

(R-84-5)

RESOLUTION NUMBER R- 258877

Adopted on JUL 12 1983

WHEREAS, LOMA PALISADES and E. F. COOK AND ASSOCIATES filed a nine-lot subdivision (condominium project) of Lots 1-5 and 8-10, Loma Palisades, Units 1 through 5, Map Nos. 3724, 3798, 3768, 3837 and 3851; also ROS 5874, located south of West Point Loma Boulevard at Warden Street, in the R-3 Zone; and

WHEREAS, on April 17, 1980, the Planning Commission of The City of San Diego voted 4 to 2 to approve Tentative Map 80-57, condominium conversion of LOMA PALISADES TOWNHOMES; and

WHEREAS, the action of the Planning Commission was appealed to the City Council of The City of San Diego, and on May 13, 1980, the City Council upheld the appeal finding that the project was a Public Interest Project as defined in the first paragraph of the San Diego Municipal Code, Section 101.0992.2, which provides that a condominium conversion project shall not be approved if the project was financed by funds received from a governmental agency to provide for elderly, handicapped disabled or low-income housing; and

WHEREAS, the applicants sought judicial review of the actions of the City Council, and on October 15, 1982, the Superior Court of the State of California, in case number 448425 and case number 456802, ruled in favor of the applicants' position that the project was not a Public Interest Project in that the project was neither financed by funds obtained from a governmental agency nor developed for elderly, handicapped

disabled or low-income housing; and

WHEREAS, the judgment granted to the petitioners the requested Writ of Mandate which commands the City of San Diego to approve Tentative Map 80-57; NOW, THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego makes the following findings:

1. The proposed map is consistent with the General Plan and Midway Community Plan which designate the property for residential use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan and Midway Community Plan and R-3 Zoning/Development Regulations.

3. The site is physically suitable for residential development.

4. The site is suitable for the proposed residential density of development.

5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 80-02-27 EX.

6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with R-3 zoning and conforms with City development regulations.

7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

8. That said 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 this Council, LOMA PALISADES TOWNHOMES Tentative Map 80-57 is hereby approved, subject to the following conditions:

1. This tentative map will expire July 12, 1985.
2. The "General Conditions of Approval for Tentative Maps," filed in the office of the City Clerk under Document No. 744827 on September 10, 1973, shall be made a condition of map approval.
3. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code, Sections 102.0406 et seq. This property is also subject to Building Permit park fee in accordance with San Diego Municipal Code, Sections 96.0401 et seq.
4. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code, Section 102.0404, subsection 2.
5. The subdivider must provide a soils report as required by Section 102.0411 of the San Diego Municipal Code and by Chapter 4, Article 7 of the California Subdivision Map Act and a geological reconnaissance on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with

Municipal Code, Sections 62.0410 et seq.

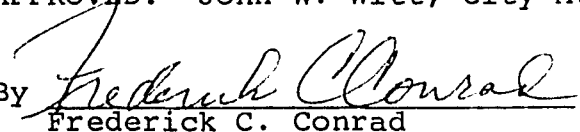
6. Prior to recordation of any final subdivision map, the subdivider shall provide evidence to the City Manager to ensure that an affirmative marketing program is established.

7. The provisions of Municipal Code, Sections 101.0990 et seq. shall apply to this project and the tenant benefits provided therein shall inure to all persons who received notice of the Planning Commission hearing on the original application for this map and any persons who became tenants following such notice who did not receive notice that the project was being considered for conversion.

STATEMENT OF FACT

This map is being filed for purposes of condominium development for the subject property pursuant to the Subdivision Map Act and evidence must be submitted to the City that the requirements of the Subdivision Map Act, Section 66427.1 have been met prior to City approval of the final map.

APPROVED: John W. Witt, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:640  
07/05/83  
Or.Dept:Atty.  
R-84-5  
Form=r.none

Passed and adopted by the Council of The City of San Diego on JUL 12 1983,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-258877</u>	Adopted <u>JUL 12 1983</u>