

RESOLUTION NUMBER R-293944

ADOPTED ON AUGUST 1, 2000

WHEREAS, ALH, LLC., Applicant, and Municipal Engineers, Engineer, submitted by an application to the City of San Diego for a one-lot tentative map (Tentative Map No. 99-1231 for the Regents Townhomes project), located at 3209 Governor Drive, and legally described as Lot 3, University Hills Unit No. 1 of Map No. 4826 in the University Community Plan area, in the CN-1-2 zone (previously referred to CN zone); and

WHEREAS, on June 8, 2000, the Planning Commission of the City of San Diego considered Tentative Map No. 99-1231, and pursuant to Resolution No. 2971-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on August 1, 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. 99-1231:

1. The map proposes the subdivision of a .37-acre site into one lot for residential development. This type of development is consistent with the General Plan and the University 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 CN-1-2 (previously referred to as CN 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 Commercial Development [PCD] permit.

b. All lots meet the minimum dimension requirements of the CN-1-2 zone (previously referred to as CN zone), as allowed under a PCD 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 PCD permit.

d. Development of the site is controlled by Planned Commercial Development Permit No. 99-1231.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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. The site is designated for commercial use in the community plan, however, subject to the PCD Permit, residential development is permitted subject to "deviation findings."

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of Mitigated Negative Declaration No. 99-1231, which is included herein by this reference. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 99-1231.

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.

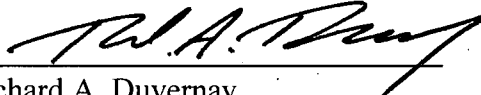
9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego, and finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and public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

10. The subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium units is eight.

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. 99-1231 is granted to ALH, LLC., Applicant, and Municipal Engineers, 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 Patricia Grabski

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 99-1231
REGENTS TOWN HOMES
ADOPTED BY RESOLUTION NO. R-293944 ON AUGUST 1, 2000

1. This tentative map will expire August 1, 2003.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the final 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 map, may protest the imposition within 90 days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final map shall conform to the provisions of Planned Commercial Development Permit No. 99-1231.
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 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.

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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 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.*).
10. 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 62.0415 *et seq.*
11. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
12. The subdivider shall obtain an encroachment removal agreement from the City Engineer for landscaping, irrigation, curb outlets, and sidewalk underdrains in the City right-of way.
13. The subdivider shall relinquish the remaining abutters rights of access to Regents Road.
14. The subdivider shall vacate 25 feet of Abutters Rights of Access on Governor Drive.
15. The subdivider shall install a new 20-foot-wide driveway on Governor Drive.
16. The subdivider shall close and replace all existing driveways on Regents Road and Governor Drive with full height curb, gutter, and sidewalk.
17. The subdivider shall install a curb outlet, per City Standard Drawing D-25, on Regents Road.
18. The subdivider shall install sidewalk underdrains, per City Standard Drawing D-27, on Regents Road and Governor Drive.

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19. The drainage system proposed with this development is subject to approval by the City Engineer.
20. 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 the San Diego Municipal Code in a manner satisfactory to the City Engineer.
21. The project shall meet current City street light standards, satisfactory to the City Engineer.
22. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 99-1231, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or the first building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: noise and human health and public safety.
23. The developer shall provide evidence to the fact that each ownership/unit/lot will have its own sewer lateral or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer facilities that serve more than one ownership/unit/lot, satisfactory to the Metropolitan Wastewater Department Director.
24. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
25. Prior to the issuance of any building permits, the developer shall provide CC&Rs for the operation and maintenance of the private water facilities that serve more than one unit.
26. The subdivider shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the "City of San Diego Water & Sewer Design Guide." Proposed facilities that do not meet the current standards shall be private or redesigned.

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 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.*

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

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 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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