

RESOLUTION NUMBER R-299541

ADOPTED ON AUGUST 3, 2004

WHEREAS, American Property Enterprises, Applicant, and Leppert Engineering Corporation, Engineer, submitted an application to the City of San Diego for a vesting tentative parcel map (Vesting Tentative Parcel Map No. 80580) for the Fashion Walk Project [Project], located northerly of Friars Road and westerly of Ulric Street, and legally described as:

PARCEL 1:

Lots 1 and 2 of Fashion Ridge, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11871, filed in the Office of the County Recorder of San Diego County, July 31, 1987.

PARCEL 2:

Those portions of Lots 3 and 5 in Pueblo Lot 1174 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Licensed Surveyor's Map thereof No. 141, filed in the Office of the County Recorder of San Diego County, described as follows:

Beginning at a point on the Northwesterly line of that parcel of land described in deed to State of California recorded January 19, 1942 in Book 1299, Page 224 of Official Records, distant thereon North 47°12'30" East 3.84 feet from a 2 inch iron pipe and tag marked "R.E. 1534" set for the most Northerly corner of that portion of said Parcel of land described in deed from said State to Warren H. Harrington recorded June 2, 1955 in Book 5665, Page 194 of said Official Records; thence along said Northwesterly line, North 47°12'30" East, 622.7 feet to a point on the Southwesterly line of Sixth Street Extension, 80 feet wide, which is the most Northerly corner of said parcel of land conveyed to said State; thence along said Southwesterly line, South 42°47'30" East, 350.58 feet; thence leaving said Southwesterly line, South 77°29'41" West, 518.87 feet; thence South 74°10'45" West, 196.03 feet to the Point of Beginning;

in the Linda Vista Community Plan area, in the CO-1-2 zone; and

WHEREAS, on April 22, 2004, the Planning Commission of the City of San Diego considered Vesting Tentative Parcel Map No. 80580, and pursuant to Resolution No. 3502-PC voted to approve the vesting tentative map; and

WHEREAS, Mark Polinsky and Michael Shames appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on August 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 Vesting Tentative Parcel Map No. 80580:

1. The map proposes the subdivision of a 9.991- acre site into two lots. Lot 1 will be developed with residential condominiums and Lot 2 will be undeveloped. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Linda Vista 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 CO 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 Planned Commercial Development [PCD] and Resource Protection Ordinance [RPO] permit.

b. All lots meet the minimum dimension requirements of the CO zone, as allowed under a PCD/RPO 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 PCD/RPO permit.

d. Development of the site is controlled by PCD Permit No. 80170 and RPO Permit No. 80579.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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/commercial uses.

6. The design of the subdivision and the proposed improvements are not 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. 99-1356, 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.

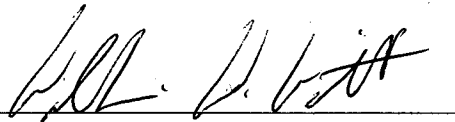
9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has been planned for the area and public 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, map and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Mark Polinsky and Michael Shames is denied, the decision of the Planning Commission is sustained, and Vesting Tentative Parcel Map No. 80580 is granted to American Property Enterprises, Applicant, and Leppert

Engineering Corporation, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:pev
10/4/04
Or.Dept:Clerk
R-2005-183
MMS#442

CONDITIONS FOR VESTING TENTATIVE PARCEL MAP NO. 80580

FASHION WALK PROJECT

ADOPTED BY RESOLUTION NO. R-299541 ON AUGUST 3, 2004

1. This vesting tentative parcel map will expire August 3, 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 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 PCD Permit No. 80170 and RPO Permit No. 80579.
 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 Section 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. Every 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 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 USC Section 1531 et seq.).

10. 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.

FOR INFORMATION:

- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Linda Vista Community Plan area.
- 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 vesting tentative parcel map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- MMS#442