

RESOLUTION NUMBER R-298572

ADOPTED ON NOVEMBER 3, 2003

WHEREAS, CityLink Investment Corporation, Applicant, and SB&O, Inc., Engineer, submitted an application to the City of San Diego for a four-lot tentative map (Tentative Map No. 10197), easement vacation (Easement Vacation No. 33012), street vacation (Street Vacation No. 10207), and street dedication (Street Dedication No. 10206), located between Napa Street, Linda Vista Road and Friars Road, and described as Parcels 1 through 3 of Parcel Map 9229, in the Linda Vista Community Plan, in the CC-3-4 Zone; and

WHEREAS, on September 11, 2003, the Planning Commission of the City of San Diego considered Tentative Map No. 10197, Street Vacation No. 10207, Easement Vacation No. 33012, Planned Development Permit No. 10198, Site Development Permit No. 25464, and Variance No. 28754, and pursuant to Resolution No. 34120-PC voted to recommend approval of the map; and

WHEREAS, the matter was set for public hearing on November 3, 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, that this Council adopts the following findings with respect to Tentative Map No. 10197.

1. The map proposes the subdivision of a 6.5-acre site into four (4) lots for residential/commercial mixed use, multi-family development. The condominium development will be as follows: Lot 1-22 residential (lofts) units plus two commercial units; Lot 2-162 residential units; Lot 3 – none (parking); Lot 4 – none (trolley station). This type of development is consistent with the General Plan and the Linda Vista Community Plan, which designate the area for residential/commercial 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 CC-3-4 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 PDP/SDP.
- b. All lots meet the minimum dimension requirements of the CC-3-4 Zone, as allowed under a PDP/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/SDP.
- d. Development of the site is controlled by Planned Development No. 10198/Site Development Permit No. 25464/Variance No. 29754.

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/commercial mixed use 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/commercial mixed uses.

6. The design of the subdivision or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration Project No. 6137, SCH No. 2003061131, 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 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 in conformance with the Subdivision Map Act section 66412.3 and the San Diego Municipal Code section 125.0440(h).

10. The subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 186.

11. The property contains portions of Riley Street, Cherry Street, Gaines Street, and off-site portions of Pine Street, Fort Stockton Drive, Custer Street, Greenwood Street, Adams Street, unnamed alleys in Block 1 of Map 569 and certain public utility easements which are no longer needed for the public purpose for which they are granted, and which must be vacated to implement the parcel 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 Riley Street, Cherry Street, and Gaines Street, located within the project boundaries as shown in Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the dedication and naming of a public street as "Napa Street" in Parcel 3 of Parcel Map No. 9229, recorded October 10, 1979, as File No. 79-422984, and in Lots 3 and 4 in Block 357 according to Map by James Pascoe in 1870 known as Miscellaneous Map 40, recorded December 12, 1921; as shown on Tentative Map No. 10197, is approved.

BE IT FURTHER RESOLVED, that the dedication and naming of a public street as "Linda Vista Road" in Parcel 1 and 2 of Parcel Map No. 9229, recorded October 10, 1979, as File No. 79-422984, as shown on Tentative Map No. 10197, is approved.

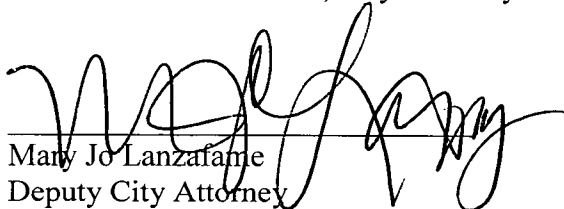
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), a portion of the water easement granted to the City of San Diego per document

recorded October 10, 1963, as file No. 181658, a portion of the sewer, water, drainage, and public utility easement granted to the City of San Diego per document recorded March 4, 1964, as file No. 41221, a portion of the water main easement granted to the City of San Diego per document recorded July 8, 1970, as file No. 119526, a portion of the sewer easement granted to the City of San Diego per document recorded July 13, 1979, as file No. 79-245239, a portion of the sewer easement granted to the City of San Diego per document recorded September 23, 1997, as file No. 1997-046754, located within the project boundaries as shown in Vesting Tentative Map No. 7248, 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. 10197 is granted to CityLink Investment Corporation, Applicant, and SB&O, Inc., 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  
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10/24/03 COR. COPY  
02/03/04 COR. COPY 2  
Or.Dept:DSD  
R-2004-270  
Reviewed by Vicky Gallagher

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 10197  
MORENA VISTA PROJECT  
ADOPTED BY RESOLUTION NO. R-298572 ON NOVEMBER 3, 2003

1. This tentative map will become effective upon City Council approval and expire three years thereafter.
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 Planned Development Permit No. 10198, Site Development Permit No. 25464, and Variance No. 29754.
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 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.

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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. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration LDR NO.6137 , satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
  - Water Quality
  - Human Health/Public Safety
11. All excavated material shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2000 edition.
12. The drainage system proposed for this development, as shown on the approved tentative map, is subject to approval by the City Engineer.
13. The subdivider shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
14. The subdivider shall install two 8-foot driveways on Friars Road, a 30-foot driveway on Linda Vista Road and a 40-foot driveway on Napa Street.
15. The subdivider shall construct an entrance on Napa Street directly across from the existing intersection with Riley Street using curb returns. There shall be one 15-foot travel way entering and one 15-foot travel way exiting the project site, with a 10-foot painted or decorative concrete median. Total driveway width shall not exceed 40 feet. No raised median or landscaping anywhere within the 40-foot driveway width will be permitted. Construction of the entrance shall be satisfactory to the City Engineer.
16. The subdivider shall dedicate additional right-of-way on Napa Street to provide a 10-foot TM No. 10197 curb-to-property line distance.
17. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

18. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permits, the applicant 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..
20. Pursuant to City Council Policy 600.20 the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
21. 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.
22. This project proposes to export 16,600 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the export material. All such activities require a separate Conditional Use Permit.
23. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code .
24. Wastewater
  - a. Prior to the submittal of public improvement plans for this project, the subdivider will be required to provide an accepted sewer study, satisfactory to the Metropolitan Wastewater Department Director, for all proposed public sewer facilities in accordance with the City of San Diego's current sewer design guide to determine appropriate sewer facilities needed to serve this development and the drainage basin in which it lies, and to show that the proposed public sewer facilities will have adequate capacity and cleansing velocities.

- b. The subdivider 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.
- c. The subdivider 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. 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.
- e. 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.
- f. Prior to the issuance of any building or grading permits, the subdivider shall abandon the on-site public sewer main and relocate the sewer facilities satisfactory to the Metropolitan Wastewater Department Director. The associated public sewer easement shall be vacated and a new sewer and access easement granted satisfactory to the Metropolitan Wastewater Department Director.
- g. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

25. Landscape

- a. Prior to the recordation of the final map, the subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements and hydroseeding of all disturbed land in accordance with the Landscape Standards, Exhibit 'A,' and to the satisfaction of the City Manager.
- b. The subdivider shall submit for review a bonded Landscape Maintenance Agreement for all landscape improvements within the public right-of-way consistent with Exhibit 'A.' The approved Landscape Maintenance Agreement shall be recorded prior to recordation of the final map.



26. That pursuant to California Government Code section 66445(j), portions of Riley Street, Cherry Street, Gaines Street located within the project boundaries as shown in Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the final map for the project. Prior to recordation of the final map, San Diego Gas and Electric facilities within the proposed street vacations shall be relocated or easements reserved satisfactorily to San Diego Gas and Electric. Prior to recordation of the final map, the fair market value and compensation for the portion of the public street easement, per document recorded February 25, 1998 F/P 1998-0098254, shall be determined as required by the Real Estate Assets Department.
27. That pursuant to California Government Code section 66445(j), portions of public utility easements: a) public utility easement per document recorded October 10, 1963, F/P 181658; b) sewer, water, drainage and public utility easement per document recorded March 4, 1964, File 41221; c) water main easement per document recorded July 8, 1970, F/P 119526; d) sewer easement per document recorded July 13, 1979, F/P 79-245239; e) sewer easement per document recorded September 23, 1997, F/P 1997-046754 located within the project boundaries as shown in Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the final map. Prior to recordation of the final map, the fair market value and compensations for the said public easements b), c), and e) shall be determined as required by the Real Estate Assets Department.
28. That pursuant to Section 8300 et seq. of the California Streets and Highways Code, portions of Pine Street, Fort Stockton Drive, Custer Street, Greenwood Street, Adams Street, and unnamed alleys in Block 1 of Map 569, located off-site from the project boundaries, as shown in Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the approved precise street vacation drawings and legal descriptions. Prior to recordation of the precise street vacation drawings and legal descriptions, San Diego Gas and Electric facilities within the proposed street vacations shall be relocated or easements reserved, satisfactory to San Diego Gas and Electric.
29. Water Requirements
  - a. The Subdivider shall design and construct public 12-inch water facilities, traversing the project site within the northerly east-west drive aisle, connecting to existing public water facilities within the Linda Vista Road and Napa Street rights- of-way in a manner satisfactory to the Water Department Director and the City Engineer.
  - b. The Subdivider shall grant a minimum 26-foot-wide water easement over the on-site public water facilities 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.

**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. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City 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.