

RESOLUTION NUMBER R- 301470

DATE OF FINAL PASSAGE MAY 22 2006

WHEREAS, William Lyons Homes, Inc. and Good Nite Inn San Diego, Applicant/ Subdivider, and Lundstrom and Associates, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 147057) and an easement vacation (Easement Vacation No. 310703) for the demolition of an existing 96- room motel with restaurant, and the construction of 100 residential condominium units for the project known as the Levanto Project [Project], located at 4545 Waring Road, north of Interstate 8 and east of Waring Road and south of Adobe Falls Road, and legally described as a portion of Lot 70 of College Canyon Park, Unit No. 3, Map No. 6287, a portion of Lot 69 of College Canyon Park, Unit No. 2, Map No. 5995 and a portion of Lot 67 of Rancho Mission of San Diego, Map thereof in the action entitled "*Juan M. Luco et al, vs. The Commercial Bank of San Diego, et al*" under Superior Court case No. 348 filed in the office of the County Recorder of San Diego, in the Navajo Community Plan area, in the RM-2-4 zone and Parking Impact and the Residential Tandem Parking Overlay zone; and

WHEREAS, on February 16, 2006, the Planning Commission of the City of San Diego considered Tentative Map No. 147057 and Easement Vacation No. 310703, and pursuant to Resolution No. 3052-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, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for public hearing on MAY 22 2006, 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. 147057 and Easement Vacation No. 310703:

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 the San Diego Municipal Code/Land Development Code (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)).

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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 property contains easements which must be vacated and pursuant to SDMC section 125.0941:

- (a) there is no present or prospective use for the easements either for which it was originally acquired, or for any other public use of a like nature that can be anticipated.
- (b) the public will benefit from the vacation through improved utilization of land.
- (c) the vacation is not inconsistent with the General Plan or an approved Community Plan.
- (d) the public service easement system for which was originally acquired will not be detrimentally affected by the vacation.

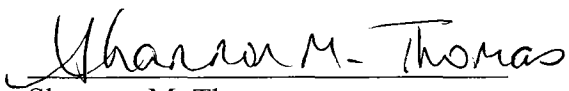
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66499 and section 66343, the easements granted to the City of San Diego per Book 2430, recorded June 18, 1947, Book 7325, Recorded October 29, 1958, Easements on Map 6287 and 5995 located within the project boundaries as shown on Tentative Map No. 147057 with Easement Vacation No. 310703, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map No. 147057 and Easement Vacation No. 310703 is granted to William Lyon Homes, Inc. and Good Nite Inn San Diego, Applicant/

Subdivider, and Lundstrom and Associates, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

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05/22/06 REV.COPY
Or.Dept:DSD
R-2006-777
MMS #3095

CONDITIONS FOR TENTATIVE MAP NO. 147057/
EASEMENT VACATION NO. 310703

LEVANTO PROJECT

ADOPTED BY RESOLUTION NO. R- 301470 ON MAY 22 2006

GENERAL

1. This Tentative Map will expire MAY 22 2009.
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 to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 147056 and Planned Development Permit No. 297522.

AFFORDABLE HOUSING

1. 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

2. The developer shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 2 foot.
3. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property's 100 year floodplain.
4. 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.
5. 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.

6 Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.

7 The subdivider shall obtain a 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.

8 The subdivider shall dedicate for public street purposes the portion of the site located north of the Adobe Falls Road southerly right-of-way line.

9 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.

10 The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

11 Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

12 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

13 "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).

14 "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."

15 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.

16 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

17 Water and Sewer Requirements:

- a. All proposed on-site sewer facilities that serve only this development will be private.
- b. The developer shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of private sewer facilities that serve more than one ownership.
- c. 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.
- d. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. An additional 10 feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than 10 feet deep, two feet of additional easement width for each foot of depth over 10 feet shall be required unless a deviation from standard is granted.
- e. No structures or landscaping that would inhibit vehicular access shall be installed in or over any public sewer access easement.

- f. No approved landscaping or improvements, including private sewer facilities and enhanced paving, shall be installed in or over any public easement or right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
- g. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- h. 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. If the developer is required to realign a portion of the existing on-site 27-inch sewer main to accommodate the project, the developer shall be entitled to receive credits against sewer fees otherwise due, and/or contribution from the City at time of realignment, in the amounts described in the resolution of approval of the SDP/PDP for the project approved concurrent with this resolution.
- i. All on-site water facilities shall be private including domestic, fire and irrigation systems.
- j. Prior to the issuance of any building or engineering permits, except grading, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within full improved rights-of-way, satisfactory to the Water Department Director and the City Engineer. All paving within easements shall conform to Schedule "J" or better. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.
- k. The Owner/Permittee 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. Public water facilities and associated easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

18 Prior to the recordation of the 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.

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 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.

Passed by the Council of The City of San Diego on MAY 22 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 22 2006

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R- 301470