

RESOLUTION NUMBER R- 298159

ADOPTED ON JUL 01 2003

WHEREAS, Carter Reese & Associates, Applicant, and Steven's Cresto Engineering, Engineer, submitted an application to the City of San Diego for a 3-lot tentative map (Tentative Map No. 9859 and a Public Right-of-Way Vacation No. 9863), located Northerly of El Cajon Boulevard, Southerly of Meade Avenue, Westerly of 30th Street and Easterly of Kansas Street, and described as Lots 15-18 and the North 40 feet of Lots 19-22 of Block 110 of University Heights, according to Map thereof made by G.A. D'Hemecourt in Book 8, Page 36, Et, Esq of Lis Pendes and Lots 23-46 of Block 110 of University Heights, according to Amended Map thereof made by G.A. D'Hemecourt in Book 8, Page 36, Et, Esq of Lis Pendes, in the MR-800B/CN-1 Zone; and

WHEREAS, on June 5, 2003, the Planning Commission of the City of San Diego considered Tentative Map No. 9859, and pursuant to Resolution No. 3385 -PC voted to recommend approval of the map; and

WHEREAS, the matter was set for public hearing on July 1, 2003, 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 Council of the City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 9859:

1. The map proposes the subdivision of a 2.722-acre site into three (3) parcels for commercial and residential development. This type of development is consistent with the General Plan and the Greater North Park Community Plan, which designate the area for

commercial and 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 MR-800B/CN-1 Zone in that:

- a. All lots have minimum frontage on dedicated streets which are open to and usable by vehicular traffic, as allowed under Conditional Use Permit No. 9860 and Site Development Permit No. 9861.
- b. All lots meet the minimum dimension requirements of the MR-800B/CN-1 Zone, as allowed under Conditional Use Permit No. 9860 and Site Development Permit No. 9861.
- 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 Conditional Use Permit No. 9860 and Site Development Permit No. 9861.
- d. Development of the site is controlled by Conditional Use Permit No. 9860 and Site Development Permit No. 9861.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating or cooling opportunities.

4. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for commercial and residential uses. Public services and facilities are existing, which provide for public roads, water and sewage facilities, as well as other related public services, pursuant to the findings required by Section 66428(b) of the Subdivision Map Act.

5. 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 of Mitigated Negative Declaration No. 5682 and the associated Mitigation, Monitoring and Reporting Program, which is included herein by this reference.

6. 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.

7. 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.

8. The decision-maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

9. A portion of the unnamed Alley in Block 110 of University Heights Amended Map recorded September, January 17, 1911, in Book 8, Page 36, et seq. of Lis Pendens in the Office of the County Recorder of San Diego County, is no longer needed for the public purpose for which it was granted; and whereas, the City Council finds that:

- a. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the action through improved use of the land made available by the vacation;
- c. The vacation does not adversely affect any applicable land use plan ; and
- d. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

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

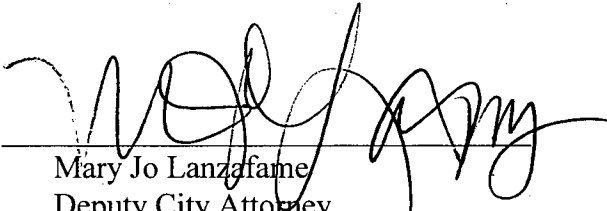
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66445(j), a portion of the unnamed alley in Block 110 of University Heights Amended Map recorded January 17, 1911, in Book 8, Page 36, et seq. of Lis Pendens in the Office of the County Recorder of San Diego County, located within the project boundaries as shown in Tentative Map No. 9859, 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. 9859 is granted to Carter Reese & Associates, Applicant, and Steven's Cresto Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
06/06/03
Or.Dept:DSD
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CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 9859
RENAISSANCE AT NORTH PARK
ADOPTED BY RESOLUTION NO. R- 298159 ON JUL 01 2003

1. This tentative map will expire on July 1, 2006.
2. 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.
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 Conditional Use Permit No. 9860 and Site Development Permit No. 9861, Project No. 5682.
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.
6. 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.
7. "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).
8. "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."
9. 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

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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.

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. Engineering Conditions
 - a. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
 - b. The drainage system proposed for this development, as shown on the plans, is subject to approval by the City Engineer.
 - c. Prior to the issuance of any permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
 - d. Prior to the issuance of any permit the Subdivider shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
 - e. Prior to the issuance of any permit the Subdivider shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.
 - f. Prior to the issuance of any permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
 - g. Prior to the issuance of any grading permits, the applicant shall assure by permit and bond the construction of the alley from El Cajon Boulevard to Meade Avenue. The 20 foot alley shall have a minimum 60 foot centerline radius at the intersection of the northerly and westerly alleys satisfactory to the city engineer.

- h. Prior to the issuance of any grading permits, the applicant shall assure by permit and bond the construction of curb, gutter and sidewalk along El Cajon Boulevard, 30th Street, Kansas Street, and Meade Avenue satisfactory to the city engineer.

12. Vacation Conditions

- a. The public right-of-way vacation of a portion of the unnamed Alley in Block 110 of University Heights Amended Map recorded September, January 17, 1911, in Book 8, Page 36, et seq. of Lis Pendens in the Office of the County Recorder of San Diego County, is conditioned upon approval and recordation of a Parcel Map in accordance with the Subdivision Map Act Section 66445(j).

13. Water Conditions

- a. The Subdivider shall provide a letter, to the Development Project Manager, agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single condominium unit or lot.
- b. The Subdivider shall provide acceptable water easements for all public water facilities located outside of fully improved public rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer,
- c. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved tentative map shall be modified at final engineering to comply with standards.

14. Wastewater Conditions

- a. Due to the delay of construction of Sewer Group Job 687, the owner/permittee is conditioned with constructing those portions of sewer main required to serve the development as identified in the accepted sewer study for this project. A detail of the angle of influence of the foundations onto the existing sewer main will be required in the sewer study. The applicant must demonstrate that the sewer main can be excavated without any impact to the buildings. Per the City of San Diego Sewer Design Guide, structures must be five feet away from alley easements. As an alternative to this, a "Deviation From Standards" form may be submitted and approved for the proposed structures that will abut the alley. This must be approved prior to the submittal of any public improvement drawings or the issuance of any building permits. Submit this form to Senior Civil Engineer

Barbara Salvini at 600 B Street, Suite 2210, San Diego, CA 92101.

- b. If the alley within the project is abandoned then the owner/permittee shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director.
- c. The owner/permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
- d. The owner/permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be re-designed.
- e. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
- f. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- g. The owner/permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.
- h. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- i. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
- j. The owner/permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

15. Landscape Conditions

- a. Prior to the recordation of the parcel/final map, the subdivider shall submit complete landscape construction documents, including plans, details and specifications, for the required right-of-way improvements in accordance with the Landscape Standards Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A", Landscape Concept Plan, on file in the Office of Planning and Development Review. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
- b. Prior to the recordation of the parcel/final map, the Permittee or subsequent Owner/Permittee shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A", Landscape Concept Plan, on file in the Office of Planning and Development Review. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the parcel/final map.

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 Greater North Park Community Plan area.
- 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. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.