

RESOLUTION NUMBER R- 299698

ADOPTED ON SEP 28 2004

WHEREAS, DMH 1ST and Robinson, LLC, Applicant/Subdivider, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for Map Waiver No. 49311, to waive the requirement for a Tentative Map and a Final Map for the subdivision of a 0.388-acre site for the construction of 25 residential condominiums 1st and Robinson [Project], located at 3815-3821 First Avenue north of Robinson Avenue in the MR-800B Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone within the Uptown Community Plan Area, and legally described as Lots 10, 11, 12, 14 and north 15 feet and south 10 feet of Lot 13 in Block 1 of Nutts Addition, Map No. 628; and

WHEREAS, 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. The total number of condominium dwelling units is 25; and

WHEREAS, the Project proposes to subdivide a 0.388-acre one lot parcel for a 25-unit residential condominium development; and

WHEREAS, Mitigated Negative Declaration No. 20155 has been prepared for the project pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on September 28, 2004, the City Council of the City of San Diego considered Map Waiver No. 49311, and pursuant to Sections 125.0120-125.0122 of the

Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, 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 Map Waiver No. 49311:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. 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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

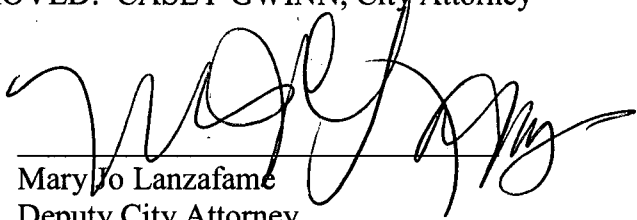
9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (Land Development Code Section 125.0122 and State Map Act Section 66428(b)).
10. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 10.0404 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.
11. That said 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 Map Waiver is granted to DMH 1ST and Robinson, LLC, Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution.

BE IT FURTHER RESOLVED, that this map waiver is conditioned on the recordation of a lot consolidation map. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
09/13/04
Or.Dept:DSD
R-2004-282

CONDITIONS FOR MAP WAIVER NO. 14933

1ST AND ROBINSON PROJECT NO. 20155

ADOPTED BY CITY COUNCIL RESOLUTION NO. R-_____ ON

SEPTEMBER 28, 2004

1. This Map Waiver will expire September 28, 2007. (3 years from decision date).
2. Prior to the Map Waiver expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
3. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

4. The subdivider shall replace existing curb with City standard curb and gutter, along the project frontage on First Avenue, per Standard Drawings G-2 and SDG-100.
5. The subdivider shall replace the damaged sidewalk with the same scoring pattern City standard sidewalk, along the project frontage on First Avenue, per Standard Drawings G-7 and G-9.
6. The subdivider shall remove a portion of existing wall from First Avenue right-of-way.
7. The subdivider shall dedicate and improve 2.5 foot wide along the alley to provide a minimum of 10 feet wide centerline to property line distance.
8. The subdivider shall replace the damaged alley with full width City standard alley, adjacent to the project site, per Standard Drawings G-21.
9. The subdivider shall install a City standard bus stop slab, on First Avenue, per Standard Drawing SDG-102.
10. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement from the City Engineer for the sidewalk underdrains in the City right-of-way.
11. The subdivider shall remove the existing sidewalk adjacent to the bus stop on First Avenue and install an 8-foot wide and 15-foot long bus stop sidewalk, per Standard Drawings G-7, G-9, and G-10.

12. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.
13. Prior to the issuance of any construction permit, the subdivider shall incorporate any BMP construction necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
14. 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.
15. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post-construction BMP on the final construction drawings, consistent with the approved Water Quality Technical Report.
16. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
17. The subdivider shall obtain a bonded grading/shoring 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.
18. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
19. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Map Waiver 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.

MAPPING

20. "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].

21. "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."
22. The Parcel 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.
23. 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.
24. The applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Map Waiver by the City Council of 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.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be

required to provide adequate and acceptable levels of service and will be determined at final engineering.

- This development may be subject to payment of a park fee prior to the filing of the parcel 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.
- 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.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.