

RESOLUTION NUMBER R-298841

ADOPTED ON FEBRUARY 3, 2004

WHEREAS, Ralph Bwy, Applicant, and P&D Consultants, Surveyor, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 27671) for the Southgate Condominium Conversion [Project], located westerly of Beyer Way and southerly of Coronado Avenue at 850-940 Beyer Way, and legally described as lot 255 of Pacifica Hills, Unit No. 6, Map No. 7008, in the Otay Mesa Nestor Community Plan area, in the RM-1-1 zone; and

WHEREAS, on November 6, 2003, the Planning Commission of the City of San Diego considered Tentative Map No. 27671, and pursuant to Resolution No. 3432 -PC voted to recommend City Council approval of the tentative map; and

WHEREAS, Arlen L. Shire appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on February 3, 2004, 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. 27671:

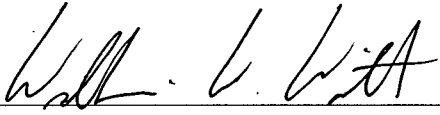
1. The map proposes the subdivision of a 12.902- acre site into one lot for a 188 unit residential condominium conversion. This type of development is consistent with the General Plan and the Otay Mesa Nestor Community Plan, which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.
2. The existing improvements for the map are consistent with the zoning and development regulations of the RM-1-1 zone in that:

- a. The lot has minimum frontage on a dedicated street which is open to Beyer Way and is usable by vehicular traffic.
 - b. The lot meets the minimum dimension requirements of the RM-1-1 zone.
 - c. The buildings are in conformance in respect to side yard and rear yard setback regulations.
3. Pursuant to Article 19, Section 15301(k), of the California Environmental Quality Act (CEQA), the project is exempt from environmental review.
 4. The decision-maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources in conformance with the Subdivision Map Act section 66412.3 and San Diego Municipal Code section 125.0440(h).
 5. It has been determined that a Geotechnical Report is not required for the proposed Tentative Map.
 6. The subdivision is a condominium project as defined in California Civil Code section 1350 et seq. and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 188.
 7. The notices required by San Diego Municipal Code section 125.0431 have not been given in the manner required by said section.
 8. Per San Diego Municipal Code section 125.0444, the project was not financed by funds obtained from a governmental agency to provide for the elderly, handicapped, disabled, or low income housing.
 9. Each of the tenants of this project, pursuant to Subdivision Map Act section 66452.9, has received written notification at least sixty days before the Tentative Map application was filed, of the applicant's intention to convert the existing apartments to condominiums. Also, each tenant has or will receive a ten-day written notice that the California State Department of Real Estate will or has received and application for a public report.
 10. Each tenant has or will be given 180 days written notice of intention to convert prior to termination of tenancy due to the conversion.
 11. Each tenant has or will be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same or better terms and conditions that such unit will be initially offered to the general public.
 12. The subdivider will continue to be required to underground any new service run to any new or proposed structures within the subdivision.

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 Arlen L. Shire is granted, the decision of the Planning Commission is overruled, and Tentative Map No. 27671 is denied.

APPROVED: CASEY GWINN, City Attorney

By 
William W. Witt
Deputy City Attorney

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02/18/04
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Reviewed by William Zounes