

RESOLUTION NUMBER R- 300201

ADOPTED ON MAR 08 2005

WHEREAS, WHEREAS, Marker Foothill, LLC, and Benito and Sylvia Hernandez, Applicants/Subdivider, and Hunsaker & Associates, Engineer, submitted an application to the City of San Diego for a public right-of-way vacation (Public Right-Way Vacation No. 139967), to vacate a portion of the public right-of-way located at the westerly terminus of Foothill Road, together with the abandonment of the associated public service easements; an easement abandonment (Easement Abandonment No. 139970), of a portion of a 10-foot sewer easement located on Parcel A of Parcel Map 19146; and a one (1) lot tentative map (Tentative Map No. 119405) for the Beyer Property Project [Project], on a 6.80-acre site located at 3774 Beyer Boulevard, between Del Sur Boulevard and Smythe Avenue, and legally described as the South Two-fifths of the West Half of the East Half of the Southeast Quarter of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat Thereof; Parcel A of Parcel Map No. 19146; Portion of Lot A-176, Lot A-177 through A-179 of Addition No. 2 of San Ysidro, Map No. 1246, in the San Ysidro Planned District within the San Ysidro Redevelopment Project Area and San Ysidro Community Plan area, in the RS-1-1 and RM-1-1 zones; and

WHEREAS, Mitigated Negative Declaration No. 41718, has been prepared for the Project in accordance with State of California Environmental Quality Act [CEQA] guidelines, which address potential impacts to Biological Resources, Noise, and Paleontological Resources.

A Mitigation, Monitoring and Reporting Program would be implemented with this Project to reduce the impacts to a level below significance; and

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

WHEREAS, on January 13, 2005, the Planning Commission of the City of San Diego considered Public Right-of-Way Vacation No. 139967, Easement Abandonment No. 139970 and Tentative Map No. 119405, and pursuant to Resolution No. 3635-PC-2 voted to recommend City Council approval of the public right-of-way vacation, easement abandonment and map; and

WHEREAS, the matter was set for public hearing on MAR 08 2005, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter, pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act sections 66434(g) and 66474, 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. 119405, Public Right-of-Way Vacation No. 139967, and Easement Abandonment No. 139970:

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).

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

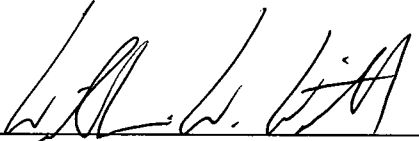
BE IT FURTHER RESOLVED, that pursuant to San Diego Municipal Code sections 125.910(a) and 125.1010(b), and Map Act section 66434(g) a portion of public right-of-way located at the westerly terminus of Foothill Road and the associated public service easements granted pursuant to Map 1246, recorded on April 8, 1910, located within the project boundaries as shown in Tentative Map No. 119405, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that pursuant to San Diego Municipal Code section 125.1010(b) and Map Act section 66434(g) a portion of a 10-foot sewer easement located within Parcel A, of Parcel Map 19146, recorded on November 18, 1957, in book 6836, Page 450 of Official Records, located within the project boundaries as shown in Tentative Map

No. 119405, 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. 139970, Public Right-of-Way No. 139967 and Easement Abandonment No. 139970 is granted to Marker Foothill, LLC, and Benito and Sylvia Hernandez, Applicant/Subdivider and Hunsaker & Associates, Engineer, subject to the attached conditions which are made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
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William W. Witt  
Deputy City Attorney

WWW:pev:cfq  
02/10/05  
Or.Dept:DSD  
R-2005-840  
MMS #1408  
MAPS Tentative Map 11-01-04

CONDITIONS FOR TENTATIVE MAP NO. 119405/  
PUBLIC RIGHT-OF-WAY VACATION NO. 139967/  
EASEMENT ABANDONMENT NO. 139970

BEYER PROPERTY PROJECT

ADOPTED BY RESOLUTION NO. R-300201 ON MAR 08 2005

**GENERAL**

1. This Tentative Map will expire on March 8, 2008.
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. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 119404 and Site Development Permit No. 139964.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

**AFFORDABLE HOUSING**

6. Prior to receiving the first residential building permit, the applicant 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. The applicant has elected to meet these requirements by selling at least 10% of the units at prices affordable to households earning no more than 100% AMI. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission.

**TRANSPORTATION**

7. Prior to the issuance of any construction permit, the subdivider shall provide appropriate dedication at the western end of Foothill Road for construction of the cul-de-sac as shown on Exhibit "A," and shall assure by permit and bond, construction of 40-foot curb radius cul-de-sac including curb, gutter and sidewalk within 10-foot curb to propertyline distance, satisfactory to the City Engineer.

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## ENGINEERING

8. Prior to recordation of the final map, the subdivider shall comply with the provisions of Planned Development Permit No. 119404 and Site Development Permit No. 139964.
9. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to approval by the City Engineer.
11. 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.
12. Prior to recordation of the final map, the subdivider shall underground existing and proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
13. 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.
14. 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

15. "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).
16. "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."

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17. 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.
18. 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.

## **WASTEWATER**

19. All on-site sewer facilities will be private.
20. The developer shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
21. The developer shall design any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

## **WATER**

22. The Subdivider shall design and construct dual 12-inch mains in Drive A from Beyer Boulevard to Drive C and a 12-inch loop water system from Drive C to Drive F, in a manner satisfactory to the Water Department Director and the City Engineer.
23. The Subdivider shall relocate the water service and meter, which serves the adjacent property to the west, to an acceptable location within the cul-de-sac, in a manner satisfactory to the Water Department Director and the City Engineer.

24. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer.
25. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
26. The Subdivider shall provide keyed access to Water Operations Division, in a manner satisfactory to the Director of the Water Department, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.
27. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer.
28. 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, Public Right-of-Way Vacation, and Easement Abandonment 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.

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- Subsequent applications related to this Tentative Map, Public Right-of-Way Vacation, and Easement Abandonment 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, Public Right-of-Way Vacation, and Easement Abandonment, 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.

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