

RESOLUTION NUMBER R-289736

ADOPTED ON FEBRUARY 17, 1998

WHEREAS; Balboa-Genesee, LLC, by Meyer C. Weiner, its Managing Partner, Applicant, and Schwerin Engineering, Engineer, filed an application with The City of San Diego for a 4-lot tentative parcel map, located north of Balboa Avenue and west of Genesee Avenue, and described as Lots 1 and 2 of Clairemont Towers, Map 11432, in the Clairemont Mesa Community Plan area, in the CO and CA zones; and

WHEREAS, the matter was set for public hearing on February 17, 1998, 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. 96-7558:

1. The map proposes the subdivision of a 4.56-acre site into 4 lots for office, medical office, and retail development. This type of development is consistent with the General Plan and the Clairemont Mesa Community Plan which designate the area for commercial 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 CO and CA zones 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 Commercial

Development/Community Plan Implementation Overlay Zone Type "B"/Conditional Use Permit [PCD/CPIOZ"B"/CUP] permit.

b. All lots meet the minimum dimension requirements of the CO and CA zones, only as allowed under a PCD/CPIOZ"B"/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, only as allowed under a PCD/CPIOZ"B"/CUP.

d. Development of the site is controlled by PCD/CPIOZ"B"/CUP Permit No. 96-7558.

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 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 suitable for the proposed density of development. This is consistent with the community plan, which provides for commercial uses.

6. The design of the subdivision and 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 Revised Negative Declaration No. 96-7558, 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.

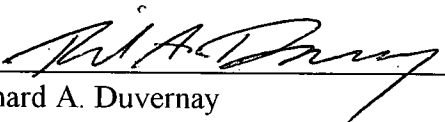
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate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

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Tentative Parcel Map No. 96-7558 is granted to Balboa-Genesee, LLC, by Meyer C. Weiner, its Managing Partner, Applicant, and Schwerin Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

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Or. Dept: Clerk
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Reviewed by John Fisher

CONDITIONS TO TENTATIVE PARCEL MAP NO. 96-7558
APPROVED BY CITY COUNCIL RESOLUTION NO. R-289736

1. This tentative map will expire on February 17, 2001.
2. The final map shall conform to the provisions of CPIOZ/PCD/CUP Permit No. 96-7558.
3. 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.
4. 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. 769830.

5. "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).
6. "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."
7. 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.
8. 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 U.S.C. § 1531 et seq.).

R-289736

9. Prior to the recordation of the Parcel Map the subdivider shall obtain an encroachment removal agreement from CalTrans for work in CalTrans right-of-way.
10. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
11. The subdivider shall close all non-utilized driveways at the site with standard full-height curb gutter and sidewalk satisfactory to the City Engineer.
12. The subdivider shall relinquish abutter's rights of access for non-utilized openings along Balboa Avenue and revest proposed openings on Balboa Avenue which currently have relinquishment of abutter rights-of-access across them, satisfactory to City Engineer.
13. 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.
14. The subdivider shall dedicate additional right-of-way and assure by permit and bond public improvements to Genesee Avenue including additional right-turn lane, schedule "J" pavement, curb, gutter and sidewalk, satisfactory to CalTrans and the City Engineer.
15. The subdivider shall assure by permit and bond public improvements to Balboa Avenue accommodating lane widening including schedule "J" pavement, curb, gutter and sidewalk, satisfactory to CalTrans and the City Engineer.
16. The subdivider shall assure, by permit and bond, the installation of three standard driveways, satisfactory to City Engineer.
17. The subdivider shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with San Diego Municipal Code sections 62.0401 through 62.0423 in a manner satisfactory to the City Engineer.
18. Water and Sewer 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) dwelling units are located on a dead-end main then a looped system shall be installed.
 - b. The developer shall design all public water and sewer facilities to the most current edition of the *City of San Diego Water & Sewer Design*

R-289736

Guide. If facilities do not meet the current standards, then such facilities shall be private.

- c. The developer shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
 - d. The developer shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each unit will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer mains that serve more than one unit. Also, the development shall provide private easements for the private mains.
19. The drainage system proposed with this development is subject to approval by the City Engineer.
 20. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

FOR INFORMATION:

- 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.

R-289736

- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.