

RESOLUTION NUMBER R-300428

ADOPTED ON MAY 17, 2005

WHEREAS, Kenneth And Elaine Hawkins, Applicants/Subdividers, and Sam Z. Malhas, Engineer, submitted an application with the City of San Diego for a tentative parcel map No. 48820, for the subdivision of a 0.832-acre site into three parcels and to waive the requirement to underground existing overhead utilities for the 5253 Cardeno Drive project [Project]. The Project site is located at 5253 Cardeno Drive (previously Fanuel Street) and is legally described as Lot 2 of Pacific Beach, Map No. 791 and Map No. 854 in the RS-1-4 Zone in the Pacific Beach Community Plan area in the RS-1-4 Zone; 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 [SDMC] section 144.0220; and

WHEREAS, on January 23, 2005, the Planning Commission of the City of San Diego considered Tentative Parcel Map No. 48820, including waiving the requirement to underground existing overhead utilities, and pursuant to sections 125.0440 (Tentative Map) and 144.0240 (underground) of the SDMC 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 recommended approval of Tentative Parcel Map No. 48820 to the City Council, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the matter was set for public hearing on May 17, 2005, 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 Parcel Map No. 48820:

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 Subdividers shall underground existing and/or proposed utility systems and service facilities in accordance with the San Diego Municipal Code.

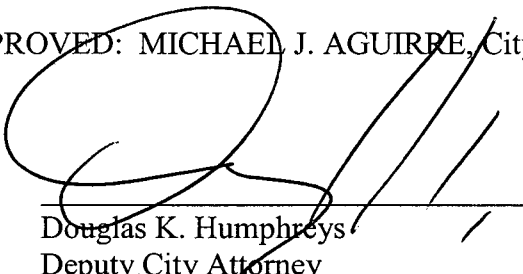
10. The property contains right-of-way which must be vacated and public service easements which must be modified and abandoned to implement the final map in accordance with SDMC section 125.0430.

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

BE IT FURTHER RESOLVED that, the recommendation of the Planning Commission is sustained and Tentative Parcel Map No. 48820, including a waiver to the requirement to underground existing overhead utilities, is granted to Kenneth And Elaine Hawkins, Applicant/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

DKH:ai
06/30/05
Or.Dept:DSD
R-2005-1405

CONDITIONS FOR TENTATIVE PARCEL MAP NO. 48816

5253 CARDENO DRIVE PROJECT

ADOPTED BY RESOLUTION NO. R-300428

ADOPTED ON MAY 17, 2005

GENERAL

1. This Tentative Map will expire May 17, 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 Parcel Map, unless otherwise noted.
3. A Parcel Map shall be recorded in the office of the County Recorder, prior to the Tentative Map expiration date.
4. This Parcel Map shall conform to the provisions of Planned Residential Development Permit [PIRD] No. 48816 and Resource Protection Ordinance Permit [RPO] No. 48821.

ENGINEERING

5. 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.
6. The Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
7. The Subdivider shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
8. 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.
9. The Parcel Map shall comply with the provisions of PIRD Permit No. 48816 and RPO No. Permit 48821.

10. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement, for landscaping, a non-standard slope, retaining walls and a non-standard driveway in Cardeno Drive.
11. 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.

MAPPING

12. "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).
13. "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."
14. 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.

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.

15. 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 map encumbered by these easements.

SEWER AND WATER

16. The Subdivider shall design and construct individual water services to each lot, within the Cardeno Drive right-of-way, in a manner satisfactory to the Water Department Director and the City Engineer.
17. 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.

18. Prior to Final Map, the applicant shall conform to 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.

TRANSPORTATION

19. Prior to the recordation of the Final Map, the subdivider shall provide a Shared Access Agreement between Parcels 1, 2, and 3, satisfactory to the City Engineer.

GEOLOGY

20. 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."

ENVIRONMENTAL

21. Negative Declaration Project No. 5395 has been prepared for the project in accordance with the State of California Environmental Quality Act [CEQA].

INFORMATION:

- The approval of this Tentative Parcel 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 Parcel Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Tentative Parcel 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 Parcel 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.