

RESOLUTION NUMBER R- 312293

DATE OF FINAL PASSAGE APR 08 2019

ITEM # 204B
4/8/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE TENTATIVE MAP NO. 2125994, PUBLIC RIGHT-OF-WAY VACATION NO. 2102934, EASEMENT VACATION NO. 2102935 FOR UNIVERSITY MANOR MIXED USE – PROJECT NO. 503848.

WHEREAS, University Avenue Manor, LLC, Subdivider, Owner, and Leland Francis Johnson, Engineer, submitted an application to the City of San Diego for a Tentative Map, Easement Vacation, and Public Right-of-Way Vacation for the demolition of existing structures and the construction of a mixed-use development consisting of 63 for rent multi-family dwelling units and two commercial buildings. The project site is located at 5556-5592 University Avenue in the CC-5-3 zone of the Mid-City Communities Plan. The property is legally described as: The westerly 50 feet of the easterly 150 feet that portion of Lot 29 of Lemon Villa, Map No. 734, lying northerly of the northerly line of University Avenue as said Avenue was conveyed to the City of East San Diego by Deed recorded August 16, 1918 in Book 761, Page 57, said Distance being measured at right angles from easterly line of said Lot 29; Parcel 2: The westerly 100 feet of the easterly 250 feet of that portion of Lot 29, Lemon Villa Map No. 734, lying north of the north line of University Avenue, as said Avenue was conveyed to the City of East San Diego by Deed recorded August 16, 1918 in Book 761, Page 57, said distance being measured at right angles from easterly line of said Lot 29; Parcel 3: The westerly 50 feet of the easterly 300 feet of that portion of Lot 29, Lemon Villa Map No. 734, lying north of the north line of University Avenue, as said Avenue was conveyed to the City of East San Diego by Deed recorded August 16, 1918 in Book 761, Page 57, said distance being measured at right angles from easterly line of said Lot 29; and

WHEREAS, the Map proposes the Subdivision of a 1.47-site into a single lot; 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 February 21, 2019, the Planning Commission of the City of San Diego considered Tentative Map No. 2125994, Public Right-of-Way Vacation No. 2102934, and Easement Vacation No. 2102935 pursuant to Resolution No. 4987-PC, the Planning Commission voted to recommend City Council approve the map and vacations; 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 April 8, 2019, the City Council of the City of San Diego considered Tentative Map No. 2125994, Public Right-of-Way Vacation No. 2102934, and Easement Vacation No. 2102935 pursuant to San Diego Municipal Code Section(s) 125.0440, 125.1040, and 125.0941 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 Map No. 2125994:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project proposes the demolition of nine structures for the construction of 63 multi-family residential dwelling units located in the rear of the property and two commercial buildings totaling 5,048 square feet located in the front of the property with 2,170 square feet of common area. The 1.47-acre site is located at 5556-5592 University Avenue, within the El Cerrito Heights sub-community area of the Eastern Neighborhood of the Mid-City Communities Plan area. The site is within the CC-5-3 (Commercial-Community Service) zone in the Central Urbanized Planned District. The project site is also within the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, and Transit Priority Area Overlay Zone.

The Mid-City Communities Plan designates the site as Commercial and Mixed-Use. Per the community plan, the permitted residential density is 29 dwelling units per acre, with a mixed-use bonus allowing for an increase in residential density up to 43 dwelling units per acre as identified page 54, Figure 13 (Eastern Area Community Plan Map) of the Mid-City Communities Plan. The proposed Project is consistent with the land use designation and, at a proposed density of approximately 43 dwelling units per acre, is consistent with the permitted residential density including mixed-use bonus. The underlying CC-5-3 allows 43 dwelling units for the site.

The project furthers the goal of the General Plan's City of Villages Strategy to realize mixed-use villages located throughout the City connected by high-quality transit. University Avenue is a major transit corridor with local and rapid bus services, and the project site is located along a Mixed-Use Transit Corridor and adjacent to a Smart Growth Town Center as designated on the San Diego Association of Governments (SANDAG) Smart Growth Opportunity Areas

map. Additionally, 54th Street, located approximately 0.2 miles west of the project site, is a transit corridor.

The Mid-City Communities Plan policy guidance for buildings along University Avenue east of 54th Street suggests buildings be two-stories in height. The Project complies by incorporating two-story commercial buildings adjacent to University Avenue, with the taller residential buildings located behind the commercial buildings, adjacent to an existing hillside. The Project is also consistent with General Plan policy guidance to create street frontages that provide visual appeal to the streetscape and enhance the pedestrian experience. The commercial portion of the Project, adjacent to the public right-of-way, is designed to be pedestrian-oriented by incorporating prominent, visible, and well-located pedestrian entrances; ground-floor transparency; and space for public art on blank walls near the street frontage to enhance visual appeal.

The residential portion of the Project also meets General Plan policy guidance to provide architectural features that establish and define a building's appeal and enhance the pedestrian experience. To enhance the pedestrian experience, residential and commercial parking areas are screened from the public right-of-way by structures and by screening that is consistent with the site's architectural style. Within the project site, parking areas are also screened by landscaping. The proposed residential structures provide visual appeal by incorporating varied and complementary exterior materials, finishes, and colors.

The Project proposes to vacate a portion of the existing right-of-way of University Avenue along the project frontage. The proposed right-of-way vacation will not adversely affect the Mid-City Communities Plan, which identifies University Avenue at the project site as a Four-Lane Major street. At the project site, University Avenue currently features four lanes, a center

left turn lane, and on-street parking on the north side of the street. The proposed Project will provide new, non-contiguous sidewalks with tree wells along University Avenue replacing existing contiguous sidewalks, construct a concrete raised median to allow eastbound left turn into the site at the commercial driveway, and on-street parking. As such, the proposed vacated portion of University Avenue is excess public right-of-way and is not needed. The Project meets General Plan policy guidance to improve walkability through the pedestrian oriented design of projects in areas where higher level of pedestrian activity is present or desired, and to encourage the use of non-contiguous sidewalk design where appropriate to help separate pedestrians from auto traffic. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use 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 demolition of nine structures for the construction of 63 multi-family residential dwelling units located in the rear of the property and two commercial buildings totaling 5,048 square feet with 2,170 square feet of common area located in the front of the property. Three deviations are being requested as part of the project design: (1) retaining wall height (up to 16-feet) within the rear and side yard where two six-foot retaining walls with separation is allowed; (2) balcony encroachment into the side yard setback; and (3) Proposed structure height of 50 feet where 45 feet is allowed. The following outlines the deviations and justifications:

Retaining Wall: SDMC section 142.0340(d)(1) allows two retaining walls with a maximum height of six feet each separated by a minimum horizontal distance equal to the height of the upper wall within the rear and side yards in commercially zoned properties. The deviation is to allow an increase in the retaining wall heights up to 16 feet for a single wall in the rear and side yard without separation.

The project site has an elevation differential of approximately 51 feet spanning over 300 feet from University Avenue to the rear property line. The over height retaining walls will be located in the rear of the property. The proposed development will minimize the alteration of land forms and will not result in undue risk from geologic and erosional forces with the construction of a retaining wall of up to 16 feet. The proposal for over height retaining walls in the rear yard will allow for an open space area for the residence and to maximize the number of residential dwelling units. The scale and mass of the proposed retaining walls would be diminished by the planting of landscape screening along all proposed retaining walls, five feet or greater in height. Additionally, the walls would be located behind the proposed residential development and screened from the public-right-way. Partially imbedding the development into the hillside would allow the placement of a usable open space area with bar-b-que, passive landscape, and picnic tables and keeping the project building from protruding in height above the surrounding developments.

Balcony Encroachment: SDMC Table 131.05E requires a 10-foot side yard setback for the project. The balcony deviation is requested to allow required balconies to encroach three feet into the east side yard setback.

All the structures on the project site are oriented towards and related to the topographic features of the site and the narrow width of the lot. Due to the restricted width of the lot/site,

compliance with San Diego Fire Department fire access width requirements, and the need to meet minimum private open space requirements, the Project's balconies are proposed to encroach three feet into the east side yard setback (Figure 4). The encroachment into the side yard setback will allow each unit to maintain a minimum of 60 square feet of private open space and allow adequate access for emergency vehicles.

Building Height: The City of San Diego building height requirements, per SDMC Section 131.0530, Table 131-05E, limits building height to 45 feet for the CC-5-3 zone. Residential Building "A" within the mixed-use development proposes an overall building height of 57 feet, six-inches when the height measurement includes the commercial structure's height.

The project site slopes up to 51 feet in elevation differential, spanning 300 feet from University Avenue to the rear property line. Residential Building "A" is based on grade 14 feet higher than the adjacent Commercial Building "A." Because the Project is providing pedestrian and accessible connectivity between Commercial Building "A" and Residential Building "A" from the public right-of-way, the connected commercial and residential buildings include a common staircase, an elevator and an accessible ramp from the public right-of-way creating an overall height of 57 feet, six inches. When viewed separately, the overall Residential Building "A" height is 43 feet, six inches and the Commercial Building "A" height is 14 feet. When viewed from the public right-of-way, both buildings appear separate as Commercial Building "A" is position along University Avenue at a height of 14 feet and Residential Building "A" is set back 40 feet from the front of Commercial Building "A." Allowing Building "A" to exceed the height limit will provide access between the residential units and the commercial area

The above three deviations have been analyzed by staff and determined to be consistent with the goals and recommendations of the General Plan, Mid-City Communities Community

Plan, the Central Urbanized Planned District, and the purpose and intent of the CC-5-3 zone. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed project provides a mixed residential/commercial development in accordance with development standards of the CC-5-3 zone and Mid-City Communities Community Plan. The proposed development will assist in accomplishing the City goal by providing affordable housing units and market-rate housing opportunities in transit-friendly areas near employment centers.

The project deviations are allowed by a Site Development Permit for projects utilizing the Affordable/In-Fill Housing and Sustainable Buildings Regulations from SDMC section 143.0915. Therefore, 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.

3. The site is physically suitable for the type and density of development.

The site has been previously graded and developed with existing structures. The project proposes the demolition of nine structures for the construction of 63 multi-family residential dwelling units located in the rear of the property and two commercial buildings totaling 5,048 square feet located in the front of the property with 2,170 square feet of common area. The Mid-City Communities Plan designates the site as Commercial and Mixed-Use. Per the community plan, the permitted residential density is 29 dwelling units per acre, with a mixed-use bonus allowing for an increase in residential density up to 43 dwelling units per acre as identified page 54, Figure 13 (Eastern Area Community Plan Map) of the Mid-City Communities Plan. The proposed Project is consistent with the land use designation and, at a proposed density of

approximately 43 dwelling units per acre, is consistent with the permitted residential density including mixed-use bonus. The underlying CC-5-3 allows 43 dwelling units for the site.

All the structures on the project site are oriented towards and related to the topographic features of the site and the narrow width of the lot. The project's lot dimension is approximately 430 feet by 280 feet with two thirds of the site previously graded from preexisting developments. The Project will orientate the residential element with the previously graded area following the long side of the lot dimension. This will allow the development to maximize the number of residential dwelling units and prevent additional grading into a nearly vertical hillside and allow building "B" to be within the height requirements. Therefore, the site is physically suitable for the type and density of the 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.

Negative Declaration No. 503848 has been prepared in accordance with the State of California Environmental Quality Act (CEQA) guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project will not have a significant environmental effect and the preparation of Environmental Impact Report will not be required. The project is located within an urbanized and built-out environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. Therefore, the subdivision and the proposed improvements will not cause substantial environmental damage or substantially injure 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.

The proposed project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of new driveways, has been designed to conform with the City of San Diego's codes, policies, and regulations with the primary focus of protecting the public's health, safety and welfare. The conditions of approval of the project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would work at the site and within the community. Conditions of approval address driveway, public improvements including a new center median within University Avenue, landscaping and grading. Storm water impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features, such as source control and treatment control Best Management Practices.

Negative Declaration No. 503848 has been prepared for the project in accordance with state of California Environmental Quality Act (CEQA) guidelines. Based on the Initial Study, it was determined that the proposed project will not have a significant effect on the environment.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) 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 will comply with the development conditions in effect for the subject property as described in Site Development Permit (SDP) No. 1769787 and Planned Development Permit (PDP) No. 2102933, and other

regulations and guidelines pertaining to the subject property per the SDMC for the project site. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the design of the subdivision or the type of improvement 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.

Currently, the site contains two remnant road easements proposed to be vacated and an unused portion of University Avenue to be vacated through this Tentative Map action. The project proposes the demolition of nine structures for the construction of 63 multi-family residential dwelling units located in the rear of the property and two commercial buildings totaling 5,048 square feet located in the front of the property with 2,170 square feet of common area. Access to the site will be entirely from University Avenue, which is being improved to include new curb, gutter, sidewalk, and a center median allowing for a left turn into the site from eastbound University Avenue. Therefore, 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.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The subdivision proposes the consolidation of three existing lots into one lot on a 1.47-acre site. The proposed development includes the construction of 63 multi-family residential

dwelling units located in the rear of the property in two, four-story structures and two commercial buildings totaling 5,048 square feet located in the front of the property with 2,170 square feet of common area. The design of the subdivision has taken into account the best use of the land to minimize grading and orient the development from east to west providing optimal solar utilization. The roof top of the proposed mixed-use development provides the opportunity for future solar heating or electric resources and would not impede or inhibit any future passive or natural heating and cooling opportunities. The construction of the multi-family dwelling units will include electrical conduit from the roof to the electrical room so that a photovoltaic system could be installed at a future date. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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.

The decision maker has reviewed the administrative record including the project plans and environmental documentation to determine the effects of the proposed subdivision on the housing needs of the region. With the proposed development of 63 multi-family residential units, there would be a gain of 63 for-rent units. The multi-family dwelling units are within a built out urbanized community with adequate infrastructure. The applicant has chosen the option of providing seven affordable housing units on site. The decision maker has determined that the available fiscal and environmental resources are balanced by the proximity of shopping, essential services, and recreation in the nearby developed urban area. The project is within a quarter mile from retail services and sales. In addition, the site is located within a half mile from Colina Del

Sol community park. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that portions of two road easements and a portion of University Avenue, located within the project boundaries as shown in Tentative Map No. 2125994 shall be vacated, contingent upon the recordation of the approved Parcel 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:

9. There is no present or prospective public 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 project proposes to vacate two road easements in conjunction with the demolition of nine structures and the construction of 63 multi-family residential dwelling units and two commercial buildings. The two road easements exist on the site. Easement 1 is located on a portion of Parcel 1, Map No. 734 and was created for roadway purposes and granted to the City of San Diego in 1947. Easement 2 is located on Parcel 2, Map No. 734 and was also created for road way purposes and granted to the City of San Diego in 1952.

The remnant easements do not extend beyond the project's boundary and are not in operation for its intended use. Easement 1, currently traverses the southern portion of Parcel 1 and is 65 feet long for a total area of 1,001 square feet. The easement currently contains existing structures and parking over it. Easement 2, currently traverses the southern portion of Parcel 2 and is approximately 165 feet long with a total area of 2,003 square feet. This easement currently contains existing structures over it.

The road easements do not provide access for the existing structures on Parcels 1 and 2 and are not required for access to the proposed multi-use development. Therefore, there is no present or prospective public 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.

10. The public will benefit from the action through improved utilization of the land made available by the vacation.

The proposed easement vacations will allow the construction of 63 multi-family residential dwelling units located in the rear of the property and two commercial buildings totaling 5,048 square feet with 2,170 square feet of common area located in the front of the property where seven of the multi-family residential dwelling units will be affordable. The project site includes the following associated street addresses: 5556 University Avenue which contains an unoccupied Quality Auto Sales comprised of a one-story structure; 5570, 5580, 5586, and 5590 University Avenue contains four one-story structures and one two-story structure associated with the former dry-cleaning operations and currently abandoned; and lastly, 5590a, 5590b, and 5592 University Avenue contains two one-story residential structures and one detached garage.

On August 11, 2017, the Code Enforcement Division of the Development Services Department found the structures located at 5570, 5580, and 5586 University Avenue to be vacant and unsecured. This condition violates San Diego Municipal Code Section 54.0306. Additionally, the vacant and unsecured structures posed a serious threat to the public's health and safety and are declared to be a public nuisance in accordance with San Diego Municipal Code Section 54.0301 and California Health and Safety Code Section 17920.3.

The project would require the removal of the abandon and hazardous structures for the development of the mixed-used development which would provide housing and employment opportunity to the community. The overall 1.47-acre project site would be graded in preparation for the construction of the project. The remnant vacated easements will be utilized for the construction of the mixed-use development. University Avenue will be improved with new curb, gutter, sidewalk, and expanded in accordance with current Mid-City Communities Community Plan street classification of a four-lane major. Additionally, the project will include a raised medium allowing a left turn land lane into the development ensuring traffic safety along University Avenue. Therefore, the public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

11. The vacation is consistent with any applicable land use plan.

As outlined in Tentative Map Finding No. 1 listed above, the vacation is consistent with any applicable land use plan.

12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The project proposes to vacate two road easements in conjunction with the demolition of nine structures and the construction of 63 multi-family residential dwelling units and two commercial buildings. The two road easements exist on the site. Easement 1 is located on a portion of Parcel 1, Map No. 734 and was created for roadway purposes and granted to the City of San Diego in 1947. Easement 2 is located on Parcel 2, Map No. 734 and was also created for road way purposes and granted to the City of San Diego in 1952.

The remnant easements do not extend beyond the project's boundary and are not in operation for its intended use. Easement 1, currently traverses the southern portion of Parcel 1 and is 65 feet long for a total area of 1,001 square feet. Easement 2 traverses the southern portion of Parcel 2 and is approximately 165 feet long with a total area of 2,003 square feet.

The road easements are not required for access to the proposed multi-use development. The area vacated by the proposed easement vacation will be utilized for the construction of the mixed-use development and provide housing and commercial services to the community. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

13. There is no present or prospective public use for the public right-of-way either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

The project proposes to vacate a portion of University Avenue in conjunction with the demolition of nine structures and the construction of 63 multi-family residential dwelling units and two commercial buildings. The proposed portion of University Avenue was deeded to the City of San Diego in 1918 and was created for the University Avenue right-of-Way.

The proposed project would include the expansion of University Avenue to its designated street classification as a Four-Lane Major by providing new, non-contiguous sidewalks with tree wells, a concrete raised median to allow eastbound left turn into the site at the commercial driveway, and on-street parking. The remaining remnant portion of University Avenue not required for a Four-Lane major classification, would be vacated equating to 2,932 square feet.

The proposed vacated area currently traverses the entire eastern portion of the site and contains a parking lot which at one time was used for a dry-cleaning business and auto mechanic shop.

The vacated area does not provide automobile flow along University Avenue and is excess Public Right-of-Way of a Four-Lane Major street classification. Therefore, there is no present or prospective public use for the public right-of-way either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

14. The public will benefit from the action through improved use of the land made available by the vacation.

The proposed Public Right-of-Way (PROW) vacation will allow the construction of 63 multi-family residential dwelling units located in the rear of the property and two commercial buildings totaling 5,048 square feet with 2,170 square feet of common area located in the front of the property where seven of the multi-family residential dwelling units will be affordable.

The vacated area does not provide automobile flow along University Avenue and is excess Public Right-of-Way of a Four-Lane Major street classification. The remnant portion of University Avenue is not required for a Four-Lane Major and will be utilized for the construction of the mixed-use development and will provide housing and commercial services to the community. Additionally, University Avenue will be improved with new curb, gutter, sidewalk, and expanded in accordance with current Mid City Communities Community Plan street classification of a Four-Lane Major. The project will include a raised median with a left turn lane into the development ensuring traffic safety along University Avenue. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

15. The vacation does not adversely affect any applicable land use plan.

As outlined in Tentative Map Finding No. 1 listed above, the vacation is consistent with any applicable land use plan.

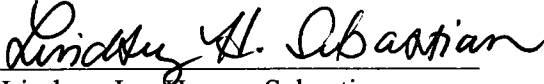
16. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The proposed portion of University Avenue to be vacated was deeded to the City of San Diego in 1918 and was created for the University Avenue Right-of-Way. The portion of University Avenue being vacated is currently unimproved.

The proposed project would include the expansion of University Avenue to its designated street classification as a Four-Lane Major by providing new, non-contiguous sidewalks with tree wells, a concrete raised median to allow eastbound left turn into the site at the commercial driveway, and on-street parking. The remaining unimproved portion of University Avenue not required for a Four-Lane Major classification, would be vacated equating to 2,932 square feet. The proposed vacated area currently traverses the entire southern portion of the site, does not provide automobile flow along University Avenue and is excess Public Right-of-Way of a Four-Lane Major street classification. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 2125994, Public Right-of-Way Vacation No. 2102934 and Easement Vacation No. 2102935 are approved and hereby granted to University Avenue Manor, LLC subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey Joy Herana Sebastian
Deputy City Attorney

LJS:als
03/18/2019
Or.Dept:DSD
Doc. No.: 1957363

Attachment: Tentative Map, Public Right-of-Way, and Easement Vacation Conditions

CITY COUNCIL
CONDITIONS FOR TENTATIVE MAP NO. 2125994
PUBLIC RIGHT-OF-WAY VACATION NO. 2102934
EASEMENT VACATION NO. 2102935
UNIVERSITY MANOR MIXED USE - PROJECT NO. 503848

ADOPTED BY RESOLUTION NO. R- 312293 ON APR 08 2019

GENERAL

1. This Tentative Map will expire on April 8, 2022.
2. Compliance with all 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 expiration of the tentative map, a Parcel Map to consolidate the property into one parcel shall be recorded in the Office of the County Recorder.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated \$34.00 compliance fee to avoid delaying the recordation of the Parcel Map.
6. The Parcel Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.
7. All survey monuments shall be set prior to the recordation of the Parcel Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Parcel Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
8. The easements shown on the Tentative Map exhibit will be vacated pursuant to section 66445(j) of the Subdivision Map Act.
9. The Subdivision shall conform to the provisions of Planned Development Permit No. 2102933 and Site Development Permit No. 1769787.
10. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.

11. 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.

AFFORDABLE HOUSING

12. Prior to the recordation of the Parcel Map, the 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 Affordable Housing Regulations (San Diego Municipal Code §§ 143.0301 et seq.).

ENGINEERING

13. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new street light adjacent to the site on University Avenue.
14. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
15. 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.
16. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

17. "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].

18. "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."

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

WATER/WASTE WATER

19. Prior to any Parcel Map being recorded, the Subdivider shall ensure that all easements have been vacated in accordance with Exhibit "A."
20. Prior to the issuance of any Building Construction Permit, the Subdivider shall construct, or assure construction via a permit and bond, all required public water and sewer facilities in accordance with Exhibit "A."

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 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 Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative 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. 24006884

Passed by the Council of The City of San Diego on APR 08 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Chris Cate	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 08 2019.

(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.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312293