

RESOLUTION NUMBER R- 309270

DATE OF FINAL PASSAGE OCT 07 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING TENTATIVE PARCEL MAP NO.
1255887 FOR THE AKIN RESIDENCES - PROJECT NO. 352250.

WHEREAS, G2F TALBCO, LLC, a California Limited Liability Company, Subdivider, and COFFEY ENGINEERING, INC., Surveyor, submitted an application to the City of San Diego for a tentative parcel map (Tentative Parcel Map No. 1255887) for the subdivision of a single parcel into two residential lots for the project known as the Akin Residences. The 0.29-acre site is located at 3116 1/3 Falcon Street (temporary address) in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area, the Airport Environs Overlay Zone (AEOZ) and Airport Land Use Compatibility Plan (ALUCP) Noise Contours for the San Diego International Airport (SDIA), Airport Approach Overly Zone (AAOZ) for SDIA, Airport Influence Areas (AIA) for SDIA, and the Federal Aviation Administration (FAA) Part 77 for the SDIA and North Island Naval Air Station (NAS). The project site is legally described as:

Parcel 1: Lot F, Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County together with that portion of the northerly half of Redwood Street adjoining said Lot F on the south. Also together with an undivided 1/9 interest in Lot J in said Block 368; and together with that portion of Goldfinch Street adjoining Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in Deed Book 13, Page 522, in the Office of the County Recorder of San Diego County; and

Parcel 2: An easement for road and utility purposes over, under, along and across strip of land 24.00 feet in width lying within Lot C through J inclusive in Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County, together with that portion of the north half of Redwood Street adjoining said Block 368 on the south as vacated and closed to public use. The center line of said 24.00 foot strip being described as follows:

Beginning at the intersection of the southerly prolongation of the easterly line of Lot F in said Block 368, with the southerly line of the north 40.00 feet of said Redwood Street; thence northerly along said prolongation to and along the easterly lines of Lots F, E, D, and C, to the northeasterly corner of said Lot C. Also, beginning at a point of the westerly line of Lot H in said Block 368, distant thereon southerly 4.00 feet from the northwest corner thereof, said point of being the beginning of a tangent 90.00 foot radius curve, concave southeasterly; thence northerly and northeasterly along said curve, through a central angle of 90° , a distance of 141.37 feet, thence tangent to said curve, easterly 10.00 feet to the easterly line of Lot J in said Block 368.

The easement herein described in hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel 1 above; and

Parcel 3: An easement for sewer and water line purposes over, under, along and across the northerly 10.00 feet of Lot G, Block 368 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed on file in the Office of the County Recorder of San Diego County. The easement herein described in hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portion of Parcel 1 above; and

WHEREAS, the Map proposes the Subdivision of a 0.29-acre site into two (2) residential lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on August 14, 2014, the Planning Commission of the City of San Diego considered Tentative Parcel Map No. 1255887, and pursuant to Planning Commission Resolution No. 4615-PC, the Planning Commission voted to recommend City Council 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, on October 7, 2014, the City Council of the City of San Diego considered Tentative Parcel Map No. 1255887, and pursuant to San Diego Municipal Code section(s) 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard 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 Tentative Parcel Map No. 1255887:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)). The project proposes the subdivision of a 0.29-acre vacant parcel into two residential parcels to allow for the construction of a single family dwelling unit on each of the new 6,230 square foot parcels. The proposed project site is located at 3116 1/3 Falcon Street, on the southeastern side at the terminus of Goldfinch Street, in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area. The community plan designates the site for Low-Residential 5-10 dwelling units per acre (DU/AC) with a limited portion of the southern end of the property designated for Open Space (approximately 0.01 acres). The proposed parcels are within Urban Design Area 2 which is a transition zone designed to preserve the open space character of the neighborhood and afford public views. Development intensity is allowed within this transition zone at a very low density 3-4 DU/AC. The project site could accommodate one dwelling unit on each of the proposed parcels based on the underlying zone and the community plan. No development is proposed on the portion of the project site designated for Open Space.

The project subdivision is consistent with the policy documents, recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The project proposes the subdivision of a 0.29-acre vacant parcel into two residential parcels to allow for the construction of a single family dwelling unit on each of the new 6,230 square foot parcels. The proposed project site is located at 3116 1/3 Falcon Street, on the southeastern side at the terminus of Goldfinch Street, in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area. The community plan designates the site for Low-Residential 5-10 DU/AC with a limited portion of the southern end of the property designated for Open Space (approximately 0.01 acres). The proposed parcels are within Urban Design Area 2 which is a transition zone designed to preserve the open space character of the neighborhood and afford public views. Development intensity is allowed within this transition zone at a very low density 3-4 DU/AC. The project site could accommodate one dwelling unit on each of the proposed parcels based on the underlying zone and the community plan. No development is proposed on the portion of the project site designated for Open Space.

The proposed project includes a request for deviations to lot depth, street frontage, and site wall height. The proposed Akin-Parcel 1 shall have a lot depth of 90.19-feet and Akin-Parcel 2 shall have a lot depth of 90.27-feet, where the RS-1-7 Zone requires a minimum of 95-feet. Both parcels would be 6,320 square feet in size and 70.03-feet wide, which exceed the RS-1-7 Zone requirements of a minimum 5,000 square foot lot size and a minimum lot width of 50-feet. In addition, Akin-Parcel 2 shall have a 40-foot street frontage and no street frontage on Akin-Parcel 1, where the RS-1-7 Zone requires a minimum of 50-feet. The project site currently has only an existing 40-foot street connection to the existing cul-de-sac at the terminus of Goldfinch Street and an undivided 1/9 interest in a shared private driveway along the eastern side of the property that was recorded on July 31, 1978, which would be the only access to the proposed Akin-Parcel 1. Because the existing topography of the adjacent property is higher, the

project includes a deviation for a retaining wall along the western property line to allow for the proposed garage and the driveway that is accessed from Goldfinch Street.

Each of the requested deviations has been analyzed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, and the surrounding development. The deviations have been determined appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations. Therefore, with the approval of the deviations, the proposed subdivision complies with the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan, SDMC, and the General Plan.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The project proposes the subdivision of a 0.29-acre vacant parcel into two residential parcels to allow for the construction of a single family dwelling unit on each of the new 6,230 square foot parcels. The proposed project site is located at 3116 1/3 Falcon Street, on the southeastern side at the terminus of Goldfinch Street, in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area. The community plan designates the site for Low-Residential 5-10 DU/AC with a limited portion of the southern end of the property designated for Open Space (approximately 0.01 acres). The proposed parcels are within Urban Design Area 2 which is a transition zone designed to preserve the open space character of the neighborhood and afford public views. Development intensity is allowed within this transition zone at a very low density 3-4 DU/AC. The project site could accommodate one dwelling unit on each of the proposed parcels based on the underlying zone and the community plan. No development is proposed on the portion of the project site designated for Open Space.

The project site is an interior lot with an undivided 1/9 interest in a shared private driveway along the eastern side of the property that would provide access to one of the parcels, and the other parcel will be accessed from the existing cul-de-sac at the terminus of Goldfinch Street. The surrounding parcels have been developed with single family dwelling units. The properties to the west and south are zoned RS-1-7 and RS-1-2 and are designated as Low-Residential 5-10 DU/AC and Open Space within the community plan. The properties to the north and east are zoned RS-1-7 and are designated as Low-Residential 5-10 DU/AC within the community plan. Therefore, the site is physically suitable for the type and density of 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 (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). The property is an interior lot, and is located approximately 0.70 miles from the shoreline of San Diego Bay. The site is approximately 147-feet above Mean Sea Level (MSL) and is located above the 100-year floodplain. The property lies within the boundaries of the City's Multiple Species Conservation Program (MSCP) Subarea; however, the Multiple Habitat Planning Area (MHPA) of the MSCP is not mapped on-site nor is it adjacent. The site is

located in an urbanized area and there are no watercourses on site; therefore, the subdivision would not impact fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). The project proposes the subdivision of a 0.29-acre vacant parcel into two residential parcels to allow for the construction of a single family dwelling unit on each of the new 6,230 square foot parcels. The proposed project includes a request for deviations to lot depth, street frontage, and site wall height. The proposed Akin-Parcel 1 shall have a lot depth of 90.19-feet and Akin-Parcel 2 shall have a lot depth of 90.27-feet, where the RS-1-7 Zone requires a minimum of 95-feet. Both parcels would be 6,320 square feet in size and 70.03-feet wide, which exceed the RS-1-7 Zone requirements of a minimum 5,000 square foot lot size and a minimum lot width of 50-feet. In addition, Akin-Parcel 2 shall have a 40-foot street frontage and no street frontage on Akin-Parcel 1, where the RS-1-7 Zone requires a minimum of 50-feet. The project site currently has only an existing 40-foot street connection to the existing cul-de-sac at the terminus of Goldfinch Street and an undivided 1/9 interest in a shared private driveway along the eastern side of the property that was recorded on July 31, 1978, which would be the only access to the proposed Akin-Parcel 1. Because the existing topography of the adjacent property is higher, the project includes a deviation for a retaining wall along the western property line to allow for the proposed garage and the driveway that is accessed from Goldfinch Street. The deviations have been determined appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations. Therefore, with the approval of the deviations, the proposed subdivision complies with the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan, SDMC, and the General Plan.

A Mitigated Negative Declaration (MND) No. 352250 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines, which addresses potential impacts to Paleontological Resources. A Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented with this project to reduce the potential impacts to a level below significance.

The permit for the project does include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the LDC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Site Development Permit (SDP) No. 1258689 and Tentative Parcel Map (TPM) No. 1255887, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building and Fire Code requirements, and the subdivider shall be required to obtain grading and public improvement permits. Therefore, the 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The project proposes a partial right-of way (ROW) vacation at the terminus of Goldfinch Street as described in Public ROW Vacation No. 1255893; of which approximately 2,000 square feet would be allocated to the project site and the remaining approximately 2,000 square feet would be allocated to the adjacent parcel.

The vacation of this unimproved portion of Goldfinch Street would not preclude access to individual, privately owned parcels as existing residences in the vicinity maintain access from the improved portion of the Goldfinch Street or other streets. The paper street portion of Goldfinch Street connects to Reynard Canyon which is designated as Open Space; however, properties within this portion of the canyon are privately owned, and largely developed with single-family dwelling units. The area proposed for vacation would not be needed for parking in the future as the existing portion of Goldfinch Street currently terminates as an existing cul-de-sac. Additionally, the portions of the street vacation are contiguous with private property and therefore would not provide access to open space for public use. Further, no public views are identified or are proposed along the Goldfinch Street ROW. Therefore, the proposed 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.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The project proposes the subdivision of a 0.29-acre vacant parcel into two residential parcels to allow for the construction of a single family dwelling unit on each of the new 6,230 square foot parcels. The proposed project includes a request for deviations to lot depth, street frontage, and site wall height. However, the subdivision has taken into account the best use of the land to minimize grading and the structures will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities. As a component of the proposed development, each of the single family dwelling units will incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The proposed project site is located at 3116 1/3 Falcon Street, on the southeastern side at the terminus of Goldfinch Street, in the RS-1-7 and RS-1-2 Zones within the Uptown Community Plan area. The community plan designates the site for Low-Residential 5-10 DU/AC with a limited portion of the southern end of the property designated for Open Space (approximately 0.01 acres). The proposed parcels are within Urban Design Area 2 which is a transition zone designed to preserve the open space character of the neighborhood and afford public views. Development intensity is allowed within this transition zone at a very low density 3-4 DU/AC. The project site could accommodate one

dwelling unit on each of the proposed parcels based on the underlying zone and the community plan. No development is proposed on the portion of the project site designated for Open Space.

The 0.29-acre vacant site would be subdivided into two parcels and a single family dwelling unit would be constructed on each of the new 6,230 square foot parcels, which would result in the creation of two single family dwelling units. The decision maker has reviewed the administrative record including the project plans, environmental documentation and heard public testimony to determine 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 and found that the addition of residential units for private development is consistent with the housing needs anticipated for the Uptown area.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Parcel Map No. 1255887, hereby granted to G2F TALBCO, LLC, a California Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Inga B. Lintvedt
Deputy City Attorney

IBL:mm
9/17/2014
Or.Dept:DSD
Doc. No. 858486

CITY COUNCIL
CONDITIONS FOR TENTATIVE PARCEL MAP NO. 1255887
AKIN RESIDENCES PROJECT NO. 352250 [MMRP]

ADOPTED BY RESOLUTION NO. R- 309270 ON OCT 07 2014

GENERAL

1. This Tentative Parcel Map will expire on OCT 07 2017.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Parcel Map taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
4. The Tentative Parcel Map all conform to the provisions of Site Development Permit No. 1258689.
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 the City and/or any Indemnified Parties 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 promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. This Permit shall comply with all conditions of Site Development Permit No. 1258689, satisfactory to the City Engineer.

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7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. 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.
9. 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

10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
11. "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."
12. The Parcel Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearings" 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 First Order accuracy. 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

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ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.

INFORMATION:

- The approval of this Tentative Parcel 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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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 San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider 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 § 142.0607).

Internal Order No. 24004292

Project No. 352250
TPM No. 1255887

Passed by the Council of The City of San Diego on OCT 07 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 07 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Letran*, Deputy

Office of the City Clerk, San Diego, California

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