

RESOLUTION NUMBER R-300946

ADOPTED ON OCTOBER 18, 2005

WHEREAS, the Estate of Willie West Kennerly, Fontelle Quin Kennerly, Paul Selwyn Kennerly; the Estate of Alfred Justin Kennerly, James C. Kennerly; and Esperanza Partners, LLC, Applicants/Subdividers, and Hunsaker & Associates, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 249328, for the Esperanza Townhomes project [Project], to consolidate three parcels into one lot to construct a 29-unit multi-family condominium development and to waive the requirement to underground existing overhead utilities. The 1.02-acre site is located at 502 62nd Street, on the northwest corner of Akins Avenue, and 62nd Street within the Southeastern San Diego Planned District, the Encanto Neighborhoods of the Southeastern San Diego Community Plan, and legally described as Lots 35-37 of Garden Acres according to the Map thereof No. 1797, filed in the Office of the County Recorder, July 7, 1924, in the SF-6000 and MF-3000 zones, proposed MF-1500 zone; and

WHEREAS, on August 25, 2005, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 249328, and pursuant to Resolution No. 3829-PC voted to recommend City Council approval of the Map; 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, the matter was set for public hearing on October 18, 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 Vesting Tentative Map No. 249328:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action sections 66473.5, 66474(a), and 66474(b).

2. The proposed subdivision complies with the applicable zoning and development regulations of (SDMC/LDC section 125.0440(b)).

3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision 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 (SDMC/LDC section 125.0440(d) and Subdivision 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 (SDMC/LDC section 125.0440(e) and Subdivision 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 (SDMC/LDC section 125.0440(f) and Subdivision 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 (SDMC/LDC section 125.0440(g) and Subdivision 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 (SDMC/LDC section 125.0440(h) and Subdivision Map Act section 66412.3).

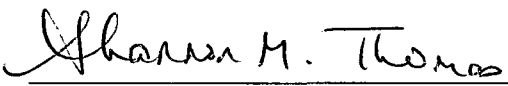
9. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 Underground Conversion of Utility Lines at Developers Expense in that:

- a. The conversion would involve either a substantial investment in temporary facilities (cable poles, temporary recircuiting, etc.) or a significant amount of work considered off-site to the development which is financing the conversion.

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 249328, is granted to the Estate of Willie West Kennerly, Fontelle Quin Kennerly, Paul Selwyn Kennerly; the Estate of Alfred Justin Kennerly, James C. Kennerly; and Esperanza Partners, LLC, Applicants/Subdividers, and Hunsaker & Associates, Engineer subject to the attached conditions which are made a part of this resolution by reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
11/15/05
Or.Dept:DSD
R-2006-411
MMS#2470

CONDITIONS FOR VESTING TENTATIVE MAP NO. 249328

ESPERANZA TOWNHOMES – PROJECT 60959

ADOPTED BY RESOLUTION NO. R- 300946 ON OCTOBER 18, 2005

GENERAL

1. This Vesting Tentative Map will expire on October 18, 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 Vesting Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Site Development Permit No. 181907.
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% (3 units) of the units for occupancy and 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 dedicate three additional feet to Akins Avenue right-of-way along property frontage to achieve a 10-foot curb-to-property line distance satisfactory to the City Engineer.

ENGINEERING

8. Prior to recordation of the final map, the subdivider shall comply with the provisions of Site Development Permit No. 181907.

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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 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.
11. 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.
12. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant 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.
13. The developer shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two feet.
14. 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

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."

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 proposed sewer facilities serving this development 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 install a new fire hydrant (if the existing fire hydrant can not be reused to reconnect to the existing 8-inch water main on Akins Avenue as determined during plan check), to connect to the existing 8-inch water main on Akins Avenue, in a manner satisfactory to the Fire Department and the City Engineer.
23. 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.

24. 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 shall be modified at final engineering to comply with standards.

INFORMATION:

- The approval of this Vesting 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 shall be subject to payment of a Development Impact Fee in effect at the time of building permit issuance in accordance with San Diego Municipal Code.
- Subsequent applications related to this Vesting 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, Public Right-of-Way Vacation, and Easement Abandonment, 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.