

RESOLUTION NUMBER R-294437

ADOPTED ON JANUARY 9, 2001

WHEREAS, Mayfair Homes, Applicant, and Schwerin and Associates, Engineer, submitted by an application to the City of San Diego for a one-lot tentative map to develop 34 residential condominiums (Tentative Map No. 96-7749 for the Cambridge Square project), located on the north side of Nutmeg Street between Third and Fourth Avenues, and legally described as Lots D through I inclusive of Block 308 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling, in the Uptown Community Plan area, in the NP-1 and MR-800B zones; and

WHEREAS, on November 2, 2000, the Planning Commission of the City of San Diego considered Tentative Map No. 96-7749, and pursuant to Resolution No. 3041-1-PC voted to recommend City Council approval of the map; and

WHEREAS, Douglas Scott appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on January 9, 2001, 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. 96-7749:

1. The map proposes the subdivision of a 0.689-acre site into one lot for a 34-unit residential condominium development. 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 NP-1 and MR-800B zones in that:

a. The lot has minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Mid-City Communities Development Permit [MCCDP].

b. The lot meets the minimum dimension requirements of the NP-1 and MR-800B zones, as allowed under a MCCDP.

c. The lot is designed so that required improvements do not result in a nonconforming lot in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a MCCDP.

d. Development of the site is controlled by MCCDP No. 96-7749.

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

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Report [EIR] No. 96-7749, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

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 Douglas Scott is denied, the decision of the Planning Commission is sustained, and Tentative Map No. 96-7749 is hereby granted to Mayfair Homes, Applicant, and Schwerin and Associates, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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03/07/01
Or.Dept:Clerk
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Reviewed by Juan Baligad

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 96-7749
THE CAMBRIDGE SQUARE CONDOMINIUM PROJECT
ADOPTED BY RESOLUTION NO. R-294437 ON JANUARY 9, 2001

1. This tentative map will expire January 9, 2004.
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 Permit No. 96-7749.
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.

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- 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.
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. § 1531 et seq.).
10. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
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 obtain an Encroachment Removal Agreement for sidewalk underdrains in Nutmeg Street and Third Avenue; landscaping in Third Avenue, Nutmeg Street, and Fourth Avenue; and brick pavers in Nutmeg Street.
13. This project proposes exporting 10,900 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 processing and sale of the material. All such activities require a separate Conditional Use Permit.
14. The subdivider shall replace the existing curb, gutter, sidewalk and pedestrian ramps to current standards, construct a new 20-foot driveway on Fourth Avenue and close all of the existing driveways, satisfactory to the City Engineer.
15. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report, LDR No. 96-7749, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading and/or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources and Paleontological Resources.

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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.

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