

RESOLUTION NUMBER R-289281

ADOPTED ON OCTOBER 7, 1997

WHEREAS, Pardee Construction Company, Applicant, and Leppert Engineering Corporation, Engineer, filed an application for a 2 parcel tentative parcel map, open space easement abandonment and minimum lot area variance for property located east of Andasol Street, north of Acama Street, and described as Lot 3310 of Mira Mesa Verde Unit 27 of Map 7038, in the Mira Mesa Community Plan area, in the R1-5000 zone; and

WHEREAS, on July 31, 1997, the Planning Commission of The City of San Diego recommended City Council approval of Tentative Parcel Map No. 95-0370; and

WHEREAS, the matter was set for public hearing on October 7, 1997, 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 Parcel Map No. 95-0370:

1. The map proposes the subdivision of a 0.22-acre site into 2 parcels for residential development. This type of development is consistent with the General Plan and the Mira Mesa 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 R1-5000 zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic.

b. All lots meet the minimum dimension requirements of the R1-5000 zone except as to minimum lot area, however, findings for a concurrent variance are included herein.

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.

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 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 or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Exemption No. 95-0370, 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 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.

10. There are special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood. Such

conditions shall not have resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance.

This site was originally intended to be an open space link to adjacent vacant lands to the north. Since then, the lands to the north have been graded and fully developed with single family residential development and has rendered the site obsolete as a link to open space. Granting the proposed variance in lot area will enable the site to be developed with similar yard area, bulk, and massing characteristics as surrounding development.

11. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose.

The use of this site for open space purposes is no longer needed. The property could be developed as one large residential lot surrounded by development on smaller lots. The proposed lot split appears to be an efficient and reasonable use of the land in light of the past development circumstances and surrounding development character.

12. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The variance requests a decrease in the minimum lot area from 5,000 to 4,740 square feet for each lot. There does not appear to be any detrimental impact on the neighborhood or the public welfare.

13. The granting of the variance will not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted Community Plan for the area.

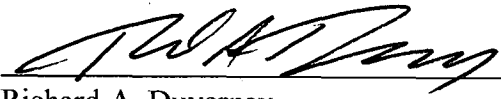
The proposed variance to the minimum lot area for two lots will not adversely affect the Progress Guide and General Plan or the adopted Mira Mesa Community Plan which designate this site for low density residential (4-10 DU's per net acre) land use.

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 Parcel Map No. 95-0370 is hereby granted to Pardee Construction

Company, Applicant, and Leppert Engineering Corporation, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
01/20/98
Or.Dept:Clerk
R-98-560
Form=tmr.frm

CONDITIONS FOR TENTATIVE PARCEL MAP NO. 95-0370
(APPROVED BY COUNCIL RESOLUTION NO. R-289280)

1. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
2. This tentative parcel map shall expire 3 years after City Council approval. If the open space easement abandonment is denied then this tentative parcel map shall be deemed denied.
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 parcel 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. 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.
7. The approval of this tentative parcel 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.).

R- 289281

8. The subdivider must provide a geologic reconnaissance report 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 62.0415 et seq.
9. 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.
10. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
11. The open space easements shall be abandoned at the fair market value as determined by Real Estates Assets. All such funds shall be deposited in the Open Space Acquisition Fund.
12. The drainage system proposed for this subdivision, as shown on the approved tentative parcel map, is subject to approval by the City Engineer.
13. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, 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 Development Services Manager. 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.

FOR INFORMATION:

This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Mira Mesa Community Plan area.

This development 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 Development Services Manager.

This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

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

R- 289281