

RESOLUTION NUMBER R-292987

ADOPTED ON APRIL 11, 2000

WHEREAS, Robert and Joan Thorburn, Applicants, and E. Ricci, Engineer, submitted an application to The City of San Diego for a four-parcel tentative map (Tentative Map No. 98-0423 for the Soledad Creek project), located southwesterly of Via Borgia and Via Aprila, and legally described as Lots 10, 11, and 12, Block 3 of Map 1527, in the Torrey Pines Community Plan area, in the R1-5000 zone (proposed R-3000 zone); and

WHEREAS, on January 20, 2000, the Planning Commission of The City of San Diego considered Tentative Map No. 98-0423, and pursuant to Resolution No. 2911-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on April 11, 2000, 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. 98-0423:

1. The map proposes the subdivision of a 0.30-acre site into four parcels for residential development. This type of development is consistent with the General Plan and the Torrey Pines 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 and 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] permit.

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

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 permit.

d. Development of the site is controlled by Planned Residential Development/Coastal Development Permit No. 98-0423.

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 or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 98-0423, 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 Government Code section 66412.3, 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.

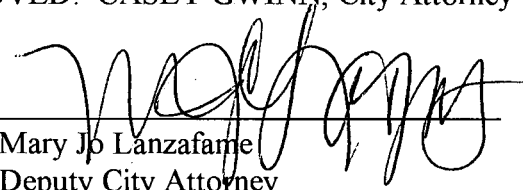
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 98-0423 is hereby granted to Robert and Joan Thorburn, Applicants, and E. Ricci, Engineer, subject to the conditions attached hereto and made a part hereof

BE IT FURTHER RESOLVED, that this resolution shall take effect and be in force on the date the California Coastal Commission certifies this resolution as a Local Coastal Program amendment and not until the thirtieth day from and after its passage, whichever is later. No building permits for development inconsistent with the provisions of this resolution shall be issued unless application therefore was deemed complete prior to the date of adoption of this resolution by the City Council. If this resolution is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this resolution shall be null and void.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
4/28/00
Or.Dept:Clerk
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Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 98-0423
ADOPTED BY RESOLUTION NO. R-292987 ON APRIL 11, 2000

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. If the rezone is denied, this Tentative Parcel Map shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the parcel map, unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative parcel map, may protest the imposition within 90 days of the approval of this tentative parcel map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The parcel map shall conform to the provisions of Planned Residential Development/ Coastal Development Permit No. 98-0423.
5. 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.

6. "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].
7. "California Coordinate System" means the coordinate system as defined in Sections 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."
8. The parcel 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.

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- 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.
9. 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 [SDMC] section 62.0415 et seq.
10. 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.).
11. Undergrounding of proposed public utility systems and service facilities is required according to SDMC section 102.0404, Subsection 2.
12. The subdivider shall obtain a bonded 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 SDMC sections 62.0401 - 62.0423 in a manner satisfactory to the City Engineer.
13. The subdivider shall comply with the Mitigation Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 98-0423, satisfactory to the City Manager. Prior to the recordation of the parcel map or issuance of any building or grading permit, all mitigation measures specifically outlined in the MMRP shall be implemented for the following issue areas:
 - A. Waste Management
 - B. Archaeological Resources
14. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within the City right-of-way adjacent to and within this subdivision, until such time a landscape maintenance district or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

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15. The subdivider shall enter into an Encroachment Removal Agreement to provide four-foot wide all weather walkways along Via Aprila and Via Borgia, meeting ADA requirements and satisfactory to the City Engineer.
16. The subdivider shall, adjacent to this development, widen Via Borgia and install pavement, concrete curb and gutter with improvements to match the existing improvements along Via Borgia.
17. The subdivider shall, adjacent to this development, construct concrete curb and gutter along Via Aprila.
18. The subdivider shall enter into an agreement with the City waiving the right to oppose special assessment proceedings for installation of sidewalks on Via Borgia and Via Aprila.
19. The subdivider shall construct a pedestrian ramp at the southwest corner of Via Aprila and Via Borgia.
20. All future driveways and curb openings shall comply with City Standard Drawings, G-14a, G-16 and SDG-100.
21. **WATER AND SEWER REQUIREMENTS:**
 - a. The subdivider 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, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Also, provide private easements for the private facilities.
 - b. The subdivider shall design any proposed public water and sewer facilities to the most current edition of the "City of San Diego Water & Sewer Design Guide."
22. The drainage system proposed for this subdivision, is subject to approval by the City Engineer.
23. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or Future 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

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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 payment of a park fee prior to the filing of the final subdivision map in accordance with SDMC section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with SDMC section 96.0401 et seq.
- 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 Director of Building Inspection.
- 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.

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