

RESOLUTION NUMBER R-294153

ADOPTED ON NOVEMBER 14, 2000

WHEREAS, JMI Realty, Inc., c/o Burnham Development Group, Applicant, and Project Design Consultants, Engineer, submitted by an application to the City of San Diego for a three-lot; forty-unit condominium tentative parcel map (Tentative Parcel Map No. 40-0330 for the Westin Parc Place Hotel), located south of L Street and east of 6th Avenue, and legally described as Lots A, B, I, J, K, and L, together with portions of Lots C, D, E, G, and H of fractional Block 145 in Horton's Addition, and a portion of vacated 6th Avenue, in the East Village District of the Expansion Sub Area of the Centre City Community Plan area, in the SED zone; and

WHEREAS, on September 14, 2000, the Planning Commission of the City of San Diego considered Tentative Parcel Map No. 40-0330, and pursuant to Resolution No. 3010-PC voted to approve the map; and

WHEREAS, San Diego Hotel Company, LLC, appealed the decision of the Planning Commission to the City Council; and

WHEREAS, the matter was set for public hearing on November 14, 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 Parcel Map No. 40-0330:

1. The map proposes the subdivision of a .97-acre site into a three-lot, forty-unit residential condominium development. This type of development is consistent with the General

Plan and the Centre City 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 SED zone in that:

a. The parcel has minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Centre City Development Permit [CCDP].

b. The parcel meets the minimum dimension requirements of the SED zone, as allowed under a CCDP.

c. 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, as allowed under a CCDP permit.

d. Development of the site is controlled by Centre City Development Permit No. 99-0491.

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 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 residential development. This is consistent with the community plan, which provides for residential uses.

6. The Environmental Impact Mitigation Archaeological/Paleontological Protection is addressed in Item 9 of CCDP No. 99-0491.

7. 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.

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

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 San Diego Hotel Company, LLC, is overruled; the decision of the Planning Commission is sustained; and Tentative Parcel Map No. 40-0330 is granted to JMI Realty, Inc., c/o Burnham Development Group, Applicant, and Project Design Consultants, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay  
Deputy City Attorney

RAD:lc

12/07/00

Or.Dept:Clerk

R-2001-949

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Reviewed by Robert Gentles

CITY COUNCIL CONDITIONS TO TENTATIVE PARCEL MAP NO. 40-0330  
ADOPTED BY RESOLUTION NO. R-294153 ON NOVEMBER 14, 2000

1. This tentative map will expire September 14, 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 first 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 CCDP Permit No. 99-0491.
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 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."
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 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

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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 U.S.C. Section 1531 et seq.).
10. 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.
11. An updated Geotechnical Investigation Report and Site Remediation Plan will need to be submitted to the City Engineer for review and approval with an Engineering Permit for the planned encroachment into the City right-of-way. Encroachment is planned for excavation of the burn ash, and for the construction of the subterranean basement.
12. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
13. The subdivider shall obtain an engineering permit from the City Engineer for the grading proposed with this project. All grading shall conform to requirements in accordance with the Grading Sections of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
14. The parking garage proposes 15+ feet of excavation and because of its adjacency and overlap into the public right-of-way the applicant shall obtain appropriate permits from the City Engineer. The tie-backs will be encroaching into the public right-of-way and such activity requires a public improvement permit and requires City Council approval.
15. This project proposes export foundation excavation material. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Grading Review Permit.
16. Sewer Requirements:
  - a. Prior to the submittal of any public improvement drawings the developer shall submit 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.

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- b. The applicant shall install all proposed sewer facilities as required by the accepted sewer study necessary to serve the proposed development. Sewer facilities, as shown on the approved tentative map, may require modifications based on the accepted sewer study.
- c. The applicant agrees to design all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or redesigned.
- d. The applicant shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each dwelling unit will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

Water Requirements:

- a. Prior to the approval of any public improvement plans, including grading, the subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water facilities that serve more than a single unit.
  - b. All on-site water facilities shall be private.
  - c. The subdivider shall install all new water services and meters (domestic, irrigation, and fire) within the L Street right-of-way, in a manner satisfactory to the Water Department Director.
  - d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City.
  - e. The subdivider shall remove all existing unused water mains and services fronting the project site in a manner satisfactory to the Water Department Director and the City Engineer.
  - f. The subdivider 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 Design Guide.
17. The drainage system as shown on the approved map is subject to approval to the City Engineer.
18. Prior to the recordation of the final map, the subdivider shall assure, by permit and bond, the reconstruction of the intersection of 6th Avenue and "L" Street in accordance with

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Exhibit "B" dated 08-30-00 on file in the Land Development Review Department, and provide appropriate signage and striping on both 6th Avenue and "L" Street. All such work shall be completed by the subdivider and accepted by the City prior to the issuance of the occupancy for the first unit of this tentative map.

19. The subdivider shall install all driveways on 7th Avenue in accordance with City Standards.
20. The subdivider shall install new streetscaping, comprised of but not limited to curb and gutter and sidewalk as shown on the approved tentative parcel map on all street frontages.
21. The subdivider shall design street drainage system for "L" Street turnout feature such that the drainage shall flow along the curblin in a manner satisfactory to 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 Director of Building Inspection.
- 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.