

RESOLUTION NUMBER R- 302675  
DATE OF FINAL PASSAGE JUN - 4 2007

WHEREAS, 6050 El Cajon Boulevard, LLC, Applicant/Subdivider, and Graves Engineering, Engineer, submitted an application to the City of San Diego for a vesting tentative map and easement vacation (Vesting Tentative Map No. 285780 and Easement Abandonment No. 265140) for the construction of a 4-story, mixed-use condominium structure containing a combined total of sixty-five residential 1-, 2-, and 3-bedroom condominium units (to include seven affordable units) and two commercial condominium units at 1,500 square-feet each for a total of 3,000 square-feet of commercial retail space; a 16-space street-level covered parking garage; and a 111-space subterranean parking structure, for a total of 127 parking spaces to be known as the Aztec Budget Inn Redevelopment project [Project], located at 6050 El Cajon Boulevard, and legally described as All of lots 5, 6, 12, and 13 and that portion of Lot 7 lying northwesterly of a line beginning at the northwesterly corner of the easterly 15 feet of Lot 10 and extending in a straight line to a point on the northerly boundary of said Lot 7 distant thereon 15 feet easterly from the northwesterly corner of said Lot 7, all being in Block 7 of El Retiro, in the City of San Diego, County of San Diego, State of California; according to Map thereof No. 1996 filed in the Office of the County Recorder of San Diego County, February 2, 1927, in the Central Urbanized Planned District, within the Crossroads Redevelopment Project and the College Area Community Plan area, in the CU-2-4 zone and the RM-3-8 zone (to be rezoned to RM-3-9); and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, California Streets and Highways Code section 8333 allows for the summary vacation of public service easements where (a) the easement has not been used for the purpose for which it was dedicated or acquired for more than five consecutive years immediately following the proposed vacation, (b) the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date, or (c) the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the public service easements located within the project boundaries as shown in Vesting Tentative Map No. 240730, in particular two public sewer easements granted by deed per Book 1722 of Deeds (December 26, 1929) and by deed per Book 1728 of Deeds (December 17, 1929), have been or will be superseded by relocation and there are no other public facilities located within the easement; 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; and

WHEREAS, on March 29, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 285780, and Easement Abandonment No. 265140, and pursuant to Resolution No. 4236-PC voted to recommend City Council approval of the Vesting Tentative Map, and Easement Abandonment; and

WHEREAS, the matter was set for public hearing on JUN - 4 2007, 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 City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 285780 and Easement Abandonment No. 265140:

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 Act 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 (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 avoidably 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).

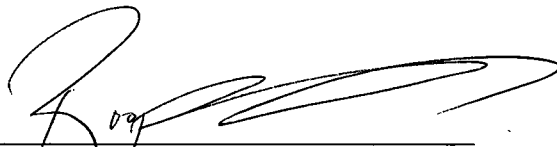
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the public service easement is vacated and that this abandonment shall be listed as such on the Map, pursuant to California Government Code section 66434(g), portions of the two sewer easements, located within the project boundaries as shown in Vested Tentative Map No. 285780, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 285790 and Easement Abandonment No. 265140 are granted to 6050 El Cajon Boulevard, LLC, Applicant/Subdivider and Graves Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
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Roopal Shah  
Deputy City Attorney

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CONDITIONS FOR TENTATIVE MAP NO. 285780/

EASEMENT AGANDONMENT NO. 265140

AZTEC BUDGET INN REDEVELOPMENT PROJECT

ADOPTED BY RESOLUTION NO. R-302675 ON JUN - 4 2007

**GENERAL**

1. This Vesting Tentative Map will expire on JUN - 4, 2010.
2. Prior to the Vesting 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.
3. 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.
4. The Final Map shall conform to the provisions of Site Development Permit No. 265960 and Rezone No. 265139.
5. The property contains a sewer easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

**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 percent of the units (seven units) to, and at prices affordable to, households earning no more than 100 percent Area Median Income [AMI], in accordance with the City's Inclusionary Affordable Housing Ordinance.
7. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the affordable units are built, sold at restricted prices, and occupied by eligible households.

**ENGINEERING**

8. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is private and subject to approval by the City Engineer.

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 building occupancy, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
11. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
12. Prior to the issuance of any construction permit, 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.
13. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
14. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-14B, G-16, and SDG-100.
15. The subdivider shall construct new City standard curb, gutter, and sidewalks maintaining any existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site along the project's entire El Cajon Boulevard and Soria Drive street frontage.
16. This project proposes to export 14,600 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC section 141.0620(i).
17. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for all private improvements, including sidewalk underdrains and enhanced paving, located in the public right-of-way.
18. The subdivider shall construct a raised median along the project's El Cajon Boulevard frontage and extending to College Avenue, satisfactory to the City Engineer.
19. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider 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.

20. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
21. 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.
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.
23. Prior to occupancy, 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.

#### **MAPPING**

24. "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].
25. "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."
26. 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.

### **WATER REQUIREMENTS**

27. 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 or commercial unit or common area.
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.

### **WASTEWATER REQUIREMENTS**

29. All proposed onsite sewer facilities serving this development shall be private.
30. The developer shall provide CC&Rs, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of private sewer facilities that serve more than one owner.
31. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
32. Should the applicant choose to go forward with a design that relocates the sewer line from the rear of the lots fronting El Cajon Boulevard to the Public Right-Of-Way of El Cajon Boulevard, the following conditions would apply:
  - a. Applicant/Subdivide shall dedicate a 25-foot wide sewer easement to the City in the approximate location of the existing 6-foot public sewer easement (the 25-foot easement will include the existing 6-foot easement) and the City will grant a permanent 15-foot encroachment for the subterranean parking structure as shown on Exhibit "A." A portion of the sewer easement depicted on the approved Exhibit "A" will be vacated. In addition, Applicant/Subdivider shall upgrade the existing sewer line to a sleeved 8-inch sewer main from the existing 8-inch downstream sewer main.
  - b. In accordance with SDMC section 125.1050, the City Engineer shall not approve a final map for the project vacating the sewer easement or a portion of the sewer easement until the following provisions have been



satisfied to the satisfaction of the City Engineer and the City's Metropolitan Wastewater Department Director.

- c. Applicant/Subdivider has provided the City Engineer with sufficient assurances (construction documents that meet City standards and the approval of the MWWD Department Director, bond, letter of credit, etc.), satisfactory to the City Engineer that the existing sewer line in the City sewer easement will be replaced with a sleeved 8-inch sewer main. Applicant/Subdivider has dedicated a 25-foot wide sewer easement to the City within the limits of their property.
- d. The Applicant/Subdivider shall grant access easements for egress for construction and maintenance equipment as shown on Exhibit "A" with a minimum of 12-foot vertical clearance.
- e. The applicant will demonstrate that there are no customers utilizing those portions of main to be abandoned. Prior to the issuance of any engineering or building permits, the developer shall submit a televised evaluation of the existing public sewer main, in a manner satisfactory to the Metropolitan Wastewater Department Director.
- f. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- g. No approved improvements or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
- h. For public onsite sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
- i. Existing lateral connections from lots 10 and 11 have to be shown to be abandoned and two new lateral serving these two lots from El Cajon Boulevard would require on-site re-plumbing since these lots are currently being served from the easement in the back. Prior to the issuance of the first public improvement permit, the Permittee shall obtain written permission from the property owners of lots 10 and 11 to perform this task.
- j. All proposed private sewer facilities that serve more than one lot shall be designed and constructed 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.

## **LANDSCAPE REQUIRMENTS**

33. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

## **TRANSPORTATION REQUIREMENTS**

34. Prior to the recordation of the first final map, subdivider shall assure by permit and bond the construction of a raised landscaped median on El Cajon Boulevard between 60th Street and College Avenue and a westbound left turn lane at 60th Street, satisfactory to the City Engineer.
35. Prior to the recordation of the first final map, subdivider shall assure by permit and bond the installation of a traffic signal at Arosa Street and College Avenue as designed by the City of San Diego, satisfactory to the City Engineer.

## **INFORMATION:**

- The approval of this Vesting Tentative Map, including an Easement Vacation, 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 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 Vesting Tentative Map, may protest the imposition within ninety days of the approval of this

Vesting Tentative Map by filing a written protest with the City Clerk  
pursuant to California Government Code Section 66020.