

RESOLUTION NUMBER R-293138

ADOPTED ON MAY 16, 2000

WHEREAS, Mission Hills Investors, L.L.C., Applicant, and Algert Engineering, Engineer, submitted by an application to The City of San Diego for a 3-lot tentative map (Tentative Map No. 99-0731 for the Mission Hills Commons project), to demolish the city block surrounded by West Washington Street, Eagle Street, Fort Stockton Drive, and Falcon Street, to transfer the allowed density of 14 residential units from a commercially zoned lot and 6 units from a residentially zoned lot to another residentially zoned lot, allowing the construction of a total of 65 residential units (50 apartments, 8 row homes, and 7 residential lofts), to construct 5,891 square feet of commercial space, and to consolidate 24 lots into three lots, on portions of a 1.38 acre site, located on the city block surrounded by West Washington Street, Eagle Street, Fort Stockton Drive, and Falcon Street, and located on the north side of Washington Street between Eagle Street and Falcon Street, and legally described as Lots 1 through 24 in Block 53 of Arnold and Choates Addition, Map No. 334, in the Uptown Community Plan area, in the CN-2A and MR-1 zones; and

WHEREAS, on April 20, 2000, the Planning Commission of The City of San Diego considered and approved, pursuant to Resolution No. 2596-PC-1, Tentative Map No. 99-0731, Mitigated Negative Declaration LDR No. 99-0731 and Mid-City Communities Development Permit No. 99-9731; map; and

WHEREAS, Richard Lepper, Les Sheppard and Sera Larkins, appealed the decision of the Planning Commission; and

WHEREAS, the matter was set for public hearing on May 16, 2000, 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 this Council adopts the following findings with respect to Tentative Map No. 99-0731:

1. The map proposes the subdivision of a 1.38-acre site into three lots for residential development (eight condominiums, seven residential lofts and 50 apartments) and commercial development. This type of development is consistent with the General Plan and the Uptown Community Plan, which designated the area for residential and commercial 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-1000 and CN-2A zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Mid-City Communities Development [MCD] permit.

b. All lots meet the minimum dimension requirements of the MR-1000, as allowed under a MCD permit.

c. Pursuant to MCD Permit No. 99-0731 which contains certain deviations, all lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations.

d. Development of the site is controlled by Mid-City Communities Development Permit No. 99-0731.

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 and cooling opportunities.

4. The site is physically suitable for residential and commercial 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 and commercial uses.

6. The design of the subdivision or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 99-0731, which is included herein by this reference.

7. The 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 Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and the public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the Council.

8. The subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is eight.

9. A Geotechnical report addressing the soil and Geotechnical conditions potentially affecting the proposed project for the purpose of environmental review has been reviewed and approved by the City Engineer.

10. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch 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.

11. 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.

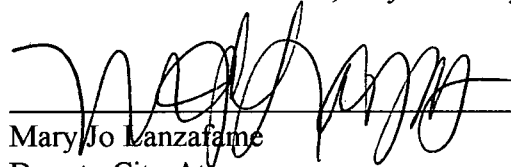
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Richard Lepper, Les Sheppard and Sera Larkins is denied, the decision of the Planning Commission is sustained, and Tentative Map

No. 99-0731 is hereby granted to Mission Hills Investors, L.L.C., Applicant and Algert Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev

6/5/00

Or.Dept:Clerk

R-2000-1538

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Reviewed by Dan Stricker and Lee Hennas

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 99-0731
ADOPTED BY RESOLUTION NO. R-293138 ON MAY 16, 2000

1. This tentative map will expire on May 16, 2003.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the final map, unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within 90 days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020
4. The final map shall conform to the provisions of Mid-City Communities Development [MCD] Permit No. 99-0731.
5. 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.

6. "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).
7. "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."
8. The final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or

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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.

9. 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 USC Section 1531 et seq.).
10. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
11. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, subsection 2.
12. The subdivider shall construct four pedestrian ramps, two new 21-foot driveways, a new 30-foot driveway, new curb, gutter and sidewalk on Eagle Street, Falcon Street, Fort Stockton Street and Washington Street and the closure of all unused driveways with full height curb, gutter and sidewalk, all satisfactory to the City Engineer.
13. The subdivider shall obtain an encroachment removal agreement, from the City Engineer, for stairs in Falcon Street.
14. Water and Sewer Requirements:
 - a. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - b. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
 - c. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved tentative map, may require modification based on the accepted sewer study.

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- d. The subdivider agrees to design all proposed public water and sewer facilities in accordance with established criteria in the most current edition of the "City of San Diego Water & Sewer Design Guide."
 - e. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Directors, indicating that each individually owned unit will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer systems that serve more than one unit. CC&Rs are not required for apartments.
16. The subdivider shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
 17. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
 18. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration, LDR No. 99-0731, satisfactory to the City Manager, City Engineer, and Environmental Review Manager. Prior to the issuance of the first grading permit and/or recordation of the tentative map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources and Paleontology.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final map in accordance with San Diego Municipal Code 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 impact fees, as established by the City Council, at the time of issuance of building permits.
- 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 Director of Building Inspection.

TM 99-0731
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- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.