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(R-2006-586)
(COR.COPY)

RESOLUTION NUMBER R- 301199
DATE OF FINAL PASSAGE JAN 24 2006

WHEREAS, Distinctive Homes Chollas Creek, LP, a California Limited Partnership, Applicant/Subdivider, and R.E.C. Consultants, Inc., Engineer, submitted an application to the City of San Diego for a 2-lot tentative map (Tentative Map No. 203245) for the construction of thirty-one detached residential condominiums and to waive the requirement to underground a portion of the existing overhead utilities for the Chollas Creek Villas Project [Project], located north of Nogal Street, west of 49th Street, and south of Castana Street, and legally described as Lots 157 through 167 and 169 through 191 of Sunshine Gardens, Map 1804, Township 17 South, Range 2 West, San Bernardino Base Meridian, in the Encanto Neighborhoods Southeastern San Diego Community Plan area, in the MF-2500 zone of the Southeastern San Diego Planned District; and

WHEREAS, on November 17, 2005, the Planning Commission of the City of San Diego considered Tentative Map No. 203245, and pursuant to Resolution No. 3885-PC voted to recommend City Council approval of the 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, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JAN 24 2006, 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. 203245:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the SDMC/LDC (SDMC/LDC section 125.0440(b)).

3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision 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 (SDMC/LDC section 125.0440(d) and Subdivision 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 (SDMC/LDC section 125.0440(e) and Subdivision 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 (SDMC/LDC section 125.0440(f) and Subdivision 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 (SDMC/LDC Section 125.0440(g) and Subdivision 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 (SDMC/LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

9. The requested partial 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:

- a. The conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.
- b. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future.
- c. The conversion would involve either a substantial investment in temporary facilities (cable poles, temporary recircuiting, etc.) or involve a significant amount of work considered offsite to the development which is financing the conversion.

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

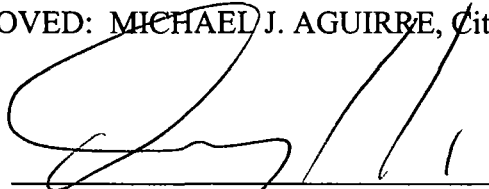
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Castana Street and the unnamed Alley, located within the project boundaries as shown in Tentative Map No. 203245, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map No. 203245 is granted to Distinctive Homes Chollas Creek, LP, A California Limited Partnership, Applicant/Subdivider and R.E.C.

Consultants, Inc., Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
12/22/05
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