

000057	REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)
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TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Development Services Department	DATE: 01/15/2009
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SUBJECT: Petrie Residences - Project No. 18262

PRIMARY CONTACT (NAME, PHONE): Michelle Sokolowski, (619) 446-5278	SECONDARY CONTACT (NAME, PHONE): Paul Godwin, (619) 446-5103
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COMPLETE FOR ACCOUNTING PURPOSES

FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00

FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE):

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Liaison Office	ORIG DEPT.	Westlake, Mike	2/4/2009
Environmental Analysis	CFO		
	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Resolution certifying the Negative Declaration.
2. Ordinance approving the Rezone.
3. Resolution approving the Public Right-of-Way Vacation.
4. Resolution approving the Tentative Map.
5. Resolution approving the Site Development Permit.
6. Resolution approving the renaming of Walnut Avenue to Bear Drive.

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STAFF RECOMMENDATIONS:

1. Certify Negative Declaration No. 18262;
2. Approve Rezone No. 42905, Public Right-of-Way Vacation No. 42923, Tentative Map No. 42906, Site Development Permit No. 42924, and the renaming of Walnut Avenue to Bear Drive.

SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)

COUNCIL DISTRICT(S):

2

COMMUNITY AREA(S):

Uptown

ENVIRONMENTAL IMPACT:

1. A Resolution certifying that the information in Project Number 18262 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency.
2. A resolution stating for the record that the final Negative Declaration has been reviewed and considered prior to approving the project.

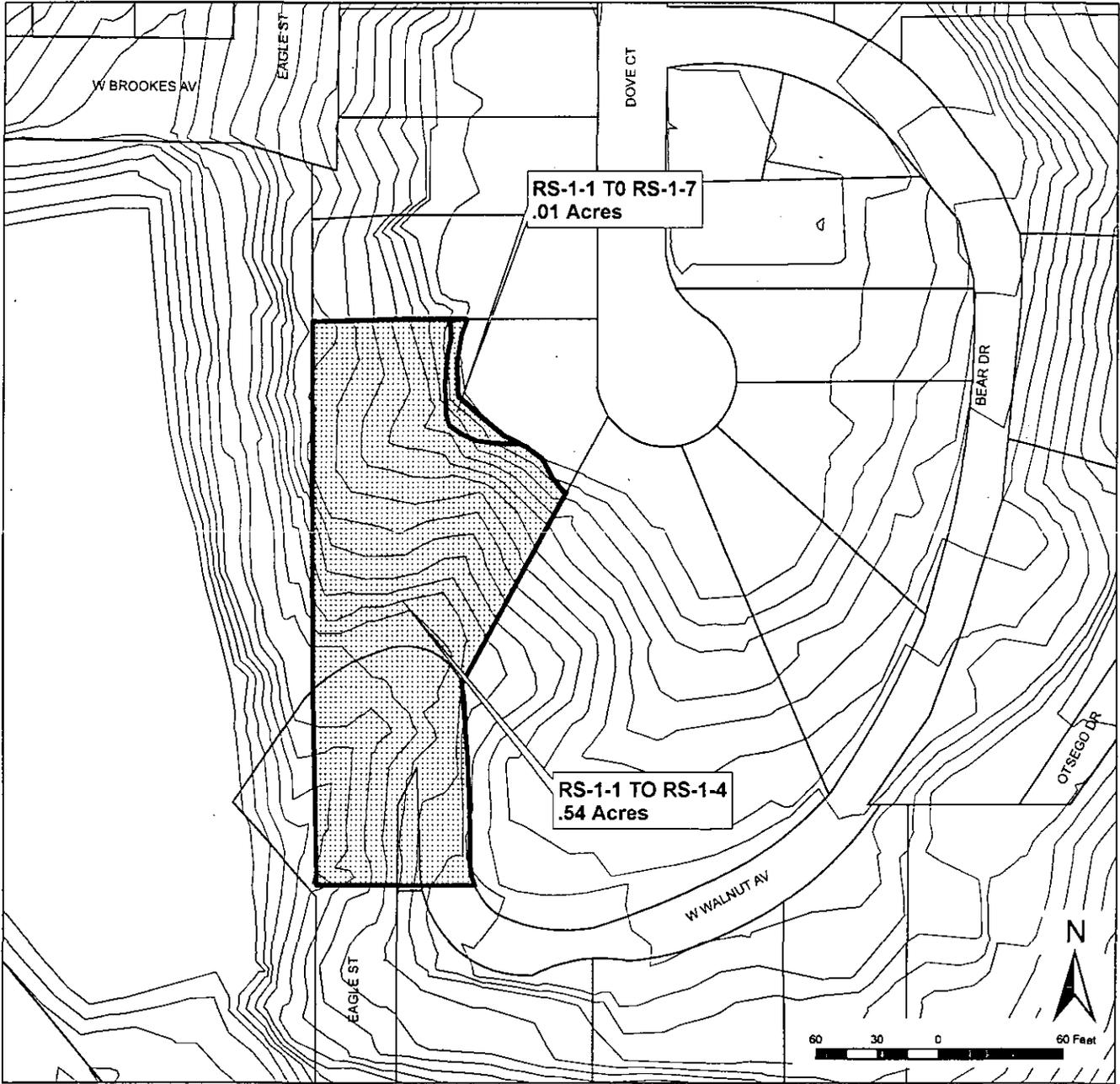
CITY CLERK INSTRUCTIONS:

The resolution regarding the name change needs to be forwarded to the Clerk for the County Board of Supervisors and the County Surveyor per the California Streets and Highways Code.

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CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

PROPOSED REZONING



LOT 4 AND POR LOT 5 INSPIRATION VIEW, MAP 1854, POR OF VACATED WALNUT ST

CASE NO. PTS 18262

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST RS-1-4
 PLANNING COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

Michelle Edwards
 CITY PLANNING AND COMMUNITY INVESTMENT
 MANAGER

B- 4267

APN: 451-400-04 & 05

(210-1716) 8-23-08 LDJ

000061

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.55 ACRES LOCATED AT 3520 DOVE COURT, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-1 ZONE INTO THE RS-1-4 AND RS-1-7 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0403; AND REPEALING ORDINANCE NO. O-17306 (NEW SERIES), ADOPTED MAY 30, 1989, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

This ordinance approves the rezoning of .55 acres from the RS-1-1 zone into the RS-1-4 and RS-1-7 zones, in connection with property located 3520 Dove Court, in the Uptown Community Plan, in the City of San Diego, California.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

ST:pev
02/09/09
Or.Dept:DSD
O-2009-101
MMS #7536

000063

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.55 ACRES LOCATED AT 3520 DOVE COURT, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-1 ZONE INTO THE RS-1-4 AND RS-1-7 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0403; AND REPEALING ORDINANCE NO. O-17306 (NEW SERIES), ADOPTED MAY 30, 1989, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

WHEREAS, under Charter section 280(a)(2) this ordinance 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 evidence presented;

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 0.55 acres located at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel "A") and a portion of Lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel "B"), in the Uptown Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4267, filed in the office of the City Clerk as Document No. OO-_____, are rezoned from the RS-1-1 zone into the RS-1-4 and RS-1-7 zones, as the zones are described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

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Section 2. That Ordinance No. O-17306 (New Series), adopted May 30, 1989, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/10/09
Or.Dept:DSD
O-2009-101
MMS#7536

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION CERTIFYING NEGATIVE DECLARATION
NO. 18262 – PETRIE RESIDENCES - PROJECT NO. 18262.

WHEREAS, on October 9, 2008, John R. Petrie, Trustee of the John R. Petrie Trust Agreement dated July 21, 2004, Owner/Permittee, submitted an application to the City of San Diego for a site development permit, tentative map, public right-of-way vacation and rezone for the Petrie Residences Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; 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 issue was heard by the City Council on _____; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Negative Declaration No.18262; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that Negative Declaration No. 18262; on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City

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of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of site development permit, tentative map, public right-of-way vacation and rezone for the Petrie Residences Project.

BE IT FURTHER RESOLVED, that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-838
MMS#7536

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING SITE DEVELOPMENT PERMIT
NO. 42924 – PETRIE RESIDENCES – PROJECT NO. 18262.

WHEREAS, John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004, Owner/Permittee, filed an application with the City of San Diego for a site development permit to create two lots, construct one new single-family residence and construct an addition to an existing single-family residence to be known as the Petrie Residences project, located at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel "A") and a portion of Lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel "B") in the Uptown Community Plan area, in the RS-1-1 and RS-1-7 zones, which are proposed to be rezoned to the RS-1-4 and RS-1-7 zones, and the FAA Part 77 Noticing Area; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 42924, and pursuant to Resolution No. 4470-PC voted to recommend approval of the permit; 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 _____, 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 Site Development Permit No. 42924:

A. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The proposed project consists of two parcels. The Uptown Community Plan designates Parcel "A" as Low Residential 5 to 10 dwelling units per acre [du/ac] (0.07 acres) and Open Space (0.29 acres). This site is currently developed with one existing single-family dwelling unit. The community plan designates Parcel "B" as Open Space (0.27 acres). According to the Open Space and Recreation Element of the community, Parcel "B" is located in Biological/Geological Zone 1, which allows very low residential development at 1 to 2 du/ac. Based on the existing land use designation, one dwelling unit would be allowed on Parcel "B" resulting in the net increase of one single-family dwelling unit within the community. The proposed single-family uses are consistent with the Uptown Community Plan designation and will not adversely affect this land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Codes and City regulations governing the construction of development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. No deviations are requested or granted from the applicable development regulations of the zones. The project has been conditioned to conform with all applicable regulations of the Land Development Code [LDC].

4. The site is physically suitable for the design and citing of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The site is irregularly-shaped and slopes descending from east to west. Steep slopes indicating the presence of environmentally sensitive lands are those that are natural, undisturbed slopes, 25 percent slope or greater, and have at least 50 feet in elevation. A slope analysis was prepared for this project. That analysis clarified the location of steep slopes on this project site. A minor portion of a balcony addition to the existing residence at 3520 Dove Court is within the natural, undisturbed portion of the steep slopes. The new residence construction is located entirely within an area of previously-disturbed slopes, and has been designed to impact a

minimal amount of this area, in accordance with LDC regulations. Proposed grading consists of approximately 500 cubic yards of cut, with a maximum cut depth of 15 feet, 350 cubic yards of fill, with a maximum fill depth of 10 feet, and approximately 230 cubic yards of export. The maximum height of the cut slope would be 2 feet at a 2:1 slope ratio, and the maximum height of the fill slope would be 14 feet at a 2:1 slope ratio at the location of the required hammerhead turnaround. The project would result in a total graded area of approximately 0.15 acre. Based on the above information and the applicable LDC regulations, the proposed development is not located on natural steep slopes and the proposed development will result in a minimum disturbance to the environmentally sensitive lands.

5. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. As indicated in Finding No. 4, above, the project has been designed to minimize the alteration of the natural steep slopes existing on the site. A geotechnical investigation report and several addenda were prepared for the proposed hillside project that addressed geologic hazards. Slope stability of the site was evaluated and the geotechnical consultant determined that the proposed building site and existing building site have adequate gross and surficial slope stability and the proposed subdivision will be safe from geologic hazards. However, the western portions of site were determined to have a factor of safety of less than 1.5 with respect to slope stability due to the proximity of the existing steep cut slope located west and adjacent to the site. Considering the steep slope is an existing offsite non-conforming condition, the owner has agreed to establish a "Building Restricted Easement" for the areas of the site determined to have a factor of safety of less than 1.5. In addition, a Notice of Geologic and Geotechnical Conditions has been recorded against the subject property that is a disclosure and hold harmless agreement. A new storm drain system would be installed with project implementation. The project would be required to incorporate construction and post-construction Best Management Practices [BMP], and the applicant would be required to enter into a maintenance agreement with the City of San Diego for on-going permanent BMP maintenance, as a condition of project approval. All site runoff would be required to comply with the City's Storm Water Standards. Accordingly, implementation of the proposed project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. All modifications required to implement the proposed project will occur on the project site, and will not impact adjacent properties. Any sensitive slopes extending onto adjacent properties would not be modified as a result of this project. In addition to the slope analysis and geologic reconnaissance referenced in Findings 4 and 5 above, a biological resources report was prepared to determine if the proposed project would have the potential to result in significant impacts to sensitive biological resources. The report concluded that the site contains a mixture of ornamental trees with interspersed native trees and shrubs, and that no biologically sensitive plant or animal species and/or habitats exist onsite. Due to the lack of sensitive biological resources, no impacts are expected and no mitigation would be required. The project would not adversely impact any adjacent environmentally sensitive lands.

7. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The project site is not located within the City of San Diego's Multiple Species Conservation Program Subarea Plan, and therefore will not provide any impacts and is consistent with the Plan.

8. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The project site, approximately two miles from San Diego Bay, is not located within any coastal areas and will therefore not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

9. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources. Accordingly, no mitigation is required as a condition of this permit.

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

BE IT FURTHER RESOLVED that Site Development Permit No. 42924 is granted to John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004, under the terms and conditions as set forth in the attached Permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-839
MMS#7536

000071

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-2010

SITE DEVELOPMENT PERMIT NO. 42924
PETRIE RESIDENCES – PROJECT NO. 18262
CITY COUNCIL

This Site Development Permit No. 42924 is granted by the City Council of the City of San Diego to John R. Petrie, Trustee of the John R. Petrie Trust Agreement, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.0104 and 126.0502. The .63-acre site is located at 3520 Dove Court in the RS-1-1 and RS-1-7 zones and the FAA Part 77 Noticing Area within the Uptown Community Plan. The project site is legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street and a portion of Lot 5, Inspiration Way, Map No. 1854 and a portion of vacated Walnut Street.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create two lots, construct one new single-family residence and construct an addition to an existing single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. The creation of two lots, the construction of a new, approximately 5,061 square-foot, single-family residence with attached garage, and the construction of an addition to an existing single-family residence (resulting in a total size of approximately 4,082 square feet);
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines [CEQA], public and private improvement requirements of the

City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. Prior to issuance of a building permit the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

12. This project shall conform with the provisions of Tentative Map No. 42906; Public Right-of-Way Vacations per Resolution No. _____ (more fully described in "Legal Description" Exhibit A and "Drawing" Exhibit B [B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B]); and Rezone No. 42905.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of a grading permit and recordation of the Easement Vacation, the Owner/Permittee shall demonstrate to the satisfaction of the City of San Diego that the same has obtained clear title to ownership of the entire property within, upon, and below the public right-of-way that are the subject of Easement Vacation No. 42923.

14. Voluntary Construction Parameters from Applicant. The conditions below were voluntarily agreed to be included within this Tentative Map and referenced Site Development Permit by the applicant at the October 9, 2008, Planning Commission hearing. To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of Tentative Map No 42906:

- a. A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
- b. No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
- c. All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000 lbs. GVW.
- d. All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
- e. Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000 lbs. GVW under any circumstances.
- f. At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the applicant and any future owner or builder of the improvements as referenced above.

15. In lieu of providing Fire Department access, the single-family residences and garages located off Walnut Avenue/Bear Drive shall be equipped with a residential fire sprinkler system, satisfactory to the Fire Marshal.

16. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.
17. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.
18. Prior to the issuance of a building permit the applicant shall obtain a bonded 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.
19. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of private drainage system within this development.
20. The drainage system proposed for this development is private and shall be privately maintained and is subject to approval by the City Engineer.
21. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
22. The Owner/Permittee shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Owner/Permittee 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.
23. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
24. Prior to the issuance of any construction permit, the Owner/Permittee 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.
25. Prior to the issuance of any construction permit the Owner/Permittee 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.
26. This project proposes to export approximately 230 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 Land Development Code section 141.0620(i).

LANDSCAPE REQUIREMENTS:

27. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to meet the Landscape Regulations.
28. Prior to issuance of construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."
29. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.
30. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
31. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
32. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to the performance of a Final Landscape Inspection.
34. Prior to issuance of construction permits for grading; the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or Multiple Habitat Planning Area [MHPA], shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's [Cal-IPC] Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

35. No fewer than two off-street parking spaces for each single-family residence shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

36. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

37. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

38. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

39. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

40. All fences and retaining walls shall comply with San Diego Municipal Code Section 142.0301.

41. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

42. The Owner/Permittee shall maintain the modified hammer-head vehicle turn-around area open to the general public (including the red curb and the "No Parking" sign [R8-3a]), and may construct a future gate to the north of this area, to the satisfaction of the City Engineer.

WASTEWATER REQUIREMENTS:

43. 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.

44. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

45. All onsite sewer facilities shall be private.

WATER REQUIREMENTS:

46. The Owner/Permittee shall execute the Hold Harmless and Release Agreement for the new water meter to serve the subject project.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of Public Utilities, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

50. 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," shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ by

Resolution No. _____.

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AUTHENTICATED BY THE CITY MANAGER

By: _____

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

THE JOHN R. PETRIE TRUST

By _____
JOHN R. PETRIE
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER - Permit Shell 11-01-04

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING TENTATIVE MAP NO. 42906 –
PETRIE RESIDENCES – PROJECT NO. 18262.

WHEREAS, John R. Petrie, Trustee of the John R. Petrie Trust Agreement dated July 21, 2004, Subdivider/Applicant, and CDS Civil Engineers, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 42906) for the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence to be know as the Petrie Residences Project [Project], located on the south side of Dove Court, west of Bear Drive/Walnut Avenue, at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel “A”) and a portion of lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel “B”), in the Uptown Community Plan area in the RS-1-1 and RS-1-7 zones and the FAA Part 77 Noticing Area, which are proposed to be rezoned to the RS-1-4 and RS-1-7 zones; and

WHEREAS, the Map proposes the subdivision of a 0.63-acre site into two lots for residential development; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 42906, and pursuant to Resolution No. 4470-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

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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 _____, 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. 42906:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act sections 66473(5), 66474(a), and 66474(b)). The proposed subdivision would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Uptown Community Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)). The proposed subdivision would comply with the development regulations of the underlying RS-1-4 and RS-1-7 zones and all of the applicable development regulations of the LDC. No deviation or variance is requested with this application.

3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act sections 66474(c) and 66474(d)). The proposed subdivision would be consistent with the recommended residential land use and density range of the Uptown Community Plan and would comply with the applicable development of the underlying RS-1-4 and RS-1-7 zones. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed 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

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wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act section 66474(e)). An initial Environmental Initial Study [EIS] was conducted for the proposed subdivision in accordance with the California Environmental Quality Act [CEQA] that determined that a Negative Declaration should be prepared for the proposed project. No adverse environmental impacts would result from this development and therefore no mitigation would be required. The site does not include sensitive biological resources. Steep slopes do exist on the site, however, the new residence avoids these areas entirely and only minor portions of the additions to the existing residence are located within the natural, undisturbed portion of the steep slopes; the minimal impact area conforms with Land Development Code regulations. The proposed subdivision will be safe from geologic hazards according to the geotechnical investigation report prepared for the project. Proper engineering design of a retaining wall on the site will also improve the site's factor-of-safety. Finally, a Building Restricted Easement for the areas of the site determined to have a factor-of-safety of less than 1.5 is required, in addition to a Notice of Geologic and Geotechnical Conditions which has been recorded against the property and functions as a disclosure and hold harmless agreement. Therefore, 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.

5. **The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act section 66474(f)).** The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California Subdivision Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would 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 (LDC section 125.0440(f) and Subdivision Map Act section 66474(g)).** The project includes vacation of portions of Eagle Street and Walnut Avenue which are no longer required for public right-of-way purposes, as supported by the Resolution adopted by the City Council accompanying this Tentative Map Resolution as a companion project. The remainder of the proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. **The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act section 66473(1)).** The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide 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**

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public services and the available fiscal and environmental resources (LDC section 125.0440(h) and State Map Act section 66412.3). The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine 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 found that the addition of one residential unit would assist the housing needs of the Uptown community.

9. The property contains a right-of-way which must be vacated to implement the Parcel Map in accordance with San Diego Municipal Code section 125.0430, and more fully described in Resolution No. _____ and "Legal Description" Exhibit "A" and "Drawing" Exhibit "B" (B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B). The project includes proposed vacation of portions of the Eagle Street and Walnut Avenue rights-of-way, which conform with Resolution No. _____ and "Legal Description" Exhibit "A" and "Drawing" Exhibit "B" (B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B).

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

BE IT FURTHER RESOLVED, that Tentative Map No. 42906 is granted to John R. Petrie, Trustee of the John R. Petrie Trust Agreement dated July 21, 2004, Applicant/Subdivider and CDC Civil Engineers, 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
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/10/09
Or.Dept:DSD •
R-2009-840
MMS#7536

CONDITIONS FOR TENTATIVE MAP NO. 42906

THE PÉTRIE RESIDENCES, PROJECT NO. 18262

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL:

1. This Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the issuance of the Parcel Map, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The Parcel Map shall conform to the provisions of Site Development Permit No. 42924 and Public Right-of-Way Vacations specified in Resolution No. _____ and "Legal Description" Exhibit "A" and "Drawing" Exhibit "B" (B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B).
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 any Indemnified Party 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 cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.
6. Prior to recordation of the Parcel Map, subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING:

7. Prior to the issuance of a grading permit and recordation of the Easement Vacation, the Applicant/Permittee shall demonstrate to the satisfaction of the City of San Diego that the same has obtained clear title to ownership of the entire property within, upon, and below the public right-of-way that are the subject of Easement Vacation No. 42923.

8. Prior to the recordation of the Parcel Map, the owner shall grant and relinquish to the City of San Diego, a municipal corporation, in the County of San Diego, State of California, any right to construct, erect, or maintain any habitable structure (as defined in the Uniform Building Code) within the Building Restricted delineated on the Tentative Map because of the existence of a possible geologic/geotechnical hazard (slope instability). This easement may be terminated or adjusted by recorded instrument at any time the City engineer finds that said easement is no longer needed for the purpose for which it was granted and that it is in the public interest and safe to do so.
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. Prior to the issuance of a building permit the applicant shall obtain a bonded 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.
12. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of private drainage system within this development.
13. *The drainage system proposed for this development is private and shall be privately maintained and is subject to approval by the City Engineer.*
14. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
15. 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.
16. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
17. 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.

18. 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.
19. This project proposes to export approximately 230 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).
20. Voluntary Construction Parameters from Applicant. The conditions below were voluntarily agreed to be included within this Tentative Map and referenced Site Development Permit by the applicant at the October 9, 2008, Planning Commission hearing. To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of Tentative Map No. 42906.
 - a. A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
 - b. No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
 - c. All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000 lbs. GVW.
 - d. All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
 - e. Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000 lbs. GVW under any circumstances.
 - f. At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the

applicant and any future owner or builder of the improvements as referenced above.

21. 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. RR-297376.

MAPPING:

22. "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].
23. "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."
24. The Parcel 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.

SEWER AND WATER:

25. Wastewater Requirements:
 - a. 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.

- b. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
- c. All onsite sewer facilities shall be private.

26. Water Requirements:

- a. The subdivider shall execute the Hold Harmless and Release Agreement for the new water meter to serve the subject project.
- b. The subdivider shall design and construct new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- c. The subdivider shall apply for 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 Director of Public Utilities, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
- d. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- e. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

TRANSPORTATION:

- 27. The applicant shall construct a modified hammer-head vehicle turn-around area at the west end of Bear Drive, and within the hammer head area the applicant shall paint the curb red and install the "No Parking" sign (R8-3a), to the satisfaction of 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,

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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.
- 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner 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 Municipal Code Section 142.0607.

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING STREET EASEMENT
VACATION – PETRIE RESIDENCES PROJECT NO. 18262.

WHEREAS, California Streets and Highways Code section 8330, et seq. provides a procedure for the summary vacation of streets by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of portion of Eagle Street and Walnut Avenue to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

a. There is no present or prospective public use for the public right-of-way, either for the facility 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 action through improved use of land made available by the vacation;

c. The vacation does not adversely affect any applicable land use plan; and

d. The public facility for which the public right-of-way was originally acquire will not be detrimentally affected by this vacation; 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

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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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That Eagle Street and Walnut Avenue, as more particularly described on "Legal Description" Exhibits "A" and "Drawing" Exhibits "B," drawings numbers 20313-1-B, 20313-2-B, and 20313-3-B on file in the office of the City Clerk as Document Nos.

RR-_____, RR-_____, RR-_____, RR-_____,

RR-_____, and RR-_____, which are by this reference incorporated herein

and made a part hereof, are ordered vacated; and

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-841
MMS#7536

000093

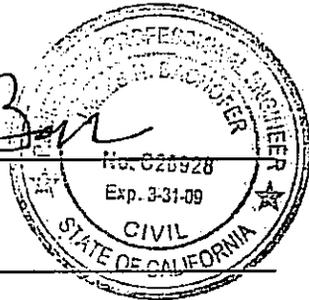
LEGAL DESCRIPTION *Exhibit A*
FOR
STREET VACATION OF A PORTION OF EAGLE STREET

THAT PORTION OF EAGLE STREET DEDICATED PER MAP 530, RECORDED APRIL 14, 1888, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH 89°30'57" WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4 SOUTH 00°26'12" EAST 175.88 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID LOT 4 AND THE NORTH LINE OF WALNUT AVE; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 00°26'12" EAST 42.87 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 00°26'12" EAST 11.38 FEET; THENCE NORTH 89°33'48" EAST 40.00 FEET; THENCE SOUTH 00°26'12" EAST 40.00 FEET; THENCE SOUTH 89°33'48" WEST 40.00 FEET; THENCE NORTH 45°15'17" WEST 31.47 FEET TO A POINT ON A NON-TANGENT 320.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH AND HAVING A RADIAL BEARING OF SOUTH 49°47'49" EAST, THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°32'50" AND AN ARC LENGTH OF 36.57 FEET TO THE **TRUE POINT OF BEGINNING**.

Jan M. Ben

Signature



5-19-08

Date

PTS 18262
W.O. 422010
DWG 20313-1-B

000095

LEGAL DESCRIPTION - *Exhibit A*
FOR
STREET VACATION OF A PORTION OF WALNUT AVE

THAT PORTION OF WALNUT AVENUE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DEDICATED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 9317 RECORDED NOVEMBER 10, 1926 IN BOOK 1253, PAGE 391, IN SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH $89^{\circ}30'57''$ WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4 SOUTH $00^{\circ}26'12''$ EAST 175.88 FEET TO A POINT ON A NON-TANGENT 88.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIAL BEARING OF NORTH $45^{\circ}54'11''$ WEST ALSO BEING THE TRUE POINT OF BEGINNING THENCE NORTHEAST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ}53'00''$ AND AN ARC LENGTH OF 39.98 FEET TO THE BEGINNING OF A 30.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $91^{\circ}18'34''$ AND AN ARC LENGTH OF 47.81 FEET TO THE INTERSECTION OF WALNUT AVENUE AND THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE CONTINUING ALONG SAID 30.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF $16^{\circ}09'26''$ AND AN ARC LENGTH OF 8.46 FEET; THENCE SOUTH $02^{\circ}33'11''$ EAST 76.70 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $23^{\circ}16'55''$ AND AN ARC LENGTH OF 12.19 FEET TO A POINT ON THE CENTERLINE OF WALNUT AVENUE, SAID STREET CLOSED PER CITY OF SAN DIEGO RESOLUTION NO. 36398 APPROVED JANUARY 4, 1926, AND RECORDED NOVEMBER 10, 1926 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SAN DIEGO; THENCE ALONG SAID CENTERLINE SOUTH $89^{\circ}34'26''$ WEST 26.37 FEET TO A POINT ON A NON-TANGENT 55.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST AND HAVING A RADIAL BEARING OF SOUTH $76^{\circ}02'19''$ WEST; THENCE NORTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $11^{\circ}24'29''$ AND AN ARC LENGTH OF 10.95 FEET; THENCE TANGENT NORTH $02^{\circ}33'11''$ WEST 46.23 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE CONTINUING NORTH $02^{\circ}33'11''$ WEST 30.47 FEET TO THE BEGINNING OF A TANGENT 5.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE NORTHWEST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $107^{\circ}28'00''$ AND AN ARC LENGTH OF 9.38 FEET TO THE BEGINNING OF A TANGENT 63.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $39^{\circ}14'00''$ AND AN ARC LENGTH OF 43.48 FEET TO THE BEGINNING OF A TANGENT 320.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $02^{\circ}54'32''$

000096

AND AN ARC LENGTH OF 16.25 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°32'50" AND AN ARC LENGTH OF 36.57 FEET; THENCE NON-TANGENT NORTH 45°15'17" WEST 25.09 FEET TO A POINT ON A NON-TANGENT 295.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST A RADIAL BEARING THROUGH SAID POINT BEARS NORTH 50°10'58" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF 09°04'13" AND AN ARC LENGTH OF 46.70 FEET TO THE BEGINNING OF A REVERSE 88.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF 13°21'00" AND AN ARC LENGTH OF 20.62 FEET TO THE TRUE POINT OF BEGINNING.

Jon M.
Signature



5-19-08

Date

PTS 18262

W.O. 422010

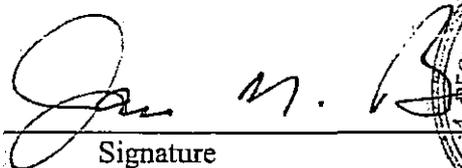
DWG 20313-2-B

000097

LEGAL DESCRIPTION - *Exhibit A*
FOR
STREET VACATION OF A PORTION OF EAGLE STREET

THAT PORTION OF EAGLE STREET DEDICATED PER MAP 530, RECORDED APRIL 14, 1888, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH 89°30'57" WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 00°26'12" EAST 270.12' FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 89°34'26" EAST 40.00 FEET TO THE NORTHWEST CORNER OF ROS 12299 IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED AUGUST 24, 1989; THENCE ALONG THE EAST LINE OF EAGLE STREET SOUTH 00°26'12" EAST 99.94 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89°38'47" WEST 40.00 FEET; THENCE NORTH 00°26'12" WEST 99.40 FEET ALONG THE WEST LINE OF EAGLE STREET TO THE **TRUE POINT OF BEGINNING**.



Signature



5-19-08

Date

PTS 18262

W.O. 422010

DWG 20313-3-B

000099

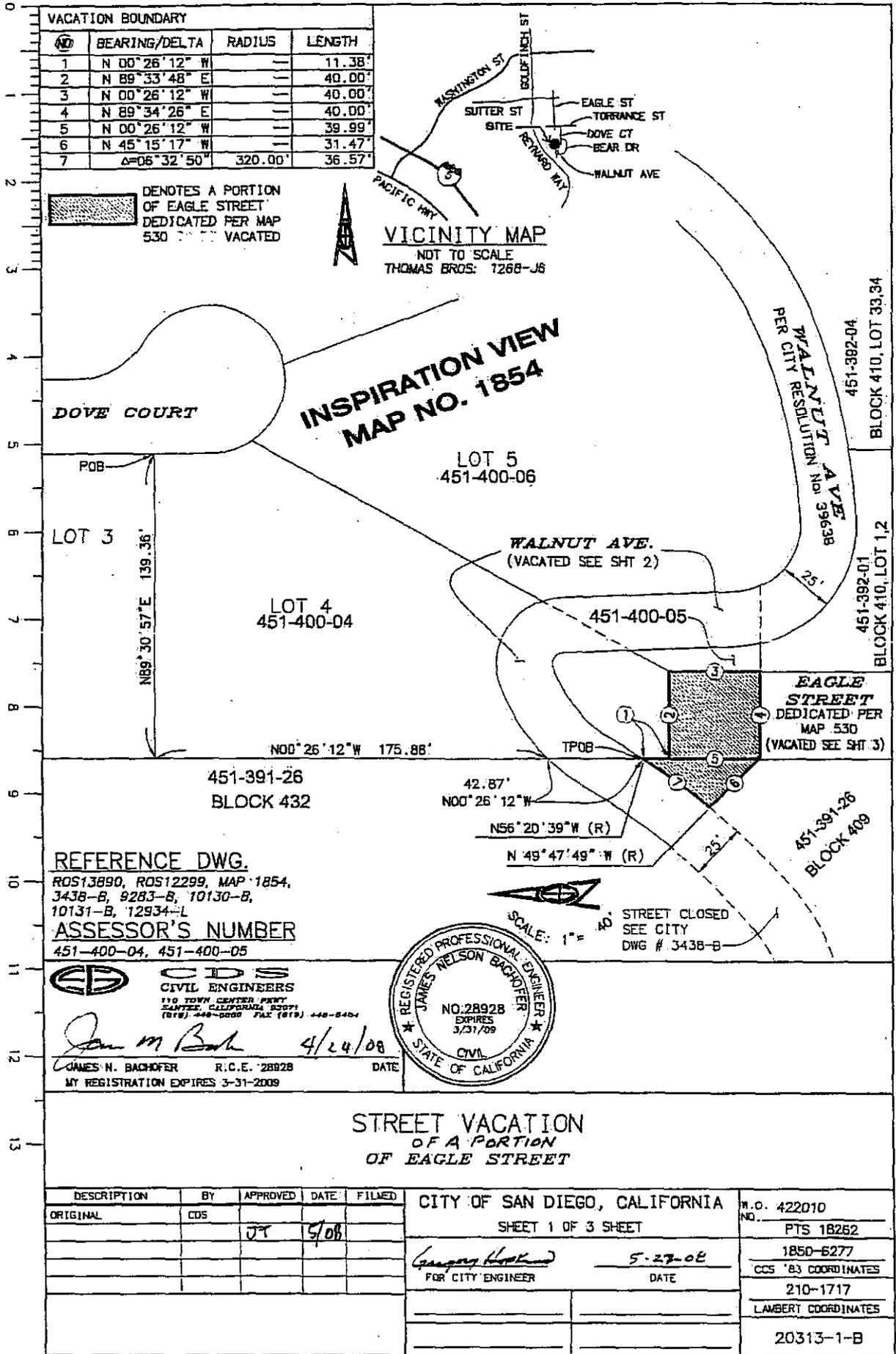
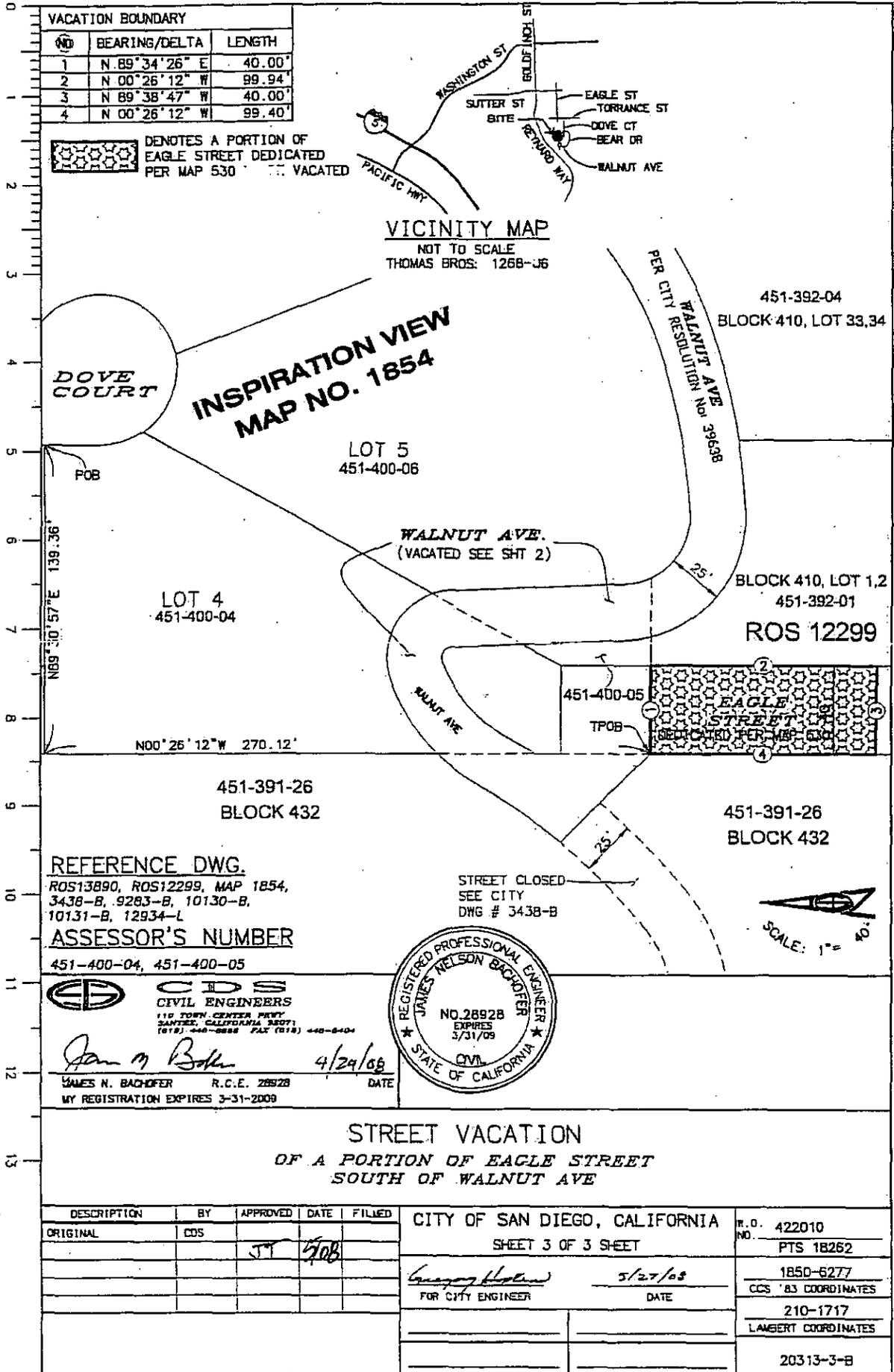


EXHIBIT B

000101

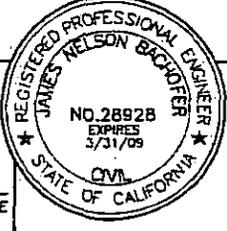


REFERENCE DWG.
ROS13890, ROS12299, MAP 1854,
3438-B, 9283-B, 10130-B,
10131-B, 12934-L

ASSESSOR'S NUMBER
451-400-04, 451-400-05

CDS CIVIL ENGINEERS
110 TOWN CENTER DRIVE
SANTEE, CALIFORNIA 92071
(619) 440-8888 FAX (619) 440-8404

James N. Bachofer 4/29/08
JAMES N. BACHOFER R.C.E. 28928 DATE
MY REGISTRATION EXPIRES 3-31-2009



STREET VACATION OF A PORTION OF EAGLE STREET SOUTH OF WALNUT AVE

DESCRIPTION	BY	APPROVED	DATE	FILLED	CITY OF SAN DIEGO, CALIFORNIA	R.O. NO.
ORIGINAL	CDS	JT	5/08		SHEET 3 OF 3 SHEET	422010
					<i>Gregory Hopland</i>	PTS 18262
					FOR CITY ENGINEER	1850-6277
						CCS '83 COORDINATES
						210-1717
						LANGERT COORDINATES
						20313-3-B

000103

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING STREET NAME CHANGE --
PETRIE RESIDENCES - PROJECT NO. 18262.

WHEREAS, Section 34091.1 of the California Government Code and Section 5026 of the California Streets and Highways Code authorizes the City Council to change the name of City streets by resolution; and

WHEREAS, 100 percent of the property owners on Walnut Avenue have approved that the name of the street be changed to Bear Drive in order to provide continuity of the existing street; and

WHEREAS, the street name change is supported by the Uptown Planners; 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the name of Walnut Avenue, more particularly shown on Drawing No. 20361-B attached hereto as Exhibit "A," is changed to Bear Drive.

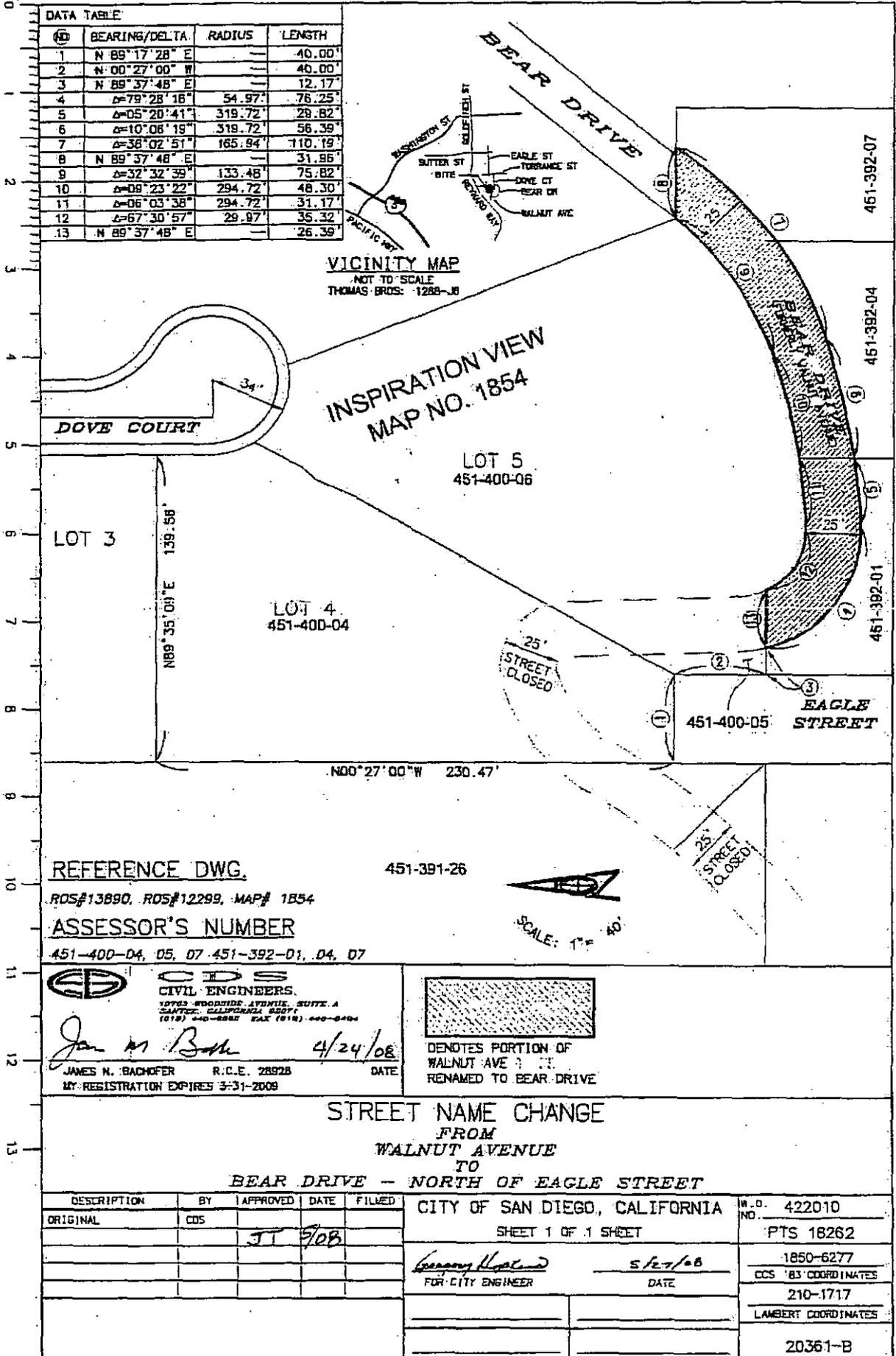
000104

2. That the City Clerk shall cause a certified copy of this resolution, with Exhibit "A," attested by her under seal, to be recorded in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-842
MMS#7536



STATION	BEARING/DELTA	RADIUS	LENGTH
1	N 89° 17' 28" E	---	40.00'
2	N 00° 27' 00" W	---	40.00'
3	N 89° 37' 48" E	---	12.17'
4	$\Delta=79^{\circ}28'16"$	54.97'	76.25'
5	$\Delta=05^{\circ}20'41"$	319.72'	29.82'
6	$\Delta=10^{\circ}06'19"$	319.72'	56.39'
7	$\Delta=36^{\circ}02'51"$	165.84'	110.19'
8	N 89° 37' 48" E	---	31.86'
9	$\Delta=32^{\circ}32'39"$	133.46'	75.82'
10	$\Delta=08^{\circ}23'22"$	294.72'	48.30'
11	$\Delta=06^{\circ}03'38"$	294.72'	31.17'
12	$\Delta=67^{\circ}30'57"$	29.87'	35.32'
13	N 89° 37' 48" E	---	26.39'

VICINITY MAP
NOT TO SCALE
THOMAS BROS: 1268-JB

INSPIRATION VIEW
MAP NO. 1854

REFERENCE DWG.
RDS#13890, RDS#12299, MAP# 1854
ASSESSOR'S NUMBER
451-400-04, 05, 07 451-392-01, 04, 07

CDS CIVIL ENGINEERS
10765 HOODSIDE AVENUE, SUITE A
SAN DIEGO, CALIFORNIA 92121
(619) 440-8888 FAX (619) 440-8404

James N. Bachofer 4/24/08
JAMES N. BACHOFER R.C.E. 28928 DATE
MY REGISTRATION EXPIRES 3-31-2008

DENOTES PORTION OF
WALNUT AVE TO
RENAME TO BEAR DRIVE

STREET NAME CHANGE
FROM
WALNUT AVENUE
TO
BEAR DRIVE - NORTH OF EAGLE STREET

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	NO. 422010
ORIGINAL	CDS	JT	5/08		SHEET 1 OF 1 SHEET	PTS 18262
					<i>Gregory H. ...</i> FOR CITY ENGINEER	1850-6277
					5/27/08 DATE	CCS '83 COORDINATES
						210-1717
						LAMBERT COORDINATES
						20361-B