

RESOLUTION NUMBER R- 264560

ADOPTED ON NOV 26 1985

WHEREAS, on August 19, 1985, the Planning Commission of The City of San Diego, subject to certain conditions, approved Tentative Map No. TM-85-0256; and

WHEREAS, the decision of the Subdivision Board to approve TM-85-0256 was appealed to the Planning Commission of The City of San Diego; and

WHEREAS, on September 26, 1985, the Planning Commission heard the appeal of the Subdivision Board's decision to deny TM-85-0256 and voted 7 to 0 to overrule the decision of the Subdivision Board and approve Tentative Map No. TM-85-0256, subject to certain conditions; and

WHEREAS, on September 30, 1985, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, RUTH J. SCHNEIDER, member of Otay Mesa-Nestor Community Planning Committee, appealed the decision of the Planning Commission in approving the proposed Tentative Map for Oro Vista Unit 1, Map-11050 and Unit 2, Map-11051 (approximately 22.7 acres), located between I-5 and Oro Vista Road, north of Tocayo Avenue, in the CR Zone, in the Otay Mesa-Nestor Community Plan area; and

WHEREAS, said appeal was set for public hearing on November 26, 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 commercial use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan, Otay Mesa-Nestor Community Plan, CR Zoning/Development Regulations on PCD-82-0399.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating and/or cooling opportunities by solar access.

4. The site is physically suitable for mixed commercial/residential development.

5. The site is suitable for the proposed mixed commercial/residential density of development.

6. 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. 85-0256-EMND.

7. 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 CR zoning and conforms with City development regulations and with Planned Commercial Development Permit No. 82-0399.2.

8. 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.

9. 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 RUTH J. SCHNEIDER, member of Otay Mesa-Nestor Community Planning Committee, is denied; the decision of the Planning Commission to grant the appeal is sustained, and said Tentative Map is hereby granted, subject to the following conditions:

1. This tentative map will expire September 26, 1988.

2. The "General Conditions for Tentative Subdivision 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 existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, et seq.

5. All the public improvements required in connection with this map have been assured in connection with the final map of Oro Vista Unit 2, Map 11051.

6. The subdivider shall provide evidence satisfactory to the Water Utilities Director showing that arrangements have been made to:

a. Provide for the maintenance of private water and sewer mains.

b. Provide private easements for private water and sewer facilities within the subdivision.

7. Access within this subdivision shall be by means of unnamed, nondedicated, private driveways.

8. Portions of this subdivision have been identified as being within the floodplain fringe of Nestor Creek. Any development within the floodplain fringe area will require the property to be graded to an elevation above the 100-year frequency flood elevation, plus two feet.

9. The subdivider shall denote on the map as "subject to inundation" those areas at an elevation lower than the 100-year frequency flood elevation, plus one foot.

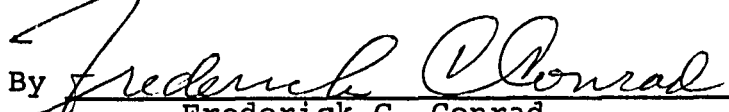
10. Prior to the filing of the final map(s), the subdivider shall submit "Letter(s) of School Availability" from the South Bay Union Elementary and Sweetwater Union High School Districts in accordance with Council Policy 600-22.

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

12. Prior to the recording of the final map, the developer shall submit an approved permit from the Coastal Commission for this project.

APPROVED: John W. Witt, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

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12/31/85  
Or.Dept:Clerk  
R-86-1241  
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Passed and adopted by the Council of The City of San Diego on **NOV 26 1985**,  
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

By *Julia Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-264560 Adopted NOV 26 1985

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