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(R-2005-855)

RESOLUTION NUMBER R- 300178

ADOPTED ON MAR 01 2005

WHEREAS, CARTER REESE NO.15, LP, Applicant/Subdivider, and POUNTNEY PSOMAS, Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 93414, for the subdivision of a 2.26-acre site and to waive the requirement to underground existing overhead utilities; and

WHEREAS, the project site is located at 6456 El Cajon Boulevard and 4867 Catoctin Drive between Art Street and Seminole Drive, in the CU-2-3 and RS-1-7 (proposed RM-1-2) Zones, within the College Area Community Plan Area; and the project site is legally described as portions of Parcels 1 through 5, Alvarado Heights, Map No. 1634 as provided on Tentative Map No. 93414; and

WHEREAS, the Map proposes the subdivision of a 2.26-acre site into three lots for a fifty-two unit residential and commercial development including 47 condominiums; and

WHEREAS, Negative Declaration No. 33812 was prepared in accordance with the California Environmental Quality Act [CEQA]; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on December 2, 2004, the Planning Commission of the City of San Diego considered Tentative Map No. 93414 including the waiver of the requirement to underground existing overhead utilities, and pursuant to sections 125.0440 (tentative map) and 144.0240

(underground) of the Municipal Code of the City of San Diego and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission 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. 93414 and Easement Abandonment No. 93614:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code section 125.0440.a and State Map Action sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code section 125.0440.c and State Map Act sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code section 125.0440.d and State Map Act section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code section 125.0440.e and State Map Act section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code section 125.0440.f and State Map Act section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code section 125.0440.g and State Map Act section 66473.1).
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 (Land Development Code section 125.0440.h and State Map Act section 66412.3).

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:

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

10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED by the Council of the City of San Diego, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 93414, including the waiver of the requirement to underground existing overhead utilities, is hereby granted CARTER REESE NO. 15, LP, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire (three-years from the City Council decision date).
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. Prior to the Tentative Map expiration date, a Final Map shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 93412; Site Development Permit No. 93413 and Tentative Map No. 93414.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

6. Prior to the recordation of the Final Map, the subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee of \$128,688.00*, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

7. The rate of the In-Lieu Fee shall be the rate in effect at the time the Tentative Map application is deemed complete. The amount of the In-Lieu fee shall be the sum of the gross floor area of the development (minus garages and carports) multiplied by the applicable square-foot charge in accordance with Table 142-13C, Municipal Code section 142.1310.

ENGINEERING

8. Prior to building occupancy, the applicant shall conform to section 62.0203 of the Municipal Code, "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 permit-issuing authority.
9. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
11. Prior to the issuance of any construction 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, in accordance with the approved Water Quality Technical Report.
12. The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to approval by the City Engineer.
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 install a 26-foot driveway on El Cajon Boulevard, close the existing driveway on Catoctin Drive and install a 26-foot driveway on Catoctin Drive.
15. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No.. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
16. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), 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 SWRC.

17. 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 SWRCB Order No. 99 08 DWQ
18. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
19. The subdivider shall replace the sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on El Cajon Boulevard and Catoctin Drive.
20. The subdivider shall vacate a portion of Catoctin Drive and a portion of El Cajon Boulevard and shall dedicate right-of-way on El Cajon Boulevard sufficient to produce a uniform 8.60 foot curb-to-property line distance, and shall dedicate right-of-way on Catoctin Drive sufficient to produce a 10 foot curb-to-property line distance.
21. The subdivider shall obtain an Encroachment Maintenance Removal Agreement, for a D-25 curb outlet on Catoctin Drive and El Cajon Boulevard and a D-27 sidewalk underdrain on El Cajon Boulevard.
22. 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.

MAPPING

23. "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).

24. "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."
25. 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 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.
26. 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

27. Prior to the issuance of any building permits, the developer shall abandon certain on-site public sewer mains or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
28. Prior to the issuance of any building permits, 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. Minimum easement width for sewer mains with manholes - 20 feet. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.
29. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
30. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement or public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

31. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
32. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.
33. 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.
34. 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.
35. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the City Engineer and the Water Department Director. If more than two fire hydrants or thirty (30) equivalent dwelling units are located on a dead end main then the Subdivider shall install adequate facilities to provide a redundant water supply.
36. The Subdivider shall grant a 24-foot, fully paved, drivable water easement to incorporate the public water facilities, including the meters and fire hydrants located on the project site, to provide the City legal access to the proposed water facilities, in a manner satisfactory to the Water Department Director and the City Engineer.
37. If the Subdivider makes any request for new water facilities (including services or fire hydrants), then the Subdivider shall design and construct such 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.
38. 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 may require modification to comply with standards.

GEOLOGY

39. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

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 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 Final 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.

BE IT FURTHER RESOLVED, that pursuant to San Diego Municipal Code section 125.1010 (b) and Map Act section 66434(g) a portion of an eight-foot sewer easement located within Lot three, of Parcel Map 1634 recorded on July 19, 1949, in book 3261, Page 482 of Official Records, located within the project boundaries as shown in Tentative Map No. 93414, shall be abandoned, 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. 93414 and Easement Abandonment No. 93641 is granted to Carter Reese No.15, LP, subdivider, subject to the attached conditions which are made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

02/14/05
Or.Dept:DSD
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