

(C) 336
(R-2009-197) 10/07

RESOLUTION NUMBER R- 304224
DATE OF FINAL PASSAGE OCT 07 2008

WHEREAS, Dean Wilson, Trustee of the Dean Wilson Living trust and Axiom Shelter Island LLC, Applicants/Subdividers, and Lisa M. Leweck, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 388142) for the Point Loma Townhomes project [Project], for the development of 47 residential condominium units and three commercial units on a 1.56 acre site. The project site is located 1275 Scott Street in the CC-4-2 zone, and is bounded by Carleton Street to the south, Dickens Street to the north, Scott Street to the west, and the Kettenburg Landing project within the Port Tidelands to the east and San Diego Bay is further to the east; and

WHEREAS, the project site is legally described as Parcel A: Lot 1, Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in the office of the County Recorder of San Diego County. Excepting therefrom that portion, if any, heretofore or now lying below the mean high tide line of the Bay of San Diego; and Parcel B: That portion of Lot 1 in Block 28 and Lots 2 to 11 inclusive in Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in the office of the County Recorder of San Diego County lying above the mean high tide line of the Bay of San Diego, as said mean high tide line was established by that certain Superior Court action numbered 35473, and on file in the office of the County Recorder of San Diego County as Miscellaneous Map No. 42; and Together with that portion of Shafter Street as closed to public use lying between said Blocks 28 and 29 and lying above said mean high tide line; and Parcel C: Lot 12, Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in

the office of the County Recorder of Said San Diego County; Excepting therefrom any portion thereof now or heretofore lying below the mean high tide line of the Bay of San Diego; and

WHEREAS, the Map proposes the subdivision of a 1.65-acre site into one (1) lot for a 47 residential condominium units and a 3 commercial condominium units development; and

WHEREAS, Mitigated Negative Declaration No. 115083 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of residential condominium units is 47 and the total number of commercial condominium units is three (3). The total number of condominium units is 50; and

WHEREAS, on September 23, 2008, the City Council of the City of San Diego considered Tentative Map No. 388142, and pursuant to Sections 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, 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. 388142:

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 and the proposed improvements are likely not to cause substantial environmental damage or substantially and unavoidably 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 and 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 and 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).

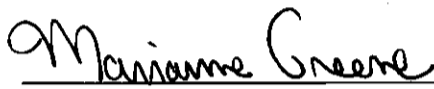
The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

(R-2009-197)

BE IT FURTHER RESOLVED, that Tentative Map No. 388142 is granted to Dean Wilson, Trustee of the Dean Wilson Living Trust and Axiom Shelter Island LLC, Applicants/Subdividers, and Lisa M. Leweck, 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

MR:als
08/25/08
Or.Dept:DSD
R-2009-197
MMS#6683

RECEIVED
08 25 08
CITY OF SAN DIEGO

CONDITIONS FOR TENTATIVE MAP NO. 388142

POINT LOMA TOWNHOMES – PROJECT 115083

ADOPTED BY RESOLUTION NO. 304224

GENERAL

1. This Tentative Map will expire on OCT 07 2011.
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. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map shall conform to the provisions of Coastal Development Permit No. 388140, Site Development Permit No. 388141, and Planned Development Permit No. 561515.
6. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

AFFORDABLE HOUSING

7. Prior to 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) by paying the inclusionary in-lieu fee, or by entering into an Agreement with the San Diego Housing Commission, to ensure payment of the in-lieu fee.

ENGINEERING

8. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
10. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The subdivider shall replace the curb, gutter, and sidewalk with City standard curb, gutter and sidewalk, adjacent to the site on Carleton Street, Scott Street, and Dickens Street.
12. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private improvements located in the public right of way including; enhanced paving, sidewalk underdrains, landscaping, and irrigation.
13. This project proposes to export 3,438 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 onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
14. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

15. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
16. Prior to foundation inspection, the subdivider shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is in accordance with the approved tentative map.
17. The subdivider shall reconstruct the existing curb ramp(s) adjacent to the project to meet current City standards.
18. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "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 permit-issuing authority.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. 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. RR-297376.

MAPPING

21. "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).
22. "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."

23. The 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 REQUIREMENTS

24. 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&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.
25. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
26. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

WATER REQUIREMENTS

27. Prior to the issuance of any building permits, the Subdivider shall design and construct a 12-inch public water main within Scott Street, from Carleton Street to Dickens Street, in a manner satisfactory to the Water Department Director and the City Engineer.
28. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services, adjacent to the project site in a manner satisfactory to the Water Department Director and the City Engineer.
29. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

30. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
31. 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 as shown on the approved tentative map shall be modified at final engineering to comply with standards.

GEOLOGY

32. 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

33. Prior to issuance of any construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
34. Prior to issuance of any construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft 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.
35. Prior to issuance of any construction permits for buildings, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree.
36. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all

required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

37. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
38. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
39. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

TRANSPORTATION

40. Prior to the recordation of the first final map, subdivider shall assure by permit and bond restriping of Scott Street to provide a westbound left turn lane at the intersection of Scott Street and Carleton Street as shown on Exhibit "A", 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.

- 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.