

RESOLUTION NUMBER R-291681

ADOPTED ON MAY 25, 1999

WHEREAS, on June 29, 1998, Mayfair Homes, Applicant, and Zomorrodi Engineering, Engineer, submitted an application to The City of San Diego for a one-lot tentative map (Tentative Map No. 98-0551 for the Villa Portofino project), located north of Washington Street on the west side of Front Street, and legally described as Lots 28, 29, 30 and 31 of Block 2 of Florence Heights Addition, Map 893, in the Mid-Cities Communities Planned District of the Uptown Community Plan area, in the MR-800B Zone; and

WHEREAS, on March 11, 1999, the Planning Commission of The City of San Diego considered Tentative Map No. 98-0551, and pursuant to Resolution No. 2768-PC voted to recommend City Council approval of the map; and

WHEREAS, Wendy Nakamura, Altha Butherus, and Norma Jane Handeland appealed the decision of the Planning Commission in approving Tentative Map No. 98-0551; and

WHEREAS, the matter was set for public hearing on May 25, 1999, testimony having been heard, evidence having been submitted, and the City Council having fully considered Tentative Map No. 98-0551 and the issues discussed in Mitigated Negative Declaration No. 98-0551, and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 98-0551:

1. The map proposes the subdivision of a 0.48 acre site into one lot for a residential condominium development (30 units). This type of development is consistent with the General Plan and the Uptown Community Plan, which designate the area for residential use. The

proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the MR-800B Zone in that:

- a. The lot has minimum frontage on a dedicated street which is open to and usable by vehicular traffic.
- b. The lot meets the minimum dimension requirements of the MR-800B Zone.
- c. The lot is designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision or the proposed improvements will not injure fish or wildlife or their habitat but could cause substantial environmental damage to Paleontological Resources. However, the project as revised now avoids or mitigates the potentially significant environmental effects to Paleontological Resources based upon the findings of Mitigated Negative Declaration No. 98-0551, which is included herein by this reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems, in as much as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. 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, as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential

development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

10. The subdivision is a condominium project as defined in Section 1351 of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is thirty.

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


BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 98-0551 is granted to Mayfair Homes, Applicant and Zomorrodi Engineering, Engineer, subject to the conditions set forth in Attachment A, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 98-0551, 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 declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the 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 Tentative Map No. 98-0551.

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, as set forth in Attachment B, attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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8/6/99
Or.Dept:Clerk
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Reviewed by Leisa Lukes

ATTACHMENT A

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 98-0551 ADOPTED BY RESOLUTION NO. R-291681 ON MAY 25, 1999

1. This tentative map will expire May 25, 2002.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

4. "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).
5. "California Coordinate System" means the coordinate system as defined in Sections 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
6. 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 meridian (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

R-291681

shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

7. The approval of this tentative map by 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 U.S.C. § 1531 et seq.).
8. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, Subsection 2.
10. A geotechnical report will be required when grading plans are developed for the project. The geotechnical consultant must review and sign the grading plans as part of the plan review and grading permit issuance process. A final As-Built Report is required within 15 days of completion of grading operations.

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.

11. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration LDR No. 98-0551 satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit or the recordation of the Final Map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Paleontological Resources.

The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$450.00 to be collected prior to the issuance of grading permit(s) or the recording of the Final Map to cover the City's costs associated with implementation of the MMRP.

12. The subdivider shall replace the existing curb and sidewalk, adjacent to this subdivision, with City standard curb, gutter and sidewalk.

13. The subdivider shall construct two (2) 14.5-foot driveways per City Standard Drawings G-14B, G-16 and SDG-100.
14. The subdivider shall obtain an Encroachment Removal Agreement from the City Engineer, for the sidewalk underdrains, landscaping and appurtenances located within the City right-of-way.
15. The subdivider shall dedicate an additional 2.5 feet of alley and provide full width alley improvements adjacent to this subdivision. This may require offsite pavement transitions.
16. All existing structures shall be removed prior to the recordation of the final map.
17. All walls and their footings shall be located outside the City right-of-way.
18. Water Requirements: The developer shall provide CC&Rs, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, for the operation and maintenance of on-site private water and sewer mains that serve more than one unit. Also, provide private easements for the private mains.
19. Landscape: An area, not less than forty square feet, shall be indicated on the improvement plans for the planting of street trees. The location of the street trees shall be in substantial conformance with Exhibit "A," Tentative Map - Villa Portofino, in the office of Planning and Development Review and the applicable sections of the Landscape Technical Manual. Other improvements such as driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees to the satisfaction of the City Manager.
20. Fire Requirements:
 - a. Building address numbers, visible and legible from the street or road fronting the property, will be required. (UFC 901.4.4)
 - b. The building will be required to be sprinklered for the following reason: R-1 occupancy, 4 stories and 30 units.
 - c. Post indicator valves, fire department connections, and alarm bell, to be located on the address/access side of the structure, will be required. (UFC 1001.4)

21. The drainage system proposed for this development, as shown on the approved tentative map, is subject to approval by the City Engineer.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Planning and Development Review Department.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM

Villa Portofino Tentative Map

LDR NO. 98-0551

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 98-0551) shall be made conditions of the Tentative Map as may be further described below.

PALEONTOLOGICAL RESOURCES

The following mitigation measures are required to reduce potential adverse project impacts to paleontological resources to below a level of significance:

1. Prior to the issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE PRECONSTRUCTION MEETING.**
2. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.
3. The paleontologist or paleontological monitor shall be on site full time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.
4. The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
5. The qualified paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation

facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

6. Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.
7. This mitigation monitoring and reporting program will require an additional deposit of \$450.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.