

RESOLUTION NUMBER R-299578

ADOPTED ON AUGUST 10, 2004

WHEREAS, Marla Schmitter, Applicant, and Donald Baker, Surveyor, submitted an application to the City of San Diego for the creation of three condominium units, Tentative Map No. 119271 for the Schmitter Condominium Project [Project], located at 3902 Bayside Walk, and legally described as Block 226 in Lot D, E, and F, Mission Beach, County of San Diego, State of California according to Map thereof No. 1809, filed in the Office of the County Recorder of San Diego County in the Mission Beach Community Plan area, in the R-N zone; and

WHEREAS, on July 22, 2004, the Planning Commission of the City of San Diego considered Tentative Map No. 119271, and pursuant to Resolution No. 3545-PC-1 voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on August 10, 2004, 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 it adopts the following findings with respect to Tentative Map No. 119271:

1. The map proposes the subdivision of a 4,648 square-foot site into three separate condominium ownerships. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Mission Beach 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 R-N 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 CDP permit.

b. All lots meet the minimum dimension requirements of the R-N zone, as allowed under a CDP 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 CDP permit.

d. Development of the site is controlled by Coastal Development Permit No. 47233.

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 not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code/Land Development Code section 125.0440.d and State Map Act Section 66474(e)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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. The requested underground waiver of the existing overhead facilities qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:

a. The conversion involves a short span of overhead facility (less than 600 feet in length.)

b. The conversion would represent an isolated case of undergrounding.

10. 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.

11. 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.

12. 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.

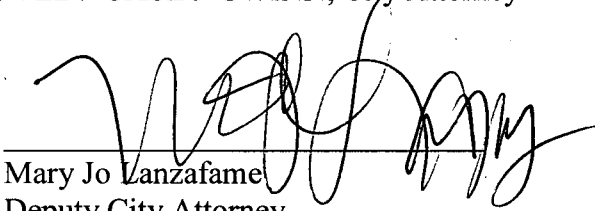
13. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 119271 is granted to Marla Schmitter, Applicant and Donald Baker, Surveyor, subject to the attached conditions which are made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By

  
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Mary Jo Lanzafame  
Deputy City Attorney

MJL:cfq  
08/13/04  
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R-2005-191

CONDITIONS FOR TENTATIVE MAP NO. 119271

SCHMITTER CONDOMINIUM PROJECT

ADOPTED BY CITY COUNCIL RESOLUTION NO. R-299578  
ON AUGUST 10, 2004

1. This Tentative Map will expire on August 10, 2007.
2. Prior to the Tentative Map expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
4. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 47233.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

**AFFORDABLE HOUSING**

7. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**ENGINEERING**

8. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. 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.


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## MAPPING

9. "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).
10. "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."
11. Every Parcel 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.
12. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

## SEWER AND WATER

13. The developer shall design 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.
14. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot 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.

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15. The developer shall a) abandon the existing public sewer main and the existing sewer laterals currently serving properties north of the project and, b) install new sewer laterals to serve those northerly properties, in a manner satisfactory to the Metropolitan Wastewater Department Director and the City Engineer.
16. Prior to building occupancy, the applicant shall conform to San Diego Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
17. The Subdivider shall cut, plug and abandon the existing public water facilities within the general utility easement to be vacated, adjacent to the northerly project boundary, and install water services to replace those still in service on the abandoned main, in a manner satisfactory to the Water Department Director and the City Engineer.
18. The Subdivider shall install new water services, one per dwelling unit, and/or provide CC&Rs for the operation and maintenance of water service to any common areas, in a manner satisfactory to the Water Department Director and the City Engineer.
19. The Subdivider shall grant appropriate water easements, contiguous to public rights-of-way, over all water meter installations located on the project site in a manner satisfactory to the Water Department Director and the City Engineer.
20. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.
21. 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.

**INFORMATION:**


- The approval of this Tentative Map by the City Council of 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.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct



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such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- This development may be subject to payment of a park fee prior to the filing of the Parcel Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the 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.

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