

(R-94-264)

RESOLUTION NUMBER R-282515

ADOPTED ON AUGUST 10, 1993

WHEREAS, on June 3, 1993, the Planning Commission recommended approval of Tentative Map No. 92-0468 submitted by Philip Chodur and San Diego Land Surveying and Engineering for a 47-lot tentative subdivision map, located east of 27th Street between Iris Avenue and Grove Avenue, and described as a portion of the northern half of the northwest quarter of the southwest quarter of the southeast quarter of Section 27, Township 18 South, Range 2 West, SBBM, in the Otay Mesa-Nestor Community Plan area, in the R1-10,000 (proposed R-3000) zone; and

WHEREAS, the matter was set for public hearing on August 10, 1993, 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. 92-0468:

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. 92-0468:

1. The map proposes the subdivision of a 3.83-acre site into 47 lots for residential development. This type of development is consistent with the General Plan and the Otay

Mesa-Nestor Community Plan which designate the area for residential use. 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/development regulations of the R-3000 zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Residential Development (PRD)/Resource Protection Ordinance (RPO)/Conditional Use Permit (CUP).

b. All lots meet the minimum dimension requirements of the R-3000 zone, as allowed under a PRD/RPO/CUP.

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, as allowed under a PRD/RPO/CUP.

d. Development of the site is controlled by Planned Residential Development/Resource Protection Ordinance/Conditional Use Permit No. 92-0468.

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 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 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 could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings in Mitigated Negative Declaration No. 92-0468, which is included herein by this reference.

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 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 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 recommendation of the Planning Commission is sustained, and Tentative Map No. 92-0468 is hereby granted to Philip Chodur and San Diego Land Surveying and Engineering , subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
10/20/93
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
TENTATIVE MAP NO. 92-0468

1. This tentative map will expire August 10, 1996.
2. The final map shall conform to the provisions of Planned Residential Development/Resource Protection Ordinance/Conditional Use Permit No. 92-0468.
3. 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.

4. "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).
5. "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."
6. 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

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ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

7. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
8. 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.
9. The subdivider must provide a geological reconnaissance on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
10. 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.
11. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
12. This subdivision shall be served by a system of non-dedicated, unnamed private driveways with a minimum of 24 feet of pavement, and a walkway from each dwelling unit to the sidewalk in the public right-of-way, satisfactory to the City Engineer.
13. The driveway approach on 27th Street shall be a standard City driveway; curb returns are not allowed.
14. The subdivider shall provide improvements along the east side of 27th Street to allow for 20 feet of pavement from center line, curb, gutter, and a five-foot-wide sidewalk, within a ten-foot curb-to-property-line distance, from the north right-of-way line of Grove Avenue south for a length of approximately 360 feet, satisfactory to the City Engineer.

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15. Water Requirements:

- a. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
- b. The developer shall provide evidence to the Planning Department indicating that application for water service has been made to the California-American Water Company (CAWC). Further, due to the City of San Diego's present right to acquire CAWC's assets by eminent domain at a future date certain, the developer shall deposit with the City of San Diego an amount the City deems equal to the value of the meters, hydrants, pipes, and other water utilities that benefit the developer's property and which are paid for or installed by CAWC. The City shall set such deposit aside in a separate account to be used only for the future City acquisition of the CAWC assets. If the developer enters into any reimbursement agreement with any utility relative to facilities installed by the developer, the developer shall assign any such agreement to the City of San Diego.

16. Sewer Requirements:

- a. The developer shall install a system of gravity sewer mains of adequate capacity to serve this development.
- b. The developer shall provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and have cleansing velocities.
- c. The subdivider shall provide a relocation study for the 18- and 12-inch sewer mains located adjacent to the northerly subdivision boundary, satisfactory to the Water Utilities Director.
- d. The subdivider shall relocate the 18- and 12-inch sewer mains as required by the approved sewer relocation study.

17. Water and Sewer Requirements:

- a. The developer shall provide CC&R's for the operation and maintenance of on-site private water and sewer

mains that serve more than one lot. The developer shall provide private easements for the private mains or show easement locations in the CC&R's.

- b. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The developer shall design and install a reclaimed water distribution system within the subdivision, in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution with the City of San Diego." The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
 - c. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
18. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
19. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
20. A portion of this subdivision has been identified as being within a floodway or floodplain fringe area. In connection with Council approval of the final map:
- a. The developer 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 property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.

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- c. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
- d. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities.
- e. The developer shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
- f. The developer shall provide slope protection, as required by the City Engineer, where the velocity exceeds 5 FPS.
- g. The developer 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.
- i. Portions of the project are located in the floodplain of Nestor Creek, as shown on Panels 0209D of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA).
- j. No permits shall be issued for grading or other work in the floodplain of Nestor Creek until the developer obtains a Conditional Letter of Map Amendment (Conditional LOMA) from FEMA. The request for the Conditional LOMA must be submitted through the City of San Diego Floodplain Management Section. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- k. When as-built grading and public improvement plans are available, the developer must submit a request for a Conditional LOMA to FEMA via the Floodplain Management Section. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- l. The bond for this project will not be released until the Conditional LOMA is issued by FEMA.

- m. Notes provided by the Floodplain Management Section concerning work in designated floodplains shall be included in all grading and improvement plans.
21. This subdivision is in a community plan area designated in the General Plan as Urbanized. Special financing plans have been established to finance the public facilities required for the community plan area.

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 (FBA) or such other means as may have been established by the City Council.

22. Prior to recordation of the final map, the subdivider shall enter into and record a binding agreement with the South Bay Unified School District to ensure payments to the District in the event that the project site is occupied by persons other than senior citizens. Evidence of recordation shall be presented to the Planning Director. Recordation of the agreement signed by the applicant on December 28, 1993, would satisfy this condition.
23. Prior to recordation of the final map, the subdivider shall annex into the Sweetwater Union High School District's Community Facilities District (CDF) #5. Evidence of annexation shall be presented to the Planning Director.

FOR INFORMATION:

- 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.
- 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.
- This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall

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pay fees as set by the City Council and in effect in the community at the time the building permit is issued.

- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

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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 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 checked="" type="checkbox"/>	<input 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By *Blonde B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **B-282515** Adopted **AUG 10 1993**
Number Adopted