

RESOLUTION NUMBER R-299160

ADOPTED ON MAY 4, 2004

WHEREAS, D.R. Horton/Western Pacific Housing, Applicant, and Nasland Engineering, Engineer, submitted an application to the City of San Diego for a 2-lot tentative map, and the encroachment of an underground parking garage and pedestrian bridge over and under a public alley, Encroachment Maintenance Removal Agreement No. 10178, for the North Park Condominiums Project [Project], located north of University Avenue between 30th Street and Ohio Street, and legally described as lots 5-13, lots 34-48, Portions of lots 14 and 33 of Block 207 of University Heights, Amended Map by G.A.D. H'emecourt, Book 8, Page 36 eq of lis pendens, in the University Heights Community Plan area, in the CN-1-1 zone; and

WHEREAS, on December 11, 2003, the Planning Commission of the City of San Diego considered Tentative Map No. 10175 and the encroachment of an underground parking garage and pedestrian bridge over and under a public alley, and pursuant to Resolution No. 3448-1-PC voted to recommend City Council approval of the tentative map; and

WHEREAS, the matter was set for public hearing on May 4, 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. 10175:

1. The map proposes the subdivision of a 0.11- acre site into two lots for commercial development, a 214-residential unit condominium development. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Greater North Park 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 CN-1 zone 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 Site Development Permit [SDP] permit.

b. All lots meet the minimum dimension requirements of the CN-1 zone, as allowed under a SDP permit.

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 SDP permit.

d. Development of the site is controlled by Site Development Permit No. 10176.

3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 and San Diego Municipal Code section 125.044(g) 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 unavoidably injure fish or wildlife or their habitat based upon the findings of Mitigated Negative Declaration LDR No. 5787, which is included herein by this reference.

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 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).

10. The subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. Lot 1

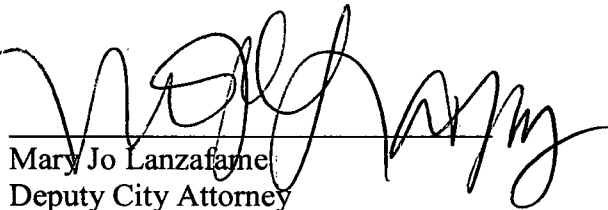
has seventy-six residential units and Lot 2 has 138 residential units for a total of 214 residential condominiums.

11. The geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project for the purposes of environmental review. 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 recommendation of the Planning Commission is sustained, and Tentative Map No. 10175 is granted to D.R. Horton/Western Pacific Housing, Applicant and Nasland Engineering, Engineer, subject to the attached conditions which are made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
05/24/04
Or.Dept: DSD
R-2004-1399

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 10175

NORTH PARK CONDOMINIUMS PROJECT

ADOPTED BY RESOLUTION NO. R-299160 ON MAY 4, 2004

1. This tentative map will expire May 4, 2007.
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 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 Site Development Permit No. 10176.
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 Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
10. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.

Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

12. Undergrounding of existing and proposed public utility systems and service facilities is required according to the San Diego Municipal Code.
13. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.
14. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
15. 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.
16. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration Project No. 5787 satisfactory to the City Manager and the City Engineer. Prior to issuance of any construction permit(s) or filing of final map(s), all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Noise and Paleontology.

17. Wastewater

- a. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development and the drainage basin in which it lies. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
- b. The developer 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 re-designed.
- c. The developer 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 ownership.

18. Water

- d. The Subdivider shall provide a letter, to the Development Project Manager, agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single condominium unit or lot.
 - e. The Subdivider shall provide acceptable water easements for all public water facilities located outside of fully improved public rights-of-way, 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 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.
19. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
20. This project proposes to export 13,000 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 the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
20. The subdivider shall obtain City Council approval for the encroachment of the underground parking garage and pedestrian bridge over and under the adjacent public alley. If the encroachment is approved, the subdivider shall execute an Encroachment Maintenance Removal Agreement for said encroachments.

21. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for all sidewalk underdrains.
22. The subdivider shall replace the alley full width between University Avenue and Lincoln Avenue.
23. The subdivider shall replace all curb, gutter and sidewalk to current City standards on University Avenue, Lincoln Avenue, Ohio Street and 30th Street, maintaining the existing sidewalk scoring pattern and preserve any contractor stamp(s)
24. The subdivider shall close all non-utilized driveways with full height curb, gutter and sidewalk.
25. 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.
26. 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 San Diego Municipal Code, into the construction plans or specifications.
27. 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.
28. 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.
29. The subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements in accordance with the Landscape Standards and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit A, Landscape Concept Plan, on file in the Office of the Development Services Department. The subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.
30. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit A. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.

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 payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, 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.