

B/c

RESOLUTION NUMBER R-301902

DATE OF FINAL PASSAGE SEPTEMBER 12, 2006

WHEREAS, La Jolla Pacific Development Group, Inc., Applicant/Subdivider, and SB&O Inc., Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 323359) and Public Right-of-Way No. 323355, for the subdivision of 0.81 acre lot and the vacation of a portion of the adjacent alley for the 301 University project [Project], located at west of Third Avenue and east of Fourth Avenue at 301 and 333 University Avenue, and legally described as Lots 1 through 6 and 30, 31 and 32, Block 2 of Map No. 628, in the Mid-City Communities Planned District Ordinance within the Uptown Community Plan area, in the CN-1A and MR-800B zones; and

WHEREAS, on April 13, 2006, the Planning Commission of the City of San Diego considered Tentative Map No. 323359, and Public Right-of-Way No. 323355, pursuant to Resolution No. 4008 -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 September 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. 323359 and Public Right-of-Way No. 323355:

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 Action sections 66473.5, 66474(a), and 66474(b).
2. The proposed subdivision complies with the applicable zoning and development regulations of the (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).

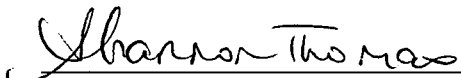
9. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.
10. The public will benefit from the action through improvised use of the land made available by vacation.
11. The vacation does not adversely affect any applicable land use plan.
12. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

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

BE IT FURTHER RESOLVED, that Public Right-of-Way No. 323355, pursuant to California Government Code section 66434(g), portions of alley connecting University Avenue and Robinson Avenue within Third Avenue and Fourth Avenue, located within the project boundaries as shown in Tentative Map No. 232359, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map No. 323359 is granted to La Jolla Pacific Development Group, Inc., Applicant/Subdivider and SB&O 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 
Shannon M. Thomas
Deputy City Attorney

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Or.Dept:DSD
R-2007-316
MMS#3387

CONDITIONS FOR TENTATIVE MAP NO. 323359

PUBLIC RIGHT-OF-WAY NO. 323355

301 UNIVERSITY PROJECT

ADOPTED BY RESOLUTION NO. R-301902 ON SEPTEMBER 12, 2006

GENERAL

1. This Tentative Map will expire on 9-12-09.
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 Tentative Map No. 323359, and Site Development Permit No. 23948.
5. The property contains a portion of an alley right-of-way which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.

AFFORDABLE HOUSING

6. Prior to the issuance of any building permits, the developer 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).
7. Prior to the issuance of any grading or building permits, 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). This project will set aside four rental units (Unit location to be determined) as Affordable Housing for "very low-income (50% Average Median Income).
8. Prior to the issuance of any grading or building permits, the subdivider shall pay the remaining amount of the Inclusionary Housing requirement as an in-lieu fee calculated as five percent of the total gross floor area of the 96 residential units.

ENGINEERING

9. The subdivider shall close all non-utilized driveways, on Third Avenue, Fourth Avenue and University Avenue, with City standard curb, gutter and sidewalk.
10. The subdivider shall close the existing alley entrance, on University Avenue, with City standard curb, gutter and sidewalk.
11. The subdivider shall replace the existing curb and gutter with City standard full-height curb and gutter, along the entire project frontage on Third Avenue, Fourth Avenue and University Avenue, per Standard Drawing G-2 and SDG-100.
12. The subdivider shall replace the existing sidewalk with the same scoring pattern City standard sidewalk, along the entire project frontage on Third Avenue, Fourth Avenue and University Avenue.
13. The subdivider shall dedicate additional right-of-way, on University Avenue between the existing alley and Third Avenue, to provide a minimum of 14 feet wide curb to propertyline distance.
14. The subdivider shall dedicate additional right-of-way, adjacent to the southwest curb-return of Fourth Avenue and University Avenue, to provide a minimum of 10 feet curb to propertyline distance.
15. The subdivider shall provide 2.5 feet wide alley dedication, adjacent to the existing lots 4 thru 6, to provide a minimum of 10 feet centerline to property line distance.
16. The subdivider shall install two 24-foot wide City standard driveways on Third Avenue and one 24-foot wide City standard driveway on Fourth Avenue, per Standard Drawing G-14B, G-16 and SDG-100.
17. The subdivider shall replace the existing pedestrian ramps with City standard pedestrian ramps with truncated domes, at the southeast corner of Third Avenue and University Avenue and at the southwest corner of Fourth Avenue and University Avenue.
18. The subdivider shall enter into an Encroachment Maintenance Agreement with the City for the underground parking garage and the above ground canopies that encroach into the right-of-way satisfactory to the City Engineer.
19. This project proposes to export 25,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material and those activities require a separate Conditional Use Permit.

20. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
21. The subdivider shall obtain a bonded grading/shoring 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.
22. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance.
23. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
24. Prior to the issuance of any construction permit, the subdivider shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
25. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
26. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
27. Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
28. 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.
29. 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.

MAPPING

30. "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).
31. "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."
32. 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.

SEWER AND WATER

33. All on-site sewer facilities shall be private.
34. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the abandonment of 87' (+/-) of the sewer facilities in the alley between 301 University Avenue and 303 University Avenue and install the new manhole at termination of the abandonment.
35. The developer will be required to 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 unit.

36. All proposed public sewer facilities shall be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
37. All proposed private sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services, within the rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
39. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.
40. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner the Water Department Director and the City Engineer.
41. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner the Water Department Director and the City Engineer.
42. The Owner/Permittee 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. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

GEOLOGY

43. 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."

LANDSCAPE

44. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into

account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of Street Trees.

TRANSPORTATION

45. 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. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
46. The applicant shall provide an easement approximately 22.5 foot wide by 40 foot long in front of the project driveway off the north/south alley as shown on the site plan to allow vehicular turn around at the north end of this alley satisfactory to the City Engineer.

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 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 90 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 SEP 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 type="checkbox"/>	<input checked="" 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 SEP 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 *Debbie Swenson Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R-301902