

RESOLUTION NUMBER R-298229

ADOPTED ON JULY 22, 2003

WHEREAS, Citymark Development, LLC, Applicant, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for a Tentative Map for The Egyptian project, on a .74-acre site located at the southwestern corner of the intersection of University Avenue and Park Boulevard in the Hillcrest Neighborhood, and legally described as Lots 9-11, 12 and 13, except the south 4½ feet, Block 239, University Heights, Map 1097; that portion of the west 25 feet of Park Boulevard, as closed by public use and vacated by Resolution No. 18061; Lots 1-4, Block 1 of Essex Place; the south 4½ feet of Lot 13, Block 239 of University Heights, Map 1151; and that portion of the west 25 feet of Park Boulevard adjoining said property on the east, as closed and vacated, in the Uptown Community Plan area, in the CN-1 and CN-2 zones; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered Tentative Map No. 012922, and pursuant to Resolution No. 3381-PC voted to approve the map; and

WHEREAS, Robert Grinchuk appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on July 22, 2003, 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 it adopts the following findings with respect to Tentative Map No. 012922:

1. The map proposes the subdivision of a .74-acre site into one parcel for eighty residential condominium units with up to ten additional commercial condominium units. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Uptown Community Plan which designate 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 Mid-City Community Planned District Ordinance and the CN-1 and CN-2 zones in that:

a. All lots have minimum dimension requirements of the Mid-City Communities Planned District Ordinance, the CN-1 and CN-2 zones, as allowed under a Site Development Permit [SDP].

b. 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 SDP.

c. Development of the site is controlled by SDP No. 012921 (Project Tracking No. 5331 and Job Order No. 41-0088).

3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 and San Diego Municipal Code [SDMC] section 125.0440(g) 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 applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration (Project Tracking No. 5331), satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources, Human Health/Public Safety/Hazardous Materials, Noise, Paleontological Resources and Water Quality.

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 subdivider must provide a geologic reconnaissance report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of SDMC section 62.0415 et seq.

10. The subdivision is a condominium project as defined in Section 1350 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 eighty residential units and up to ten commercial condominium units.

11. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the Council.

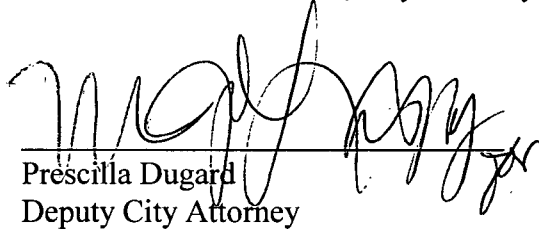
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Robert Grinchuk is denied; the recommendation of the Planning Commission is sustained; and Tentative Map No. 012921 is

granted to Citymark Development, LLC, Applicant, and Project Design Consultants, Engineer,
subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Priscilla Dugard
Deputy City Attorney

PD:dm:cdk:dm

08/19/03

Or.Dept:Clerk

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Reviewed by Patricia Grabski.

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 012922
THE EGYPTIAN PROJECT
ADOPTED BY RESOLUTION NO. R-298229 ON JULY 22, 2003

1. This Tentative Map will expire July 22, 2006.
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 ninety 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 SDP No. 012921.
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. 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.
11. The subdivider shall grant a seven-foot Irrevocable Offer to Dedicate [IOD] creating a 49-foot centerline to property line distance on University Avenue along the entire project frontage, satisfactory to the City Engineer.
12. The subdivider shall dedicate two feet on University Avenue, to provide a minimum of ten-foot curb to property line distance along the entire project frontage, satisfactory to the City Engineer.
13. The subdivider shall dedicate and improve two feet six inches along the abutting alley between Essex Street and University Avenue, satisfactory to the City Engineer.
14. The subdivider shall install a raised median on Park Boulevard between University Avenue and Essex Street, satisfactory to the City Engineer.
15. The subdivider shall install a raised median on University Avenue between Park Boulevard and approximately forty-five feet west of the center line of the alley west of the site, satisfactory to the City Engineer.
16. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002, (Resolution R-296141) satisfactory to the City Engineer.
17. The subdivider shall obtain a bonded grading permit for the grading proposed with this project. All grading shall conform to requirements in accordance with grading sections of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
18. The subdivider shall install new curb, gutter and sidewalk for all street frontages. Any historic scoring pattern shall be recreated with the new sidewalk installation satisfactory to the City Engineer.

19. The subdivider shall provide additional radial right-of-way dedication, to accommodate installation of pedestrian ramps, at the intersections of University Avenue and Park Boulevard and Park Boulevard and Essex Street satisfactory to the City Engineer.
20. The subdivider shall install dual pedestrian ramps at the southwest corner of the intersection of University Avenue and Park Boulevard satisfactory to the City Engineer. Note: the traffic signal standard at this location shall remain in its present location.
21. The subdivider shall install pedestrian ramps at the corner of Park Boulevard and Essex Street and on both sides of the alley curb returns, where the alley intersects with University Avenue and Essex Street respectively, satisfactory to the City Engineer.
22. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
24. Prior to the issuance of any construction permit the subdivider shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
25. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, consistent with the approved Water Quality Technical Report.
26. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling or commercial unit or common area.
27. 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved tentative map shall be modified at final engineering to comply with standards.
28. Prior to the submittal of any public improvement drawings, the subdivider shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing

of the proposed sewer laterals from the property line to their connection with the public sewer mains.

29. The subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
30. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one condominium.
31. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
32. Prior to construction within the Park Boulevard right-of-way, the applicant shall confer with MTDB regarding the configuration of bus stations, including the planned Transit First Showcase Project Station, in order to reach an agreement on the layout, utilities, design, and maintenance. If feasible, construction of the Showcase Project station shall be coordinated with construction of "The Egyptian" project.

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. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.