

RESOLUTION NUMBER R-294667

ADOPTED ON MARCH 20, 2001

WHEREAS, Spruce 58-LLC, a California Limited Liability Company, Applicant, and Site Design Associates, Inc., Engineer, submitted an application to the City of San Diego for a 18-lot tentative map (Tentative Map No. 99-0799 for the Spruce Canyon Townhomes project), partial undergrounding waiver and street vacations, located on the south side of Spruce Street easterly of Columbia Street, and legally described as Lots 1, 2, 3, 10, 11, and 12 of Block 122, Lots 1 through 4 and 9 through 12 of Block 123, and Lot 1 and a portion of Lot 4 of Block 124 of Middletown Map No. 1434; Lot 1 of La Cachett Map 10948; and Lots 14 and 15 of Richard's Resubdivision Map 1434, in the Uptown Community Plan Area, in the RM-2-5 and RS-1-11 zones (previously referred to as the MR-1500 and R1-10,000 zones, respectively); and

WHEREAS, on February 1, 2000, the Planning Commission of the City of San Diego considered Tentative Map No. 99-0799, and pursuant to Resolution No. 3085-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on March 20, 2001, 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. 99-0799:

1. The map proposes the subdivision of a 3.6-acre site into 18 lots for residential development (Lots 1-3 contain a total of fifty townhouse units, Lots 4-9 contain six duplex units, and Lots 10-13 contain four single-family units, for a total of sixty units, Lots 14-16 are existing

multi-family buildings, and Lots 17 and 18 are existing single-family units). This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Uptown 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 RM-2-5 zone (previously referred to as the MR-1500 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 Mid-City Development [MCD] permit.

b. All lots meet the minimum dimension requirements of the RM-2-5 zone (previously referred to as the MR-1500 zone), as allowed under a MCD 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 MCD permit.

d. Development of the site is controlled by Mid-City Development Permit No. 99-0799.

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. This is consistent with the community plan, which provides for residential uses.

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 Negative Declaration LDR No. 99-0799, 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 in as much 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 because residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the Council.

10. The requested partial underground waiver qualifies under the guidelines of Council Policy No. 600-25 in that:

a. The conversion of this specific pole and wires would represent an isolated undergrounding with a minimum probability of extension in the future.

b. The conversion would involve a substantial investment in temporary facilities (cable posts, temporary recircuiting, etc.) or involve a significant amount of work considered offsite to the development which is financing the conversion.

c. The conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

11. The subdivision is a condominium project as defined in California Civil Code section 1350 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units on Lots 1 through 3 is fifty.

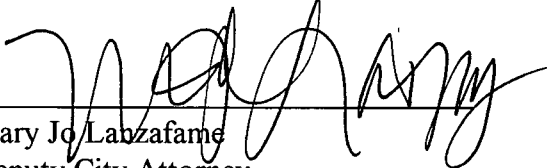
12. The property contains rights-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Union Street and Spruce Street located within the project boundaries as shown on Tentative Map No. 99-0799, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 99-0799 is hereby granted to Spruce 58-LLC, a California Limited Liability Company, Applicant, and Site Design Associates, Inc., Engineer, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL/mdw/lc
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12/11/01 Cor.Copy
Or.Dept:Clerk
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Reviewed by Sandra Teasley

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 99-0799
SPRUCE CANYON TOWNHOMES
ADOPTED BY RESOLUTION NO. R-294667 ON MARCH 20, 2001

1. This tentative map will expire March 20, 2004. Should the street vacation be denied then this tentative 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 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 ninety 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 Mid-City Development Permit No. 99-0799.
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.
 - 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

R-294667

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 Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
10. Prior to recordation of the final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. The subdivider must provide a geologic (geotechnical) investigation 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.
12. Undergrounding of existing and proposed public utility systems and service facilities in the area of Spruce Street proposed for vacation is required according to SDMC section 102.0404(2).
13. Spruce Street is classified as a 2-lane collector within a 60-foot-wide right-of-way. The subdivider shall provide 5 driveways, curb, gutter, and 5-foot-wide sidewalk within a 10 foot curb-to-property-line distance on the lower portion of Spruce Street, and 2 pedestrian ramps on the upper portion of Spruce Street (adjacent to Lots 4 and 14), all satisfactory to the City Engineer.
14. Spruce Street and Union Street shall be vacated prior to the recordation of the final map.
15. The subdivider shall relocate the existing on-site public drain, satisfactory to the City Engineer.
16. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
17. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the SDMC in a manner satisfactory to the City Engineer.

R-294667

18. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by Council on January 10, 2000.
19. Water Requirements:
 - a. The subdivider shall design and construct an 8-inch public water main extension from the 10-inch main in Spruce Street southerly within the hammerhead adjacent to Lot 13, in a manner satisfactory to the Director of the Water Department.
 - b. The subdivider shall design and construct public water services (domestic, irrigation, and fire) and meters necessary to provide service to all lots within the subdivision, in a manner satisfactory to the Director of the Water Department, and remove all existing unused services adjacent to the project site. Meters shall be located within fully improved Spruce or Ibis Street rights-of-way behind full height curb. Water facilities as shown on the approved tentative map will require modification at final engineering consistent with City standards.
 - c. All on-site water facilities shall be private including any fire hydrants. Prior to the approval of any improvement plans, including grading, the subdivider shall provide Covenants, Conditions & Restrictions [CC&Rs] for the operation and maintenance of the on-site private water system that serves or traverses more than a single lot.
 - d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - e. The subdivider shall grant a minimum 24-foot-wide water easement over the public water main within the vacated portion of the Spruce Street right-of-way, in a manner satisfactory to the Director of the Water Department. Easements utilized for access to appurtenances shall be a minimum of 24 feet wide and fully paved. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any easement utilized for access.
 - f. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards shall be redesigned or private.

R-294667

20. Sewer Requirements:

- a. Prior to the submittal of any public improvement drawings, including grading plans, the subdivider shall provide a sewer study, satisfactory to the Director of the Metropolitan Wastewater Department, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies. The study shall identify appropriate easements and vehicular access to all sewer manholes.
- b. The subdivider shall install all sewer facilities as required by the accepted sewer study necessary to serve the proposed development, including vehicular access within easements. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- c. The subdivider agrees to design all proposed sewer facilities in accordance with established criteria in the most current edition of the City of San Diego Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or redesigned.
- d. The subdivider shall grant adequate sewer and access easements, including vehicular access to each manhole for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Minimum easement widths for sewer mains with manholes is 20 feet. The easements shall be located within single lots. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 feet wide and paved full width. No structures or landscaping shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any access easement.
- e. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each dwelling unit will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.
- f. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego Sewer Design Guide.

R 294667

21. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a 40-square-foot water permeable planting area for each street tree in the right-of-way. This area shall be identified as a rectangle with an "X" through it and labeled "planting area for street tree." Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated March 20, 2001, and on file in the Development Services Department.
22. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Mid-City Development Permit No. 99-0799 (including Environmental conditions) and Exhibit "A," dated March 20, 2001, on file in the Development Services Department.

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 San Diego Municipal Code 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 development may be subject to impact fees, as established by the 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.