

RESOLUTION NUMBER R- 300346

ADOPTED ON APR 19 2005

WHEREAS, AmProp North Park, LLC, Applicant/Subdivider, and Leppert Engineering Corporation, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 172036) for the subdivision of a 1.54-acre site and the construction of 180 residential and two commercial condominium units in a 7-story building, including twenty-seven affordable units, with mixed-use and commercial/retail space and to waive the requirement to underground existing overhead utilities to be known as the Boulevard project [Project], located on the north side of El Cajon Boulevard, between Florida and Alabama Streets, and legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911, by Resolution No. 9635 of the Common Council of the City of San Diego, in the Mid-City Communities Planned District, and within the North Park Redevelopment Project Area and the Greater North Park Community Plan area, in the CL-1 and MR-800B zones; and

WHEREAS, on March 10, 2005, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 172036, and pursuant to Resolution No. 3691-PC voted to recommend City Council approval of the Project; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the matter was set for public hearing on APR 19 2005, 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 Map No. 172036:

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 requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 Underground Conversion of Utility Lines at Developers Expense in that the conversion involves a short span, less than a full block in length.

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

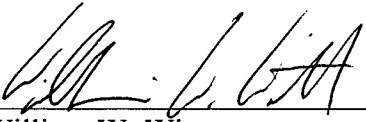
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), an existing 10-foot wide alley, running west to east between Florida Street and Alabama Street in the north portion of the lot, located within the project boundaries as shown in Vesting Tentative Map No. 172036, shall be vacated, contingent upon the recordation of the approved final map

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the 4 foot wide sewer easement on the west side of parcels 445-323-19, 20 & 21, the drain line through parcel 445-323-23, and the unplottable easement for sewer through parcel 445-323-15, located within the project boundaries as shown in Vesting Tentative Map No. 182-37, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 172036, including the waiver of the requirement to underground existing overhead utilities, Public Right-of-Way Vacation No. 143669, and Easement Abandonment No. 188003 are granted to AMPROP North Park, LLP, Applicant/

Subdivider, and Leppert Engineering Corporation, Engineer, subject to the attached conditions which are made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

William W. Witt
Deputy City Attorney

WWW:pev
03/25/05
Or.Dept:DSD
R-2005-993
MMS #1701
MAPS Tentative Map 11-01-04

CONDITIONS FOR VESTING TENTATIVE MAP NO. 172036

BOULEVARD PROJECT

ADOPTED BY RESOLUTION NO. R-300346 ON APR 19 2005

GENERAL

1. This Vesting Tentative Map will expire on APR 19, 2008.
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. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Site Development Permit No. 143667.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

7. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide twenty-seven affordable housing units, which would meet the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

8. 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 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.

MAPPING

9. "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).
10. "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."
11. 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.
12. 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.

SEWER AND WATER

13. The Subdivider will be required to design and construct new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Water Department Director and the City Engineer.
14. The Subdivider will be required to design and construct new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Water Department Director and the City Engineer.

15. 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 unit or common area.
16. 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 shall be modified at final engineering to comply with standards.
17. Prior to recordation of the Final Map, 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.
18. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

GEOLOGY

19. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

INFORMATION:

- The approval of this Vesting Tentative Map, Public Right-of-Way Vacation, and Easement Abandonment 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 Final Map in accordance with San Diego Municipal Code.

- Subsequent applications related to this Vesting Tentative Map would 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 Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.