

RESOLUTION NUMBER R- 300565

ADOPTED ON JUN 21 2005

WHEREAS, Auburn Park Family Housing, LLC, Applicant/Subdivider, and Masson & Associates, Inc., Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 187264) to demolish an existing duplex and construct sixty-nine affordable (for rent) residential units known as the Auburn Park Project [Project], located at the southwest corner of University Avenue and 52<sup>nd</sup> Street (Assessor's Parcel Numbers 472-481-01, 472-481-02, 472-481-03, 472-481-09, 472-481-20, 472-481-21, and 471-622-15), and legally described as a Portion of Lots 1, 6, & 7 and All of Lots 2, 3, & 8 of Oak Park Annex according to Map thereof No. 1764 and Lot 17 of Oak Park according to Map thereof No. 1732 in the City of San Diego, County of San Diego, State of California, in the Central Urbanized Planned District and the Mid-City Communities Plan area, in the CC-5-4 zone (which is proposed to be rezoned to the RM-2-5 zone); and

WHEREAS, on May 26, 2005, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 187264, and pursuant to Resolution No. 3772-PC voted to recommend City Council approval of the vesting tentative map; 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 JUN 21 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. 187264:

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 property contains right-of-ways and public service easements which must be vacated to implement the Vesting Tentative Map in accordance with San Diego Municipal Code section 125.0430.

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 66445(j), a portion of University Avenue, located within the project boundaries as shown in Vesting Tentative Map No. 187264, shall be vacated, reserving therefrom an easement for drainage together with ingress and egress for that purpose, and contingent upon the recordation of the approved parcel map for the project.

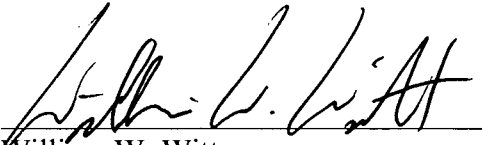
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66445(j), the following public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 1-87264, shall be vacated, contingent upon the recordation of the approved Parcel Map for the project:

- a. The slope easement reserved per documents F/P 63-189665 and F/P 63-189666, filed October 29, 1963.
- b. The slope easement granted per documents 62-90478, filed May 28, 1962.
- c. A portion of the unnamed easement granted on Map 1764.
- d. A portion of the sewer easement granted per Book 1826, Page 259, filed February 24, 1945.
- e. A portion of the sewer easement granted per Book 1453, Page 181, filed March 25, 1928.
- f. A portion of the sewer easement granted per Book 1065, Page 9, filed August 12, 1940.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 187264 is granted to Auburn Park Family Housing,

LLC, Applicant/Subdivider and Masson & Associates, Inc., 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  
06/06/05  
Or.Dept:DSD  
R-2005-1284  
MMS #2093

CONDITIONS FOR VESTING TENTATIVE MAP NO. 187264

AUBURN PARK PROJECT

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL:**

1. This Vesting Tentative Map will expire on \_\_\_\_\_, 2008.
2. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
4. The Parcel Map shall conform to the provisions of Site Development Permit No. 125168 and Planned Development Permit No. 215840.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

**AFFORDABLE HOUSING:**

6. Prior to the recordation of the Parcel Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**ENGINEERING:**

7. 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.
8. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
9. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.

10. Prior to building occupancy, 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.
11. Utilities (gas, electric, phone, Cox Communication facilities, etc.) may be present within the public right-of-way proposed to be vacated. Should the facilities be impacted by the proposed vacation area, the facilities shall be relocated at the expense of the subdivider.
12. Prior to building occupancy, the applicant shall dedicate, to the satisfaction of the City Engineer, a 15-foot storm drain access easement from the eastern terminus of the Old University Avenue to the pair of 48-inch storm drains that underlie the project site and discharge into the existing channel.
13. 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 Vesting 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:**

14. "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).
15. "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."
16. Every 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.
17. 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.

**WATER - VESTING TENTATIVE MAP REQUIREMENTS:**

18. The Subdivider shall design and construct a new 12-inch water facilities on University Avenue from the start of the bend, while maintaining five feet southerly from the existing median and continuing westerly on University Avenue, to connect to the existing 12-inch water main near the intersection of 50th Street and University Avenue, in a manner satisfactory to the Water Department Director and the City Engineer.
19. The Subdivider shall abandon a portion of the existing water main on University Avenue from the start of the bend to the cul-de-sac, then cut and plug the existing water main in the cul-de-sac, in a manner satisfactory to the Water Department Director and the City Engineer.
20. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshall, the Water Department Director and the City Engineer.
21. 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 or commercial unit or common area.
22. 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.
23. The Subdivider may have to redesign the project if it can not accommodate the large meter assembly per the City's Regional Standard Drawings SDW-119 and 120, in a manner satisfactory to the Water Department Director and the City Engineer.

**WATER - EASEMENT ABANDONMENT REQUIREMENTS:**

24. Prior to the recordation of the easement abandonment, the Applicant shall design and construct new public 12-inch water facilities, and abandon the existing public water, in a manner satisfactory to the Water Department Director, the Fire Marshal and the City Engineer.

**GEOLOGY:**

25. 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."

**PARK AND RECREATION:**

26. Prior to approval of the Parcel Map, the applicant shall ensure public access to and over the on-site privately-owned and maintained public open space area in perpetuity by placing an easement for that purpose on the subdivision map, satisfactory to the City Manager, and no other use shall be permitted for that space without an amendment to the subdivision map and an abandonment of the easement.
27. Prior to building permit issuance, the applicant shall pay the "per unit" Special Park Fee.

**INFORMATION:**

- The approval of this Vesting Tentative Map 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 the San Diego Municipal Code.



- Subsequent applications related to this Vesting Tentative Map 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 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.