

#330C
9/17/19

RESOLUTION NUMBER R- 312663

DATE OF FINAL PASSAGE SEP 17 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ADOPTING VESTING TENTATIVE MAP
NO. 1996523 FOR SATURN BOULEVARD – PROJECT
NO. 566657.

WHEREAS, Saturn Boulevard, LLC, a California limited liability company, Subdivider, and Jonathan Raab Rydeen, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map No. 1996523 to subdivide a 3.63-acre site into 20 lots for the creation of 18 single-dwelling units, which includes two affordable housing units, and two homeowner association (HOA) lots for private driveways and water quality infiltration basin. The project site is located at 1695 Saturn Boulevard, in the AR-1-2 zone which is proposed to be rezoned to RS-1-7, in the Otay Mesa-Nestor Community Plan area. The property is legally described as: Lot 8 of Voller's addition to Oneta, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 518, filed in the Office of the County Recorder of San Diego County, March 27, 1888; and

WHEREAS, the map proposes the subdivision of a 3.63-acre site into 20 lots for the creation of 18 single-dwelling units and two HOA lots for private driveways and water quality infiltration basin; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) 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; and

WHEREAS, on September 17, 2019, the City Council of the City of San Diego considered Vesting Tentative Map No. 1996523, and pursuant to San Diego Municipal Code section 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, 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. 1996523:

TENTATIVE MAP - SAN DIEGO MUNICIPAL CODE SECTION (SDMC) 125.440:

(a) The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The proposed Vesting Tentative Map would subdivide one lot into 20 lots comprised of 18 residential single-dwelling units, one HOA lot for private driveways and one HOA lot for a water quality infiltration basin. The 3.63-acre project site is located at 1695 Saturn Avenue and is developed with one single-dwelling unit and two accessory barn and silo structures that would be demolished. The site was historically used for agricultural uses and is completely disturbed with some non-native vegetation and no Environmentally Sensitive Lands (ESL) located on or adjacent to the site. The project site is located in a developed neighborhood served by existing public services and utilities and is surrounded by existing development on all sides, including residential uses and the Godfrey G. Berry Elementary School.

The project would implement the land use designation and goals of the Otay Mesa-Nestor Community Plan by providing a residential development that is compatible with the surrounding residential and school uses. The Otay Mesa-Nestor Community Plan designates the site for Very Low Density residential development at a rate of 0-5 dwelling units per acre. The proposed density is 4.9 dwelling units per acre which conforms to this designation. One strategy of the community plan is to maintain planned residential development land use intensities to ensure conservation of neighborhood character and to not permit rezones to higher densities inconsistent with the community's land use designations. This proposal follows this strategy and complies with the land use plan accordingly. The Community Plan goal to strategically place additional street lights in the community would also be met as the project includes the provision of one street light.

(b) The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The site is currently zoned AR-1-2 (Agricultural-Residential), which allows one unit per lot or one unit allowed on the project site. The Otay Mesa-Nestor Community plan designates the site for Very Low Density residential development at a rate of 0-5 dwelling units per acre. Because the current AR-1-2 zone does not allow full implementation of the Community Plan land use density, the project includes a request to rezone the site to RS-1-7, which is a single-family zone that allows one dwelling unit per 5,000 square feet of lot area or 18 units allowed on the project site. The site would go from 0.27 dwelling units per acre to 4.9 dwelling units per acre. The rezone will allow full implementation of the recommended Community Plan residential density and is compatible with the surrounding residential and school and uses.

This application includes a request to deviate from San Diego Municipal Code (SDMC) Table 131-04D and SDMC Section 131.0442(a), which require 50 feet of frontage on a dedicated public street for each lot. The project would create Lots 2-11 and 16 without frontage as the project would be accessed by private driveways. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit.

The project incorporates the "Saturn Boulevard Architectural Design Guide" design guidelines to establish design standards for the development of the proposed 18 single-family homes and supplement the standard SDMC development regulations. These guidelines address the overall external appearance of the development and the specific guidance regarding building forms, materials, setbacks, fencing/wall heights and architectural style is intended to guide the development of an aesthetically cohesive community, while allowing for the distinctiveness of a new subdivision in the Otay Mesa - Nestor neighborhood.

The deviation is consistent with the purpose and intent of the RS-1-7 zone and the Otay Mesa-Nestor Community Plan, by allowing a more efficient use of the site to fully realize the Community Plan residential density. The deviation also encourages the orderly development of single-dwelling units in a manner consistent with the surrounding residential and school uses and the Community Plan goal to ensure the conservation of neighborhood character. With the exception of the requested street frontage deviation, the subdivision would comply with all applicable zoning and development regulations, including density, lot size and lot dimensions.

(c) The site is physically suitable for the type and density of development.

The 3.63-acre project site is located at 1695 Saturn Boulevard, and is developed with a single dwelling unit and two detached accessory structures. The site was historically used for agricultural uses and is completely disturbed with some non-native vegetation. The project site is surrounded by existing residential uses and Godfrey G. Berry Elementary School. Topographically, the site elevations vary from approximately 45 to 50 feet with the highest elevations at the southwestern portion of the site and the lowest elevations in the northwestern portion of the site. In addition, the project site is located in a developed area currently served by existing public services and utilities.

The site is bordered by existing development on all sides, with Interstate 5 and commercial development to the west, single-family to the northeast and southeast and commercial to the south. The project site is generally flat with elevations near mean sea level. The site is not located within or adjacent to a floodplain or floodway area, Multi-Habitat Planning Area (MHPA) lands, ESL, riparian habitat or wetlands and no sensitive species were observed on-site. The project would not expose the public to undue geologic hazards as no known active faults traverse the project site as confirmed by the Geotechnical Investigation that was prepared for the project. Therefore, the site is physically suitable for the type and density of the proposed development.

(d) 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.

The proposed Vesting Tentative Map would subdivide one lot into 20 lots comprised of 18 residential single-dwelling units, one HOA lot for private driveways and one HOA lot for a water quality infiltration basin. The 3.63-acre project site is located at 1695 Saturn Avenue and is developed with one single-dwelling unit and two accessory barn and silo structures that would be demolished. The site was historically used for agricultural uses and is completely disturbed with some non-native vegetation. The site does not contain nor is adjacent to any ESL, MHPA or wetlands. The project site is located in a developed neighborhood and is surrounded by existing development on all sides, including single-dwelling units to the west and south, multi-dwelling units to the north with Godfrey G. Berry Elementary School and Berry Park to the east.

Mitigation Negative Declaration (MND) No. 566657 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented to mitigate potentially significant impacts to Historical Resources (Archaeology), and Tribal Cultural Resources to below a level of significance. Therefore, the design of the subdivision or and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(e) The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The subdivision will not be detrimental to public health, safety and welfare in that the permits controlling the development and continued use of the site contain specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements in addition to all associated conditions of approval.

The project would not result in risk from fire hazards and it is surrounded by existing development and is not located within a fire hazard severity zone. The project would not expose the public to undue geologic hazards as no known active faults traverse the project site as confirmed by the Geotechnical Investigation that was prepared for the project.

MND No. 566657 has been prepared for this project in accordance with CEQA guidelines. An MMRP would be implemented to mitigate potentially significant impacts to Historical Resources (Archaeology), and Tribal Cultural Resources to below a level of significance. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

(f) 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.

The 3.63-acre project site is located at 1695 Saturn Boulevard, which is served by all utilities and improved rights-of-way. All existing easements on the site would remain and are not impacted by the subdivision. The Vesting Tentative Map would create 18 single family lots for future residential development and two HOA lots and would dedicate public right-of-way, including roadway travel lane widenings, parkway improvements, and underground existing overhead utilities.

The proposed subdivision will include a public right-of-way dedication of ten (10) feet on Leon Avenue to provide a widening of Leon with an ADA-compliant noncontiguous sidewalk. The Saturn Boulevard right-of-way will provide an irrevocable offer of dedication so that Saturn can be widened in the future if the existing lots adjacent to it are redeveloped. The private driveways through the project between Leon and Rimbey Avenues will have a sidewalk on one side so that students or other pedestrians can travel safely through the project. The corners of Saturn and Leon and Saturn and Rimbey adjacent to this site will also be improved with the appropriate ADA accessibility. Therefore, 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.

(g) The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The proposed subdivision of a 3.63-acre parcel into 18 single family lots for future residential development and two HOA lots will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and would be developed in accordance with the SDMC requirements for setbacks and height to allow natural ventilation and light between structures. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

(h) 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.

The subdivision would create 18 single-dwelling units for future development consistent with the Otay Mesa-Nestor Community Plan land use designation. The City of San Diego is in a housing crisis, and new single-family homes on this in-fill site will be adjacent to a public school and park. Additionally, the site has been determined to require archeological monitoring through the CEQA process; however no other environmental impacts have been identified.

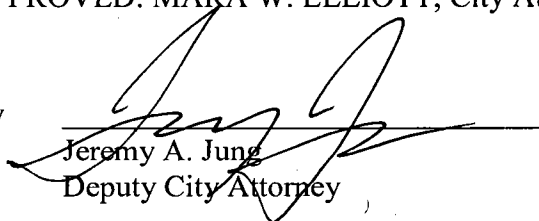
All necessary public services (including fire, police, medical, schools, public parks, and libraries) as well as necessary utilities such as electricity, water, and sewer, will be available to and adequate for the proposed project. At ministerial building permit issuance, the applicant will be required to comply with the SDMC affordable housing requirements, and pay the required Development Impact Fee (DIF) for project impacts to public facilities, as required by the San Diego Municipal Code.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1996523, is hereby granted to Saturn Boulevard, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Jeremy A. Jung
Deputy City Attorney

JAJ:als

08/23/2019

09/24/2019 REV. COPY

Or.Dept:DSD

Doc. No.: 2092261_2

Attachment: Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1996523
SATURN BOULEVARD - PROJECT NO. 566697

ADOPTED BY RESOULTION NO. R- 312663 ON SEP 17 2019

GENERAL

1. This Vesting Tentative Map will expire SEP 17 2022.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Vesting Tentative Map No. 1996523, Planned Development Permit No. 1996525, and Coastal Development Permit No. 1996526.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees (together, "Indemnified Parties") harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate construction permits. The Subdivider shall provide written confirmation from the applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
7. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new street light adjacent to the site on Rimbey Avenue.

8. The Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention devices(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service immediately adjacent to the right of way.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The Subdivider shall ensure that all existing 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.
11. 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 Vesting 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. RR-297376.

MAPPING

12. Prior to the expiration of the Vesting Tentative Map, a Final Map to subdivide the property into 20 lots (18 residential and 2 HOA) shall be recorded with the County Recorder's office.
13. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerks of the Board of Supervisors Office and supply proof prior to the recordation of the Final Map.

14. The Final Map shall be based on the field survey and all lot corners must be marked with durable survey monument pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

15. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
16. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
17. "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."
18. The 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 First Order accuracy. 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.

PUBLIC UTILITIES

19. Prior to the recording of the Final Map, the Subdivider shall provide CC&R's for the operation and maintenance of all private water and sewer facilities, in a manner, satisfactory to the City Engineer.

GEOLOGY

20. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical investigation report or update letter that specifically address the proposed construction. The Subdivider shall submit a geotechnical investigation report or update letter that specifically address the proposed construction. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology section of the Development Services Department, prior to issuance of any construction permits.
21. The Subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the

Geology Section of Development Services Department prior to exoneration of the bond and grading permit close-out.

TRANSPORTATION

22. Prior to the issuance of any building permit, the Subdivider shall provide an Irrevocable Offer of Dedication of 12-feet for public right of way purposes, along the perimeter of Saturn Boulevard's frontage, satisfactory to the City Engineer.
23. Prior to recordation of the final map, the Subdivider shall dedicate five feet for the public right of way purposes, along Rimbey Avenue's frontage, satisfactory to the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

24. Prior to receiving the first residential building permit or recordation of the final map, whichever shall first occur, Subdivider shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by performing the following, to the extent permitted by applicable law.
25. Enter into an agreement with the San Diego Housing Commission, secured by a performance deed of trust, to provide at least 10% of the total units at the project as affordable to households earning at or below 100% of area median income in compliance with the Inclusionary Affordable Housing Regulations. The agreement shall provide that the affordable units must be offered for sale within 12 months from issuance of the first residential building permit and that the Subdivider shall diligently pursue the sale of such affordable units until all affordable units have been sold. If the affordable units are not offered for sale and/or sale is not diligently pursued by the Subdivider, Subdivider shall pay the Inclusionary Affordable Housing Fee for the entire project to the San Diego Housing Commission, upon notice, based upon the rate in effect at the time the first building permit was issued, plus interest at the legal rate to the date of payment. The agreement, secured by a performance deed of trust, shall be executed before the issuance of the first residential building permit or the recordation of the final map, whichever shall first occur, in a form as approved by the San Diego Housing Commission and its General Counsel, and the Agreement shall provide that time is of the essence in marketing the affordable units.

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 § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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.
- 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 San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24007418

Doc. No. 2092308

Passed by the Council of The City of San Diego on SEP 17 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 17 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312663