

(R-84-62)

RESOLUTION NUMBER R- 258880

Adopted on JUL 12 1983

WHEREAS, BUENA VISTA GARDENS TENANTS, by William J. Hatcher, HANS JOVISHOFF, TECOLOTE CANYON CITIZENS' ADVISORY COMMITTEE, by M. Eloise Battle, PATRICIA ANN STACY and CLAIREMONT MESA DEVELOPMENT COMMITTEE, INC., by Anita Marie Stroman, hereinafter referred to as Appellants, appealed the decision of the Planning Commission in approving the proposed Tentative Map for VILLAMAR, located on the east side of Clairemont Drive between Dakota Drive and Iroquois Avenue, adjacent to the Tecolote Canyon Park, more particularly described as Clairemont Garden Map No. 2947 and Parcel Map 768, in the R-3 Zone, in the Clairemont Mesa Community Plan area; and

WHEREAS, on April 28, 1983, the Planning Commission voted 5 to 1 to deny the appeals, approve the Tentative Map and uphold the decision of the Subdivision Board; and

WHEREAS, on May 4, 1983 and May 5, 1983, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, said Appellants appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on June 28, 1983 and continued to July 12, 1983, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeals is

empowered by the provisions of Municipal Code, Section 102.0308, to affirm, reverse or modify in whole or in part any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the City Council adopts findings of the Planning Commission as follows:

1. The proposed map is consistent with the General Plan and Clairement Mesa Community Plan which designate the property for residential use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan, Clairemont Mesa Community Plan, R-3 Zoning/Development Regulations and State Map Act Section 66473.1 regarding solar access.

3. The site is physically suitable for residential development.

4. The site is suitable for the proposed residential density of development.

5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 82-0102 EIR.

6. The design of the subdivision and the types of improvements will not likely cause serious public health problems inasmuch as the map is consistent with R-3 zoning and conforms with City development regulations.

7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

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

BE IT FURTHER RESOLVED, that the appeals of the Appellants are denied; the decision of the Planning Commission to deny the appeals is sustained, and said Tentative Map is hereby granted, subject to the following conditions:

1. The Tentative Map and Planned Residential Development will expire on July 12, 1985.

2. The "General Conditions for Approval for Tentative Maps," filed in the office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized.

3. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code, Sections 102.0406 et seq. This property is also subject to a Building Permit park fee in accordance with San Diego Municipal Code, Sections 96.0401 et seq.

4. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code, Section 102.0404, subsection 2.

5. This project requires the vacating of Calle Neil, Knapp

Street, Waco Street and the alleys in Blocks 1, 2, 3 and 4, Clairemont Garden, Map No. 2947. Council approval of the final maps of the units within this Tentative Map shall be coordinated with Council approval of the vacating of the designated streets within that unit.

6. Calle Neil and "A" Street shall be approved as nondedicated, named, privately maintained, private streets. The street names shown on the approved Tentative Map are not approved, and the names of these private streets shall conform to the City policy for private street names.

7. The controlled access facility located at Calle Neil and Clairemont Drive shall be designed so as to provide for visiting vehicle stacking outside the right-of-way of Clairemont Drive, in a manner satisfactory to the City Engineer. A minimum 20-foot-wide roadway shall be provided on each side of the medians in Calle Neil.

8. The subdivider shall construct a traffic signal system at the intersection of Calle Neil and Clairemont Drive, in a manner satisfactory to the City Engineer.

9. The areas shown on the approved Tentative Map as "B," "C," "D," "E," "F," "G" and "H" Streets shall be nondedicated, unnamed, privately maintained, private driveways.

10. Water Requirements:

a. Install 10-inch water mains in Calle Neil, Cowley Way and "A" Street.

b. Install eight-inch water mains in the private driveways shown on the approved Tentative Map as "B," "C," "D," "E," "F," "G" and "H" Streets.

c. Install fire hydrants at locations satisfactory to the City Engineer.

11. The subdivider shall provide a sewer study, satisfactory to the City Engineer, for this project and shall construct a sewer system in compliance with the approved sewer study.

12. The subdivider shall construct pedestrian ramps on the public streets adjacent to this subdivision, where required by the City Engineer.

13. The subdivider shall construct a bus turn-cut on Clairemont Drive northerly of Calle Neil, in a manner satisfactory to the City Engineer.

14. The subdivider shall grant easements for the proposed public sidewalk located in the "linear park" adjacent to Clairemont Drive and for the meandering sidewalks proposed along Dakota Drive and Iroquois Avenue where the sidewalks meander outside the dedicated right-of-way. The maintenance of these sidewalks where located outside the dedicated right-of-way shall be the responsibility of the homeowners' association.

15. The subdivider shall record final maps consistent with the accompanying Exhibit "A" phasing plan.

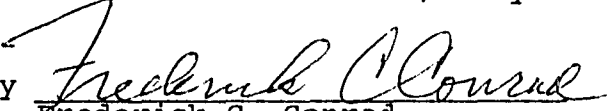
16. The subdivider shall provide viewing platforms at the northerly and southerly subdivision boundaries overlooking Tecolote Canyon and shall provide public sidewalks from these platforms to the dedicated right-of-way of Dakota Street and Iroquois Avenue, in a manner satisfactory to the City Engineer. These platforms and the public sidewalks shall be constructed in pedestrian access easements granted to the City and will be

maintained by the City.

17. The subdivider shall construct a pump operated drainage system to collect runoff and convey this flow-off-site through an underground drainage system to the west away from Tecolote Canyon. Such system shall include an underground, emergency, backup gravity system to convey this flow into Tecolote Canyon in the event of pump failure, in a manner satisfactory to the City Engineer.

18. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.

APPROVED: John W. Witt, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

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07/18/83  
Or.Dept:Clerk  
T.M. 82-0102  
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**JUL 12 1983**

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**ROGER HEDGECOCK**

Mayor of The City of San Diego, California.

(Seal)

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

By *Raymond L. Portecour*, Deputy.

Office of the City Clerk, San Diego, California

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