

RESOLUTION NUMBER R- 304915
DATE OF FINAL PASSAGE MAY 19 2009

A RESOLUTION GRANTING TENTATIVE MAP AND
EASEMENT ABANDONMENT NO. 6928 – DOTI POINT
VIEW, PROJECT NO. 1481.

WHEREAS, MLC Homes, Inc., Applicant/Subdivider, and Lindvedt McColl & Associates, Engineer, submitted an application to the City of San Diego for a tentative map and easement abandonment (Tentative Map and Easement Abandonment No. 6928), for the subdivision of a 3.64-acre site into fifteen lots for the construction of fourteen 1- and 2-story, single-family homes and one park site/non-buildable easement lot known as the Doti Point Views Project [Project], located at the end of the Doti Point Drive cul-de-sac, between Doriana Street and Woodman Street and legally described as Parcels 3 and 4 of Parcel Map No. 5943, in the Skyline-Paradise Hills Community Plan area, in the R1-5000 zone (currently renamed RS-1-7 zone); and

WHEREAS, the Map proposes the subdivision of a 3.64-acre site into fifteen lots including fourteen single-family lots and one park site/non buildable easement lot; 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 November 6, 2008, the Planning Commission of the City of San Diego considered Tentative Map and Easement Abandonment No. 6928, and continued the item to December 4, 2008. On December 4, 2008, the item was continued to January 15, 2009 and trailed to January 22, 2009; and

WHEREAS, on January 22, 2009, the Planning Commission of the City of San Diego considered Tentative Map and Easement Abandonment No. 6928, and pursuant to Resolution No. 4487-PC voted to recommend City Council approval of the Project; 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, the matter was set for public hearing on MAY 19 2009, 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 and Easement Abandonment No. 6928:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b). The project proposes a subdivision of fifteen lots, ranging in size from 5,379 square feet to 14,129 square feet where 5,000 square feet is required for the construction of fourteen single-family residences, and one additional lot, Lot "A," containing a pocket park and a non-buildable easement. The site is within the Skyline-Paradise Hills Community Plan area which designates the subject project site for single-family residential use at a low density of 0 to 10 dwelling units per net residential acre. This density range would allow a maximum of twenty-six units on this 2.59-acre site (net site area) that is currently vacant. The site is governed by the policies and guidelines of the General Plan, the Skyline Paradise Hills Community Plan and the development regulations of the underlying zone, the Tentative Map and the Planned Residential Development. The proposed project is in compliance with all applicable policies, guidelines and regulations in effect for the site, with the exception of lot depths, retaining walls and building heights.

2. The proposed subdivision complies with the applicable zoning and development regulations of the San Diego Municipal Code. The project proposes a subdivision of fifteen lots, ranging in size from 5,379 square feet to 14,129 square feet where 5,000 square feet is required for the construction of fourteen single-family residences, and one

additional lot, Lot "A," containing a pocket park and a non-buildable easement. The subdivision is in conformance with the zoning and development regulations of the RS-1-7 zone. Deviations to retaining wall height within the interior side yards for all lots 2 and 3 and 6 through 9, and the front yards of lots 2 and 3 and to the minimum lot depth for Lots 3, 4, 5, 6, 10, and 11 were granted as allowed with a Planned Development Permit). The proposed subdivision includes a deviation to the minimum standards as accepted by the City Engineer, to allow a 35-foot curb radius cul-de-sac, and an 8-foot curb-to-property-line distance and a deviation to lot depth.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code and Subdivision Map Act Sections 66474(c) and 66474(d)). The project proposes a subdivision of fifteen lots, ranging in size from 5,379 square feet to 14,129 square feet where 5,000 square feet is required for the construction of fourteen single-family residences, and one additional lot, Lot "A," containing a pocket park and a non-buildable easement. The project is the development of a vacant lot for the construction of fourteen residential single-family residences. The property is zoned RS-1-7 which allows for one dwelling unit for every 5,000 square feet of lot area. The site is designated for residential development. The site does not contain any environmentally sensitive lands. The site is physically suitable for the type and density of development.

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 and Subdivision Map Act Section 66474(e)). The project proposes a subdivision of fifteen lots, ranging in size from 5,379 square feet to 14,129 square feet where 5,000 square feet is required for the construction of fourteen single-family residences, and one additional lot, Lot "A," containing a pocket park and a non-buildable easement. The site does not contain environmentally sensitive lands. A Mitigated Negative Declaration was prepared for potential impacts to paleontological resources due to the depth of grading. A Mitigation Monitoring and Reporting Program has been established to ensure that excavation activities will be monitored by a qualified paleontologist. Implementation of the program would reduce project-related impacts to these resources to below a level of significance.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare and Subdivision Map Act Section 66474(f)). The project proposes a subdivision of fifteen lots, ranging in size from 5,379 square feet to 14,129 square feet where 5,000 square feet is required for the construction of fourteen single-family residences, and one additional lot, Lot "A," containing a pocket park and a non-buildable easement. The Tentative Map prepared for this development includes various conditions and referenced Exhibits of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the City's Municipal Code in effect for this site; and that such conditions have been determined by the Decision Maker as necessary to avoid adverse impacts upon the health, safety, and general welfare. These conditions (referenced Exhibits) include limitations upon the extent and amount of site grading activities, minimum parking and landscaping requirements, required public improvements, and the placement of a non-buildable easement across an existing northerly slope in order to restrict future development and maintain the hillside. Project implementation will improve the drainage on the site, as

currently, drainage sheet flows across the site. Therefore, the proposed project will not be detrimental to the public health, safety, and welfare.

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 and Subdivision Map Act Section 66474(g). The site contains a 10-foot drainage easement that traverses the site which would be vacated as part of the Tentative Map. The easement would be abandoned in place and re-routed through a new public street within the subdivision. Therefore, the relocation of the easement will not create an access conflict through the property for the public at large.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling and Subdivision Map Act Section 66473.1). The design of the proposed subdivision through building materials, architectural treatments, the placement of windows, and the selection of plant materials provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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 and Subdivision Map Act Section 66412.3). The project proposes a subdivision of fifteen lots, ranging in size from 5,379 square feet to 14,129 square feet where 5,000 square feet is required for the construction of fourteen single-family residences, and one additional lot, Lot "A," containing a pocket park and a non-buildable easement. The project will provide for additional housing stock for the community, consistent with the underlying zone and the community plan. The project will not adversely affect the needs for public services and the available fiscal and environmental resources and Subdivision Map Act Section 66412.3

9. There is no present or prospective use for the easement for which the easement was originally acquired, or for any other public use of a like nature that can be anticipated. The site contains a 10-foot side drainage easement which traverses the site in a north-south direction. This easement would be abandoned in place and re-routed through a new public street. Therefore, there is no prospective use for the easement, and no other public use is anticipated.

10. The public will benefit from the action through improved utilization of the land made available by the abandonment. The existing 10 foot wide drainage easement is proposed to be abandoned for the purpose of constructing single-family, residential development on the site. The development will provide for additional housing stock for the community, therefore, the public will benefit from the action through the improved utilization of the land.

11. The abandonment will comply with the applicable land use plan. The proposed abandonment of the 10-foot wide drainage easement will allow for the subdivision and development of fourteen detached, single-family residences within the Skyline-Paradise Hills Community Planning area. The neighborhood is developed with established single-family subdivision and multi-family housing. The Community Plan identifies this site for low density,

residential development. The proposed abandonment would facilitate the development of additional housing for the community, therefore, will not adversely affect the land use plan.

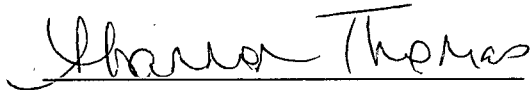
12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment. The purpose for which the easement was acquired no longer exists. The 10-foot wide drainage easement proposed to be abandoned, is located on a vacant lot proposed to be subdivided for the construction of fourteen new, single-family homes. The easement would be re-routed into a new public street with the project area. As such, the purpose for which the easement was originally acquired in its previous location will no longer exist. There are no public facilities within the easement.

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 66434(g), portions of the drainage easement located within the project boundaries as shown in Tentative Map No. 006928, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map and Easement Abandonment No. 6928 is granted to MLC Homes, Inc., Applicant/Subdivider and Lindvedt McColl & Associates, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon Thomas
Deputy City Attorney

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CONDITIONS FOR TENTATIVE MAP

AND EASEMENT ABANDONMENT NO. 6928

DOTI POINT VIEW PROJECT – PROJECT NO. 1481

ADOPTED BY RESOLUTION NO. R-304915 ON MAY 19 2009

GENERAL

1. This Tentative Map and Easement Abandonment will expire on MAY 19, 2012.
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 Permit No. 187924.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

6. Prior to the issuance of any building permits, the subdivider shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering 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.
7. The drainage system proposed with this development is subject to approval by the City Engineer.
8. Prior to the issuance of any permits, the subdivider shall vacate the existing 10 feet drainage easement satisfactory to the City Engineer.
9. Prior to building occupancy, the subdivider shall conform to the Municipal Code, "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 permit-issuing authority.

10. Prior to the issuance of any construction permits, the subdivider shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
11. Prior to the issuance of any construction permits, 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.
12. Prior to the issuance of any construction permits, the subdivider shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent [NOI] filed with the State Water Resources Control Board.
13. Prior to the issuance of any construction permits, the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.
14. Prior to the issuance of any construction permits, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
15. 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.
16. 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.
17. The Subdivider shall grant the City a building restricted easement over the northerly slope bank and across the park lot (Lot A) to the satisfaction of the City Engineer. Lot A will be maintained by the homeowner's association or similar private entity.
18. Wendy Way is a low volume local residential cul-de-sac. As conditions of this project, the subdivider shall dedicate and improve this public road to the satisfaction of the City Engineer as outlined in conditions numbered 19 through 22.
19. From Doti Point Drive to Lot 11 with 34 feet of pavement, curb, gutter, and a five foot sidewalk on each side of the street, within 50 feet of right-of-way.
20. From Lot 11 to the southerly cul-de-sac with 28 feet of pavement, curb, gutter, and a 4- to 5-foot sidewalk on each side of the street, within 46 feet of right-of-

way with adequate transition and parking prohibition on the south side of the street.

21. The cul-de-sac at the southerly end of Wendy Way with a minimum pavement radius of 35 feet within 43 feet of right-of-way and parking prohibition around the cul-de-sac.
22. With compliance to all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141).

MAPPING

23. "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].
24. "California Coordinate System" means the coordinate system as defined in Sections 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."
25. 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.
26. 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.
27. 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 NOI shall be filed with the SWRCB.

28. 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.

WATER

29. The subdivider shall install an 8-inch water main in Doti Pint Drive from Fowler Drive to Wendy Way in a manner satisfactory to the Water Department Director.
30. The subdivider shall install an 8-inch water main in Wendy Way from Doti Point Drive to the easterly cul-de-sac in a manner satisfactory to the Water Department Director.
31. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install adequate facilities to provide a redundant water supply satisfactory to the Water Department Director.

WASTEWATER

32. The subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
33. The subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director.
34. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

35. No structures 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.
36. No trees or shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer facilities.
37. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

WATER AND SEWER

38. The subdivider agrees to design all proposed public water and sewer facilities in accordance with established criteria in the most current edition of the "City of San Diego Water & Sewer Design Guide." Proposed facilities that do not meet the current standards shall be private or redesigned. Existing public water and sewer facilities to which this development proposed connections to must be brought up to current standards.
39. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Department's Directors, indicating that each unit will have its own water services and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer facilities that serve more than one unit.

AFFORDABLE HOUSING

40. 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).

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.

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