

RESOLUTION NUMBER R-298521

ADOPTED ON OCTOBER 21, 2003

WHEREAS, Otto Roppel, Applicant, submitted an application to the City of San Diego for a two-lot tentative map (Tentative Map No. 5775 for the River Estates - Project No. 3339), located westerly of Hollister Street, southerly of Coronado Avenue, and northerly of Starburst Lane, and described as a portion of Lot 9 of Nestor, lying east of the west line of Lot 7, produced southerly to the south line of said Lot 9 according to Map L. S. 90 and, portion of Parcel 1 of Parcel Map No.9753 in the existing RS-1-7 (proposed RM-2-4) Zone; and

WHEREAS, on July 31, 2003, the Planning Commission of the City of San Diego considered Tentative Map No. 5775, and pursuant to Resolution No. 3405-1-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on October 21, 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 of San Diego, the it adopts the following findings with respect to Tentative Map No. 5775:

1. The map proposes the subdivision of a 2.6-acre site into two parcels. Parcel 1 will remain developed with an existing church and no new construction is proposed. Parcel 2 will be developed with residential condominiums, the subject of Rezone (RZ)/Community Plan Amendment (CPA)/Planned Development Permit (PDP)/Site Development Permit (SDP) Project No. 3339. The residential development proposed on Parcel 2 is consistent with the Progress Guide and General Plan and the Otay Mesa-Nestor Community Plan as approved by the amendment No. 5776 which designates the site 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/development regulations of the proposed RM-2-4 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 PDP and an SDP.
- b. All lots meet the minimum dimension requirements of the RM-2-4 as allowed under a PDP and an SDP.
- 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 PDP and an SDP.
- d. Development of the site is controlled by PDP/SDP/CPA/RZ Project No. 3339.

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 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 amended community plan which provides for residential uses.

6. The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant adverse effect on paleontological resources, historical resources (archaeology), and water quality. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially adverse effect previously identified, and the preparation of an Environmental Impact Report will not be required.

7. This recommended finding that the project will not have a significant effect on the environment is based on an Environmental Initial Study conducted by the City and project revisions/conditions which now mitigate potentially significant environmental impacts in the following areas: paleontological resources, historical resources (archaeology), and water quality. The draft Mitigated Negative Declaration, Initial Study, and supporting documents may be reviewed, or purchased for the cost of reproduction, at the office of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101.

8. 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.

9. 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.

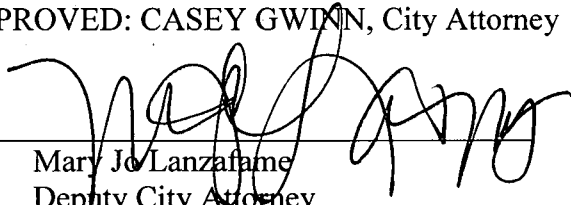
10. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for 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. 5775 is granted to Otto Roppel, Applicant, 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

10/24/03

Or.Dept:DSD

R-2004-303

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Reviewed by Sandra Teasley

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 5775
RIVER ESTATES PROJECT
ADOPTED BY RESOLUTION NO. R-298521 ON OCTOBER 21, 2003

1. This tentative map will expire October 21, 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 PDP/SDP Permit No.3339.
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. 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 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. ENGINEERING CONDITIONS

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- a. Prior to the issuance of any building permits, the applicant 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 City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- b. The drainage system proposed with this development is subject to approval by the City Engineer.
- c. As a condition of approval of this development, the applicant shall extend the existing 90 inch Concrete Masonry Pipe (CMP) to the proposed headwall with Reinforced and Concrete Pipe (RCP) satisfactory to the city engineer.
- d. A portion of this project has been identified as being within the floodway of a Special Flood Hazard Area panel 2154 (Nestor Creek). No increases to base flood elevations are allowed.
- e. Because the development will alter the floodway and floodplain boundaries of the Special Flood Hazard Area, the developer must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of any grading, engineering, or building permits. The developer must provide all documentation, engineering calculations and fees which are required by FEMA.
- f. Because the development will alter the floodway and floodplain boundaries of the Special Flood Hazard Area, no certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision (LOMR) is obtained from FEMA. The LOMR is issued based upon as-built site conditions, therefore, the applicant must allow time to complete this process. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- g. All fill placed within the Special Flood Hazard Area must be compacted to 95 percent relative compaction.
- h. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- i. The developer shall grant a flowage easement, satisfactory to the City Engineer, over property within the floodway.

11. WASTEWATER CONDITIONS

- a. The developer shall abandon the existing 12 inch on-site public sewer main, satisfactory to the Metropolitan Wastewater Department Director and any

associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

- b. The developer shall install all sewer facilities necessary to serve this development. Sewer facilities as shown on the approved tentative map may require modification based on the accepted sewer study.
- c. The developer 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.
- d. The developer 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. The easements shall be located within single lots. Vehicular access roadbeds shall be resurfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.
- e. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- f. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- g. 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.

TRANSPORTATION DEVELOPMENT

- a. Prior to the recordation of the first final map, the subdivider shall dedicate 9 feet of right-of-way along the project frontage on Hollister Street and shall assure by permit and bond, construction of half-width improvements including, 32 feet of pavement, curb, gutter and 5-foot sidewalk within 10-foot curb to property line distance with proper transition to the north and south of the project site to connect to the existing curb and sidewalk, satisfactory to the City Engineer.
 - b. Prior to the recordation of the first final map, the subdivider shall assure by permit and bond, replacement of all abandoned driveways along the project frontage on Hollister Avenue with full height curb, gutter and sidewalk, satisfactory to the City Engineer.
12. 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.).

13. 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.
14. The subdivider shall pay a park fee prior to the filing of the final subdivision map, in lieu of dedicating land, for the purpose of developing new or expanding existing park and recreation facilities to serve the proposed residents of the development in accordance with provisions of Government Code section 66477 et seq. (California Subdivision Map Act). The park fee shall be equivalent to the cost to acquire and develop .35 acres of land for park and recreation purposes, plus a pro rata share of a community recreation center and swimming pool.
15. The subdivider shall provide a 5'-0" to 6'-0" wide public access easement for pedestrian/bicycle linkage along the designated greenway, along the north and south sides of Nestor Creek as shown on the TM and Exhibit "A" of PDP/SDP. The maintenance of the pedestrian easement shall be the sole responsibility of the developer.

FOR INFORMATION:

This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Based on current data, the number of dwelling units of 50 Multiple Family Dwelling Units (MFDUs) at the current DIF rate of \$2,171 per Dwelling Unit results in a DIF total of \$108,550 and is due when the building permit is obtained. These funds will be deposited into Fund No. 79517 and Revenue Account No. 73460. The DIF rate may change whenever a Public Facilities Financing Plan update or amendment is adopted by the City Council.