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RESOLUTION NUMBER R- 303334

DATE OF FINAL PASSAGE JAN 15 2008

WHEREAS, Sedlack Development Co., L.C., Applicant/Subdivider, and Gradhorn Engineering Corporation, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map and Public Right-of-Way Vacation No. 463163) for the subdivision of one lot into seven residential lots [Project], the 1.96-acre vacant site is located on the north side of Cervantes Avenue, south of Radio Court, and legally described as Lot 54 of Las Alturas Villa Sites, Map No. 501, in the SF-10000 zone of the Southeastern San Diego Community Planned District of the Valencia Park Neighborhood of the Southeastern San Diego Community Plan area; and

WHEREAS, the Map proposes the subdivision of a 1.96-acre site into seven lot(s) for residential development; and

WHEREAS, on August 9, 2007, the Planning Commission of the City of San Diego considered Tentative Map and Public Right-of-Way No. 463163 and pursuant to Resolution No. 4285-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

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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 15 2008, 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 and Public Right-of-Way Vacation No. 463163:

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 [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 Land Development Code (LDC section 125.0440(b) except as allowed by Planned Development Permit No. 463165 and Site Development Permit No. 463166.
3. The site is physically suitable for the type and density of development (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 (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 (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 (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 (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 (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

9. The property contains a right-of-way and/or easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

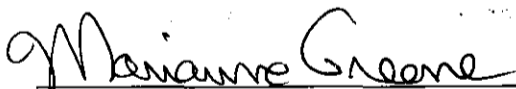
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of South 58<sup>th</sup> Street, located within the project boundaries as shown in Tentative Map No. 463163, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map and Public Right-of-Way Vacation No. 463163 is granted to Sedlack Development Co., L.C., Applicant/Subdivider and Grabhorn Engineering Corporation, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Marianne Greene  
Deputy City Attorney

MG:ca  
10/08/2007  
Or.Dept:DSD  
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