

(R-2009-1316)

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RESOLUTION NUMBER R- 305186

DATE OF FINAL PASSAGE JUL 28 2009

A RESOLUTION APPROVING TENTATIVE PARCEL MAP NO. 593503  
ALVARADO APARTMENTS - PROJECT NO. 157028.

WHEREAS, Plymouth Health Investments, LLC, Subdivider and DMC-San Diego 2, L.P., a Delaware Limited Partnership, Applicant, submitted an application to the City of San Diego for a Tentative Parcel Map No. 593503 for the subdivision of a 9.99-acre site into two parcels for the demolition of existing buildings and construction of 659 residential apartments, located at 6599 Alvarado Road, and legally described as Lot 5 of Alvarado Plaza, Unit 3, according to Map No. 6072, filed March 20, 1968, in the Office of the County Recorder, in the College Community Plan area, in the RM-4-10 zone; and

WHEREAS, the map proposes the subdivision of a 9.99-acre site into two lots for residential and commercial development; one lot for residential and one lot for residential and commercial retail; and

WHEREAS, Mitigated Negative Declaration No. 157028 has been prepared for the project in accordance with State of California Environmental Quality Act [CEQA] and a Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, the potential impacts identified in the environment review process to the extent feasible; 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, on June 18, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 593503, and pursuant to Resolution No. 4524-PC voted to recommend City approval of the map; 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 July 28, 2009, 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 Parcel Map No. 593503:

**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)).** The proposed uses of the lots shown on the Tentative Parcel Map are consistent with the College Area Community Plan which identifies these sites for multi-family residential development. The project site is situated within the College Area Community Plan. The proposed project is a multi-family residential development on a 9.99-acre site designated for Multiple Family Residential use in the College Area Community Plan. With the adoption of the amendment to the General Plan and College Area Community Plan, the proposed project will provide a multi-family development consistent with the policies and guidelines of the General Plan and College Area Community Plan. Further the design and implementation of the proposed project will achieve the goals, policies and objectives of the College Area Community Plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).** The proposed development complies with the regulations of the RM-4-10 zone and site-specific development regulations for the property, as allowed through the approval of a Planned Development Permit. The project will include six deviations: 1) Reduction by nineteen percent of the total number of exterior storage spaces provided; 2) Increase the maximum lot coverage from fifty percent to fifty-three percent; 3) Provide carports with photovoltaic panels on the roof

of the parking garage rather than eighteen trees in containers; 4) Reduce the minimum size for two of three loading zones from twelve feet wide by thirty-five feet long to eight feet wide by twenty-two feet long; and 5) Allow a deviation from LDC section 131.0461(c) to allow the architectural encroachments within the required front yard to observe a zero foot setback from the front property line where a three foot setback is required for architectural encroachments; 6) Allow a deviation from LDC section 142.0525(a) to allow a combination of standard parking spaces with "tandem" spaces to meet the required number of parking spaces provided in each parking structure. The proposed development complies with all relevant regulations of the Land Development Code, as allowed through the approval of a Planned Development Permit. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 572630. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

**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)).** The conclusions of several technical and scientific reports specifically concerned with determining the suitability of the site for the type and density of the proposed development concluded that the site is suitable for both the type and density of the proposed project. The results of Water, Wastewater, Geotechnical, Traffic Analysis, Cultural Resource Survey, Noise Study, Water Quality Technical Report and Biology studies demonstrate the physical suitability of the site for the type and density of the proposed development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act section 66474(e)).** The conclusions of several technical and scientific reports specifically concerned with determining the suitability of the site for the type and density of the proposed development concluded that the site is suitable for both the type and density of the proposed project. The results of Water, Wastewater, Geotechnical, Traffic Analysis, Cultural Resource Survey, Noise Study, Water Quality Technical Report, Biology studies demonstrate the physical suitability of the site for the type and density of the proposed development. In addition and more specifically the conclusions of the Mitigated Negative Declaration No. 157028 included specific mitigation for the potential impacts resulting from the implementation of the project at the site. The potential impacts associated with the proposed project would be adequately reduced to a level of insignificance. Therefore, the subdivision or the proposed improvements will not likely cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

**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)).** The proposed subdivision will construct necessary sewer and water facilities to serve the residents of the development; will enter into a

Maintenance Agreement for ongoing permanent Best Management Practices [BMP] maintenance; will 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. The subdivision will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed subdivision will not be detrimental to the public health, safety, and welfare.

**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)).** Existing easements identified as located within the project boundaries as shown on Tentative Parcel Map No. 593503 have been reviewed by all parties with a vested interest in the aforementioned easements and have been determined by all parties with a vested interest that no conflict will occur with the recording of the parcel map and therefore no conflict will result which would negatively affect the public at large.

**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)).** The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in the subdivision design include the design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure, to the extent feasible. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes, to the extent feasible. In providing for future passive or natural heating or cooling opportunities in the design of the proposed subdivision, consideration will be given to the local climate, to landform contours, to the configuration of the parcels to be divided, and to other design and improvement requirements, and such provisions will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative parcel map is filed. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**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)).** The proposed subdivision will provide 659 rental dwelling units. These dwelling units will assist the City in meeting the housing needs of the City, and region, which has determined to be experiencing a housing crisis. Of the 659 dwelling units, seventy-six dwelling units will be set aside as affordable housing

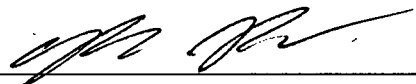
units, which will be rent restricted to sixty-five percent of the area median income. Additionally, the development of these 659 dwelling units will be balanced against their need for public services and available fiscal and environmental resources through the payment of property taxes, utility charges, economic stimulus effects, and diversity of contributions. The decision maker has determined the proposed subdivision and resulting development will balance the needs of the region with the fiscal and environmental resources of the City, region, state, and country.

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

BE IT FURTHER RESOLVED, that Tentative Parcel Map No. 593503, is hereby granted to Plymouth Health Investments, LLC, Subdivider and DMC-San Diego 2, L.P., Applicant, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
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Keith Bauerle  
Deputy City Attorney

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CONDITIONS FOR TENTATIVE PARCEL MAP NO. 593503

ALVARADO APARTMENTS PROJECT, PROJECT NO. 157028

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ADOPTED BY RESOLUTION NO. R- \_\_\_\_\_ ON JUL 28 2009

**GENERAL:**

1. This Tentative Parcel Map will expire July 28, 2012.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to recording the Parcel Map, unless otherwise noted.
3. Prior to the Tentative Parcel Map expiration date, a Parcel Map to sub-divide the existing lot into two parcels shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Parcel 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 Parcel Map shall conform to the provisions of Planned Development Permit No. 572630/Site Development Permit 658951.
6. The Subdivider shall defend, indemnify, and hold the City, including its agents, officers, and employees [together, "Indemnified Parties"], harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING:**

7. Prior to recording the Parcel Map, 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).

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**ENGINEERING:**

8. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP's 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 BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The drainage system proposed for this subdivision, as shown on the approved tentative parcel map, is private and subject to approval by the City Engineer.
12. The Subdivider shall obtain a bonded grading 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.
13. 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.
14. 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.
15. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

16. All driveways and curb openings shall comply with City Standard Drawings G14C, G-16 and SDG-100.
17. The Subdivider shall construct new City standard curb, gutter, sidewalk, and curb ramps, adjacent to the site on Alvarado Road.
18. The Subdivider shall dedicate additional right-of-way sufficient to provide a fifteen-foot wide parkway, adjacent to the site along Alvarado Road.
19. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
20. The Subdivider shall denote on the parcel map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two feet.
21. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for the enhanced pavement, greenscreen vine walls, trellises, landscaping and appurtenances within the Alvarado Road right-of-way.
22. The Subdivider shall be required to underground any new service run to the proposed structures within the subdivision.
23. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider 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.
24. 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 Parcel 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:**

25. "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]).

26. "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."
27. The Parcel 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.
28. Prior to the issuance of any construction permits, the Subdivider shall provide additional geotechnical information for the review and approval of the City Geologist, satisfactory to the City Geologist and Development Services Department.

**TRANSPORTATION:**

29. Prior to recording a parcel map, the Subdivider shall dedicate 15-19 feet of project frontage along Alvarado Road, satisfactory to the City Engineer.
30. Prior to recording a parcel map, the Subdivider shall assure by permit and bond the construction of a signalized intersection on Alvarado Road at the project driveway, with a westbound left turn lane, one through westbound lanes, one through eastbound lane, one right turn eastbound lane, with one inbound and two outbound lanes for the south leg, a 5 foot bike lane for both directions and appropriate pedestrian ramps at three corners of the intersection, satisfactory to the City Engineer.
31. Prior to recording a parcel map, the Subdivider shall assure by permit and bond the construction of an additional eastbound travel lane along the project frontage along Alvarado Road, including curbs, gutter and non-contiguous sidewalks,

closing all unused driveways, installing a R3-7 (Right Lane Must Turn Right) east of the signalized driveway and installing 26 foot wide driveway consistent with Regional Standards drawing SDG-114 with bollards at the fire-lane adjacent to the west property line of the project 26 foot wide driveway consistent with Regional Standards drawing SDG-114 with bollards at the fire-lane adjacent to the east property line of the project satisfactory to the City Engineer.

32. Prior to recording a parcel map, the Subdivider shall assure by permit and bond the construction along the opposite side of the project frontage on Alvarado Road of curbs, gutter and contiguous sidewalk from the signalized intersection east to the existing improvements, satisfactory to the City Engineer.

**PARKS AND OPEN SPACE:**

33. Prior to recording a parcel map, the Subdivider shall indicate on the parcel map a public access easement over all areas within the site intended for public recreation, in accordance with Exhibit "A", satisfactory to the Park & Recreation Department and the City Engineer.

**WATER REQUIREMENTS:**

34. Prior to recording a Parcel Map, Subdivider shall assure, by executing a legally enforceable separate agreement with the Water Department, to retrofit the irrigation infrastructure at one or more public facilities to accept recycled water instead of potable water. This retrofit shall result in potable water savings of at least 73,966 gpd (82.8 AFY)
35. The Parcel Map shall conform to conditions 50 through 52 of Planned Development Permit No. 572630/Site Development Permit 658951 requiring that all proposed buildings be designed and constructed to utilize enhanced water conservation features such as Energy Star, WaterSense or equivalent water conservation appliances and enhanced water conservation fixtures, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, to reduce water utilization by a minimum of 7.5% for the residential units and 5% for the commercial units, as described in the Water Supply Assessment and Verification, to the approval of the Director of Development Services.

**INFORMATION:**

- The approval of this Tentative Parcel Map by the 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 Parcel 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 Parcel Map, may protest the imposition within ninety days of the approval of this Tentative Parcel 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.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.