

RESOLUTION NUMBER R- 300783

ADOPTED ON AUG 09 2005

WHEREAS, Windmill Construction Company, Applicant/Subdivider, and Clifford W. La Monte, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 123433) for the subdivision of a .034-acre site into one lot for twelve condominiums and to vacate an unused portion of Sixth Avenue for the Promontory Point Condominium project [Project], located at the northerly terminus of 6th Avenue, and legally described as a Portion of Lots 28 and 29, Fleischers Map No. 811, in the Mid-City Planned District of the Uptown Community Plan area, in the MR-800B zone; and

WHEREAS, on June 30, 2005, the Planning Commission of the City of San Diego considered Tentative Map No. 123433 and Street Vacation No. 123434, and pursuant to Resolution No. 3800-PC voted to recommend City Council approval of the map and street vacation; 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 AUG 09 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 Tentative Map No. 123433:

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 avoidably 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 a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

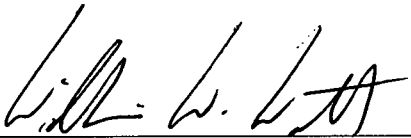
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), Sixth Avenue, located within the project boundaries as shown in Tentative Map No. 123433, 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 Tentative Map No. 123433 and Street Vacation No. 123434 are granted to

Windmill Construction Company, Applicant/Subdivider and Clifford W. La Monte, 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
07/05/05
Or.Dept:DSD
R-2006-13
MMS #2202

CONDITIONS FOR TENTATIVE MAP NO. 123433

PROMONTORY POINT CONDOMINIUMS PROJECT

ADOPTED BY RESOLUTION NO. R300783, ON AUG 09 2005

GENERAL

1. This Tentative Map will expire 8/09/08.
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 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. The Final Map shall conform to the provisions of Site Development Permit No. 123430.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

ENGINEERING

6. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering 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.
7. The drainage system proposed with this development is subject to approval by the City Engineer. Applicant shall use standard reinforced concrete pipe (RCP) for any drainage facility in the public right-of-way.
8. Prior to the issuance of any permits, the applicant shall dedicate the necessary width at the cul-de-sac to provide a 10-foot curb to property line distance.
9. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of a standard driveway at the cul-de-sac satisfactory to the City Engineer.
10. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of a standard curb, gutter and sidewalk satisfactory to the City Engineer.

11. Prior to the issuance of any permits, the applicant shall obtain a letter of concurrence from Caltrans for the grading and construction of the proposed 18 inch RCP storm drain pipe in their right-of-way.

12. 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

13. "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).

14. "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."

15. 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.

16. 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 AND SEWER REQUIREMENTS

17. Water and Sewer Requirements:
 - a. All proposed sewer facilities will be private.
 - b. The developer shall construct a private sewer pressure lateral along 6th Avenue and connect it to the existing 8 inch public sewer main to the south in Arbor Drive.
 - c. The developer shall provide an Encroachment Maintenance and Removal Agreement for all private sewer laterals located within City street right-of-ways.
 - d. 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&Rs for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one unit.
 - e. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
 - f. The subdivider shall design and construct a 12-inch public water facilities within the 6th Avenue from the Cul-de-Sac to the existing water facilities in Arbor Drive in a manner satisfactory to the Water Department Director.
 - g. All on-site water facilities shall be private including all domestic, irrigation, and fire systems. Prior to the approval of any improvement plans, the subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water system that serves or traverses more than a single unit.
 - h. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department and the City Engineer.
 - i. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

18. Prior to recording the Final Map, the subdivider 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.

GEOLOGY

19. Prior to issuance of any engineering permit for improvement or grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by LDR Geology. The geotechnical investigation should be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports.

ENVIRONMENTAL

20. The Subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration, LDR No. 1612 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit and/or recording of the first final map and/or issuance of a building permit, as such timing is described in the MMRP, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

General
Noise
Paleontological Resources

INFORMATION:

- The approval of this Tentative Map by the 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 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 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.