.14-acre site. Approximately 18.80 acres or approximately 75% of the project site is proposed to be retained and conserved within a building restricted easement/covenant of easement area to be recorded on the property. An Environmental Impact Report prepared for the project adequately describes the activity for the purposes of CEQA. The environmental review determined the project could have potential adverse impacts to Biological Resources and Paleontological Resources. 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 project site is not located within a 100-year flood hazard area and it is located from approximately 444 to 663 feet above mean sea level. The project's design includes construction-related best management practices (BMPs), such as diversion features (as determined by the grading contractor), and permanent low-impact development (LID) measures, such as permeable pavement and detention/treatment features within the landscape areas, to ensure runoff from the site does not result in erosion and sedimentation off site. Through these project design features, runoff volumes from the developed portion of the site would be reduced to match pre-existing flows, and would therefore not contribute erosive discharge velocities at the existing storm drain outlets. As such, the project would avoid direct discharge of runoff into and erosion of the native habitat adjacent to the southern and eastern property boundaries. Therefore, 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.

**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 25.14-acre project site is currently predominantly vacant land except for an existing accessory structure located in the south western portion of the property. The development proposes to retain the existing accessory structure, subdivide the project site into three parcels, merge Parcel No. 1 into the adjacent Fox Hill Estate property and construct two single family residences on two of the newly created vacant parcels. The environmental review determined that this project may have a significant environmental effect on Biological, Paleontological Resources and the City prepared an Environmental Impact Report (EIR) No. 292065, in accordance with the California Environmental Quality Act (CEQA). The EIR's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures in to the project for potential impacts to Biological Resources and Paleontological Resources, to reduce the potential impacts to a level below significance. This environmental analysis included an analysis of the project's potential impact on public health and safety, and no significant issues relating to that were found. The street improvements associated with this subdivision will comply with City Engineering and Fire Department Standards. The project's design includes a brush management plan in compliance with current brush management standards to reduce risk from fire hazards. The construction of the two single family homes is conditioned to comply with all current building, electrical and plumbing codes. 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 three lot subdivision would comply with the development regulations of the underlying RS-1-4 zone, Environmentally Sensitive Lands Regulations and all of the applicable development regulations of the Land Development Code, except for the proposed deviation to a reduced Street Frontage as approved under the Planned Development Permit. The current design of the existing streets, Romero Drive, Encelia Drive and Country Club Drive terminate in dead ends at the northern and southern edge of the project site, with no turn arounds or cul-de-sacs. The proposed subdivision includes public right of way dedications and street improvements to the terminus of Romero Drive, Encelia Drive and Country Club Drive. These public right-of-way improvements will aid Fire, Safety and general traffic movements and circulation with the new turn around areas. The proposed turn around design was reviewed and accepted by both Development Services Department's Engineering Section and the Fire Department. 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.

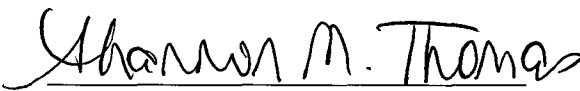
**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).** The proposed subdivision of a 25.14-acre parcel into three lots for residential development will not impede or inhibit any future passive or natural heating and cooling opportunities. Design Guidelines have been adopted for the future construction of the single family homes. These guidelines which were reviewed and found to be consistent with the development regulations of the underlying RS-1-4 zone and the Environmentally Sensitive Lands Regulations. These Design Guidelines include building setback, building height, grading, massing and landscape criteria. The Design Guidelines will be used to review the specific development proposal for the two new residential parcels, which are required to be reviewed through a Process 2 Substantial Conformance Review. These guidelines include a Sustainability Section, which encourages the use cool roofing materials, such as reflective low-heat retention tiles, and light-colored membranes and coating. The incorporation of photovoltaic systems consisting of solar panels sufficient to generate at least 50% of the project's projected energy consumption is also encouraged. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed three lot subdivision through the implementation of the Design Guidelines and the use of building materials, site orientation, architectural treatments and the placement and selection of plant materials provide 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 proposed project is the subdivision of a 25.14-acre property into three lots for residential development. The La Jolla Community Plan requires new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The applicant has chosen the option of paying an in-lieu fee to the City's Affordable Housing Trust Account to meet their affordable housing requirement rather than provide the dwelling units. The La Jolla Community Plan allows an in-lieu fee option in the amount equivalent to the cost of achieving the level of affordability required by the La Jolla affordable housing program, as determined by the San Diego Housing Commission. Balanced needs for public facilities were taken into consideration with the development of the La Jolla Community Plan and the projected build-out with the applied zone designation. The subdivision of the property into three residential lots is consistent with what was anticipated in the community plan. 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 and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of two new residential dwelling units would assist the housing needs of the La Jolla Community 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 Findings hereinbefore adopted by the City Council, Vesting Tentative Parcel Map No. 1050354, is hereby granted to The Copley Press Incorporated subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
01/29/2016  
02/09/2016 Cor.Copy  
Or.Dept: DSD  
Doc. No.: 1213132\_2

CITY COUNCIL  
CONDITIONS FOR VESTING TENTATIVE PARCEL MAP NO. 1050354,

THE RESERVE - PROJECT NO. 292065 MMRP

ADOPTED BY RESOLUTION NO. R-**310222** ON JANUARY 25, 2016

**GENERAL**

1. This Vesting Tentative Parcel Map will expire on January 25, 2019.
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 Parcel 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 Vesting Tentative Parcel Map shall conform to the provisions of Coastal Development Permit No. 1050394, Site Development Permit No. 1050407 and Planned Development Permit No. 1050409.
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. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations

(San Diego Municipal Code §§ 143.0810 et seq.), to the satisfaction of the Development Services Department and the San Diego Housing Commission.

**ENGINEERING**

7. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Parcel Map expiration date.
8. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
9. The Tentative Parcel Map shall comply with the conditions of the Coastal Development Permit No. 1050394, Site Development Permit No. 1050407, Lot Consolidation Parcel Map No. 1578448 and Planned Development Permit No. 1050409.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. 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.
12. 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.
13. Post recordation or concurrent with the recordation of the Parcel Map for VTM No. 1050354, a Lot Consolidation Parcel Map or other suitable mapping action shall be recorded to consolidate Parcel 1 with the adjacent lot to the west, known as Fox Hill Estates, addressed as 7007 Country Club Drive and APN No. 352-300-0400. Parcel No. 1 (one) shall not be used as a standalone buildable lot.



**MAPPING**

14. "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].
15. "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."
16. The Parcel 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.

**WATER & WASTEWATER**

17. Compliance with all conditions shall be assured, to the satisfaction of the Public Utilities Director and the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
18. The Tentative Parcel Map shall comply with the conditions of the Coastal Development Permit No. 1050394, Site Development Permit No. 1050407, Lot Consolidation Parcel Map No. 1578448 and Planned Development Permit No. 1050409.

**GEOLOGY**

19. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

**PLANNING/LANDSCAPE**

20. Prior to the recordation of the Parcel Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for The Reserve, Project No. 292065, in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area, Zone Two of Brush Management, and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

**INFORMATION:**

- The approval of this 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).

Internal Order No. 24003147

Passed by the Council of The City of San Diego on JAN 25 2016, 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"/>
Lorie Zapf	<input checked="" 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"/>
Chris Cate	<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 JAN 25 2016

(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.

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

By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 310222