

(A)
(R-2009-1114)
MEET
334
6/02/09

RESOLUTION NUMBER R- 304953

DATE OF FINAL PASSAGE JUN 02 2009

RESOLUTION APPROVING TENTATIVE MAP NO. 578889,
PUBLIC RIGHT-OF-WAY VACATION NO. 633477 AND
EXTENSION OF TIME TO TENTATIVE MAP NO. 123433
AND PUBLIC RIGHT-OF-WAY NO. 123434 – PROMONTORY
POINT CONDOMINIUMS, LLC. - PROJECT NO. 162051.

WHEREAS, Promontory Point, LLC., Applicant/Subdivider, and Clifford W. La Monte, Engineer, submitted an application to the City of San Diego for a three-year Extension of Time for Tentative Map No. 123433 and Public Right-of-Way Vacation No. 123434 for the subdivision of two lots into one lot for the construction of twelve condominiums and to vacate an unused portion of Sixth Avenue. The project site is located at the northerly terminus of Sixth Avenue in the MR-800B Zone of the Mid-City Planned District of the Uptown Community Plan and is legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811; and

WHEREAS, all associated permits and maps shall conform to the previously approved Exhibits and conditions on file with the Development Services Department per Public Right-of-Way Vacation No. 123434, Tentative Map No. 123433 (City Council Resolution No. R-300783), Project No. 1612, with the exception of the expiration date; and

WHEREAS, the previously approved tentative map proposed the subdivision of a 0.35-acre site into one lot for twelve condominiums; and

WHEREAS, the Mitigated Negative Declaration No. 1612, that was prepared and approved on August 9, 2005 (City Council Resolution No. R-300782) for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts; and

WHEREAS, the property contains right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430; and

WHEREAS, on April 9, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 578889 and Public Right-of-Way No. 633477, which is a three-year Extension of Time to the previously approved Tentative Map No. 123433 and Public Right-of-Way No. 123434 pursuant to Resolution No. 4504-PC and voted 4-0-3 to recommend City Council approval of the proposal; 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, on JUN 02, 2009, the Council of the City of San Diego considered Tentative Map No. 578889 and Street Vacation No. 633477, and pursuant to Sections 125.0440 and 126.0111 of the Municipal Code of the City of San Diego, California Government Code section 66434 (g) 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; and


BE IT RESOLVED, that Tentative Map No. 578889 and Public Right-of-Way No. 633477, which is a three-year Extension of Time to the previously approved Tentative Map No. 123433 and Public Right-of-Way No. 123434, is granted to Promontory Point, LLC., Applicant/Subdivider, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the expiration date for Tentative Map No. 578889 and Public Right-of-Way Vacation No. 633477 shall be JUN 02, 2012.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), Sixth Avenue, located within the project boundaries as shown in Tentative Map No. 123433, shall be vacated, contingent upon the recordation of the approved final map for the project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Keith Bauerle
Deputy City Attorney

KB:hm
04/28/09
Or.Dept:DSD
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