

RESOLUTION NUMBER R- 263595
ADOPTED ON JUL 2 1985

WHEREAS, on February 19, 1985, the Subdivision Board of The City of San Diego, subject to certain conditions, approved Tentative Map No. 84-0895; and

WHEREAS, the decision of the Subdivision Board to approve TM-84-0895, subject to certain conditions, was appealed to the Planning Commission of The City of San Diego; and

WHEREAS, on April 11, 1985, the Planning Commission heard the appeal of the Subdivision Board's decision to approve TM-84-0895 and voted 7 to 0 to uphold the decision of the Subdivision Board and approve Tentative Map No. 84-0895, subject to certain conditions; and

WHEREAS, on April 16, 1985, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, WALTER and JOSEPH ZUMSTEIN, by Ronald C. Parker, Agent, appealed the decision of the Planning Commission in approving the proposed Tentative Map for a four-lot tentative parcel map of portions of the West Half of the Southwest Quarter of the Southeast Quarter of Section 28, Township 18 South, Range 2 West, S.B.B.M., located on the north side of Ilex Avenue, between Saturn Boulevard (19th Street) and Switzerland Drive, in the R1-5000 Zone, in the Otay Mesa-Nestor Community Plan area; and

WHEREAS, said appeal was set for public hearing on May 14, 1985, continued to July 2, 1985, 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 appeal 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, that the City Council adopts the findings of the Planning Commission as follows:

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

2. The design and proposed improvements for the subdivision are consistent with the General Plan, Otay Mesa-Nestor Community Plan, R1-5000 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, i.e., one dwelling unit per 5,000 square feet of lot area.

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. 84-0895 EX.

6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with R1-5000 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 appeal of WALTER and JOSEPH ZUMSTEIN, BY Ronald C. Parker, Agent, is granted; the decision of the Planning Commission to deny the appeal is overruled, and said Tentative Map is hereby granted, subject to the following conditions:

1. This tentative map will expire July 2, 1988.

2. The "General Conditions of 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 Section 102.0406, et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401, et seq.

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

5. The subdivider shall dedicate the necessary right-of-way to widen 19th Street to a total dedicated right-of-way of 84 feet including a 20-foot radius corner rounding at the intersection. The subdivider shall also dedicate ten feet of additional right-of-way for Ilex Avenue. Prior to the resubdivision, development, or construction of more than one single family dwelling on Parcel 2, the remaining right-of-way necessary to widen Ilex Avenue to a total of 60 feet shall be dedicated. Prior to the recordation of this parcel map, the subdivider shall trim all existing hedges on both 19th and Ilex to provide adequate site distance at the intersection as determined by the City Engineer. Subdivider shall maintain the sight distances by trimming the hedges as growth occurs.

6. Prior to the resubdivision, development, or construction of more than one single family dwelling on Parcel 2, the subdivider shall improve Ilex Avenue as a local street by constructing curb, sidewalk and paving as required to provide a 40-foot wide paved roadway.

7. Prior to the resubdivision, development, or construction of more than one single family dwelling on Parcel 2, the subdivider shall improve 19th Street adjacent to Parcel 3 as a collector street by constructing curb, five-foot wide sidewalk, and paving as required to provide a 64-foot wide paved roadway.

8. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for street improvements on 19th Street.

9. The California-American Water Company will supply water to the subdivision upon application. If the subdivider receives from the California-American Water Company a contract for reimbursement of water main installation costs, the subdivider must assign such contract to The City of San Diego. The subdivider shall provide water services and shall deposit with The City of San Diego an amount equal to the current price for size of meters that are installed. Fire hydrants and other fire protection devices must be installed as required by the Water Utilities Department and the Fire Marshall. The subdivider must deposit with The City of San Diego an amount equal to the current price for each fire hydrant whose cost is not included in a contract as cited above.

10. In conjunction with Condition Nos. 5 and 6, the existing residence located within Parcel 3 shall be either relocated, modified, or removed in order to comply with the regulations of the R1-5000 Zone prior to the development, resubdivision, or construction of more than one single family dwelling on Parcel 2.

11. Subdivider and City shall enter into an agreement whereby subdivider will agree to perform Condition Nos. 4, 5, 6, 7 and 10 above and shall record said agreement as a covenant running with Parcels 2 and 3.

12. Prior to the filing of parcel map(s), the subdivider shall submit "letter(s) of school availability" from the South Bay Union School District in accordance with Council Policy.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Deputy City Attorney

FCC:cc:640
11/08/85
02/25/86 Rev. 3
04/30/86 Rev. 2
Or.Dept:Clerk
R-86-54
Form=r.subma

CORRECTED COPY

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JUL 2 1985

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 checked="" type="checkbox"/>	<input 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 Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7 - vacant	<input 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 checked="" type="checkbox"/>	<input 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 *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-264535* Adopted *JUL 2 1985*