

(R-92-1147)

RESOLUTION NUMBER R-279259

ADOPTED ON JANUARY 7, 1992

WHEREAS, Robert J. Krause, S.P.E. Corporation, Inc., by Richard A. Rubin of Sholders & Sanford, Inc., appealed the decision of the Planning Commission in denying Tentative Map No. 87-1098 for the River Trails Project submitted by S.P.E. Corporation for a 47-lot subdivision located on the west side of Hollister Street, between Rodear Road and Hollister Street, and described as Lot 75 of Sunrise Addition Unit No. 3, Map No. 10832, in the Otay Mesa-Nestor Community Plan area, in the R1-5000 (FPF) Zone; and

WHEREAS, the matter was set for public hearing on January 7, 1992, 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 City Council adopts the following findings with respect to Tentative Map No. 87-1098:

1. The map proposes the subdivision of a 10.54-acre site into 47 lots for residential development (5-10 dwelling units per acre). This type of development is consistent with the General Plan and the Otay Mesa/Nestor Community Plan which designate the area for low density residential use (4.4 dwelling units per acre). The proposed map will retain the community's character by

encouraging orderly, 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 and development regulations of the R1-5000 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 infill residential development (PIRD) permit and a resource protection overlay zone (RPOZ) permit.

b. All lots meet the minimum dimension requirements of the R1-5000 (FPF) zone, only as allowed under a PIRD and a RPOZ.

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 PIRD and a RPOZ.

d. Development of the site is controlled by Planned Infill Residential Development Permit and Resource Protection Overlay Zone Permit No. 87-1098.

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 residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical

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 density of development. This is consistent with the community plan, which provides for residential 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 in Environmental Impact Report No. 87-1098, which is included herein by this reference. However, 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 EIR.

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.

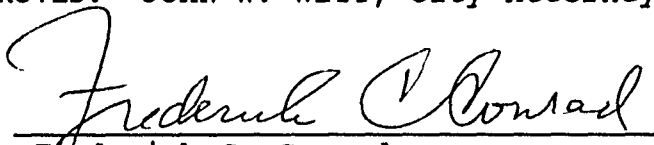
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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 Robert J. Krause, S.P.E. Corporation, Inc., by Richard A. Rubin of Sholders & Sanford, Inc., is granted; the decision of the Planning Commission is overruled; and Tentative Map No. 87-1098 is hereby granted to S.P.E. Corporation, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

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02/04/92  
Or.Dept:Clerk  
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CITY COUNCIL CONDITIONS FOR  
TENTATIVE MAP NO. 87-1098

1. This tentative map will expire January 7, 1995.
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. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
4. "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."
5. Every final 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 Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. 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.

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6. 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.
7. 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.
8. Vehicular access to the dwelling units will be by means of a system of unnamed, non-dedicated, private driveways maintained in accordance with the PIRD Permit.
9. The subdivider shall grant an emergency access easement, as shown on the approved tentative map, and construct this in a manner satisfactory to the Fire Department and to the City Engineer.
10. Water Requirements:
  - a. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.
  - b. The developer shall provide evidence to the Planning Department indicating that application for water has been made to the California-American Water Company (CAWC). The developer shall deposit with the City of San Diego an amount equal to the cost of meters, hydrants, and other water facilities installed or paid for by CAWC. If the developer receives any reimbursement agreement from CAWC for facilities installed by the developer, the developer shall assign such agreement to the City of San Diego.
11. Sewer Requirements:
  - a. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, verifying Pump Station 44 and the four-inch force main have adequate capacity to serve this development and that the sizing of gravity sewer mains and the grade of the mains will provide adequate capacity and cleansing velocities.
  - b. The developer shall install all facilities as required by the approved study.
12. Water and Sewer Requirements:

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- a. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, indicating that each parcel will have its own water service and sewer lateral.
  - b. The subdivider shall grant a twenty-foot-wide water and sewer easement over the public mains located in this development, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easement without first obtaining an Encroachment Removal Permit.
  - c. If any of the on-site public mains are located in a gated area, the Water Utilities Systems Division shall have keyed access, satisfactory to the Water Utilities Director. The City will not be responsible for any security issues that may arise relative to the availability of keys.
13. The subdivider shall grant a negative open space easement over Lot "B" and provide a 21-year irrevocable offer to dedicate, in a manner satisfactory to the Park and Recreation Department. The 25-foot buffer may either be included in the negative open space or Lot "A," the common area lot, that is to be maintained by the Homeowner's Association, whichever is acceptable to the Park and Recreation Department.
14. A portion of this subdivision has been identified as being within a floodway and floodplain fringe area. In connection with Council approval of the final map:
- a. The subdivider shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
  - b. Any development within the floodplain fringe area will require either the finish floor to be graded to an elevation two feet above the 100 year frequency flood elevation or provide flood-proofing of all structures to that same elevation.
  - c. The subdivider shall grant a flowage easement satisfactory to the City Engineer over the property within the floodway.
  - d. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities.

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- e. The subdivider shall denote on the final map and the improvement plans as "Subject to Inundation" for those areas at an elevation lower than the 100 year frequency flood elevation plus one foot.
  - f. The subdivider shall provide slope protection, as required by the City Engineer, where the velocity exceeds 5 f.p.s.
  - g. The subdivider shall provide safety fencing where required by the City Engineer.
  - h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
15. Erosion control measures must be implemented during site grading, including temporary berms, sedimentation or catchment basins, and sandbagging adjacent to the floodway. Construction of the permanent drainage system concurrent with grading activities and rapid landscaping of manufactured slopes shall be installed, satisfactory to the City Engineer.
  16. 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.
  17. The final map shall conform to the provisions of Planned Infill Residential Development/Resource Protection Overlay Zone Permit No. 87-1098.
  18. This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map.
  19. 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.
  20. This community may be subject to impact fees as established by the City Council at the time of issuance of building permits.
  21. Prior to or concurrently with the recordation of the final map, the subdivider shall enter into an agreement that runs with the land that shall hold the City harmless for any damage due to flooding, as requested by the City Council on

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January 7, 1992, as a condition of approval of the Tentative Map and Planned Infill Residential Development Permit.

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Resolution adopted by the Council of The City of San Diego on JAN 07 1992  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 type="checkbox"/>	<input checked="" 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:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-279259 Adopted JAN 07 1992