

RESOLUTION NUMBER R-275349

ADOPTED ON MARCH 20, 1990

WHEREAS, T&S Development, Inc., by Matthew A. Peterson, Attorney, appealed the decision of the Planning Commission in denying Tentative Map No. 89-0404 submitted by T&S Development, Inc., and The Keith Companies, Owner/Permittee, for a 18 lot subdivision, located on the south side of Nobel Drive between Interstate 5 freeway and Villa La Jolla Drive, and is more particularly described as Lots 1 through 4 of Parcel Map No. 8363, in the University Community Plan area, in the CA zone; and

WHEREAS, the matter was set for public hearing on March 20, 1990, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 89-0404:

1. The map proposes to subdivide a 39.1-acre site into 18 lots for commercial development. This type of development is consistent with the General Plan and the North University City Community Plan which designate the area for regional commercial use, however, placing a limitation on the total amount of building square footage for this site. The proposed map will

retain the community's character and will support the sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the CA zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic only as allowed under a Planned Residential Development (PRD) permit.

b. All lots meet the minimum dimension requirements of the CA zone, only as allowed under a PCD.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, only as allowed under a PCD.

d. Development of the site is controlled by Planned Commercial Development Permits No. 89-0404 and No. 89-0366.

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.

4. The site is physically suitable for commercial development. The harmony in scale, height, bulk, density and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed intensity of development. This is consistent with the community plan which provides for commercial uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Reports No. 89-0102, No. 89-0366, and No. 89-0404, which are included herein by this reference. A finding has been made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact reports.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities as well as other related public services.


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 as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

The above 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 T&S Development, Inc., by Matthew A. Peterson, Attorney, is granted; the decision of the Planning Commission is overruled, and Tentative Map No. 89-0404 is hereby granted, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

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Frederick C. Conrad  
Chief Deputy City Attorney

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05/10/90  
Or.Dept:Clerk  
R-90-1683  
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CITY COUNCIL CONDITIONS  
FOR TENTATIVE MAP NO. 89-0404

1. This tentative map will expire March 20, 1993.
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.

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. 769635.

3. The subdivider must provide a geological reconnaissance on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 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. Nobel Drive is classified as a modified four-lane major within a 112-foot-wide right-of-way. The subdivider shall dedicate additional right-of-way to ensure 61 feet south of the existing centerline providing curb, a five-foot-wide sidewalk, and additional paving, in a manner satisfactory to the City Engineer. This shall include allowing for an auxiliary lane from the secondary entrance (parking garage entrance) easterly to I-5, and widening the major entrance on Nobel Drive to allow for six lanes in and out of the project, including one right-turn-only lane out of the project, one left-turn-only lane out of the project, and one middle lane allowing for all direction movements, satisfactory to the City Engineer.
6. The subdivider shall construct a traffic signal system at Villa La Jolla Drive and the project entrance that includes dual left-turn lanes into the project entrance, in a manner satisfactory to the City Engineer.
7. The subdivider shall modify and interconnect the traffic signal system at Nobel Drive and the project entrance, in a manner satisfactory to the City Engineer.
8. The subdivider shall provide restricted left-turns out of project at non-signalized entrances on Via Mallorca, satisfactory to the City Engineer.

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9. The subdivider shall grant a non-building-area easement over Lot 17, in a manner satisfactory to the City Engineer.
10. Prior to the recordation of the final map, the subdivider shall acquire the CalTrans right-of-way along the easterly boundary, in a manner satisfactory to the City Engineer.
11. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.
12. This tentative map is within the North University City Community for which a Public Facilities Phasing Plan has been incorporated in the Public Facilities Financing Plan. Contained within this plan are individual facility improvements. Before predetermined thresholds of development may be exceeded, the City Engineer must be satisfied that these improvements are either:
  - a. Completed or open to public use; or
  - b. Subject to an awarded construction contract by a governmental agency.

The subdivider is advised that issuance of Building Permits may be limited or otherwise withheld because of unsatisfied thresholds in the Phasing Plan. The filing of a final map does not guarantee that building permits will be issued for properties within the final map area. A copy of the North University City Public Facilities Financing Plan may be viewed or purchased at the office of the Facilities Financing Division.

13. This subdivision is in a community plan area designated in the General Plan as Planned Future Urbanizing. As such, special financing plans have been established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a facilities benefit assessment, or such other means as may have been established by the City Council.

14. All rights-of-way required to be dedicated with this map must be free and clear of all encumbrances and prior easements. The subdivider must secure from an easement grantee a subordination agreement for distribution facilities located within the dedication or, in the case of major transmission facilities, a joint-use agreement.

15. The final map shall conform to the provisions of Planned Commercial Development No. 89-0404 and Planned Commercial Development No. 89-0366.
16. This subdivision may be subject to payment of School Impact Fees at the time of issuance of building permits as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887) in accordance with procedures established by the Director of Building Inspection.
17. This community may be subject to impact fees as established by the City Council at the time of issuance of building permits.

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MAR 20 1990

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Ellen Kovard*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275349* Adopted **MAR 20 1990**