

RESOLUTION NUMBER R- 301533

DATE OF FINAL PASSAGE JUN 12 2006

WHEREAS, 1858 San Diego Avenue, LLC, Applicant/Subdivider, and Lundstrom and Associates, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 177770) for the Vista Diego project [Project], to consolidate three parcels into one lot to construct a new 35,813 square-foot, four-story, mixed-use development containing eleven for-sale residential unit and two commercial retail spaces (includes one affordable housing unit), the 0.336-acre site is located at 1858 and 1866 San Diego Avenue, and legally described as Lots 2, 3, and 4, Block 193 of Middletown according to the map made by J. E. Jackson, Map No. CCI-1874, in the Mid-City Communities Planned District area in the CL-6 zone of ; and

WHEREAS, on March 30, 2006, the Planning Commission of the City of San Diego considered Tentative Map No. 177770, and pursuant to Resolution No. 3985-PC voted to recommend City Council approved the permit; 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;

WHEREAS, the matter was set for public hearing on JUN 12 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. 177770:

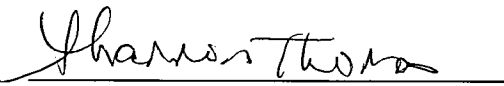
1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the San Diego Municipal Code/Land Development Code (SDMC/LDC Code 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).

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

BE IT FURTHER RESOLVED, that Tentative Map No. 17770, is granted to 1858 San Diego Avenue, LLC, Applicant/Subdivider and Lundstrom and Associates, Engineer, subject to the attached conditions which are made part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
04/24/06  
Or.Dept:DSD  
R-2006-906  
MMS#3235

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CONDITIONS FOR TENTATIVE MAP NO. 177770

VISTA DIEGO – PROJECT NO. 59986 [MMRP]

ADOPTED BY RESOLUTION NO. R- 301533 ON JUN 12 2006

**GENERAL**

1. This Tentative Map will expire on 544 12, 2009.
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. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Site Development Permit No. 177769 and Public Right-Of-Way Use Permit No. 305646.

**AFFORDABLE HOUSING**

5. Prior to receiving the first residential building permit, the applicant/subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant/subdivider has elected to meet these requirements by selling at least 10 percent of the units for occupancy and at prices affordable to households earning no more than 100 percent Area Median Income [AMI]. Prior to receiving the first residential building permit, the applicant/subdivider must enter into an agreement with the San Diego Housing Commission.

**TRANSPORTATION**

6. Prior to the recordation of the first final map, subdivider shall assure by permit and bond the construction of a raised landscaped island at the intersection of San Diego Avenue and California Street with the associated signage and striping as shown on Exhibit "A," satisfactory to the City Engineer.
7. Prior to the recordation of the first final map, subdivider shall assure by permit and bond the construction of diagonal parking along property frontage on San Diego Avenue with the associated signage and striping as shown on Exhibit "A," satisfactory to the City Engineer.

8. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002, (Resolution R-296141) satisfactory to the City Engineer. Satisfying Council Policy 200-18 may require, but not be limited to, the removal/modification of existing and/or the installation of new/additional street light facilities (bulbs, fixtures, poles, etc.).

### **ENGINEERING**

9. Prior to recordation of the final map, the subdivider shall comply with the provisions of Site Development Permit No. 177769 and Public Right-Of-Way Use Permit No. 305646.

10. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.

11. Prior to recordation of the final map, the subdivider shall underground existing and proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

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.

### **WASTEWATER**

16. Prior to the issuance of any engineering or building permits, the subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one ownership.

17. The developer shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.

18. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego Sewer Design Guide.

### **WATER**

19. 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.

20. 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.

### **GEOLOGY**

21. A geotechnical investigation report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.

22. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

**INFORMATION:**

- The approval of this 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 shall be subject to payment of a Development Impact Fee in effect at the time of building permit issuance 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, Site Development Permit, and Public Right-of-Way Use Permit, 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.

Passed by the Council of The City of San Diego on JUN 12 2006, by the following vote:

| Council Members   | Yeas                                | Nays                     | Not Present              | Ineligible               |
|-------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Scott Peters      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Toni Atkins       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Brian Maienschein | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Donna Frye        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Madaffer      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ben Hueso         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JUN 12 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Maureen E. Ketelium, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R 301533