

331
5/18

RESOLUTION NUMBER R- 305859

DATE OF FINAL PASSAGE MAY 18 2010

A RESOLUTION APPROVING VESTING TENTATIVE MAP NO. 515726, INCLUDING EASEMENT ABANDONMENTS FOR THE HAZARD CENTER REDEVELOPMENT PROJECT – PROJECT NO. 146803.

WHEREAS, 7510 Hazard LLC, a Delaware limited liability company, Subdivider/Applicant, and Latitude 33, Engineer, submitted an application to the City of San Diego for a vesting tentative map including easement abandonments, (Vesting Tentative Map [VTM] No. 515726), for the demolition of a portion of existing commercial space and construction of up to 473 residential units and approximately 4,204 square feet of commercial space, known as the Hazard Center Redevelopment Project. The project site is located between State Route 163 on the west, Friars Road on the north, Frazee Road on the east, and Hazard Center Drive on the south at 7510 Hazard Center Drive, 1370 Frazee Road, and 7676 Hazard Center Drive in the OF-1-1 (Open Space-Floodplain) Zone and MV-M/SP (Multiple Use where a Specific Plan is in effect) Zone of Mission Valley Planned District [MVPD] within the Mission Valley Community Planning Area. The site is within the First San Diego River Improvement Project [FSDRIP] Specific Plan, and also within the Federal Aviation Administration [FAA] Part 77 Noticing Area for the San Diego International Airport-Lindbergh Field and Montgomery Field, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project site is legally described as Parcel 1 of Parcel Map No. 15912 in the City of San Diego, State of California, filed in the Office of the County Recorder of San Diego County December 19, 1989; Lot 3 of Hazard Center Map No. 11949 in the City of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 10, 1987;

and Lot 4 of Hazard Center Map No. 11949 in the City of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 10, 1987; and

WHEREAS, the Map proposes the Subdivision of a 14.5-acre site into 21 lots, including 4 condominium lots of 35, 38, 198 and 202 residential units respectively, and 3 condominium lots with 2, 2, and 3 commercial units respectively; and

WHEREAS, an Environmental Impact Report [EIR] No. 146803 was prepared in accordance with the California Environmental Quality Act [CEQA]; 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 San Diego Municipal Code [SDMC] of the City of San Diego; and

WHEREAS, the subdivision includes condominiums as defined in Section 1351 of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 473 residential units and 7 commercial units; and

WHEREAS, on March 25, 2010, the Planning Commission of the City of San Diego considered VTM No. 515726, including Easement Abandonments, and pursuant to Resolution No. 4581-PC, the Planning Commission voted to recommend City Council approval/denial 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 MAY 18 2010, the City Council of the City of San Diego considered VTM No. 515726, including Easement Abandonments, and pursuant to Sections 125.0440 and 125.1040 of the SDMC 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 City Council of the City of San Diego, that it adopts the following findings with respect to VTM, No. 515726, including Easement Abandonments:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (SDMC section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b)). The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the Mission Valley Community Plan [MVCP] to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

On July 12, 2007, the Planning Commission initiated an amendment to the FSDRIP Specific Plan and the MVCP, a component of the General Plan, to allow for an increase in the number of permitted residential dwelling units, a decrease in commercial square footage, and to allow for an increase in building heights. Specifically, the Amendment to the FSDRIP Specific Plan is limited to the Hazard Center Development Area. In addition to the amendments identified at the Planning Commission Initiation hearing described above, the proposed project includes an amendment to the Transportation Element of the MVCP to reclassify Hazard Center Drive from a four-lane collector street to a two-lane collector street.

The proposed project includes two deviation requests: 1) the elimination of the setbacks from all lot lines to allow for the establishment of an urban street wall, and 2) a proposal for a tensile shade structure in lieu of a portion of the landscape requirements on the top level of the existing parking structure. The proposed reduction in setbacks is a deviation from a regulatory requirement and it does not adversely impact any Community Plan policies. Rather, this proposed deviation contributes to the provision of architectural interest at the street level to

promote pedestrian activity and allows residential uses to be added adjacent to existing light rail transit, which is in conformance with both the MVCP and the General Plan. The second proposed deviation, from the Municipal Code parking structure landscape requirement, would not adversely impact any Community Plan policies as in lieu of this requirement, a tensile shade structure is proposed which would meet the intent of the Municipal Code by shading and screening parking uses.

General Plan Conformance - The General Plan identifies Mission Valley as a Regional Subdistrict, meaning it constitutes a concentration of employment and housing and is appropriate to provide higher intensity development. This area is also identified as having a High Propensity to develop as a village area on the General Plan's Village Propensity Map. One of the primary goals of the General Plan's Land Use and Community Planning Element is to achieve balanced communities and equitable development. The proposed project would provide a diversity of unit types and densities including the provision of affordable on-site housing within a sub-regional employment center.

The General Plan's Mobility Element promotes walkability and multi-modal transportation in order to reduce dependency on the automobile. The proposed project addresses the walkability community goals by an interconnected system of pedestrian pathways, sidewalks, public spaces and street design, with an overall design concept that provides for a series of functional connections to the existing San Diego Trolley station located on the south side of Hazard Center Drive. The proposed project, along with the accompanying Hazard Center Drive Extension and San Diego River Pathway projects, promotes a transportation system that emphasizes walkability and bicycling and improved accessibility to transit, as well as supports the improvement of traffic circulation.

The Urban Design Element of the General Plan includes the principle to build a compact, efficient, and environmentally sensitive pattern of development. The proposed project includes both horizontal and vertical mixed-use components with a mix of housing types. The design proposes to place ground floor retail to activate and attract pedestrian activity, with plazas, courtyards and paseos to create focal points for public gathering adjacent to the existing Hazard Center Trolley Station.

The General Plan's Recreation Element provides that the appropriate quality and quantity of parks, recreation facilities and infrastructure is provided citywide. The project proposes to meet its population based neighborhood park requirements both on-site, with the construction of a 0.63-acre park, as well as through the payment of an ad-hoc fee, in-lieu of the park portion of the development impact fees, for the remaining park requirements.

The Conservation Element of the General Plan contains numerous policies aimed at promoting the City of San Diego as an international model of sustainable development and conservation. The project proposes to address a variety of conservation needs by utilizing the design goals of the United States Green Building Council's Leadership in Energy and Environmental Design [LEED] guidelines, including green roofs. The design of the proposed project would meet or exceed Title 24 Energy Efficiency Requirements to reduce energy use.

The siting of the proposed project within an existing development would result in no increase to impervious surfaces, and in the preservation of greenfields and nature resources.

The Housing Element, provided under separate cover from the rest of the General Plan, includes objectives, policies and programs intended to address the City's housing needs. Included as one of its five major goals, is the provision of affordable housing opportunities. The proposed project includes plans to set aside up to 10 percent of the 473 units as low-income/moderate-income housing. The provision of up to 48 low-income/moderate-income units on-site meets the City's Inclusionary Affordable Housing requirements and would serve to further diversify the housing stock within the Mission Valley community.

Community Plan Conformance - The Land Use Element of the MVCP contains proposals to guide the long-range residential, commercial and industrial development of the Mission Valley Community. Several key objectives of this element include: to provide a variety of housing types and densities within the community; to encourage development which combines and integrates residential uses with commercial and service uses; to encourage imaginative land development techniques and varied building site layouts; and to provide amenities for residents such as recreation, shopping, employment and cultural opportunities within, or adjacent to, residential development. The proposed project addresses these objectives by providing a diversity of for-sale and for-rent units in a mixed-use, infill setting, while preserving existing shopping and employment uses, and providing on-site active and passive open space areas and recreation facilities.

The Transportation Element of the MVCP includes objectives to establish and maintain a balanced transportation system throughout Mission Valley, encourage the use of public transit modes to reduce dependency on the automobile, and provide opportunities for individual property owners to achieve a higher use of their property through support of more efficient transportation modes. The proposed project would help advance a strategy to promote transit, bicycling, and walking as viable transportation choices through traffic calming measures, streetscape amenities, and an overall site design that would provide greater vehicular, bicycle and pedestrian safety, and would enhance bicycle and pedestrian connectivity to nearby transit and San Diego River recreational trails. The project site is located within less than one-quarter mile of an existing light rail trolley station, as well as several high-frequency public bus lines.

The proposed reclassification of Hazard Center Drive is a result of comments received from City staff's memorandum distributed on July 18, 2008, soliciting public and staff comments on the proposed amendments. City staff supports the reclassification as the two-lane designation provides a number of safety benefits. The road reclassification would allow for a more pedestrian-friendly design with wider sidewalks, bicycle paths, a pedestrian plaza, and a safe crossing between the proposed development and the existing trolley station. Further, the road extension presents several engineering challenges with respect to design speed for vertical curves, vehicular and pedestrian safety, and clearance considerations. These engineering challenges require design exceptions and traffic calming measures in order to reduce the design speed and justify design exceptions relating to the vertical alignment of the road extension. Due to the location of a major trunk sewer line, the design includes a steep descent under SR-163 that requires a design speed of 25 miles per hour. Because of this design speed requirement and the

associated traffic calming necessary to support it, staff's recommendation is that a two-lane road is a more appropriate designation. No significant impacts to the level of service for Hazard Center Drive would result from this reclassification.

FSDRIP Conformance - The First San Diego River Improvement Project Specific Plan was approved by City Council in 1982 with three goals: to improve and protect the San Diego River floodway and wetlands; to direct the private development of existing industrial lands (then used for sand and gravel operations and, in the case of the Hazard land, a brickyard); and to reduce automobile dependency by implementing transit-oriented development guidelines consistent with the Progress Guide and General Plan. The proposed amendments to the Specific Plan support the most recent General Plan update and its City of Villages strategy and are, therefore, consistent with the original basis of FSDRIP.

Hazard Center was originally envisioned in FSDRIP as a progressive mixed-use project combining shops and restaurants, a hotel, office tower, and a multifamily residential neighborhood. No change is proposed to these use designations. FSDRIP defines density by two methods: an overall ADT allocation and a listing of area and height by use, according to the intended development at the time when the Plan was written. The proposed project does not exceed the ADT allocation with the 10% bonus for light-rail transit established in the Specific Plan.

The Specific Plan encouraged Center employees "to live in nearby residential units and to patronize shops, restaurants and entertainment facilities." These residences were described in FSDRIP as 145 units of 2-4 stories. Nevertheless, the proposed increase in the quantity and height of dwelling units is consistent with the FSDRIP goals of transit-oriented mixed-use development and helps attain the residential ratio and integration necessary to achieve these goals.

The proposed project is also consistent with FSDRIP's primary purpose of improving and protecting the San Diego River channel and wetlands. The Hazard Center Redevelopment will significantly advance the restoration of the river's health. The existing project site has large areas of surface and deck parking and flat roofs, but no existing water quality devices to treat the run-off from these surfaces. The proposed redevelopment will add fossil filters throughout the site, including at existing drainage outlets from these parking areas. The proposed additions will not increase impervious area or run-off from the site. Furthermore, landscaping and irrigation improvements throughout the site and vegetated roofs proposed over much of the existing retail buildings will decrease the peak run-off volumes that can damage the river's health. The project will adhere to the City's Model Standard Urban Storm Water Mitigation Plan (SUSMP) and will implement all required construction and permanent Best Management Practices (BMPs) contained in the 2008 Storm Water Standards Manual. These standards and practices are more stringent than those in effect when the site was previously developed and will significantly raise the level of protection against pollutants entering the river drainage.

FSDRIP intended to create a natural park and passive recreation area along the river floodway, to include publicly accessible pedestrian and bicycle paths, nature trails, picnic areas and rest or view areas. The proposed public park at the southwest corner of the project site

contributes toward this plan. It creates a unique open space that will have access to the river trail system and will beautify existing infrastructure near the river in an area that is now subject to vagrancy and littering. Non-native species currently in the drainage channel adjacent to the park will also be removed to beautify the area and improve hydrological function.

In addition to the park, the project will contribute in-lieu fees for population-based parks that will be used in the Mission Valley community. Through many meetings with River Park stakeholders and the community, several opportunities for application of the fees have been identified that will help create a sequence of unique places and experiences along the river, particularly the multimodal path extension under SR-163.

FSDRIP gives special attention to the preservation of views of the river from the hillside edges and freeway entrances to Mission Valley. The relationship of the residential high-rise structures to the proposed 5-story mid-rise structures preserves views of the river valley. The center tower's narrow side orientation to the river maintains views and is consistent with FSDRIP guidelines, while the tower at the corner of Friars and Frazee Roads aligns with the existing office tower to avoid further infringement on sight lines toward the river.

The Project would implement many of the goals and policies of the City's newly adopted General Plan [General Plan], the MVCP and the FSDRIP Specific Plan. Therefore, the proposed development would not adversely affect the applicable land use plan and the Subdivision Map Act.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (SDMC section 125.0440(b)). The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The proposed redevelopment would comply with the applicable regulations of the MVPD Multi-Use Zone where the Specific Plan is in effect [MVPD-M/SP] for permitted use, density, minimum lot area, lot width and depth, architectural design, storage requirements, private exterior open space, common open space, and loading requirements. Parking requirements are satisfied under an approved, updated shared parking analysis with the integrated uses on site.

The proposed redevelopment is consistent with the purpose of the MVPD-M/SP Zone to provide at least three land uses, one of which must be residential, in certain prescribed proportions based on Average Daily Trips allocated to the project. The integration of additional dwelling units would bring the existing development up to the current zoning criteria.

The proposed redevelopment is also consistent with the overall intent of the MVPD to ensure that development in Mission Valley will be accomplished in a manner that enhances and preserves sensitive resource areas; improves the vehicular, bicycle, pedestrian, and public transit

circulation network; provides reasonable use of property; and contributes to the aesthetic and functional well being of the community. The proposed redevelopment is on an existing fully-developed site, so that undisturbed and environmentally sensitive lands are preserved from other potential development. The project proposes to add residential uses next to existing public transit and existing employment, restaurant and retail uses, reducing reliance on vehicular transportation and promoting pedestrian and transit alternatives. The added resident population would also contribute to the customer base of the existing commercial uses.

The proposed project design and massing are consistent with the Architectural Design guidelines contained in the SDMC section 1514.0305(g) including a slim tower design to preserve maximize view corridors, public plazas, varied roof forms and “green” roofs, architectural detail at a human scale, and offsetting façade planes.

The proposed reclassification of Hazard Center Drive would comply with all applicable regulations of the Land Development Code [LDC]. Further, the narrowing of this road from four lanes to two lanes would allow space for wider sidewalks, landscaping, sitting areas and a larger public plaza contiguous to these sidewalks, as outlined in the Guidelines for Discretionary Review in SDMC section 1514.0408(m).

The project proposes to deviate from the SDMC requirements for setback and vehicle use area requirements. Through the processing of a Planned Development Permit, the SDMC allows applicants to propose development that requires flexibility from the strict application of the regulations. The intent of Planned Development Permit regulations is to encourage imaginative and innovative planning, to assure the development achieves the purpose and intent of the applicable land use plan, and that the design would be preferable to what would be achieved by strict conformance with the regulations. Staff believes that the Planning Commission can make the appropriate findings based on the following information.

3. The project proposes a deviation from the setback requirements of SDMC Section 1514.0304(e) which requires minimum yard and building setback requirements. The project proposes to eliminate setbacks from all lot lines. The deviation would allow the required fire separation distance as required by the California Building Code between the existing commercial buildings and the proposed mid-rise residences along Hazard Center Drive. It would also allow the existing service drives to be maintained between the commercial and residential buildings. These service drives are necessary to the continued function of the commercial spaces. The requested deviation would also allow for the future widening of Friars Road relative to the space requirements of the existing and proposed parking structures. The deviation is tied aesthetically to the streetscape improvement which would be allowed by the reclassification of Hazard Center Drive, particularly wider sidewalks and the creation of an urban street wall with offsetting planes, entry stoops, and planters.

The proposed deviation would also permit residential uses to be added to the remaining space adjacent to and above existing commercial structures, to implement a true mixed-use development in conformance with the multiple-use ratio guidelines of the MVPD-M zone designation and the City of Villages policies of the General Plan. The recently adopted General Plan identifies the Hazard Center site as having a high propensity for Urban Village

development. The project proposal would achieve the Community Plan's goal for redevelopment, infill, and new growth to be focused adjacent to transit stops in compact, mixed-use centers.

4. The project proposes a deviation from the vehicle use area planting requirements of SDMC Section 142.0406(a) to allow the use of shade structures on the top level of the parking structure in lieu of one tree within 30 feet of each parking space. The project proposes a tensile shade structure in lieu of additional trees in most areas of the existing deck parking. Due to site topography, the existing center is multi-level, with the main level for "surface" parking situated one story above Hazard Center Drive on a two-story parking garage structure. The parking garage is an existing structure that was not designed to support the weight of the quantity of trees required. Furthermore, trees without sufficient planter size and soil volume typically do not thrive on concrete parking decks. Current landscape standards require 40 square feet of planting area per tree. The tree planters that are present on the existing deck are supported by columns specifically designed for those loads and locations. Any increase in point loads would require replacement or retrofitting of the existing vertical structure through two lower parking levels and the footings below. Planters of adequate size would also eliminate existing parking spaces that are required for the retail and restaurant uses that are to remain.

The proposed tensile shade structures meet the intent of the LDC by shading and screening parking from view from above. They would be lighter than tree planters and the structural supports would fit within the existing parking field. The tensile shade structures would also reduce water consumption below that required for trees, and would reduce the heat island effect of the existing surface parking area.

The proposed deviations are appropriate to this location because they would allow affordable residential units to be added to an existing mixed-use center near existing transit infrastructure and would be consistent with the MVPD Ordinance, Community Plan and General Plan. The deviations would keep existing parking and retail activities in place, resulting in a more desirable and sustainable project.

Deviations from development regulations for projects offering affordable housing are consistent with the LDC portions of the SDMC. The Project proposes a minimum of 10 percent (up to 48) of the proposed dwelling units would be affordable per the Inclusionary Housing Ordinance. Strict application of the setback regulation would restrict the ability to fit residential units on this site. Strict application of the landscape regulations would restrict the ability of the project to provide adequate parking as required for the proposed inclusionary units. Therefore, proposed subdivision complies with the applicable zoning and development regulations of the LDC.

5. The site is physically suitable for the type and density of development (SDMC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)). The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces

on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The Hazard Center site is well suited for the addition of higher density multifamily housing, due to its proximity to existing light rail public transit and established employment, shopping, dining, and entertainment opportunities. The recently adopted General Plan identifies the Hazard Center site as having a high propensity for Urban Village development. The proposed construction of up to 473 multi-family dwelling units would complement the existing mixed-use office, commercial and hotel center in Mission Valley. The General Plan calls for redevelopment, infill and new growth to be focused adjacent to transit stops in compact, mixed-use centers. This project proposal achieves this goal by adding high density, multi-family housing to an existing employment center, connected to transit and recreation. Therefore, the site is physically suitable for the type and density of development proposed.

6. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (SDMC section 125.0440(d) and Subdivision Map Act Section 66474(e)). The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The Hazard Center site is well suited for the addition of higher density multifamily housing, due to its proximity to existing light rail public transit and established employment, shopping, dining, and entertainment opportunities. The recently adopted General Plan identifies the Hazard Center site as having a high propensity for Urban Village development. The proposed construction of up to 473 multi-family dwelling units would complement the existing mixed-use office, commercial and hotel center in Mission Valley. The General Plan calls for redevelopment, infill and new growth to be focused adjacent to transit stops in compact, mixed-use centers. This project proposal achieves this goal by adding high density, multi-family housing to an existing employment center, connected to transit and recreation.

The southwest corner of the project site is identified as a restricted building area in FSDRIP Specific Plan. This portion of the site is approximately 1.2 acres in area and is not contiguous to the main, development body of the site. A separately owned parcel containing an existing hotel effectively separates the two portions. The restricted building area portion of the site contains an open, man-made drainage channel that is considered environmentally sensitive. Both the upstream and downstream sections of the drainage channel are enclosed in underground culverts, but the section on the project site is open with a soft bottom and rip-rap banks. The drainage flows to the San Diego River, approximately 180 feet from the property at the downstream headwall. The closest proposed structures associated with this project lie 242 feet

from the drainage channel. The upstream headwall and a small area of the drainage channel intersect the north property line of the main portion of the project site near the eastbound off-ramp of SR-163. This section lies approximately 45 feet from an existing parking garage on the project site. However, no modifications or new construction are proposed in this section of the site beyond replacement of existing grass with drought-tolerant landscaping.

Toward fulfillment of associated population-based park requirements, the project proposes to dedicate approximately 0.63 acres of the restricted building area near the drainage channel to the City of San Diego as a public park. The future park area is on previously disturbed, non-native grassland. Final design of the park must be vetted through a public process and approved by the Park and Recreation Board, pursuant to Council Policy 600-33. However, no buildings are anticipated and all landscaping will be in conformance with FSDRIP.

The project would result in minimum disturbance to environmentally sensitive lands, because all new or modified structures are on previously developed portions of the site, significantly distant from environmentally sensitive areas. Development near environmentally sensitive areas would be for passive recreational uses. There would be no removal, filling, or hydrological interruption to the drainage channel. Impacts to non-native grassland would not be considered significant because the area is less than one acre, occurs in an isolated patch due to urbanization, and has limited habitat values for wildlife. Therefore, site is physically suitable for the design and siting of the proposed development and the development would result in minimum disturbance to environmentally sensitive lands. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

7. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The project proposes construction of up to 473 multi-family dwelling units to complement the existing mixed-use office, commercial and hotel center in Mission Valley. The proposed development is on an existing developed site. The site has been studied for potential traffic, noise, air quality, geotechnical, water quality, and hazardous material impacts.

EIR No. 146803 has been prepared for the project in accordance with the State of California Environmental Quality Act. A Mitigation, Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level below significance,

some of the potential impacts identified in the environmental review process. Draft Candidate Findings of Fact and Statement of Overriding Considerations have been provided to allow the decisionmaker to adopt the project with significant and unmitigated impacts.

The Project's drainage system discharges into an existing drainage channel that is within 200 feet of the San Diego River. The onsite drainage system will utilize Best Management Practices [BMP's] to meet construction and post-construction related water quality requirements.

The project would comply with the development regulations in effect for the subject property as described in Site Development Permit No. 515727 and Planned Development Permit No. 515728, and other regulations and guidelines pertaining to the subject property per the SDMC and the Subdivision Map Act. The proposed development would be required to obtain building permits and process all mapping actions to show that all construction would comply with all applicable building and fire code requirements. The Project proposes to incorporate sustainable design practices and has applied for Leadership in Energy and Environmental Design certification under the United States Green Building Council's criteria. The siting of residential infill adjacent to existing transit access and commercial infrastructure encourages walking and reduces the automobile trips that are detrimental to public health and safety. The proposed infill development on a previously disturbed site protects greenfields and natural resources.

In addition, the Project would help to provide affordable housing opportunities that would promote an economically balanced community. A minimum of 10 percent (up to 48) of the proposed dwelling units would be affordable per the Inclusionary Affordable Housing Regulations. A mix of studio, one-, and two-bedroom dwelling units would provide a variety of housing options and costs in close proximity to employment and transportation options. Therefore, proposed development would not be detrimental to the public health, safety, and welfare.

8. 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 section 125.0440(f) and Subdivision Map Act Section 66474(g)). The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The project proposes to relocate an existing easement for water utilities serving existing public and private fire hydrants on site. The easement would be relocated with the water line to allow for construction of a residential tower and adjustment to an existing fire lane. As such, there will be no conflict with the public's access through or use of the property within the proposed subdivision.

A public park is planned for the restricted building area in the southwest corner of the project site. In that area, the applicant proposes to eliminate surplus sewer easements that are no longer used, to adjust the easement width for an existing 33 inch sewer to meet current City standards, and to abandon a portion of a drainage access easement and consolidate it with a sewer access easement. There is no present or prospective use for the surplus easements and the requirements of the sewer and drainage access easements are better met through the redesign. Access by the public at large will be improved through the proposed easement abandonments and modifications. Therefore, design of the subdivision or the type of improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

9. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC section 125.0440(g) and Subdivision Map Act Section 66473.1).

The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The design of the residential units in the proposed subdivision encourages natural ventilation through operable windows, shading overhangs, and siting of the buildings. The Project proposes to incorporate sustainable design practices and to seek LEED certification. The design of the proposed subdivision does not prevent future utilization of passive or natural heating and cooling opportunities at any of the existing buildings. Additionally, the project proposes to add a "green roof" vegetation system to areas of the existing commercial roofs. Green roofs reduce the solar heat gain in buildings and the stormwater runoff from roof surfaces. The plants used in the green roof system will use very little or no water, other than natural rainfall. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

10. 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 section 125.0440(h) and Subdivision Map Act Section 66412.3). The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

The City's recently adopted General Plan and the Regional Comprehensive Plan [RCP] adopted by the San Diego Association of Governments [SANDAG] recognize the need to focus future growth and infill development close to jobs, services, and public facilities to maximize the use of existing infrastructure and preserve open space and natural resources. These documents respond to the realization that San Diego cannot sustain continued sprawl into outlying communities, but at the same time must provide needed housing that is affordable to all of its citizens.

The proposed Hazard Center Redevelopment Project features sustainable urban design and the smart growth concepts of the City's General Plan and the SANDAG's RCP. The project would add multifamily housing, including affordable housing, to an existing center that already provides established employment, shopping, dining, and entertainment. The project would add multifamily housing adjacent to existing light rail transit, increasing ridership on public transportation and decreasing the ratio of single-passenger vehicular trips on local freeways and arterials. The proposal would accomplish these benefits through infill development rather than disturbing existing undeveloped land in the region.

The Project would provide affordable housing opportunities that would promote an economically balanced community. A minimum of 10 percent (up to 48) of the proposed dwelling units would be affordable per the Inclusionary Affordable Housing Regulations. The proposed mix of studio, one-, and two-bedroom apartments and condominiums would provide a variety of housing options and costs. Affordable housing would be of particular benefit in this location due to the project's proximity to employment and transportation options.

The proposed development would support infrastructure improvements in the community by providing public open space and park improvements through in-lieu fees, public services through development impact fees, and street frontage improvements. The additional customer base supplied by the residential units would assist in the continued viability of the existing retail center, contributing taxes and economic stability to the community. Therefore, 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.

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

BE IT FURTHER RESOLVED, that portions of a sewer easement as delineated or as offered for dedication on Parcel Map 11949; portions of a sewer easement granted to the City of San Diego, Recorded on October 22, 1962, as Instrument No. 181158, of O. R.; portions of a sewer easement granted to the City of San Diego, Recorded on October 22, 1962, as Instrument No. 181160, of O. R.; portions of a sewer easement granted to the City of San Diego, Recorded

on July 7, 1970, as Instrument No. 118740, of O. R.; portions of a sewer easement granted to the City of San Diego, Recorded on December 10, 1993 as Instrument No. 1993-0830965, of O. R.; portions of a drainage easement as delineated or as offered for Dedication on Parcel Map 11949; portions of a water easement granted to the City of San Diego, Recorded on March 16, 1989 as Instrument No. 1989-134547, of O. R., located within the project boundaries as shown in VTM No. 515726, and Easement Abandonments, shall be vacated, contingent upon the recordation of the approved Final Map for the project.

BE IT FURTHER RESOLVED, that a sewer and drainage easement of approximately 17,600 square feet, including a sewer and drainage access road, and a water easement of approximately 11,000 square feet shall be dedicated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

1. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

Part of the Project includes relocation of an existing easement for water utilities serving public and private fire hydrants on site. The easement would be relocated along with the water line to allow for construction of a residential tower and adjustment to an existing fire lane. The relocation of the easement would not affect the public's access through or use of the property within the proposed subdivision. There is no present or prospective public use for the easement in its existing location.

In addition, a public park is proposed for the restricted building area in the southwest corner of the project site to satisfy residential recreation requirements. There are existing surplus sewer easements that are no longer used in that area which would be eliminated. Also, an

existing sewer, drainage and building restricted easement would be modified to meet current City standards at an existing sewer line and to consolidate the existing drainage access road with the sewer access road. There is no present or prospective use for the surplus easements and the requirements of the sewer and drainage access easements are better met through the proposed redesign. Access by the public at large would be improved through the proposed easement abandonments and modifications. Therefore, there is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment. The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

Part of the Project includes relocation of an existing easement for water utilities serving public and private fire hydrants on site. The easement would be relocated along with the water line to allow for construction of a residential tower and adjustment to an existing fire lane. The relocation of the easement would not affect the public's access through or use of the property within the proposed subdivision. There is no present or prospective public use for the easement in its existing location. The proposed easement relocation would facilitate construction of one of the residential buildings containing 202 units. The development of the residential units would increase the region's overall housing supply and provide affordable units consistent with the applicable plans and the City's Inclusionary Affordable Housing regulations. The easement relocation would continue to serve existing fire hydrants and emergency vehicles access to the site, maintaining the fire safety of the existing and proposed facilities.

In addition, a public park is proposed for the restricted building area in the southwest corner of the project site to satisfy residential recreation requirements. There are existing surplus sewer easements that are no longer used in that area which would be eliminated. Also, an existing sewer, drainage and building restricted easement would be modified to meet current City standards at an existing sewer line and to consolidate the existing drainage access road with the sewer access road. There is no present or prospective use for the surplus easements and the requirements of the sewer and drainage access easements are better met through the proposed redesign. Access by the public at large would be improved through the proposed easement abandonments and modifications. Therefore, the public would benefit from the abandonment through improved utilization of the land made available by the abandonment.

3. The abandonment is consistent with any applicable land use plan. The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of

commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.

On July 12, 2007, the Planning Commission initiated an amendment to the FSDRIP Specific Plan and the MVCP, a component of the General Plan, to allow for an increase in the number of permitted residential dwelling units, a decrease in commercial square footage, and to allow for an increase in building heights. Specifically, the Amendment to the FSDRIP Specific Plan is limited to the Hazard Center Development Area. In addition to the amendments identified at the Planning Commission Initiation hearing described above, the proposed project includes an amendment to the Transportation Element of the MVCP to reclassify Hazard Center Drive from a four-lane collector street to a two-lane collector street.

The proposed project includes two deviation requests: 1) the elimination of setbacks from all lot lines to allow for the establishment of an urban street wall, and 2) a proposal for a tensile shade structure in lieu of landscape requirements on the top level of the existing parking structure. The proposed reduction in setbacks is a deviation from a regulatory requirement and it does not adversely impact any Community Plan policies. Rather, this proposed deviation contributes to the provision of architectural interest at the street level to promote pedestrian activity and allows residential uses to be added adjacent to existing light rail transit, which is in conformance with both the MVCP and the General Plan. The second proposed deviation, from the Municipal Code parking structure landscape requirement, would not adversely impact any Community Plan policies as in lieu of this requirement, a shade trellis structure is proposed which would meet the intent of the Municipal Code by shading and screening parking uses.

General Plan Conformance - The General Plan identifies Mission Valley as a Regional Subdistrict, meaning it constitutes a concentration of employment and housing and is appropriate to provide higher intensity development. This area is also identified as having a High Propensity to develop as a village area on the General Plan's Village Propensity Map. One of the primary goals of the General Plan's Land Use and Community Planning Element is to achieve balanced communities and equitable development. The proposed project would provide a diversity of unit types and densities including the provision of affordable on-site housing within a sub-regional employment center.

The General Plan's Mobility Element promotes walkability and multi-modal transportation in order to reduce dependency on the automobile. The proposed project addresses the walkability community goals by an interconnected system of pedestrian pathways, sidewalks, public spaces and street design, with an overall design concept that provides for a series of functional connections to the existing San Diego Trolley station located on the south side of Hazard Center Drive. The proposed project, along with the accompanying Hazard Center Drive Extension and San Diego River Pathway projects, promotes a transportation system that emphasizes walkability and bicycling and improved accessibility to transit, as well as supports the improvement of traffic circulation.

The Urban Design Element of the General Plan includes the principle to build a compact, efficient, and environmentally sensitive pattern of development. The proposed project includes both horizontal and vertical mixed-use components with a mix of housing types. The design proposes to place ground floor retail to activate and attract pedestrian activity, with plazas, courtyards and paseos to create focal points for public gathering adjacent to the existing Hazard Center Trolley Station.

The General Plan's Recreation Element provides that the appropriate quality and quantity of parks, recreation facilities and infrastructure is provided citywide. The project proposes to meet its population based neighborhood park requirements both on-site, with the construction of a 0.63-acre park, as well as through the payment of an ad-hoc fee, in-lieu of the park portion of the development impact fees, for the remaining park requirements.

The Conservation Element of the General Plan contains numerous policies aimed at promoting the City of San Diego as an international model of sustainable development and conservation. The Project proposes to incorporate sustainable design practices and has applied for Leadership in Energy and Environmental Design certification under the United States Green Building Council's criteria, including green roofs. The design of the proposed project would meet or exceed Title 24 Energy Efficiency Requirements to reduce energy use. The siting of the proposed project within an existing development would result in no increase to impervious surfaces, and in the preservation of greenfields and nature resources.

The Housing Element, provided under separate cover from the rest of the General Plan, includes objectives, policies and programs intended to address the City's housing needs. Included as one of its five major goals, is the provision of affordable housing opportunities. The proposed project includes plans to set aside up to 10 percent of the 473 units as low-income/moderate-income housing. The provision of up to 48 low-income/moderate-income units on-site meets the City's Inclusionary Affordable Housing requirements and would serve to further diversify the housing stock within the Mission Valley community.

Community Plan Conformance - The Land Use Element of the MVCP contains proposals to guide the long-range residential, commercial and industrial development of the Mission Valley Community. Several key objectives of this element include: to provide a variety of housing types and densities within the community; to encourage development which combines and integrates residential uses with commercial and service uses; to encourage imaginative land development techniques and varied building site layouts; and to provide amenities for residents such as recreation, shopping, employment and cultural opportunities within, or adjacent to, residential development. The proposed project addresses these objectives by providing a diversity of for-sale and for-rent units in a mixed-use, infill setting, while preserving existing shopping and employment uses, and providing on-site active and passive open space areas and recreation facilities.

The Transportation Element of the MVCP includes objectives to establish and maintain a balanced transportation system throughout Mission Valley, encourage the use of public transit modes to reduce dependency on the automobile, and provide opportunities for individual property owners to achieve a higher use of their property through support of more efficient

transportation modes. The proposed project would help advance a strategy to promote transit, bicycling, and walking as viable transportation choices through traffic calming measures, streetscape amenities, and an overall site design that would provide greater vehicular, bicycle and pedestrian safety, and would enhance bicycle and pedestrian connectivity to nearby transit and San Diego River recreational trails. The project site is located within less than one-quarter mile of an existing light rail trolley station, as well as several high-frequency public bus lines.

The proposed reclassification of Hazard Center Drive is a result of comments received from City staff's memorandum distributed on July 18, 2008, soliciting public and staff comments on the proposed amendments. City staff supports the reclassification as the two-lane designation provides a number of safety benefits.

The road reclassification would allow for a more pedestrian-friendly design with wider sidewalks, bicycle paths, a pedestrian plaza, and a safe crossing between the proposed development and the existing trolley station. Further, the road extension presents several engineering challenges with respect to design speed for vertical curves, vehicular and pedestrian safety, and clearance considerations. These engineering challenges require design exceptions and traffic calming measures in order to reduce the design speed and justify design exceptions relating to the vertical alignment of the road extension. Due to the location of a major trunk sewer line, the design includes a steep descent under SR-163 that requires a design speed of 25 miles per hour. Because of this design speed requirement and the associated traffic calming necessary to support it, staff's recommendation is that a two-lane road is a more appropriate designation. No significant impacts to the level of service for Hazard Center Drive would result from this reclassification.

FSDRIP Conformance - The First San Diego River Improvement Project Specific Plan was approved by City Council in 1982 with three goals: to improve and protect the San Diego River floodway and wetlands; to direct the private development of existing industrial lands (then used for sand and gravel operations and, in the case of the Hazard land, a brickyard); and to reduce automobile dependency by implementing transit-oriented development guidelines consistent with the Progress Guide and General Plan. The proposed amendments to the Specific Plan support the most recent General Plan update and its City of Villages strategy and are, therefore, consistent with the original basis of FSDRIP.

Hazard Center was originally envisioned in FSDRIP as a progressive mixed-use project combining shops and restaurants, a hotel, office tower, and a multifamily residential neighborhood. No change is proposed to these use designations. FSDRIP defines density by two methods: an overall ADT allocation and a listing of area and height by use, according to the intended development at the time when the Plan was written. The proposed project does not exceed the ADT allocation with the 10% bonus for light-rail transit established in the Specific Plan.

The Specific Plan encouraged Center employees “to live in nearby residential units and to patronize shops, restaurants and entertainment facilities.” These residences were described in FSDRIP as 145 units of 2-4 stories. Nevertheless, the proposed increase in the quantity and height of dwelling units is consistent with the FSDRIP goals of transit-oriented mixed-use development and helps attain the residential ratio and integration necessary to achieve these goals.

The proposed project is also consistent with FSDRIP’s primary purpose of improving and protecting the San Diego River channel and wetlands. The Hazard Center Redevelopment will significantly advance the restoration of the river’s health. The existing project site has large areas of surface and deck parking and flat roofs, but no existing water quality devices to treat the run-off from these surfaces. The proposed redevelopment will add fossil filters throughout the site, including at existing drainage outlets from these parking areas. The proposed additions will not increase impervious area or run-off from the site. Furthermore, landscaping and irrigation improvements throughout the site and vegetated roofs proposed over much of the existing retail buildings will decrease the peak run-off volumes that can damage the river’s health. The project will adhere to the City’s Model Standard Urban Storm Water Mitigation Plan (SUSMP) and will implement all required construction and permanent Best Management Practices (BMPs) contained in the 2008 Storm Water Standards Manual. These standards and practices are more stringent than those in effect when the site was previously developed and will significantly raise the level of protection against pollutants entering the river drainage.

FSDRIP intended to create a natural park and passive recreation area along the river floodway, to include publicly accessible pedestrian and bicycle paths, nature trails, picnic areas and rest or view areas. The proposed public park at the southwest corner of the project site contributes toward this plan. It creates a unique open space that will have access to the river trail system and will beautify existing infrastructure near the river in an area that is now subject to vagrancy and littering. Non-native species currently in the drainage channel adjacent to the park will also be removed to beautify the area and improve hydrological function.

In addition to the park, the project will contribute in-lieu fees for population-based parks that will be used in the Mission Valley community. Through many meetings with River Park stakeholders and the community, several opportunities for application of the fees have been identified that will help create a sequence of unique places and experiences along the river, particularly the multimodal path extension under SR-163.

FSDRIP gives special attention to the preservation of views of the river from the hillside edges and freeway entrances to Mission Valley. The relationship of the residential high-rise structures to the proposed 5-story mid-rise structures preserves views of the river valley. The center tower’s narrow side orientation to the river maintains views and is consistent with FSDRIP guidelines, while the tower at the corner of Friars and Frazee Roads aligns with the existing office tower to avoid further infringement on sight lines toward the river.

The Project would implement many of the goals and policies of the City's newly adopted General Plan (General Plan), the MVCP and the FSDRIP Specific Plan. Therefore, the proposed development, including the easement abandonments is consistent with any applicable land use plan.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists. The Hazard Center Redevelopment Project proposes to demolish a portion of the existing commercial space (movie theater, restaurant and parking spaces) and construct up to 473 residential units (including 10 percent, or up to 48 affordable units), approximately 4,205 square feet of commercial retail/restaurant space, and to create approximately 450 net additional parking spaces on the 14.5-acre project site. The project includes a proposed amendment to the to the Transportation Element of the MVCP to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street with enhancements.


Part of the Project includes relocation of an existing easement for water utilities serving public and private fire hydrants on site. The easement would be relocated along with the water line to allow for construction of a residential tower and adjustment to an existing fire lane. The relocation of the easement would not affect the public's access through or use of the property within the proposed subdivision. There is no present or prospective public use for the easement in its existing location.

In addition, a public park is proposed for the restricted building area in the southwest corner of the project site to satisfy residential recreation requirements. There are existing surplus sewer easements that are no longer used in that area which would be eliminated. Also, an existing sewer, drainage and building restricted easement would be modified to meet current City standards at an existing sewer line and to consolidate the existing drainage access road with the sewer access road. There is no present or prospective use for the surplus easements and the requirements of the sewer and drainage access easements are better met through the proposed redesign. Access by the public at large would be improved through the proposed easement abandonments and modifications.

Therefore, public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council of the City of San Diego, Vesting Tentative Map No. 515726, including Easement Abandonments is hereby granted to 7510 Hazard LLC, a Delaware limited liability company, Subdivider/Applicant, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: 
Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
04/22/10
Or.Dept:DSD
R-2010-776
MMS: #11219

CONDITIONS FOR VESTING TENTATIVE MAP NO. 515726

HAZARD CENTER REDEVELOPMENT PROJECT

ADOPTED BY RESOLUTION NO. R-305859 ON MAY 18 2010

GENERAL

1. This Vesting Tentative Map will expire on MAY 18, 2013, unless otherwise extended.
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 recordation of a 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.
4. Each Final Map shall conform to the provisions of Site Development Permit No. 515727, Planned Development Permit No. 515728, Amendments to the First San Diego River Improvement Project [FSDRIP] Specific Plan and the Mission Valley Community Plan, an element of the General Plan, No. 518905.
5. 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

6. Prior to the recordation of the first Final Map for residential dwelling units, the Owner/Subdivider shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

7. The Subdivider shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 2 feet.
8. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
10. The Subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the vesting tentative map the Subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
11. The Subdivider is permitted to file up to 7 final maps. The Subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
12. 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.
13. 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 vesting 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.

TRANSPORTATION

14. Prior to recordation of the first final map, the Subdivider shall provide an Irrevocable Offer of Dedication for addition of a second eastbound right turn lane and associated improvements at the intersection of Friars Road/Frazee Road, satisfactory to the City Engineer. Dedication shall occur when needed by the City's SR-163/Friars Road interchange capital improvement project, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit for lots that utilize shared parking, a Shared Parking Agreement shall be recorded on each affected lot, satisfactory to the City Engineer.

MAPPING

16. "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].
17. "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."
18. 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.

WASTEWATER

19. All proposed onsite sewer facilities shall be private.
20. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
21. The Subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
22. The Subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the City of San Diego Director

of Public Utilities. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material, satisfactory to the City of San Diego Director of Public Utilities.

23. No structures or landscaping shall be installed in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.
24. No approved improvements or landscaping, including private sewer facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
25. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements [GUE] in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Public Utilities Department. Other agencies shall require separate easements.
26. For public onsite sewer facilities located within a gated community, the Subdivider shall provide the Wastewater Collection Divisions with keyed access satisfactory to the City of San Diego Director of Public Utilities. The City will not be held responsible for any issues that may arise relative to possession of the keys.
27. All proposed medians within 5 feet of public sewer mains shall be paved and no landscaping shall be installed within the medians.
28. The Subdivider shall provide evidence, satisfactory to the City of San Diego Director of Public Utilities, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer facilities that serve more than one ownership.

WATER

29. The Subdivider shall provide acceptable studies in a manner satisfactory to the Director of Public Utilities. The water study shall plan the pressure zone(s) and public water facilities necessary to serve this development. If phasing of development is proposed, then a phasing plan shall be included in the water study indicating how redundancy will be maintained.
30. The Subdivider shall design and construct all public water facilities as required in the accepted water studies for this area, necessary to serve this development and extending to the subdivision boundaries in a manner satisfactory to the Director of Public Utilities. Water facilities, as shown on the approved vesting tentative map, will require modification based on the accepted water study and final engineering.

31. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
32. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
33. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 15 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs or rolled curbs shall have protective posts. Easements, as shown on the approved vesting tentative map, will require modification based on standards and final engineering.

GEOLOGY

34. Additional geotechnical review will be required if a ministerial building or grading permit is needed for the project.

INFORMATION:

- The approval of this Vesting 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 Vesting 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 Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting 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 San Diego Municipal Code section 142.0607.