



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** April 2, 2009 **REPORT NO.** PC-09-022

**ATTENTION:** Planning Commission, Agenda of April 9, 2009

**SUBJECT:** **EXTENSION OF TIME FOR THE PROMONTORY POINT  
CONDOMINIUMS - PROJECT NO. 162051.  
PROCESS 5.**

**OWNER/  
APPLICANT:** Promontory Point LLC., Owner/Clifford LaMonte, Applicant  
(Attachment 14)

### SUMMARY

Issue(s) – Should the Planning Commission recommend to the City Council approval of an Extension of Time for a Tentative Map, Public Right-of-Way Vacation, and Site Development Permit for a twelve unit condominium project located at 4325 Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan area?

#### Staff Recommendation

1. Recommend to the City Council Approval of the Extension of Time for Tentative Map No. 123433, Public Right-of-Way Vacation No. 123434, and Site Development Permit No. 123430.

Community Planning Group Recommendation - The Uptown Community Planning Group voted unanimously, 14:0:0, to recommend approval of the project at their March 3, 2009 meeting. No specific concerns or requested conditions were identified.

Environmental Review - Mitigated Negative Declaration No. 1612 was certified on August 9, 2005 (City Council Resolution No. R-300782) for the original project and remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c) (3) and 15378(c).

Fiscal Impact - All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The Uptown Community Plan designates the subject property for high density residential development at 44-73 dwelling units per acre. The original project proposed 12 residential units where 15 to 26 dwelling units are called for by the Land Use Element of the Plan. No affordable units were proposed as part of this project. However, the project is subject to the requirements of the Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Municipal Code.

## **BACKGROUND**

The project site is located at the northerly terminus of Sixth Avenue in the MR-800B zone and the FAA Part 77 overlay zone of the Mid-City Planned District within the Uptown Community Plan area. On June 23, 2005, the Planning Commission voted 5-0 to recommend approval of the project to the City Council. The City Council approved the Promontory Point project on August 9, 2005, with Resolution Numbers, R-300782, R-300783 and R-300784, filed in the Office of the City Clerk, for the Tentative Map, Public Right-of-Way Vacation, Site Development Permit and certified Mitigated Negative Declaration LDR No. 1612.

The previously approved project allowed the development of 12 dwelling units with a two-level parking garage within a seven story building. The building would provide four single-bedroom units and eight, two-bedroom units. The proposed building would total approximately 20,912 square feet where 23,434 square feet is allowed as the maximum floor area ratio. The project also included twenty-two parking spaces for the residents and guests as described in detail in the attached Planning Commission Report No. PC-05-188, dated June 30, 2005 (Attachment 5).

## **DISCUSSION**

### **Project Description**

Prior to the expiration of the Tentative Map, Street Vacation, and the Site Development Permit the applicant filed an application for an Extension of Time. The Extension of Time would extend the Tentative Map and Site Development Permit for 36 months per the Municipal Code and the Subdivision Map Act. This would allow the owner/developer additional time to construct the project. There are no further extensions of time allowed for the Site Development Permit per section 126.0111(a).

An Extension of Time application limits the City's ability to modify or add conditions unless mandated to comply with state or federal law or as necessary to protect the health and safety of the immediate community. Staff has determined no new conditions are required and the required findings can be made to support approval of the Extension of Time request.

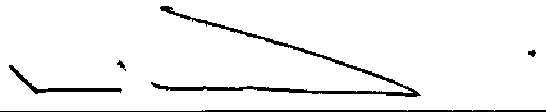
## CONCLUSION

The approval of the Extension of Time would allow the owner/developer an additional three years to develop the project. Staff has determined that the required findings can be supported and recommends the Planning Commission recommend approval of the project to the City Council.

## ALTERNATIVES

1. Deny the Extension of Time of Site Development Permit No. 578890, Tentative Map No. 578889, and Public Right-of-Way Vacation No. 633477, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



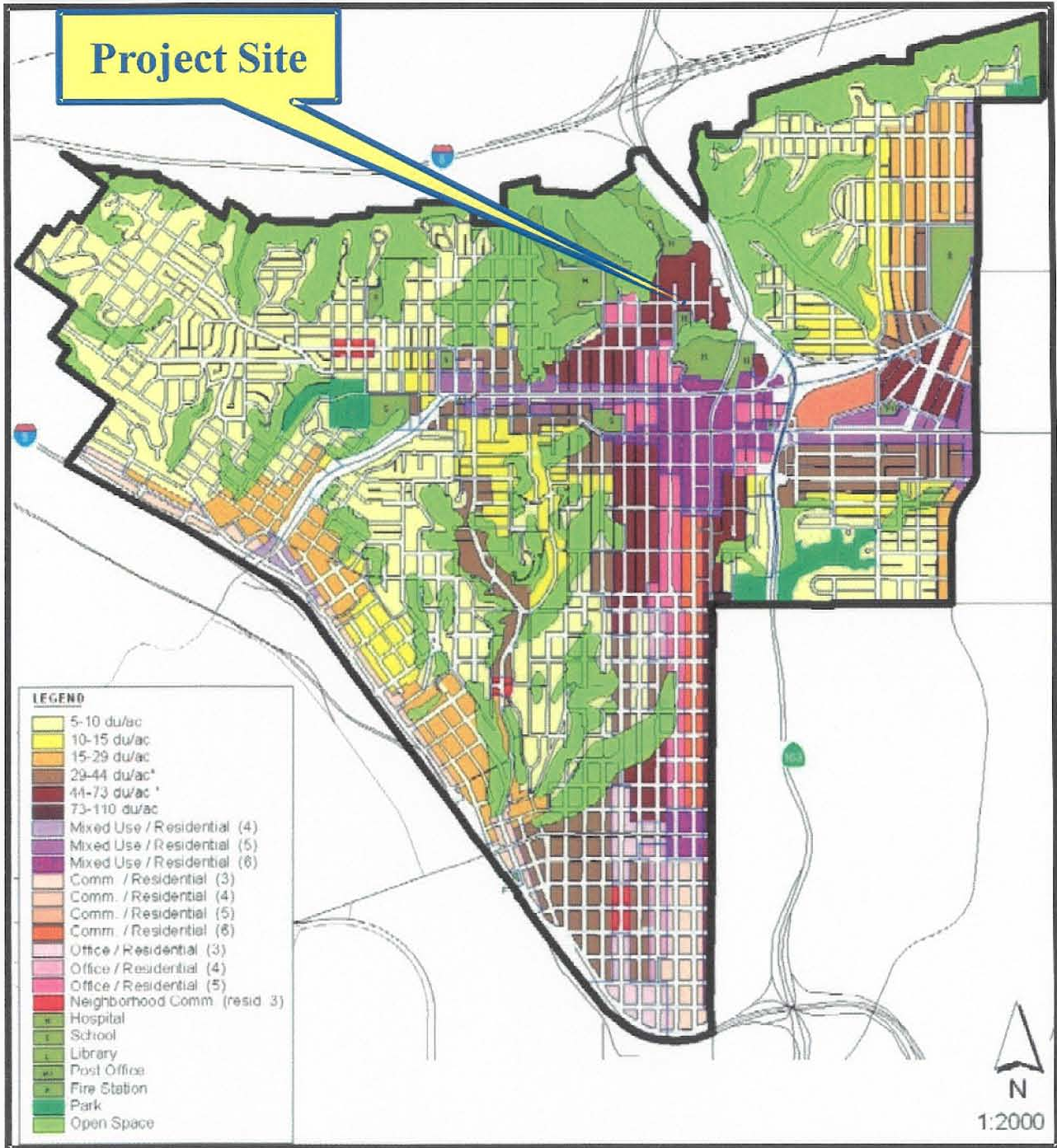
Mike Westlake  
Program Manager  
Development Services Department



Renee Mezo  
Development Project Manager  
Development Services Department

## WESTLAKE/RM

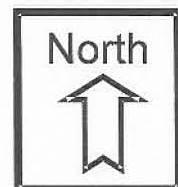
- Attachments:
1. Community Plan Land Use Map
  2. Aerial Photograph
  3. Project Location Map
  4. Project Data Sheet
  5. Planning Commission Report No. PC-05-188 (no attachments)
  6. Approved Tentative Map and Public Right-of-Way Vacation Resolution
  7. Copy of Recorded Site Development Permit
  8. Project Plans (Site Plan and Tentative Map only)
  9. Mitigated Negative Declaration No. 1612
  10. Draft Extension of Time Tentative Map Resolution
  11. Draft Extension of Time for Site Development Permit and Resolution
  12. Community Planning Group Recommendation
  13. Project Chronology
  14. Ownership Disclosure Statement



## Land Use Map

**PROMONTORY CONDOS – 4325 6<sup>TH</sup> AVENUE**

**PROJECT NUMBER - 162051**







**Project Site**

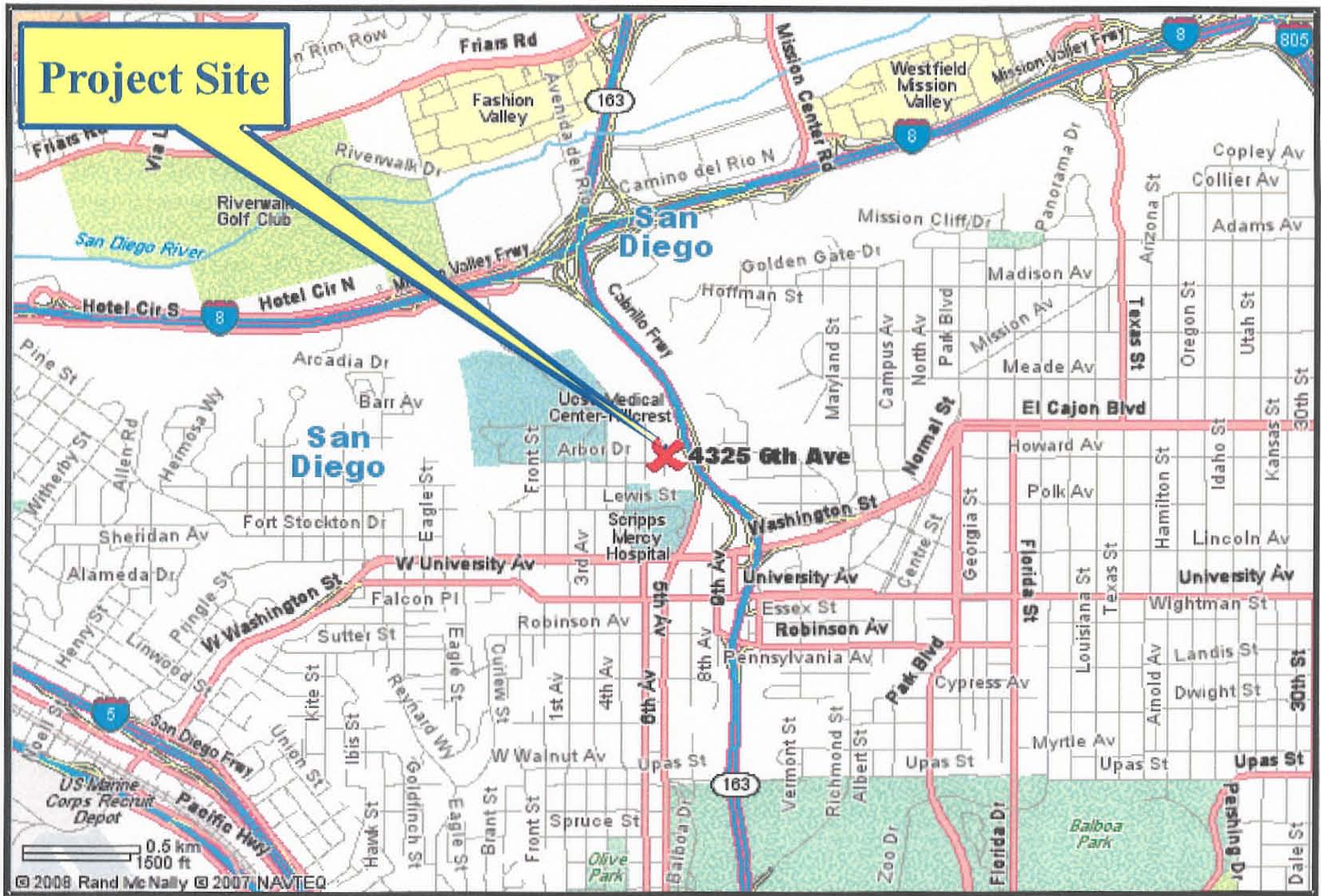


### **Aerial Photo**

**PROMONTORY CONDOS – 4325 6<sup>TH</sup> AVENUE**  
**PROJECT NUMBER - 162051**

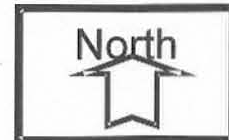






## Project Location Map

**PROMONTORY CONDOS – 4325 6<sup>TH</sup> AVENUE**  
**PROJECT NUMBER - 162051**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Promontory Point Condominiums	
<b>PROJECT DESCRIPTION:</b>	Extension of Time for the construction of a 12-unit condominium complex.	
<b>COMMUNITY PLAN AREA:</b>	Uptown	
<b>DISCRETIONARY ACTIONS:</b>	Extension of Time for Site Development Permit, Tentative Map Street and a Public Right-of-Way Vacation	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	High Density Residential (Allows residential development up to 44-73 dwelling units per acre).	
<b><u>ZONING INFORMATION:</u></b>		
<p style="text-align: center;"><b>ZONE:</b> MR800B: (A multi-unit residential zone that permits 1 dwelling unit for each 800 square-feet of lot area)</p> <p style="text-align: center;"><b>HEIGHT LIMIT:</b> 70-Foot maximum height limit.</p> <p style="text-align: center;"><b>LOT SIZE:</b> NA.</p> <p style="text-align: center;"><b>FLOOR AREA RATIO:</b> 1.25 maximum, 0.75 at 40% front of lot, 1.25 at 60% back of lot</p> <p style="text-align: center;"><b>FRONT SETBACK:</b> 10 feet.</p> <p style="text-align: center;"><b>SIDE SETBACK:</b> Varies 6 - 15 feet depending on floor level.</p> <p style="text-align: center;"><b>STREETSIDE SETBACK:</b> NA</p> <p style="text-align: center;"><b>REAR SETBACK:</b> 15 feet.</p> <p style="text-align: center;"><b>PARKING:</b> 22 parking spaces required 22 provided.</p>		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential; MR800B.	Multi-Family Residential
<b>SOUTH:</b>	Multi-Family Residential; MR800B.	Multi-Family Residential
<b>EAST:</b>	Public Right-of-way.	State Highway 163
<b>WEST:</b>	Multi-Family Residential; MR800B and MR3000.	Multi-Family Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None with the Extension of Time	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On March 3, 2009, the Uptown Community Planning Group voted 14:0:0 to approve the project.	



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 23, 2005 **REPORT NO.** PC-05-188

**ATTENTION:** Planning Commission, Agenda of June 30, 2005

**SUBJECT:** PROMONTORY POINT CONDOMINIUMS,  
PROJECT NO. 1612. PROCESS 5.

**OWNER/  
APPLICANT:** Windmill Construction Co., Owner/Clifford LaMonte, Applicant  
(Attachment 15)

### SUMMARY

Issue(s) – Should the Planning Commission recommend to the City Council approval of the Promontory Point Condominiums project; a Street Vacation, Tentative Map and Site Development Permit for a twelve unit condominium project located at northerly terminus of Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan area?

#### Staff Recommendation

1. Recommend to the City Council Certification Mitigated Negative Declaration No. 1612 and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend to the City Council Approval of Street Vacation No. 123434, Tentative Map No. 123433 and Site Development Permit No. 123430.

Community Planning Group Recommendation - The Uptown Community Planning Group voted unanimously, 14:0:0, to recommend approval of the project at their October 5, 2004 meeting. No specific concerns or requested conditions were identified.

Environmental Review - A Mitigated Negative Declaration No. 1612 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared





and will be implemented and reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact - All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The Uptown Community Plan designates the subject property for high density residential development at 44-73 dwelling units per acre. Due to site constraints, the project proposes to construct 12 residential units where 15 to 26 dwelling units are called for by the Land Use Element of the Plan. No affordable units are proposed as part of this project. However, the project is subject to the requirements of the Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Municipal Code.

## **BACKGROUND**

The project site is located within the Uptown Community Plan area in the MR800B zone of the Mid-City Planned District at the northerly terminus of Sixth Avenue. The Uptown Community Plan designates the subject property for high density residential development (Attachment 1). The existing topographic condition of the site is very steeply sloping in a northeasterly direction from Sixth Avenue down to State Route 163. The site was previously graded by Caltrans for State Route 163 and the steep slope is not natural (Attachment 2). The Environmentally Sensitive Lands regulations do not apply to the site. The sloping site supports mostly a non-native plant *Carprobrotus edulis*, Hottentot Fig or Iceplant, with some minor stands of *Rhus integrifolia*, Lemonadeberry and other native shrubs (Attachment 3). The 15,246 square foot site is currently vacant yet was disturbed by the previous grading. No sensitive species occur on the site. Elevations on the site range from approximately 270 mean sea level (MSL) at the westerly property line to approximately 183 MSL at the easterly property line. Within the State Route 163 right-of-way an existing headwall and concrete storm drain system intercepts runoff from this and other adjacent sites. No other improvements exist on the site (Attachment 2).

The adjacent land uses include single and multi-family developments and the State Route 163 freeway. The Site Development Permit is required to authorize development of the site with deviations to the regulations of the Mid-City Planned District. The Tentative Map is required to create a condominium ownership of the project after construction. The Street Vacation is requested by the applicant to redeem right-of-way not utilized for public purposes. A similar street vacation was processed and approved by the City Council at the adjacent Canyon Woods project site to the immediately adjacent to the west (Attachment 3).

The application was submitted in February 2000 for a ten unit project. The early design of the project was reviewed by the Uptown Community Planning Group and City staff. After several reviews and minor revisions of the original design, the applicant initiated a significant redesign of the proposed structure and site development. The redesign required several months effort by

the consultant team culminating in the current design proposal. Several retaining walls were removed, the number of units was increased by two, a subterranean two level parking deck was incorporated into the mid levels of the structure and a contemporary architectural design was presented to the planning group and City staff.

## DISCUSSION

### Land Use Plan Analysis

The Uptown Community Plan designates the subject property for high density residential development at 44-73 dwelling units per acre (Attachment 1). According to the plan, the proposed project, occupying 0.35 acres, could accommodate between 15 and 26 dwelling units. Three additional residential units would be necessary to achieve compliance with the recommendations of the community plan's Land Use element as illustrated in Figure 35. However, due to irregular lot shape and existing steeply graded topographic conditions, staff supports the project as proposed and has determined the project will not adversely affect the Land Use Element of the Plan.

The proposed Promontory Point Condominiums project is consistent with the land use designation of the Uptown Community Plan. The community plan designates the site for residential development. The MR800B zone of the Mid-City Planned District is the current land use zone on the site and implements the land use plan. In addition to being consistent with the community plan land use designation and zoning, the proposed project provides design features in conformance with the community plan's recommendations.

The Open Space Element of the Plan recommends that canyon rim and hillside development complement the natural character of the land, be unobtrusive, as well as minimize disturbance to the topography. Further, the Urban Design Element of the Plan recommends new construction be compatible with the existing architectural detail and overall appearance or the quality of development in the surrounding neighborhood. In support of these goals, the project has been designed to minimize impacts to the hillside, compliment the steep site and be in character with the existing multi-family developments within the surrounding neighborhood.

According to the Plan, unimproved street right-of-ways should be vacated only when it is determined the right-of-way will not be needed in the future for public access to individual parcels or to public open space, to provide public parking, to provide open space for public use, or to maintain views of open space from the public right-of-way. Due to the steep topography and the fact that half of the unimproved right-of-way has been previously vacated, the area where the street vacation is proposed would not lend itself to the provision of public open space or public parking. Further, as part of the design, the project incorporates a public access view corridor to the north.

## Project Description

The project site is located at the northerly terminus of Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan area (Attachment 4). The vacant 15,225 square foot site is zoned MR800B which allows for multi-family residential development. The project requires a Site Development Permit to be issued due to deviations the project proposes from the regulations of the Mid-City Planned District, a tentative map to create a condominium property for twelve condominiums to be offered for sale (Attachment 5), and a street vacation to vacate excess right-of-way not utilized by the City of San Diego for public right-of-way purposes.

The project proposes to develop twelve dwelling units with a two level parking garage within an seven story building (Attachment 6). The building would provide four single bedroom units and eight, two bedroom units (Attachment 7). The proposed building would total 20,912 square feet where 23,434 square feet is allowed as the maximum floor area ration (FAR). The FAR of the project proposed is 0.89 of the maximum allowed. The project requires twenty-two parking spaces for the residents and guests and twenty-two spaces would be provided by the project.

The surrounding properties in the neighborhood to the west, north and south are developed with multiple unit buildings providing residential densities consistent with the Uptown Community Plan and the regulations of the municipal code at the time of their construction. State Route 163, to the east, is adjacent to the proposed site (Attachment 3).

The proposed Promontory Point Condominiums project is consistent with the Uptown Community Plan land use designation, density and design elements. The proposed project would create an infill development on a steeply sloping site and be compatible in use and density to the existing developed properties in the immediate neighborhood. As allowed by the Mid-Cities Planned District regulations, the proposed project would be consistent with the purpose and intent of the planned district regulations which control the use and design of the proposed project. Several deviations to side yard setbacks and maximum structure height are included in the project design. The maximum allowable height, without deviations, is 70 feet. The proposed maximum height of the building would be 87'-6". Of the 87 feet, 41'-3" would be above the existing grade at the level of Sixth Avenue and 46'-3" feet would be below street level. The project proposes deviations to all yard setbacks except the rear yard. A detailed comparison of the setback requirement at each floor level and the proposed design is provided in Attachment 7. In total the project requires approval of sixteen deviations to the required setbacks and one deviation for the maximum height. City staff supports the deviations due to the steep slope of the site, the irregular shape of the lot, and to realize to the greatest possible extent the density range of the Uptown Community Plan for this site. These deviations are consistent with the purpose and intent of the planned district to allow a project which meets the policies of the land use plan on this site.

## Environmental Analysis

The environmental review process for the proposed project included an evaluation of several



areas of interest; Geology, Visual Quality, Human Health/Public Safety and Noise. These areas of interest were evaluated by City staff and have been documented in the Mitigated Negative Declaration No. 1612.

A Geologic Reconnaissance Report was prepared by Engineering Geologist Michael W. Hart for the applicant. The geologist's study of the site concluded no evidence exists of any deep-seated landslide or that the site is traversed by faulting.

Visual Quality from other vantage points in the community would not be negatively impacted if the project is constructed in conformance with the proposed building design and landscape plans. The architectural detail, fenestration and offsetting planes together with the proposed trees and shrubs to be planted and maintained on the site would create a positive compatibility with other existing developments in the neighborhood when viewed from vantage points in the community (Attachments 6 and 8).

Human Health and Public Safety was investigated by City staff by a thorough review of documents held at the County of San Diego Department of Environmental Health Hazardous Materials Listing website (2001). No current or historic release of hazardous materials have been recorded for the project site or neighboring properties. Should any contaminated soils or groundwater be discovered during any phase of construction guidance from the County of San Diego Department of Environmental Health Volunteer Assistance Program and the Regional Water Quality Control Board's Site Mitigation and Cleanup Unit would be provided to effectively contain the hazard.

Noise impacts to future residents of the development were investigated due to the presence of State Route 163 immediately east of the project site. All interior noise levels would be required not to exceed 45 dB(A) Community Equivalent Level pursuant to Title 24 of the California Building Code. No mitigation is required to address this concern. Exterior mitigation would be required for the balconies provided to meet the open space requirement. The design solution to address noise levels includes the locating the required open space away from the source of the noise and the providing glass panels to shield the recipients from experiencing adverse noise levels. No additional mitigation is required.

Regarding the environmental review process, mitigation is required to provide information of undocumented fills present on the site during the grading operations. Any undocumented fill would be removed and properly compacted following the recommendations of the project geotechnical engineer. Keys for all fill slopes would be inspected by the project geotechnical engineer to verify the keys extend below any surficial soils, alluviums, slopewash and are into formational soils. Any changes to recommendations in the recent geologic report must be adhered to and shown on the construction drawings. No other mitigation is required for the proposed project.

## Project-Related Issues

During the review of the original and revised design of the project, the major issues identified by staff were the requirement for an offsite water supply line to serve the development, the proposed deviations to the required setbacks and maximum height of the structure. Other issues were identified by staff's review addressing water quality, geotechnical stability, brush management, landscaping and fire safety. All issues have been resolved in accordance with the regulations and policies in effect for this site.

The requirement to provide an offsite water supply line for the benefit of the development was identified by City staff with either design. Several meetings were held with the applicant to discuss possible alternative solutions and financing opportunities to fund the water line. In the final resolution, City staff and the applicant agreed on the condition in the tentative map resolution. This requirement for the water supply line is of the shortest length and the smallest diameter as possible while maintaining conformance with City standards to provide necessary fire safety.

Deviations to the required side yard setbacks and maximum height of the structure were identified during the review of the original design and the subsequent revisions. In each circumstance City staff held several meetings with the applicant to discuss these issues. In the final resolution, City staff supports the proposed deviations as necessary to develop this steeply sloping site at the density proposed consistent with the purpose and intent of the planned district. City staff noted the allowable density range identified by the Uptown Community Plan (Plan), while at a range of 44-73 dwelling units per acre, would require a structure to substantially exceed the maximum height proposed by the current project due to the existing topographic constraints. According to the Plan, the proposed project, occupying 0.35 acres, could accommodate between 15 and 26 dwelling units. Three additional residential units to the proposed twelve would be necessary to achieve compliance with the recommendations of the community plan's Land Use element as illustrated in Figure 35. However, due to irregular lot shape as well as topographic conditions found on the site, staff supports the project as proposed and has determined the project would not adversely affect the Land Use Element of the Plan and is consistent with the Purpose and Intent of the Mid-Cities Planned District regulations.

The purpose and intent of the planned district states projects shall: "encourage the development of quality multiple residential structures within the Greater North Park and Uptown communities which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment (MR Zones)" and again in the MR Zones: "The Mid-City Residential (MR) zones are multi-family residential zones which are designed to provide for development compatible with the pattern of the existing neighborhoods. Standards are tailored to the density of the individual zones and are intended to provide a variety of attractive, functional and affordable housing types and styles. Development is street friendly by providing active, accessible and surveillable streets and street yards." City staff supports the deviations to develop the site with the project as proposed and has determined the deviations are the minimum necessary and reasonable given the regulations, policies and conditions at the site.

### Critical Project Features to Consider During Substantial Conformance Review

The proposed project has several design features which should not be altered through any substantial conformance review process. These are included in the following categories: architecture design, landscape design, setback and maximum height deviations and best management practices.

The architectural design has been reviewed by both the Uptown Community Planning Group and City staff. The articulation of the structure, the orientation of the balconies, the juxtaposition of materials and forms, as well as the roof elements all have been considered in the review of the design (Attachment 7). Staff supports the proposed project as presented after determining the project is consistent with the purpose and intent of the Mid-Cities Planned District regulations. Only minor changes, if any, should be allowed through any substantial conformance review process.

Since a majority of the site was previously disturbed through grading operations and the subsequent planting of *Carpobrotus edulis* is not typically supported by staff as appropriate for steep sites, the additional proposed landscape plantings are considered to be of importance both visually and structurally (Attachment 8). Since the property frontage along a dedicated public right-of-way is limited and the street and accent trees proposed for the project are few in number, the reduction of their quantity should not be allowed.

While staff can support the seventeen deviations proposed by the project additional deviations should not be allowed through the substantial conformance review process. The proposed deviations have been carefully considered and evaluated by staff during their review of the project and are the minimum necessary to allow for a viable multi-family project on this site.

Issues of water quality have been given serious consideration based on the site location and potential for impacting the impaired water bodies down stream. Specifically, the site is within the San Diego River watershed and drainage, an impaired water body. Measures will be implemented to address the concerns of water quality in conformance with existing regulations. Modifications to the water quality best management practices should not be allowed without approval of the City Engineer.

### CONCLUSION

The proposed Promontory Point Condominiums project conforms to the land use density, land use designation and design guidelines specified of the Uptown Community Plan. The project will provide the required pedestrian scale improvements and design features established in the community plan for residential development. The project as proposed is compatible with the existing surrounding developments. Findings required to approve the project are included in draft resolutions (Attachments 10 and 11). Draft conditions of approval have been prepared for the project (Attachments 10 and 12). The Uptown Community Planning Group voted 14:0:0 to

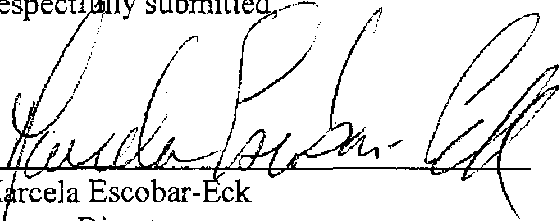


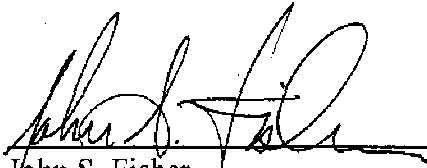
recommend approval of the project at their October 5, 2004 meeting (Attachment 12).

**ALTERNATIVES**

1. Approve Street Vacation No. 123434, Tentative Map No. 1234333 and Site Development Permit No. 123430, with modifications.
2. Deny Street Vacation No. 123434, Tentative Map No. 1234333 and Site Development Permit No. 123430, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

  
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Marcela Escobar-Eck  
Deputy Director  
Customer Support and  
Information Division  
Development Services Department

  
\_\_\_\_\_  
John S. Fisher  
Development Project Manager  
Customer Support and  
Information Division  
Development Services Department

**HALBERT/JSF**

- Attachments:
1. Community Plan Land Use Map
  2. Existing Site Topography
  3. Aerial Photograph
  4. Vicinity Map
  5. Tentative Map
  6. Project Site Plan
  7. Architectural Elevations
  8. Promontory Point Condominiums Project Deviations
  9. Landscape Development Plan
  10. Draft Tentative Map No. 123433 Resolution with Conditions
  11. Draft Resolution with Findings
  12. Draft Site Development Permit No. 123430
  13. Community Planning Group Recommendation

14. Building Sections
15. Ownership Disclosure Statement
16. Project Data Sheet
17. Project Chronology
18. Floor Plans, Levels 1 - 8

(R-2006-13)

RESOLUTION NUMBER R- 300783ADOPTED ON AUG 09 2005

WHEREAS, Windmill Construction Company, Applicant/Subdivider, and Clifford W. La Monte, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 123433) for the subdivision of a .034-acre site into one lot for twelve condominiums and to vacate an unused portion of Sixth Avenue for the Promontory Point Condominium project [Project], located at the northerly terminus of 6th Avenue, and legally described as a Portion of Lots 28 and 29, Fleischers Map No. 811, in the Mid-City Planned District of the Uptown Community Plan area, in the MR-800B zone; and

WHEREAS, on June 30, 2005, the Planning Commission of the City of San Diego considered Tentative Map No. 123433 and Street Vacation No. 123434, and pursuant to Resolution No. 3800-PC voted to recommend City Council approval of the map and street vacation; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the matter was set for public hearing on AUG 09 2005, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 123433:



1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code section 125.0440.a and State Map Action sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code section 125.0440.b).

3. The site is physically suitable for the type and density of development (Land Development Code section 125.0440.c and State Map Act sections 66474(c) and 66474(d)).

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 (Land Development Code section 125.0440.d and State Map Act section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code section 125.0440.e and State Map Act section 66474(f)).

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 (Land Development Code section 125.0440.f and State Map Act section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code section 125.0440.g and State Map Act section 66473.1).

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 (Land Development Code section 125.0440.h and State Map Act section 66412.3).

9. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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

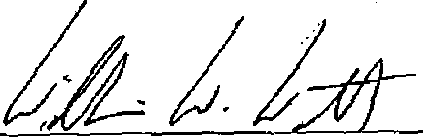
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), Sixth Avenue, located within the project boundaries as shown in Tentative Map No. 123433, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 123433 and Street Vacation No. 123434 are granted to

Windmill Construction Company, Applicant/Subdivider and Clifford W. La Monte, Engineer,  
subject to the attached conditions which are made a part of this resolution.

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APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
William W. Witt  
Deputy City Attorney

WWW:pev  
07/05/05  
Or.Dept:DSD  
R-2006-13  
MMS #2202

CONDITIONS FOR TENTATIVE MAP NO. 123433

PROMONTORY POINT CONDOMINIUMS PROJECT

ADOPTED BY RESOLUTION NO. R 300783 ON AUG 09 2005

**GENERAL**

1. This Tentative Map will expire 8/09/08.
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 Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 123430.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

**ENGINEERING**

6. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
7. The drainage system proposed with this development is subject to approval by the City Engineer. Applicant shall use standard reinforced concrete pipe (RCP) for any drainage facility in the public right-of-way.
8. Prior to the issuance of any permits, the applicant shall dedicate the necessary width at the cul-de-sac to provide a 10-foot curb to property line distance.
9. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of a standard driveway at the cul-de-sac satisfactory to the City Engineer.
10. Prior to the issuance of any permits, the applicant shall assure by permit and bond the construction of a standard curb, gutter and sidewalk satisfactory to the City Engineer.



11. Prior to the issuance of any permits, the applicant shall obtain a letter of concurrence from Caltrans for the grading and construction of the proposed 18 inch RCP storm drain pipe in their right-of-way.

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12. 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. 769830.

### MAPPING

13. "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).

14. "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."

15. Every 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 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 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.

16. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

## WATER AND SEWER REQUIREMENTS

### 17. Water and Sewer Requirements:

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- a. All proposed sewer facilities will be private.
- b. The developer shall construct a private sewer pressure lateral along 6th Avenue and connect it to the existing 8 inch public sewer main to the south in Arbor Drive.
- c. The developer shall provide an Encroachment Maintenance and Removal Agreement for all private sewer laterals located within City street right-of-ways.
- d. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&Rs for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one unit.
- e. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
- f. The subdivider shall design and construct a 12-inch public water facilities within the 6th Avenue from the Cul-de-Sac to the existing water facilities in Arbor Drive in a manner satisfactory to the Water Department Director.
- g. All on-site water facilities shall be private including all domestic, irrigation, and fire systems. Prior to the approval of any improvement plans, the subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water system that serves or traverses more than a single unit.
- h. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department and the City Engineer.
- i. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

18. Prior to recording the Final Map, the subdivider shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

### GEOLOGY

19. Prior to issuance of any engineering permit for improvement or grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by LDR Geology. The geotechnical investigation should be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports.

### ENVIRONMENTAL

20. The Subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration, LDR No. 1612 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit and/or recording of the first final map and/or issuance of a building permit, as such timing is described in the MMRP, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

General  
Noise  
Paleontological Resources

### INFORMATION:

- The approval of this Tentative Map by the Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.

- 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 City Clerk pursuant to California Government Code section 66020.

THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON SEP 22, 2005  
DOCUMENT NUMBER 2005-0820170  
GREGORY J. SMITH, COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME 12:21 PM

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 40-0838

**SITE DEVELOPMENT PERMIT NO. 123430**  
**PROMONTORY POINT CONDOMINIUMS [MMRP]**  
City Council

This Permit is granted by the Council of the City of San Diego to Windmill Construction Company, Owner, and Clifford W. LaMonte, Individual, Permittee, pursuant to the Land Development Code of the City of San Diego [LDC]. The 0.35-acre site is located at the northerly terminus of Sixth Avenue, north of Arbor Drive, on the east side of Sixth Avenue and southwest of State Highway 163 in the Medical Complex neighborhood in the MR-800B zone of the Mid-City Planned District of the Uptown Community Plan. The project site is legally described as a Portion of Lots 28 and 29, Fleishers Addition, Map No. 811.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 7-level, twelve dwelling unit condominium building over and under a parking garage, retaining walls, landscape, and minor improvements in the public right-of-way, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 9, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. A 7-level, twelve dwelling unit condominium development which totals 20,912 square feet over and under a parking garage;
- b. Landscape (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Retaining walls, a maximum height deviation of 17'-6" and yard setback deviations as shown on Exhibit "A"; and

**ORIGINAL**

- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the LDC in effect for this site.

**STANDARD REQUIREMENTS:**

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the San Diego Municipal Code [SDMC]/LDC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/ Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

9. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigate Negative Declaration, Project No. 1612 satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Noise  
Paleontological Resources

10. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Department Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

#### **ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer, referred to as an "engineering permit," for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

**ORIGINAL**



12. The drainage system proposed with this development is subject to approval by the City Engineer. Owner/Permittee shall use standard reinforced concrete pipe [RCP] for any drainage facility in the public right-of-way.

13. Prior to the issuance of any permits, the Owner/Permittee shall dedicate the necessary width at the cul-de-sac to provide a ten foot curb to property line distance.

14. Prior to the issuance of any permits, the Owner/Permittee shall assure by permit and bond the construction of a standard driveway at the cul-de-sac satisfactory to the City Engineer.

15. Prior to the issuance of any permits, the Owner/Permittee shall assure by permit and bond the construction of a standard curb, gutter and sidewalk satisfactory to the City Engineer.

16. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent [NOI] shall be filed with the SWRCB.

17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

18. Prior to building occupancy, the Owner/Permittee shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

19. Prior to the issuance of any permits, the Owner/Permittee shall obtain a letter of concurrence from Caltrans for the grading and construction of the proposed 18 inch RCP storm drain pipe in their right-of-way.

#### **LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any grading permits, complete landscape construction documents, including a permanent automatic irrigation system, shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A"

**ORIGINAL**

21. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a forty square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

22. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards, including planting and irrigation plans, details and specifications, shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

23. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be the responsibility of the Permittee/Owner, to assure that it shall be repaired and/or replaced in kind and equivalent size per the approved plans within fifteen days.

24. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

25. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

**PLANNING/DESIGN REQUIREMENTS:**

26. No fewer than twenty-two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the requirements of the SDMC/LDC and shall not be converted for any other use unless otherwise authorized by the City Manager.

27. The height of the building or structures shall not exceed those heights as set forth on Exhibit "A" (including, but not limited to, elevations and cross sections). A deviation to the height limit and yard setbacks is granted as a specific condition of this Permit.

28. A topographical survey conforming to the provisions of the SDMC/LDC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

29. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

**ORIGINAL**

30. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
31. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
32. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
33. The Owner/Permittee shall post a copy of the approved Site Development Permit No. 123430 in the sales office for consideration by each prospective buyer and shall be included in all escrow papers.
34. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
35. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.
36. No merchandise, material, or equipment shall be stored on the roof of any building.
37. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

**WASTEWATER REQUIREMENTS:**

38. No private sewer facilities shall be installed in or over any public right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
39. Prior to the issuance of any building permits, the Owner/Permittee shall construct a private sewer encroachment lateral and connect it to an existing public sewer main.
40. Prior to the installation of private sewer facilities in or over any public right of way, the applicant shall obtain an Encroachment Maintenance and Removal Agreement.

**ORIGINAL**

41. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&Rs for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one unit.

42. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

43. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a 12-inch public water facilities within the 6th Avenue right-of-way from the Cul-de-Sac to the existing water facilities in Arbor Drive in a manner satisfactory to the Water Department Director and the City Engineer.

44. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and meter(s) within the 6th Avenue right-of-way, outside of any vehicular use area, in a manner satisfactory to the Director of the Water Department and the City Engineer.

45. All on-site water facilities shall be private. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of the on-site private water systems that serve or traverse more than a single unit.

46. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A," will be modified in accordance with standards and requirements at final engineering.

**TRANSPORTATION REQUIREMENTS:**

47. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

**GEOLOGY REQUIREMENTS:**

48. Prior to issuance of any engineering permit for improvement or grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by LDR Geology. The geotechnical investigation should be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports.

**ORIGINAL**

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on August 9, 2005 by Resolution No. R-300784.

**ORIGINAL**

AUTHENTICATED BY THE CITY MANAGER

By *Amy Halbert*

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The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

WINDMILL CONSTRUCTION  
COMPANY  
Owner

By *Duane Dubbs*

Duane Dubbs  
CLIFFORD W. LAMONTE, individual,  
Permittee

By *Clifford W. La Monte*

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

PERMIT/OTHER - Permit Shell 11-01-04

**ORIGINAL**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
County of San Diego } ss.

On 8-30-05 before me, Patty L. Ybarra, Notary Public  
Date Name and Title of Officer (e.g., "Mine Doc, Notary Public")  
personally appeared Duane K. Dubbs and Clifford W. Lamonte  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Patty L. Ybarra  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

**ORIGINAL**



RESOLUTION NUMBER R-300784

ADOPTED ON AUGUST 9, 2005

WHEREAS, Windmill Construction Company, Owner/Clifford LaMonte, individual, Permittee, filed an application with the City of San Diego for a site development permit to construct a 7-level, twelve dwelling unit condominium building over and under a parking garage, retaining walls, landscape, and minor improvements in the public right-of-way known as the Promontory Point Condominiums project, located at the northerly terminus of Sixth Avenue, north of Arbor Drive, on the east side of Sixth Avenue and southwest of State Highway 163 in the Medical Complex neighborhood, and legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811, in the Mid-City Planned District of the Uptown Community Plan area, in the MR-800B zone; and

WHEREAS, on June 30, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 123430, and pursuant to Resolution No. 3800-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on August 9, 2005, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 123430:

**ORIGINAL**

**A. SITE DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC]  
SECTION 126.0504**

**1. Findings for all Site Development Permits:**

a. **The proposed development will not adversely affect the applicable land use plan.** The proposed project site is located at the terminus of Sixth Avenue, north of Arbor Drive, on the east side of Sixth Avenue and southwest of State Highway 163 in the Medical Complex neighborhood of the Uptown Community Planning Area. The Uptown Community Plan identifies the proposed site for residential development. The density designated for the site is typically for larger sites in the core of the community surrounding the Hillcrest commercial area rather than smaller sites such as the project site. With a site area of 15,225 square feet up to twenty-five units are permitted in the MR-8008B zone. The project is on a smaller site than typically falls within the land use density designated.

The Uptown Community Plan Urban Design guidelines state: "Multi-family development(s) should incorporate wall texture variations, façade off-sets, upper floor setbacks, and the utilization of varied roof forms." The proposed project incorporates variations in wall texture through the use of a variety of building materials from board-formed and smooth concrete as well as other building materials found in the neighborhood, such as masonry and stucco. The project proposes multiple offsetting façade planes as required by the planned district, predominantly on the east elevation. The upper floors have large setbacks along the east elevation, with large terraces on flat roofs. Varied roof forms are a characteristic of the proposed project with an ascending curved shed roof over one penthouse unit and flat roofs of varied heights over the other penthouse unit, lobby and elevator tower.

The Uptown Community Plan Urban Design Element general guidelines recommend: "hillside developments complement the natural character of the land, minimize disturbance of the topography, and ensure minimal danger to human life and property." Terracing the project down the steep site will assure a compatibility of the structures with the existing character of the site and reflect the topographic characteristics of the site. The building design will reduce the need for substantial on-site grading while also reducing visual clutter.

The proposed project will visually integrate with the other surrounding residential land uses. The design of the proposed project will provide an infill project adding twelve dwelling units to the community thus providing additional housing opportunities and utilizing a currently undeveloped parcel. The design of the proposed project is consistent with the design concepts and policies of the Uptown Community Plan. Being determined the proposed Promontory Point Condominiums project will meet the specific goals of the community plan for an infill residential project, the land use plan will not be adversely affected by the approval of the project.

b. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Mid-City multi-family residential zones are intended to "provide for development compatible with the pattern of the existing neighborhoods. Development is to be street friendly by providing active, accessible and surveillable streets and street yards." The project's proposed residential lofts and flats will provide surveillance

opportunities from the building to the street and enhance the opportunity for pedestrian and resident interaction through large expansive windows facing the street.

The project will comply with all relevant regulations of the City of San Diego's Municipal Code including deviations as allowed by the Mid-City Planned District Purpose and Intent, the California Building Code, Title 24, Electrical, Mechanical and Fire Codes addressing the public health, safety and general welfare. The conditions of approval for the project require continued compliance with these regulations during construction and during the use of the site. The development of the proposed project would not be detrimental to the public health, safety and welfare.

The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. The proposed development will construct necessary sewer and water facilities to serve the residents of the development. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to persons or other properties in the vicinity and will be required throughout the life of the project.

The proposed development includes the vacation of unused right-of-way in conformance with Council Policy 600-15. Returning this unused right-of-way to private ownership is in the interests of the City. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed twelve residential units will comply with the applicable regulations of the Mid-City Planned District included within Chapter 10 of the San Diego Municipal Code, including land use, density, coverage and floor area ratio.

The project is located on steeply graded topography with the highest point at terminus of Sixth Avenue. The site slopes steeply from the cul-de-sac down towards State Highway 163. The project thus proposes to combine the two FAR's on the site to keep the structure at the top of the steep site rather than distribute building on the lower portion of the site at the bottom of the slope and closer to State Highway 163. This FAR distribution will improve the direct access to the site and will minimize impact of grading to the steep topography. The proposed FAR distribution will also contribute to the environmental welfare of the residents by creating more space between State Highway 163 and the dwelling units.

The project would deviate from the MR-800B second through seventh floor side and street yard setbacks. The setback deviations allow the project to rest mainly on the east elevation and follow the slope of the land. The project also deviates from the height limit of 70'-0" in the MR-800B zoned area to a height of 87'-6". These height and setback deviations allow the project to complement the steep topography of the land. The height and setback deviations

allow the proposed project to minimize the disturbance to the steep topography in compliance with the Urban Design Guideline delineated in the Uptown Community Plan. The building design will minimize the use of tall retaining walls.

Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 123430, except as proposed deviations allowed through the Mid-City Planned District with regard to zoning requirements of maximum building height and side yard setbacks. Development of the property shall meet all other requirements of the regulations and development criteria in effect at this site for the proposed uses.

**2. Findings for all Site Development Permits issued in the Mid-City Planned District – SDMC Section 103.1501**

a. **Conformance with Community Plan and Design Manual.** The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (SDMC section 103.1501), and the following documents, as applicable to the project site: the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan, the Mid-City Design Plan, (California State Polytechnics University, Pomona; Graduate Studies in Landscape Architecture; June 1983), Design Manual for the Normal Heights Demonstration area and the City Heights Demonstration Area (HCH Associates and Gary Coad; April, 1984), the Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Study, Rob Quigley, Kathleen McCormick), the North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual (The Jerde Partnership, Inc. and Laurence Reed Molin, Ltd.); Sears Site Development Program (Gerald Gast and Williams-Kuebelbeck and Associates, 1987); and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan or the Progress Guide and General Plan and General Plan of the City of San Diego. Being determined the proposed Promontory Point Condominiums project will meet the specific goals of the community plan for an infill residential project, the land use plan will not be adversely affected by the approval of the project. All design recommendations found in the design studies which are applicable have been incorporated into the building and site design to prevent adverse affects to those persons or other properties in the vicinity. For additional factual information addressing this required finding, see Site Development Permit finding A.1.a above.

The proposed project meets the purpose and intent of the Mid-City Communities Planned District which states: "its goals and objectives are to assist in the implementation of the adopted community plan." The Uptown Community Plan Urban Design guidelines state: "Multi-family development(s) should incorporate wall texture variations, façade offsets, upper floor setbacks, and the utilization of varied roof forms." Wall texture variation is incorporated in the proposed project design through a variation of materials from board-formed and smooth concrete as well as enlisting a variety of other building materials found in the neighborhood, such as masonry and stucco. The project proposes multiple offsetting façade planes, predominantly on the east elevation. Upper floors have large setbacks on the east elevation, with large terraces on flat roof spaces. Varied roof forms are a characteristic of the proposed project with an ascending

curved shed over one penthouse unit and flat roofs of varied heights over the other penthouse unit, lobby, and elevator tower.

The Uptown Community Plan Urban Design Element general guidelines “require(s) that hillside developments complement the natural character of the land, minimize disturbance of the topography and ensure minimal danger to human life and property.” The proposed project will terrace down the existing steep site to minimize the height of the project when viewed from Sixth Avenue. Terracing the project down the steep site reflects the character of the topography, reduces on-site grading and reduces further visual clutter.

A recommendation in the Uptown Community Plan for the Medical Complex neighborhood is to “Restrict further vehicle access through the open space areas to Mission Valley.” The proposed street vacation complies with this recommendation.

It is also the purpose of the Mid-City Planned District to encourage development of quality multiple residential structures within the Greater North Park and Uptown communities, which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment. The project, located on the northeast edge of the Medical Center Complex neighborhood and zoned for MR-800B development, proposes to three stories when viewed from Sixth Avenue and seven stories when viewed from State Highway 163. The site is adjacent to two 2-story multi-family developments located on level building site. When viewed from within the neighborhood the design of the proposed structure will compliment the scale and massing of the existing neighborhood. The design of the building will utilize a variety of building materials characteristic to the neighborhood, such as, masonry, concrete, and stucco.

**b. Compatibility with surrounding development.** The proposed development will be compatible with existing and planned land uses on adjoining properties and will not constitute a disruptive element of the surrounding neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable. The site is adjacent to two structures which are two stories each when viewed from the street. The proposed use of medium-high density residential at this site reflects the same land use elements and scale as is currently allowed by the Land Use Plan for the area. Architectural harmony with the surrounding neighborhood and community is achieved by providing enclosed parking; by planting new trees to line the street frontage; and by enlisting a variety of building materials characteristic to the neighborhood, such as, masonry, concrete, and stucco. The proposed design adapts to the steeply sloping terrain by allowing the building to curve with the shape of the steep site and complement the steeply graded topography. In doing so, the proposed project minimizes the use of retaining walls. Therefore the proposed project will achieve an architectural harmony with the surrounding neighborhood and community.

**c. No detriment to health, safety or welfare.** The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity of the project site. The project will comply with all relevant regulations of the City of San Diego’s Municipal Code including deviations as allowed by the Mid-City Planned District Purpose and Intent, the California Building Code, Title 24, Electrical,

Mechanical and Fire Codes addressing the public health, safety and general welfare. The conditions of approval for the project require continued compliance with these regulations during construction and during the use of the site. The development of the proposed project would not be detrimental to the public health, safety and welfare. For additional factual information addressing this required finding, see Site Development Permit finding A.1.b. above.

**d. Adequate public facilities.** For residential and mixed residential/commercial project within the park-deficient neighborhood shown on Map Number B-44104 that are not exempted by SDMC section 103.1504(b)(1)(A)(i) or Section 103.1504(b)(1)(A)(ii), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space area per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of ten feet in either dimension. The area will be landscaped and may also include hardscape and recreational facilities. The project site has been reviewed to consider whether the neighborhood is park-deficient as shown on Map No. B-44104. The site is not within a neighborhood identified as park-deficient. Furthermore, there are no open space impacts proposed by this project.

**e. Adequate lighting:** In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the San Diego Municipal Code is provided on-site. The project site proposes to provide street lights along the street edges where there currently is no street light within 150' 0" of another street light. The construction of the proposed project and improvements to the public right-of-way will bring lighting improvements to the immediate neighborhood. The public will benefit by the increase of lighting in this neighborhood by the construction of the proposed project.

**f. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.** The proposed twelve residential units will comply with the applicable regulations of the Mid-City Planned District included within Chapter 10 of the San Diego Municipal Code, including land use, density, coverage and floor area ratio. For additional factual information addressing this required finding, see Site Development Permit finding A.1.c. above.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 123430 is granted to Windmill Construction Co.,

**ORIGINAL**

Owner/Clifford LaMonte, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:pev  
08/19/05  
Or.Dept:Clerk  
R-2006-138  
MMS #2202  
PERMIT -- Permit Resolution 11-01-04

**ORIGINAL**



Passed and adopted by the Council of San Diego on August 09, 2005 by the following vote:

**YEAS: PETERS, ATKINS, YOUNG, MAIENSCHN, FRYE, MADAFFER**

**NAYS: NONE.**

**NOT PRESENT: NONE.**

**VACANT: DISTRICTS 2, 8, MAYOR.**

**AUTHENTICATED BY:**

**TONI ATKINS**

Deputy Mayor of The City of San Diego, California

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(SEAL)

By: Manuel E. Ketcham, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R-300784, passed and adopted by the Council of The City of San Diego, California on August 09, 2005.

**ELIZABETH S. MALAND**

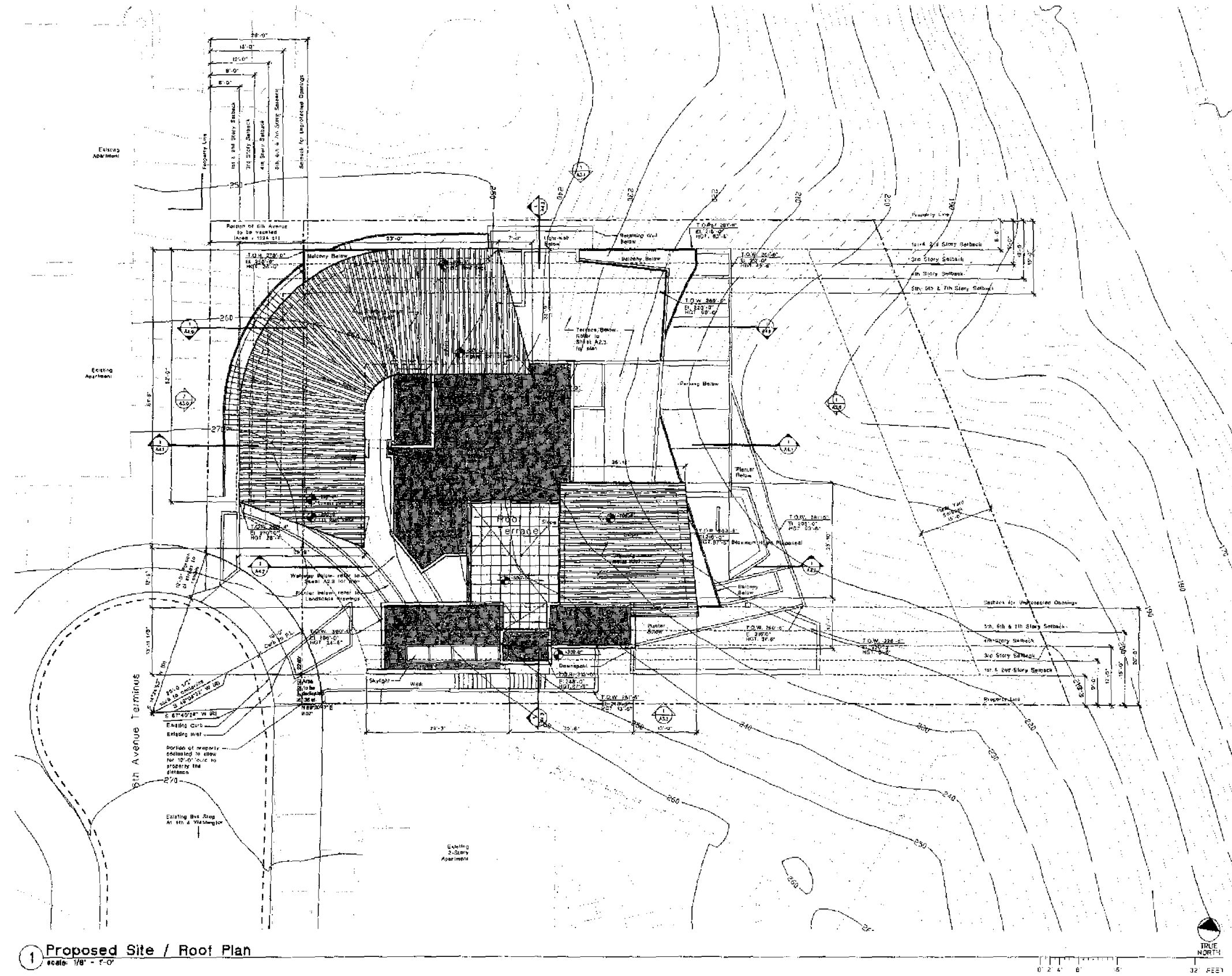
City Clerk of The City of San Diego, California

(SEAL)

By: Manuel E. Ketcham, Deputy  
Manuel E. Ketcham

**ORIGINAL**

Promontory Point Condominiums  
Street Vacation  
Site Development Permit  
Tentative Map



1 Proposed Site / Root Plan  
scale: 1/8" = 1'-0"

Legend

Property Line	---
Center Line	---
Dashed	---
Well Cut	---
Partial Wall	---
Accessibility	---
Setbacks	---
Existing Grade	---

Height Measurements

CONTRACTOR: See City Planning Code Sec. 171.020 et seq.  
 MEASUREMENT: See City Planning Code Sec. 171.020 et seq.  
 MEASUREMENT: See City Planning Code Sec. 171.020 et seq.

Existing grade to typically used floor process.

Drawing indicates floor heights in feet; all of the building at the same point, use the floor to set datum.

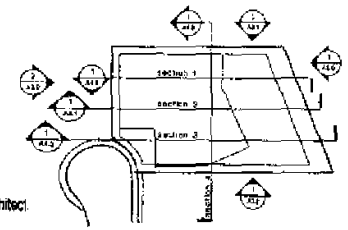
Height is measured straight down vertically from the point.

Roof of Structure	108.22
Finish of grade (to floor of structure or building level)	107.57
Spot elevation height	107.22

MEASUREMENT OF DISTANCE FROM 6TH AVENUE TO THE CENTER LINE OF THE BUILDING IS 107.22 FEET.

MEASUREMENT OF DISTANCE FROM 6TH AVENUE TO THE CENTER LINE OF THE BUILDING IS 107.22 FEET.

MEASUREMENT OF DISTANCE FROM 6TH AVENUE TO THE CENTER LINE OF THE BUILDING IS 107.22 FEET.



Street Vacation  
Site Development Permit  
Tentative Map

Project Name: 0214  
 Date: July 14, 2004  
 Sheet: 1 of 1

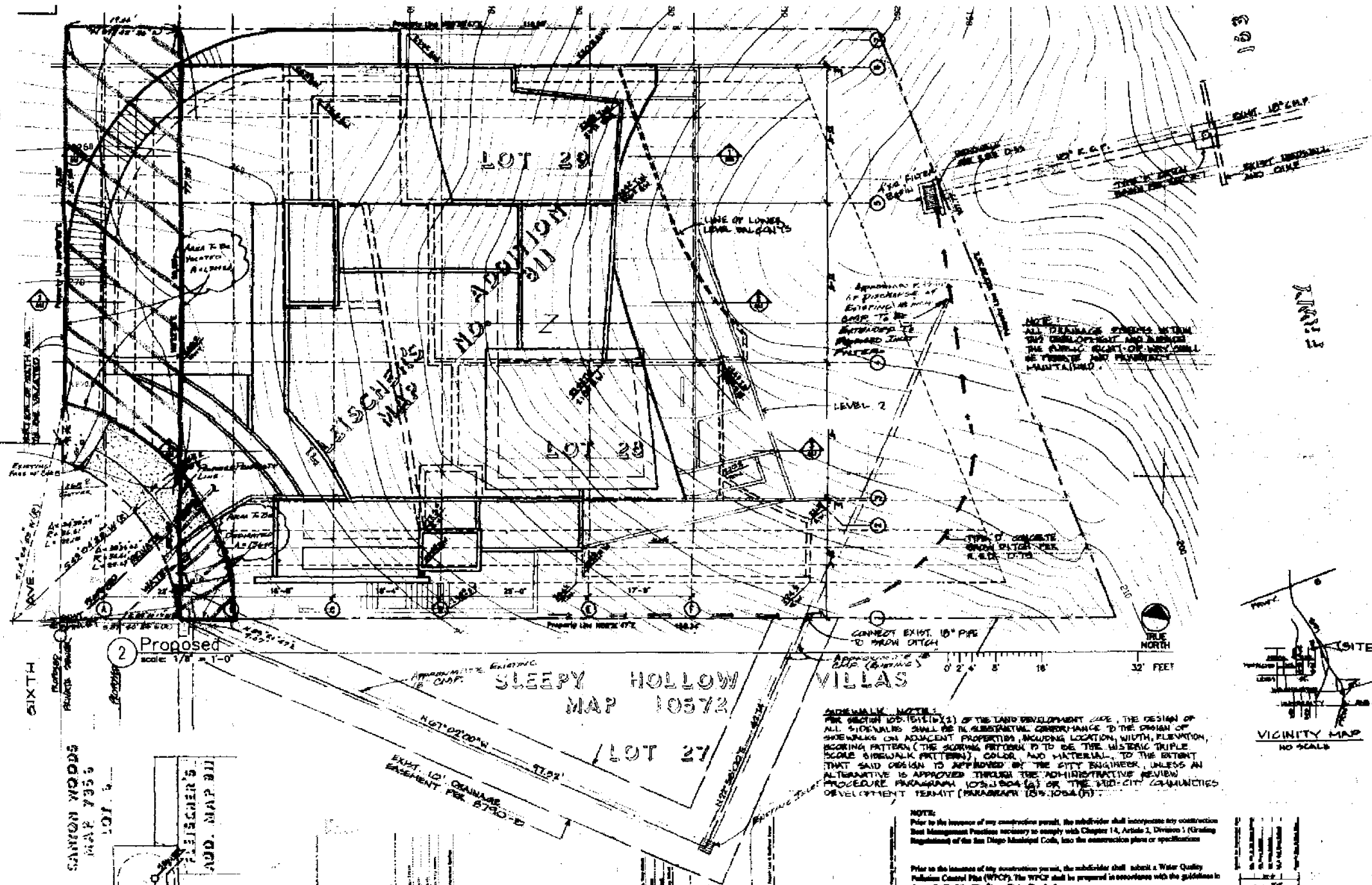
Revision 1: 02-11-04 Promontory  
 Revision 2: 02-23-04 Promontory  
 Revision 3: 03-01-04 Promontory  
 Revision 4:  
 Revision 5:  
 Revision 6:  
 Revision 7:  
 Revision 8:  
 Revision 9:  
 Revision 10:  
 Revision 11:  
 Revision 12:

Promontory Point  
Condominiums  
San Diego, California

6th Avenue (North of Arbor Drive)  
San Diego, California

NOT FOR CONSTRUCTION  
Proposed Site &  
Root Plan

CANYON WOODS MAP 7356 LOT 5

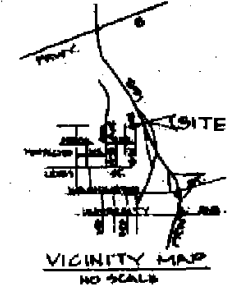
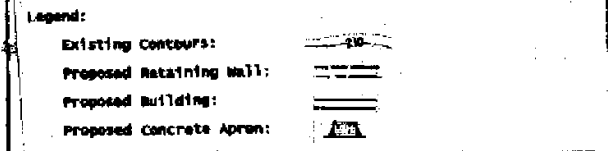


# Promontory Point Condominiums

12 Dwelling Unit Condominium Project, On An Existing Lot, On An Existing Street, Requiring Only A Driveway Cut.  
 Legal Description:  
 Lot 28 And Lot 29, Fiescher's Addition According To Map Thereof No. 811 Filed In The Office Of The County Recorder, County Of San Diego, California.

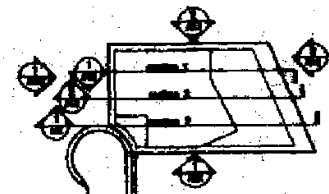
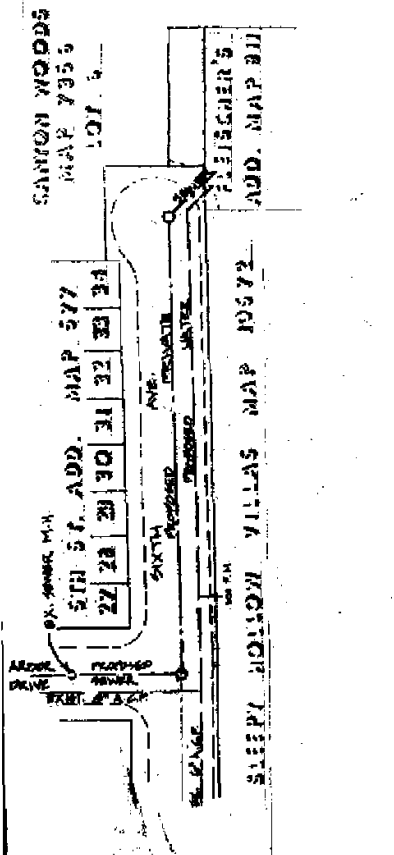
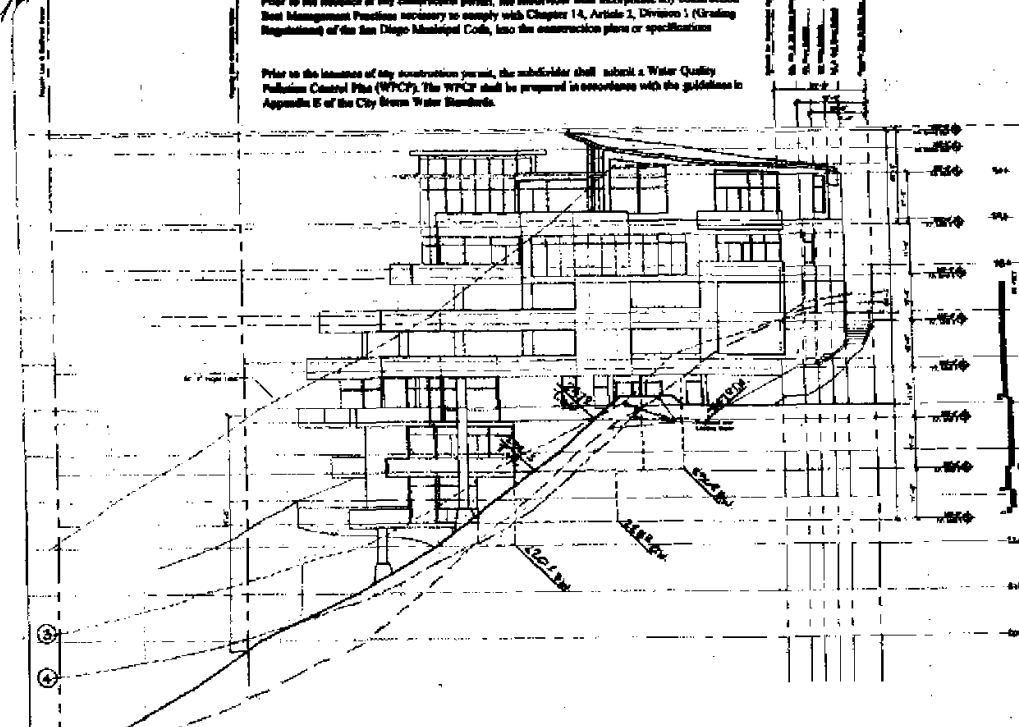
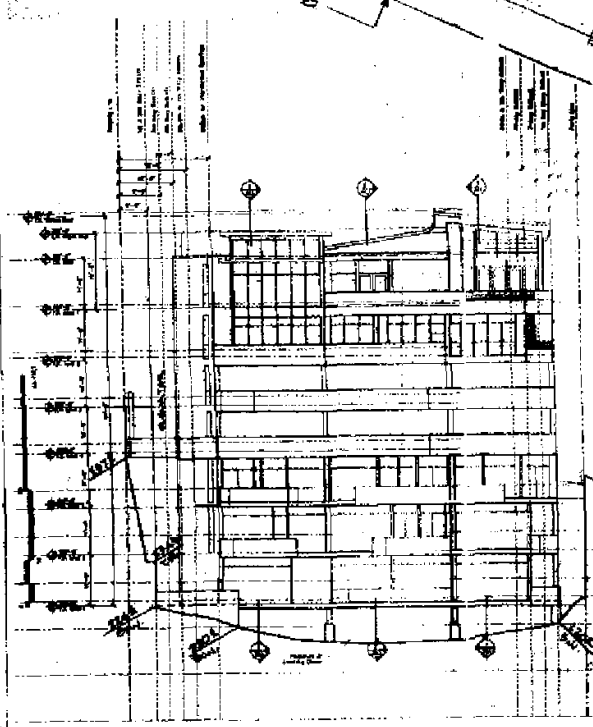
A.P.N. 444-33-12 And 444-33-13  
 Area: 0.35 Acres  
 Zoning: R8008  
 No. Of Lots: 1  
 Coverage: 6866 Sq.Ft. = 45%  
 Occupancy: R-1  
 Use: Multifamily Units  
 Parking: 22 Spaces = 1.8 Spaces Per Unit  
 Engineer of Work:  
 Clifford W. Lamento R.C.E. 25241  
 4350 Palm Avenue  
 La Mesa, California 92043  
 (619) 462-8881  
 Developer:  
 Windmill Const. Co. Inc.  
 38023 Vina  
 Lakeside, California 92040  
 (619) 594-7674

Grading Tabulations:  
 Total amount of site to be graded: Area 9148 sq.ft.,  
 % of total site 69%  
 Amount of site with 2% slopes or greater: Area 8000 sq.ft., % of total site 58%  
 Amount of site with slopes that are subject to ESI Regs. (LDC Sec. 143.6110): Area 0.0, % of total site 0.0  
 Amount of cut: 1500 cu. Yds. And Max. depth of cut: 15'  
 Amount of fill: 1500 cu. Yds. And Max. depth of fill: 15'  
 Max. height of fill slope(s) N/A  
 Max. height of cut slope(s) N/A



**SIDEWALK NOTES:**  
 FOR SECTION 105.111(1) OF THE LAND DEVELOPMENT CODE, THE DESIGN OF ALL SIDEWALKS SHALL BE IN SUBSTANTIAL CONFORMANCE TO THE DESIGN OF SIDEWALKS ON ADJACENT PROPERTIES, INCLUDING LOCATION, WIDTH, ELEVATION, SLOPING PATTERN (THE SLOPING PATTERN IS TO BE THE HISTORIC TRIPLE SLOPE SIDEWALK PATTERN), COLOR, AND MATERIAL. TO THE EXTENT THAT SAID DESIGN IS DIFFERENT BY THE CITY ENGINEER, UNLESS AN ALTERNATIVE IS APPROVED THROUGH THE ADMINISTRATIVE REVIEW PROCEDURE PARAGRAPH 105.105A (2) OR THE MID-CITY COMMUNITIES DEVELOPMENT PERMIT PARAGRAPH 105.105A (3).

**NOTE:**  
 Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 3, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.  
 Prior to the issuance of any construction permit, the subdivider shall submit a Water Quality Pollution Control Plan (WQCP). The WQCP shall be prepared in accordance with the guidelines in Appendix E of the City Storm Water Standards.



## Development Permit

Project No.	201
Issue Date	10 May 2004
City	
State	

## Promontory Point Condominiums

San Diego, California  
 6th Avenue (North of Arbor Drive)

APPROVED EXHIBIT "A"  
 PROJECT NO. 4612  
 APPROVAL NO. 123456 12/31/04  
 APPROVED BY: HEARING OFFICER, PLANNING AND COMMUNITY DEVELOPMENT, CITY OF SAN DIEGO  
 SIGNATURE:

NET FOR CONSTRUCTION  
 PROJECT NO. 4612  
 APPROVAL NO. 123456 12/31/04  
 PROJECT ADDRESS: 6TH AVENUE  
 CITY: SAN DIEGO, CA 92101



## Mitigated Negative Declaration

Land Development  
Review Division  
(619) 446-5460

Project Number: 1612

**SUBJECT:** Promontory Condominiums. SITE DEVELOPMENT PERMIT (MID-CITY COMMUNITIES DEVELOPMENT PERMIT), TENTATIVE MAP, and STREET VACATION (Process 5) to construct a seven-story, 12-unit multi-family residential building with floors four and five providing garage parking. The vacant, steeply-sloped 0.35-acre site is located at the end of Sixth Avenue, north of Arbor Drive in the MR-800B zone of Mid-City Communities Planned District within the Uptown Community Plan area and Council District 2 3 (Lot 28 & 29 of Fliesher's Addition, Map No. 811) Applicant: Clifford LaMonte

**UPDATE:** Minor revisions to this document have been made when compared to the draft Mitigated Negative Declaration. The changes do not affect the environmental analysis or conclusions of this document. All revisions are shown in a ~~strikeout~~ and underline format.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following area: Noise and Paleontology. Subsequent revisions in the project proposal create the specific mitigation identified in Section V. of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

General

1. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition ~~Plans/Permits~~ and Building ~~Plans/Permits~~, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading "*Environmental Requirements: Promontory Condominiums project is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration 1612.*"

Noise

1. Prior to the issuance of any Building ~~Plans/Permits~~, the applicant shall submit building plans showing that the residential unit on level 6 is provided with a noise attenuation barrier (wall) of at least six feet in height around its north facing balcony. The noise barrier shall be at a minimum of 3.5 pounds per square foot. Use of transparent materials (i.e. acrylic panels, glass) is permissible to maintain views as are sealed enclosures with opening partitions. But in all cases, these alternative barriers shall be constructed to the noise attenuation equivalent of a solid masonry wall that would reduce the exterior noise level of this private exterior space to 65 dB(A) CNEL or below.
2. Prior to the issuance of any Building ~~Plans/Permits~~, the applicant shall submit an acoustical study to Development Services identifying sound transmission loss requirements for building elements exposed to exterior noise levels exceeding 60 dB (A) CNEL, in order to achieve an interior 45 dB(A) CNEL, to the satisfaction of the City Engineer. If the interior 45 dB(A) CNEL limit can be achieved only with the windows closed, the residential unit design shall include mechanical ventilation that meets applicable Uniform Building Code (UBC) requirements. Specific acoustical treatments for windows and/or door may be required.

Paleontological Resources

**Prior to Preconstruction Meeting**

1. *Land Development Review (LDR) Plan Check*

Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition ~~Plans/Permits~~ and Building ~~Plans/Permits~~, the Assistant Deputy Director (ADD) of Land Development Review (LDR) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

2. *Letters of Qualification have been Submitted to the ADD*

Prior to the recordation of the first final map, NTP, or any permits, including but not limited to, issuance of the first Grading Permit, Demolition ~~Plans/Permits~~ and Building ~~Plans/Permits~~, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.

3. *Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)*
  - a. At least thirty days prior to the Preconstruction (Precon) Meeting, a second letter

shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.

- b. MMC will provide Plan Check with a copy of both the first and second letter.

#### 4. *Records Search Prior to Precon Meeting*

At least thirty days prior to the Precon Meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

### **Preconstruction Meeting**

#### 1. *Monitor Shall Attend Precon Meetings*

- a. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.
- b. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractors representatives to meet and review the job on-site prior to start of any work that requires monitoring.

#### 2. *Identify Areas to be Monitored*

At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.

#### 3. *When Monitoring Will Occur*

Prior to the start of work, the Paleontologist also shall submit a construction schedule to MMC through the RE, or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

## **During Construction**

### *1. Monitor Shall be Present During Grading/Excavation*

The qualified Paleontologist shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and shall document activity via the Consultant Site Visit Record (form). This record shall be faxed to the RE, or BI as appropriate, and MMC each month.

### *2. Discoveries*

#### **a. MINOR PALEONTOLOGICAL DISCOVERY**

In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.

#### **b. SIGNIFICANT PALEONTOLOGICAL DISCOVERY**

In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist with Principal Investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

### *3. Night Work*

#### **a. If night work is included in the contract**

- (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- (2) The following procedures shall be followed:

##### **(a) NO DISCOVERIES**

In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.

(b) MINOR DISCOVERIES

(1) All Minor Discoveries will be processed and documented using the existing procedures under **During Construction** (see Section 2. *Discoveries*, Subsection a.), with the exception that the RE will contact MMC by 9 A.M. the following morning.

(c) POTENTIALLY SIGNIFICANT DISCOVERIES

(1) If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction** (see Section 2. *Discoveries*, Subsection b.), will be followed, with the exception that the RE will contact MMC by 9 A.M. the following morning to report and discuss the findings.

b. If night work becomes necessary during the course of construction

(1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

(2) The RE, or BI, as appropriate, will notify MMC immediately.

c. All other procedures described above will apply, as appropriate.

4. *Notification of Completion*

The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

**Post Construction**

1. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

a. SUBMIT LETTER OF ACCEPTANCE FROM LOCAL QUALIFIED CURATION FACILITY.

The Paleontologist shall be responsible for submittal of a letter of acceptance to the



ADD of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.

b. IF FOSSIL COLLECTION IS NOT ACCEPTED, CONTACT LDR FOR ALTERNATIVES

If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.

c. RECORDING SITES WITH SAN DIEGO NATURAL HISTORY MUSEUM

The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum

d. FINAL RESULTS REPORT

1. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR.

2. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego  
Councilmember Atkins, District 3, 10A  
Planning Department, MS 4A  
Development Services Department, MS 501  
Mid-City CSC MS 97  
CALTRANS Planning (31)  
Greater North Park Planning Committee (363)  
North Park Community Association (366)  
Hillcrest Association (495)  
Uptown Planners (498)  
Hillside Protection Association (501)  
San Diego Natural History Museum (166)

VII. RESULTS OF PUBLIC REVIEW:

- (√) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- ( ) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

  
\_\_\_\_\_  
Anne Lowry, Senior Planner  
Development Services Department

May 17, 2005  
Date of Draft Report

June 13, 2005  
Date of Final Report

Analyst: C. Richmond

City of San Diego  
Development Services Department  
LAND DEVELOPMENT REVIEW DIVISION  
1222 First Avenue, Mail Station 501  
San Diego, CA 92101  
(619) 446-5460

INITIAL STUDY  
Project No. 1612

SUBJECT: Promontory Condominiums. SITE DEVELOPMENT PERMIT (MID-CITY COMMUNITIES DEVELOPMENT PERMIT), TENTATIVE MAP, and STREET VACATION (Process 5) to construct a seven-story, 12-unit multi-family residential building with floors four and five providing garage parking. The vacant, steeply-sloped 0.35-acre site is located at the end of Sixth Avenue, north of Arbor Drive in the MR-800B zone of Mid-City Communities Planned District within the Uptown Community Plan area and Council District 2 3 (Lot 28 & 29 of Fliesher's Addition, Map No. 811) Applicant: Clifford LaMonte

I. PURPOSE AND MAIN FEATURES:

The Site Development Permit (SDP), Tentative Map (TM), and Street Vacation would be required to construct a seven-story, 12-unit multi-family residential building on a steeply-sloped, vacant 0.35 acre lot (see Figures 2, 3, and 4). The east-facing manufactured slope descends from its highest point at the street level of Sixth Avenue down to SR-163. Six condominium units would be located on levels one through three, situated below street grade, on the east-facing slope. Levels four and five are being proposed as garage parking with level four below street grade and level five at street grade. The upper floors, levels six and seven, would be above street grade and include six additional condominium units. The rooftop level would provide an outdoor deck for general resident use. The proposed building's total gross floor area would be 20,912 square feet.

The project is proposing to grade 9,148 square feet, or 60 percent of the project site. Of this amount, 8,000 square feet would occur on the manufactured slope with a gradient over 25 percent. The site is not considered Environmentally Sensitive Lands because it is heavily disturbed by artificial fill with some areas reaching depths up to 14 feet. The project would have a total cut amount of 1,500 cubic yards with a maximum depth of 15 feet and a total fill amount of 1,500 cubic yards with a maximum fill depth of 15 feet. The project would also include a retaining wall with a maximum length of 90 feet and maximum visible height of 14 feet.

Site ingress and egress would be located at the northernmost end of Sixth Avenue via level five. Garage parking would be located at street grade on level five and on level four via a descending vehicular ramp. In all, 22 automobile parking spaces and one motorcycle space are being proposed, with one automobile space designated as accessible.

The Site Development Permit would be required to allow a deviation from the MR-800B zone's maximum building height and setback requirements, a Tentative Map would be required to construct for-sale condominium units, and the Street Vacation would be required to remove the paper street extension of Sixth Avenue.

## II. ENVIRONMENTAL SETTING:

The vacant 0.35-acre project site is located at the end of Sixth Avenue, north of Arbor Drive (see Figure 1). The site is within the MR-800B zone of the Mid-City Communities Planned District. The site is bounded on the northwest, southwest (across Sixth Avenue), and south by multi-family residential uses in the MR-800B zone. The project site is bounded on the east by SR-163.

The project site is a steeply-sloped hillside with a majority of the site having a 25 percent or steeper gradient. The highest point (street level; southwest corner) is 267 feet Above Mean Sea Level (AMSL) and the lowest point on the site is 182 feet AMSL. Because the hillside has been heavily disturbed with fill soils, the slope is not natural and is not considered Environmentally Sensitive Lands. Additionally, the project is not within or adjacent to the City's Multi-Habitat Planning Area, nor does the site support sensitive habitat types. On-site vegetation consists mainly of ice plant and other ornamentals.

Police protection services would be provided to the site by the Police Department's Western Division, headquartered at 5215 Gaines Street. In addition, the Hillcrest/Uptown Storefront is located at 1040 University Avenue, Suite B-205 approximately 0.9 miles to the northeast of the project site. Emergency police response times to locations within the Western Division jurisdiction average 6.9 minutes. The closest fire station is Station 5, located at 3902 9th Avenue approximately 0.5 miles to the southeast.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

## IV. DISCUSSION:

**The following environmental resources were considered during the environmental review and determined to be significant.**

### Noise

Community Noise Equivalent Level (CNEL) is the average sound level during a 24-hour day, obtained after adding five decibels to sound levels in the evening from 7 P.M. to 10 P.M., and after adding ten decibels to sound levels in the night from 10 P.M. to 7 A.M. When private exterior usable space is required, the City's Significance Determination Thresholds mandate that required usable open space must not exceed 65 dB(A) CNEL.

The Mid-City Communities Planned District requires a minimum amount of private exterior open space for residential projects in the MR-800B zone. For this zone, the Land Development Code states that private exterior usable areas must have a minimum size of 25 square feet, with a project average of 50 square feet per dwelling unit. At least 50 percent of all units in a development must have private exterior usable area. For the proposed project, levels six and seven were chosen to meet these requirements. Level six contains four units and level seven contains two for a total of six units, or 50 percent of the units in the proposed residential building.

Due to the project's close proximity with the SR-163, City staff required the project applicant submit an acoustical study to evaluate noise impacts to the proposed development. In the case noise levels surpass the Significance Determination Thresholds, the report would recommend mitigation to reduce the noise impacts to below a level of significance (65 dB(A) CNEL or below).

The report entitled, *Noise Analysis Promontory Point*, was prepared by URS on March 17, 2005. The report estimated the exterior noise environment at the building facades at all eight levels (includes the rooftop level with the proposed common exterior usable open space). Noise levels without mitigation are estimated to range from 67 dB(A) CNEL at the lower western building façade to 82 dB(A) CNEL at the upper eastern building façade (see Figure 5). Noise levels at the southwest corner façade of the proposed building (main entry and private balconies) would be below 65 dB(A) CNEL due to the location being shielded from the SR-163.

The report recommended mitigation measures to ensure noise levels at the private exterior usable open space locations were at 65 dB(A) CNEL or lower. Level seven would not require mitigation as both units' private balconies (southwest corner) are shielded from the main noise source and would be below 65 dB(A) CNEL. Level six would require mitigation to reduce noise impacts to a level not considered significant.

To mitigate the noise from the SR-163, a six-foot-high noise barrier that wraps the north balcony on level six would be required. The barrier would reduce noise levels at the private exterior space to 65 dB(A) CNEL or below. If the barrier material is solid masonry, the barrier weight would be at least 3.5 pounds per square foot. Transparent alternatives such as acrylic panels or glass may be substituted, but would need to provide the same noise attenuation as the above-specified masonry barrier.

Due to the significant noise impacts, implementation of a Mitigation, Monitoring, and Reporting Program (MMRP), as outlined in Section V of the MND, would be required. With the implementation of MMRP, noise impacts would be reduced to a level below significance.

#### Paleontology

The project site is underlain by the geologic San Diego formation and the Pomerado Conglomerate. Both formations are considered to have a high potential of containing fossil deposits. In addition, two paleontological sites have been identified in the nearby vicinity to the south.

The project is proposing a total cut amount of 1,500 cubic yards to a depth of 15 feet. This amount is considered significant and would require paleontological monitoring during grading activities, as described in the Mitigation, Monitoring, and Reporting Program (MMRP), as outlined in Section V of the MND. With the implementation of MMRP, impacts to paleontological resources would be reduced to a level below significance.

**The following environmental resources were considered during the environmental review and determined not to be significant.**

#### Geology/Soils

*A Report of Soil Investigation for the Proposed 12-Unit Condominium Building* was prepared by C.W. La Monte Company, Inc. on August 27, 2004. The report provides an evaluation of the subsurface soil conditions in order to make geotechnical recommendations pertaining to the proposed residential project. Additionally, a *Geotechnical Reconnaissance 1612 Promontory Condos*, was revised by Michael W. Hart on January 1, 2005. The following includes a summarization of both reports.

The site is underlain principally by moderately dense sandstone of San Diego Formation and the Pomerado Conglomerate. The City of San Diego Seismic Safety Study Map No. 21 shows that the project site is located in Hazard Zone 53, under the category "Other Terrain". This category is defined as, "Other level areas, level or sloping terrain, unfavorable geologic structure, low to moderate risk." There are no known faults of significance that occur on or adjacent to the site. The closest known potentially active fault is the Florida Canyon fault which lies approximately 0.8 miles to the east. The Rose Canyon Fault is located approximately 1.1 miles west of the site and is the most significant fault with respect to the potential for seismic activity. Both reports conclude that the project site is suitable for development.

Because the project would have to be designed to the specifications detailed in the seismic design requirements of the Uniform Building Code (UBC) and/or the Structural Engineers Association of California prior to the issuance of the building permit, no additional mitigation would be required.

#### Water Quality

According to the City of San Diego Storm Water Manual and the completed Storm Water Requirements Applicability Checklist, this project is considered a "priority project" due to the number of residential units and the steeply-sloped hillside. Therefore, the applicant was required to submit a Water Quality Technical Report.

The report, entitled *A Water Quality Technical Report*, prepared by C.W. La Monte Co., Inc., dated November 7, 2004, addressed potential water quality impacts during both construction and post-construction phases of the project. During the construction phase, a Water Pollution Control Plan (WPCP) would be implemented. The WPCP addresses erosion control, sediment control, and construction material management by designing features which would minimize and/or contain contamination of the surrounding areas and watershed.

To address potential post-construction water quality impacts, the report identified the expected pollutants, site drainage patterns, soil conditions and imperviousness, and downstream conditions. The report also recommended post-construction Best Management Practices (BMPs) including site design BMPs, source control BMPs, and treatment control BMPs. With the implementation of the BMPs as specified in the Water Quality Report, impacts to Water Quality would be below a level of significance. Furthermore, because the BMPs are a required condition of the permit, no additional mitigation would be required.

#### V. RECOMMENDATION:

On the basis of this initial evaluation:

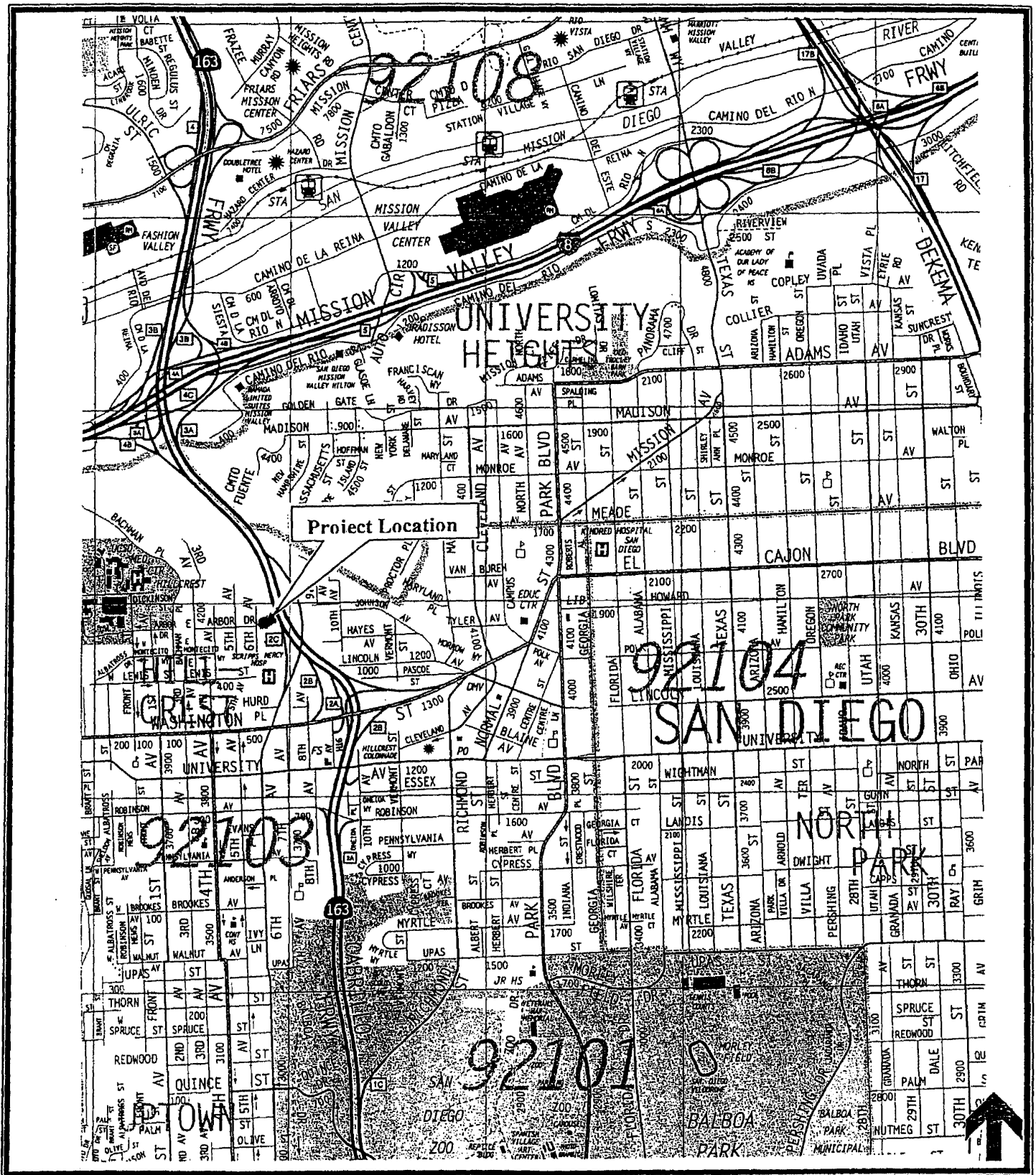
The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

— The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: C. Richmond

Attachments: Initial Study Checklist  
Figure 1 – Location Map  
Figure 2 – Site Plan  
Figure 3 – Building Section  
Figure 4 – Exterior Noise Levels at Floors 6 and 7



Promontory Point Condominiums

Location Map

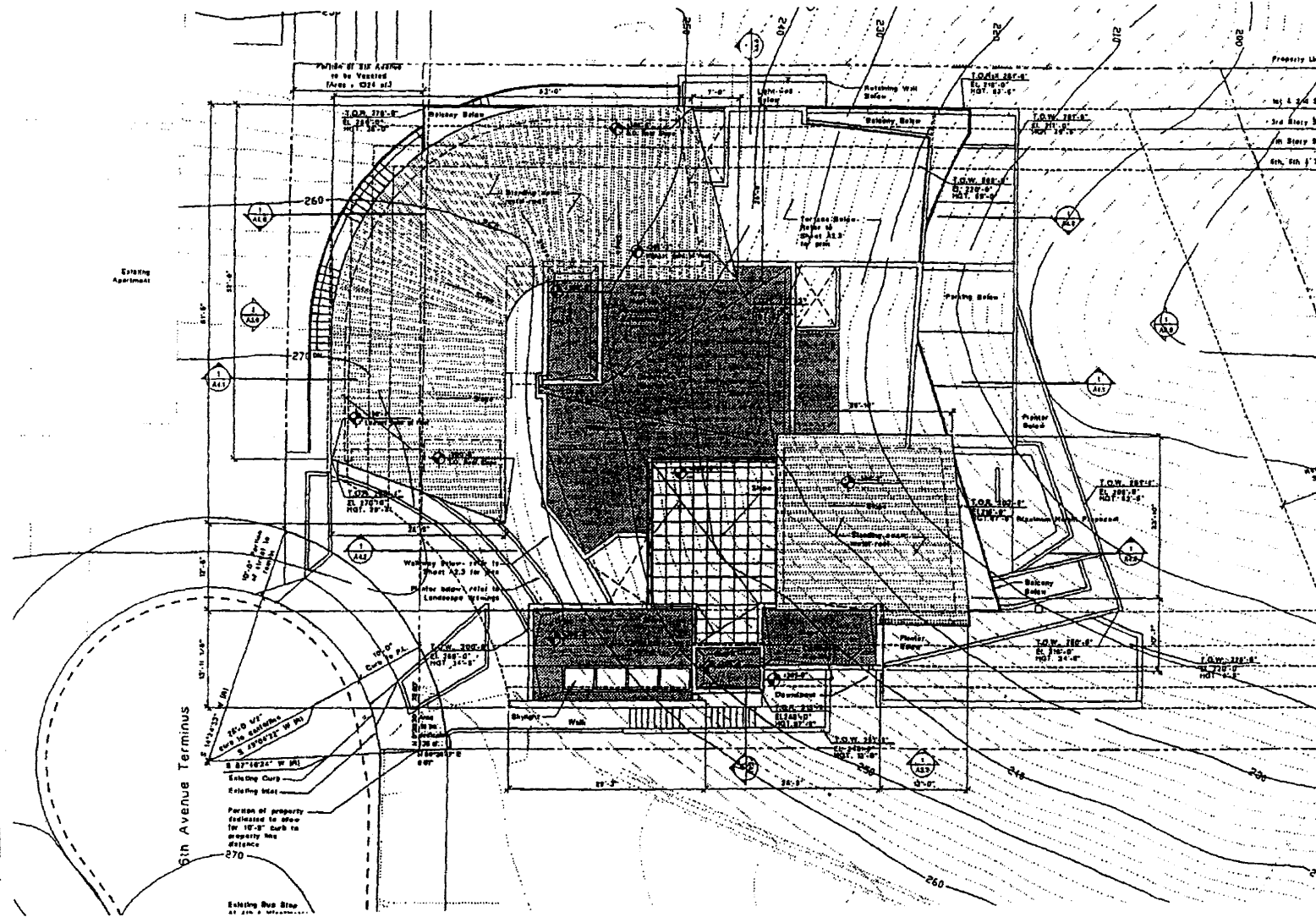
Environmental Analysis Section Project No. 1612  
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure

1







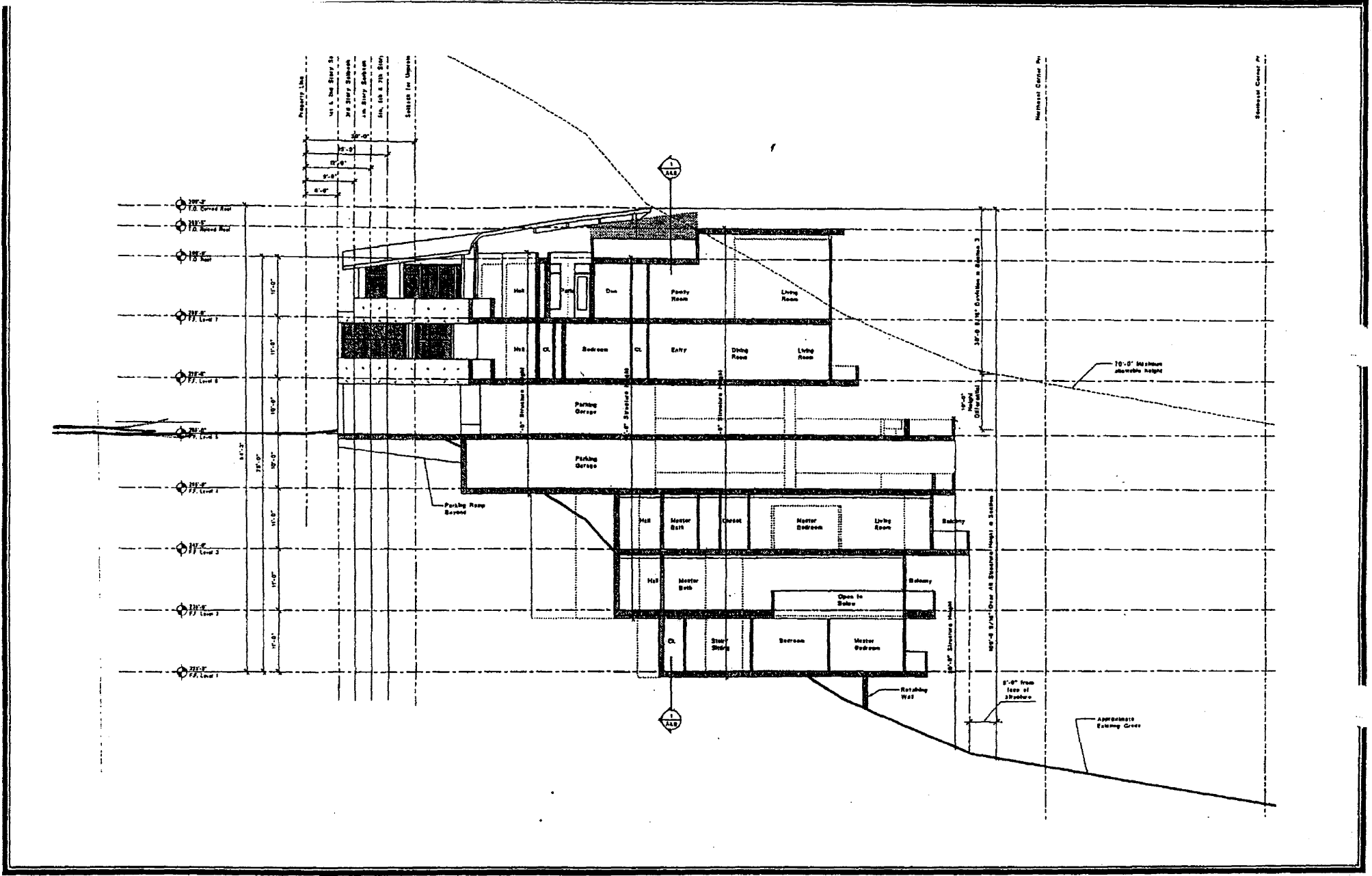
Promontory Point Condominiums

Site Plan

Environmental Analysis Section - Project No. 1612  
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Figure  
 2

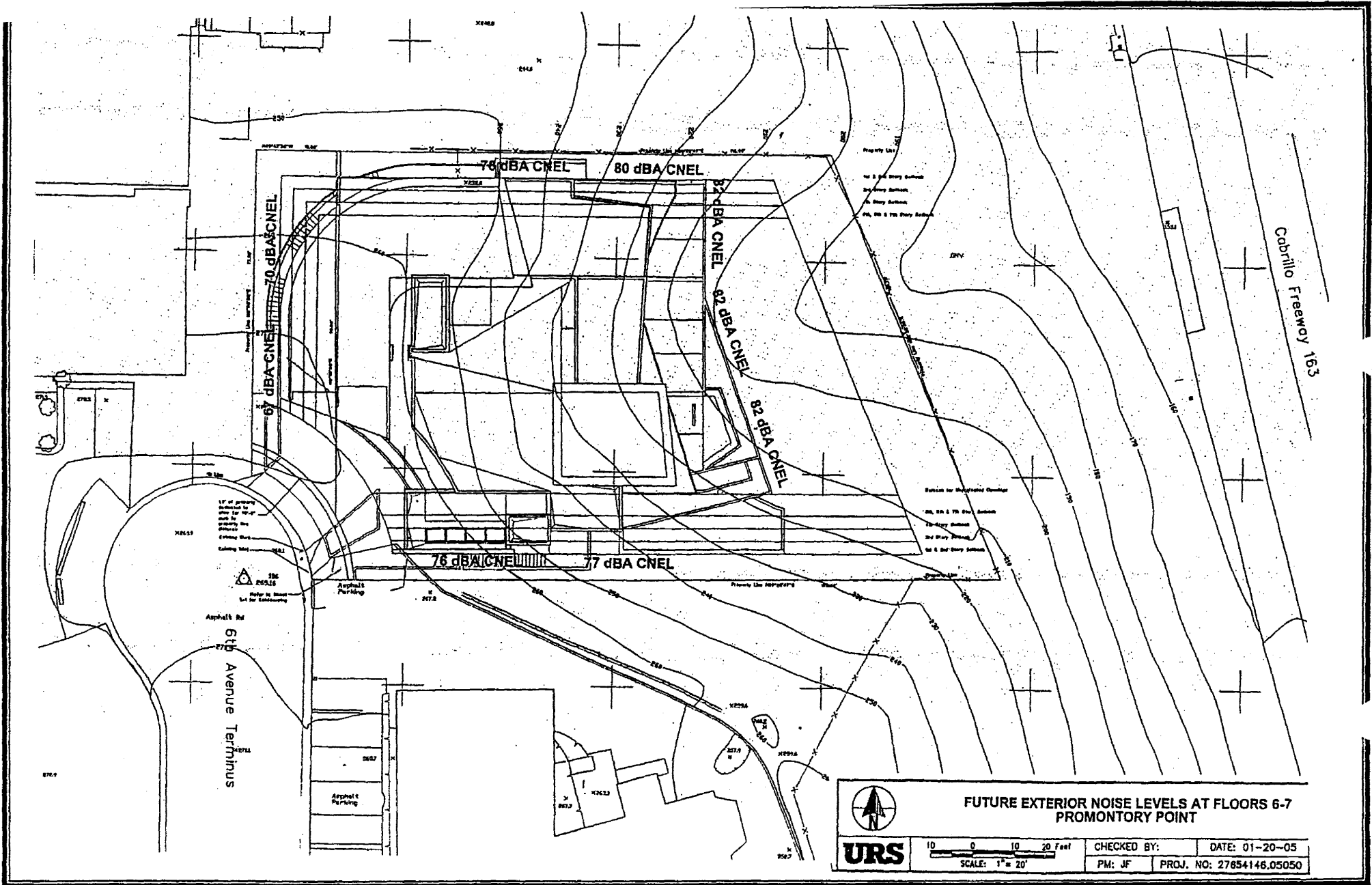


Promontory Point Condominiums



**Building Section**  
 Environmental Analysis Section - Project No. 1612  
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Figure  
**3**



Promontory Point Condominiums



**Noise Levels at Floors 6 and 7**  
 Environmental Analysis Section - Project No. 1612  
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure  
**4**



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
development? <u>The proposed project is adjacent to multi-story, multi-family housing. Project bulk, scale, and materials are similar to the surrounding land uses.</u>	—	—	<u>X</u>
D. Substantial alteration to the existing character of the area? <u>The proposed project is similar to the surrounding uses (MR-800B) and would not substantially change the character of the area. See I.B. and C.</u>	—	—	<u>X</u>
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? <u>No distinctive or landmark tree(s), or a stand of mature trees would be lost.</u>	—	—	<u>X</u>
F. Substantial change in topography or ground surface relief features? <u>The existing site is a heavily disturbed steep slope with minimal relief features and is covered with ornamental vegetation. The project proposes to cut 1,500 cubic yards and fill 1,500 cubic yards. Change in topography would not be substantial.</u>	—	—	<u>X</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>The proposed project would grade the existing steep slope (greater than 25 percent), but because the slope has been heavily disturbed by previous construction activity, the hillside is not considered a steep hillside in the Environmentally Sensitive Lands (ESL) regulations. Additionally, the project is being designed to preserve the hillside by using a step-up building design.</u>	—	—	<u>X</u>
H. Substantial light or glare?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The residential project would not create a substantial amount of light or glare.</u>			
I. Substantial shading of other properties? <u>The project is only three stories above street level. Surrounding multi-family residential uses are of similar height. The project would not create substantial shading of other properties. See I.A.</u>	—	—	<u>X</u>
II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state? <u>No loss of a known mineral resource would occur.</u>	—	—	<u>X</u>
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? <u>The project is located on steep slopes (not ESL) and in an urbanized area.</u>	—	—	<u>X</u>
III. AIR QUALITY – Would the proposal:			
A. Conflict with or obstruct implementation of the applicable air quality plan? <u>The project is proposing a seven story, twelve-unit residential building. The additional traffic generated from the project would not have a significant impact on the applicable air quality plan, nor would it conflict with or obstruct its implementation.</u>	—	—	<u>X</u>
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <u>See III.A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Expose sensitive receptors to substantial pollutant concentrations? <u>There are not any known contaminated sites nearby, nor would the project produce substantial concentrations of pollutants.</u>	—	—	<u>X</u>
D. Create objectionable odors affecting a substantial number of people? <u>The proposed project would not expose a substantial amount of people to objectionable odors.</u>	—	—	<u>X</u>
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <u>There is potential, during construction, of stirring large quantities of dust. To minimize dust generation, dust suppression measures would be incorporated into the project.</u>	—	—	<u>X</u>
F. Alter air movement in the area of the project? <u>The project would have minimal impacts on air movement. See III.A.</u>	—	—	<u>X</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>The 12-unit residential project would be incapable of such changes.</u>	—	—	<u>X</u>

IV. BIOLOGY – Would the proposal result in:

A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>The project site is highly disturbed, with ice plant and other ornamental plants representing a significant majority of the plants on-site. The project is also outside the Multi-Habitat Planning Area (MHPA) borders.</u>	—	—	<u>X</u>
B. A substantial change in the diversity of any species of animals or plants?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>No such change would occur. See IV.A.</u>			
C. Introduction of invasive species of plants into the area? <u>Landscaping would be selected from a list of city approved species as defined in the Land Development Manual's Landscape Guidelines and section 142.0401 through section 142.0413 of the City's Land Development Code.</u>	—	—	<u>X</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>Project would not affect wildlife migratory patterns or corridors. See IV.A.</u>	—	—	<u>X</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>The proposed project is located within an urban area, is outside the MHPA, and does not have sensitive vegetation on-site. See IV.A.</u>	—	—	<u>X</u>
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>There are no wetlands on site or nearby that could be impacted. See IV.A.</u>	—	—	<u>X</u>
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>The project site does not have sensitive biological resources on-site. See IV.A.</u>	—	—	<u>X</u>

V: ENERGY – Would the proposal:



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The project is a 12-unit residential building that would not use excessive amounts of energy.</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power? <u>See V.A.</u>	—	—	<u>X</u>
 VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>The project is proposing to develop on steep slopes (greater than 25 percent, but not ESL). Environmental Analysis staff will need to coordinate with LDR Geology to determine if there will be any impacts. Please see the Initial Study discussion.</u>	—	<u>X</u>	—
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>There is a potential for water erosion of soils on-site. As required by the permit, permanent BMPs would be required to prevent any erosion from occurring. See VI.A.</u>	—	—	<u>X</u>
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>The project site is located in the geologic hazard zone 53, which has a low to moderate risk potential for geologic hazards and is considered suitable for development. Undocumented fill would be removed and replaced with a suitable soil that would be compacted. See VI.A.</u>	—	—	<u>X</u>

Yes   Maybe   No

VII. HISTORICAL RESOURCES – Would the proposal result in:

- A. Alteration of or the destruction of a prehistoric or historic archaeological site?  
The project site is within the City's Historical Sensitivity boundaries, which means there is a potential of discovering archaeological resources. However, the steeply sloped site has been disturbed during prior construction activities and likelihood of unearthing historical resources is remote.  
—   —   X
  
- B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site?  
No known sites are located on the project site. See VII.A.  
—   —   X
  
- C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object?  
There are no existing buildings or structures on the site.  
—   —   X
  
- D. Any impact to existing religious or sacred uses within the potential impact area?  
See VII.A.  
—   —   X
  
- E. The disturbance of any human remains, including those interred outside of formal cemeteries?  
See VII.A.  
—   —   X

VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:

- A. Create any known health hazard (excluding mental health)?  
The site is not listed on the County's Department of Environmental Health Case Listing. No health hazards would be created.  
—   —   X

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>The project is not proposing to use, store, or transport hazardous materials. No exposure would occur.</u>	—	—	<u>X</u>
C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>No such potential exists. See VIII.B.</u>	—	—	<u>X</u>
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>No such impairment or interference would occur.</u>	—	—	<u>X</u>
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? <u>The site is not listed on a Government Code Listing of hazardous materials sites.</u>	—	—	<u>X</u>
F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <u>No such potential existis.</u>	—	—	<u>X</u>

IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:

A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. <u>The project site is located on steep slopes and there is potential for typical storm water</u>	—	<u>X</u>	—
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Yes    Maybe    No

pollutants to run down hill. To prevent this, Permanent BMPs would be required by the project and would be implemented. Please see the Initial Study discussion.

- |    |  |   |          |          |
|----|--|---|----------|----------|
| B. | An increase in impervious surfaces and associated increased runoff?<br><u>The project would increase impervious surface area by constructing a building and driveway and increased run-off may result. However, BMPs would be implemented to prevent erosion and reduce run-off sediments and pollutants. Please see the Initial Study discussion.</u> | — | <u>X</u> | —        |
| C. | Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?<br><u>Drainage patterns would remain unchanged with the exception of potentially increasing volume due to the increase in impervious surfaces. See IX.A. and B.</u>   | — | —        | <u>X</u> |
| D. | Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(d) list)?<br><u>The proposed project would implement BMPs to minimize pollutants entering into the San Diego River Watershed. Please see the Initial Study discussion.</u>  | — | —        | <u>X</u> |
| E. | A potentially significant adverse impact on ground water quality?<br><u>The project would not adversely affect ground water quality. See IX.A.</u>   | — | —        | <u>X</u> |
| F. | Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?<br><u>No such effects would occur.</u>   | — | —        | <u>X</u> |

X. LAND USE – Would the proposal result in:

- A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<p>applicable land use plan, policy or regulation of an agency with jurisdiction over a project?  <u>The seven-story, 12-unit residential development is in the MR-800B zone in the Mid-City Planned District. The zone has a 60 foot height limit. The current building height above street level is 41 feet 3 inches. Total building height is 84 feet 3 inches. A SDP is required to deviate from the 60 foot height limit. However, the surrounding area has multi-level housing and the proposed project would not be inconsistent with or conflict with any land uses or land use plans.</u></p>	---	---	<u>X</u>
<p>B. A conflict with the goals, objectives and recommendations of the community plan in which it is located?  <u>The project is consistent with the community plan and no such conflicts would occur. See X.A.</u></p>	---	---	<u>X</u>
<p>C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area?  <u>The project is not in conflict with any such plans.</u></p>	---	---	<u>X</u>
<p>D. Physically divide an established community?  <u>The project would not divide an established community.</u></p>	---	---	<u>X</u>
<p>E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan?  <u>Project is not within any airport CLUP.</u></p>	---	---	<u>X</u>
<p>XI. NOISE – Would the proposal result in:</p>			
<p>A. A significant increase in the existing ambient noise levels?  <u>The project would not significantly increase existing ambient noise levels.</u></p>	---	---	<u>X</u>
<p>B. Exposure of people to noise levels which exceed the City's adopted noise</p>			

<u>Yes</u>	<u>Maybe</u>	<u>No</u>
—	<u>X</u>	—

ordinance?

The project may potentially expose the residents to noise levels generated by adjacent SR-163 which exceed the City's Noise Ordinance at the required outdoor balconies. Please see the Initial Study discussion.

- C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

—	—	<u>X</u>
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The proposed 12-unit multi-family residential project would create 96 ADTs with 8 peak AM trips and 10 peak PM trips. Noise levels on Sixth Avenue would experience minimal noise from the additional traffic. See XI.B.

- XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature?

—	<u>X</u>	—
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The project site is underlain by the San Diego Formation and Pomerado Conglomerate, both designated as having a high potential for paleontological resources. In addition, two known sites are in the vicinity of the project site. Because the project is proposing grading greater than 1000 cubic yards at a depth greater than 10 feet, disturbance of paleontological resources could occur. See Initial Study for detail.

- XIII. POPULATION AND HOUSING – Would the proposal:

- A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

—	—	<u>X</u>
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The project is consistent with the Uptown Community Plan and would not significantly induce population growth.

		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>Project will add 12 units on a currently undeveloped site. Project would not displace any housing.</u>	—	—	<u>X</u>
C.	Alter the planned location, distribution, density or growth rate of the population of an area? <u>See XIII.A.</u>	—	—	<u>X</u>
XIV.	PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
A.	Fire protection? <u>Currently serves the area and would be provided to the proposed project.</u>	—	—	<u>X</u>
B.	Police protection? <u>Currently serves the area and would be provided to the proposed project.</u>	—	—	<u>X</u>
C.	Schools? <u>Schools are provided to the project site.</u>	—	—	<u>X</u>
D.	Parks or other recreational facilities? <u>Parks are provided. See XIV.A.</u>	—	—	<u>X</u>
E.	Maintenance of public facilities, including roads? <u>Maintenance of public facilities are provided.</u>	—	—	<u>X</u>
F.	Other governmental services? <u>Other government services are provided.</u>	—	—	<u>X</u>
XV.	RECREATIONAL RESOURCES – Would the proposal result in:			
A.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
facility would occur or be accelerated? <u>The project is proposing a 12-unit multifamily building. The project would not substantially affect any parks or other recreational facilities.</u>	—	—	<u>X</u>

B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <u>The project is not required to construct nor is it proposing a recreational facility. See XV.A.</u>	—	—	<u>X</u>
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XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:

A. Traffic generation in excess of specific/ community plan allocation? <u>The project would generate approximately 96 ADTs, with 8 AM peak hour trips and 10 PM peak hour trips. The project would not exceed the community plan's allocation.</u>	—	—	<u>X</u>
--	---	---	----------

B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>The such effect would occur. See XVI.A.</u>	—	—	<u>X</u>
--	---	---	----------

C. An increased demand for off-site parking? <u>The proposed project would provide 22 garaged parking spaces as required by the Land Development Code. No off-site parking is required or proposed.</u>	—	—	<u>X</u>
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D. Effects on existing parking? <u>No effect would occur. See XVI.C.</u>	—	—	<u>X</u>
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E. Substantial impact upon existing or planned transportation systems? <u>There would not be an effect on transportation systems. See XVI.A.</u>	—	—	<u>X</u>
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F. Alterations to present circulation movements including effects on existing			
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	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
public access to beaches, parks, or other open space areas? <u>There are no beaches, parks, or usable open space areas nearby.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>The development would be constructed to street design standards. See XVI.A.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>Project would not create any conflicts with any such adopted policies, plans, or programs.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>The 12 unit residential project would not require new utility systems nor a substantial increase in existing utilities.</u>	—	—	<u>X</u>
B. Communications systems? <u>New or substantially altered systems would not be required.</u>	—	—	<u>X</u>
C. Water? <u>New or substantially altered systems would not be required.</u>	—	—	<u>X</u>
D. Sewer? <u>New or substantially altered systems would not be required.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>New or substantially altered systems would not be required.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>New or substantially altered systems would not be required.</u>	—	—	<u>X</u>



Yes    Maybe    No

The project would not achieve short-term goals to the disadvantage of long-term goals.

- C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

—            —            X

There are no significant cumulative impacts. There are potential impacts to paleontological resources and exposure to high noise levels, but nothing that would manifest as a cumulative impact.

- D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

—            —            X

The project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

## INITIAL STUDY CHECKLIST

### REFERENCES

#### I. Aesthetics / Neighborhood Character

City of San Diego Progress Guide and General Plan.

Community Plan.

Local Coastal Plan.

#### II. Agricultural Resources / Natural Resources / Mineral Resources

City of San Diego Progress Guide and General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

Site Specific Report: Report of Soil Investigation for the Proposed 12-Unit Condominium Building, prepared by C.W. La Monte Company, Inc.(August 27, 2004)..

#### III. Air

California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

Regional Air Quality Strategies (RAQS) - APCD.

Site Specific Report: \_\_\_\_\_.

#### IV. Biology

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- Community Plan - Resource Element.
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- City of San Diego Land Development Code Biology Guidelines.
- Site Specific Report:
- V. Energy**

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- VI. Geology/Soils**
- City of San Diego Seismic Safety Study.
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- Site Specific Report: Geotechnical Reconnaissance 1612 Promontory Condos, revised by Michael W. Hart (January 1, 2005) and Report of Soil Investigation for the Proposed 12-Unit Condominium Building, prepared by C.W. La Monte Company, Inc.(August 27, 2004).
- VII. Historical Resources**
- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List.

Community Historical Survey:

Site Specific Report: \_\_\_\_\_

**VIII. Human Health / Public Safety / Hazardous Materials**

San Diego County Hazardous Materials Environmental Assessment Listing, 2004.

San Diego County Hazardous Materials Management Division

FAA Determination

State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.

Airport Comprehensive Land Use Plan.

Site Specific Report: \_\_\_\_\_

**IX. Hydrology/Water Quality**

Flood Insurance Rate Map (FIRM).

Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.

Clean Water Act Section 303(b) list, dated May 19, 1999,  
[http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)).

**X. Land Use**

City of San Diego Progress Guide and General Plan.

Community Plan.

Airport Comprehensive Land Use Plan

City of San Diego Zoning Maps

FAA Determination

**XI. Noise**

X Community Plan

\_\_\_ San Diego International Airport - Lindbergh Field CNEL Maps.

\_\_\_ Brown Field Airport Master Plan CNEL Maps.

\_\_\_ Montgomery Field CNEL Maps.

\_\_\_ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

\_\_\_ San Diego Metropolitan Area Average, Weekday Traffic Volume Maps, SANDAG.

\_\_\_ City of San Diego Progress Guide and General Plan.

X Site Specific Report: : Noise Analysis Promontory Point, prepared by URS (March 17, 2005).

**XII. Paleontological Resources**

X City of San Diego Paleontological Guidelines.

X Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

X Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

\_\_\_ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

\_\_\_ Site Specific Report:\_\_\_\_\_

**XIII. Population / Housing**

\_\_\_ City of San Diego Progress Guide and General Plan.

X Community Plan.

\_\_\_ Series 8 Population Forecasts, SANDAG.

\_\_\_ Other: \_\_\_\_\_.

**XIV. Public Services**

\_\_\_ City of San Diego Progress Guide and General Plan.

X Community Plan.

**XV. Recreational Resources**

\_\_\_ City of San Diego Progress Guide and General Plan.

X Community Plan.

\_\_\_ Department of Park and Recreation

\_\_\_ City of San Diego - San Diego Regional Bicycling Map

\_\_\_ Additional Resources: \_\_\_\_\_.

**XVI. Transportation / Circulation N/A**

\_\_\_ City of San Diego Progress Guide and General Plan.

X Community Plan.

X San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

X San Diego Region Weekday Traffic Volumes, SANDAG.

\_\_\_ Site Specific Report:

**XVII. Utilities N/A**

\_\_\_ \_\_\_\_\_.

**XVIII. Water Conservation N/A**

\_\_\_ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.



**CITY COUNCIL**  
RESOLUTION NO. \_\_\_\_\_  
TENTATIVE MAP NO. 578889 AND PUBLIC RIGHT-OF-WAY NO. 633477  
EXTENSION OF TIME TO TENTATIVE MAP NO. 123433 AND PUBLIC RIGHT-  
OF-WAY NO. 123434  
**PROMONTORY POINT CONDOMINIUMS, PROJECT NO. 162051**  
**DRAFT**

WHEREAS, PROMONTORY POINT LLC, Applicant/Subdivider, and CLIFFORD W. LA MONTE, Engineer, submitted an application with the City of San Diego for a three-year Extension of Time for Tentative Map No. 123433 and Public Right-of-Way Vacation No. 123434 for the subdivision of two lots into one lot for the construction of 12 condominiums and to vacate an unused portion of Sixth Avenue. The project site is located at the northerly terminus of Sixth Avenue in the MR-800B zone of the Mid-City Planned District of the Uptown Community Plan and is legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811; and

WHEREAS, on April 9, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 578889 and Public Right-of-way No. 633477, which is a three-year Extension of Time to the previously approved Tentative Map No. 123433 and Public Right-of-Way No. 123434 pursuant to Resolution No. \_\_\_\_-PC and voted \_\_\_\_ to recommend City Council approval of the proposal; and

WHEREAS, on \_\_\_\_\_, 2009, the Council of the City of San Diego considered Tentative Map No. 578889 and Street Vacation No. 633477, and pursuant to Sections 125.0440 and 126.0111 of the Municipal Code of the City of San Diego, California Government Code Section 66434 (g) and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the previously approved Tentative Map proposed the subdivision of a 0.35-acre site into one lot for 12 condominiums; and

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

WHEREAS, the Mitigated Negative Declaration No. 1612, that was prepared and approved on August 9, 2005, City Council Resolution No. R-300782 for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c) (3) and 15378(c).

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

WHEREAS, on April 9, 2009, the Planning Commission of the City of San Diego considered Site Development Permit No. 578890, a three-year Extension of Time to Site Development Permit No. 143667, pursuant to Resolution No \_\_\_\_-PC and voted \_\_\_\_ to recommend City Council approval of the permit; and

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

BE IT RESOLVED, that the expiration date for Tentative Map No. 578889 and Public Right-Of-Way Vacation No. 633477 shall be \_\_\_\_\_, 2012; and

BE IT FURTHER RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to the Extension of Time for Tentative Map No. 578889 and Public Right-Of-Way Vacation No. 633477:

**EXTENSION OF TIME OF A DEVELOPMENT PERMIT- SAN DIEGO**  
**MUNICIPAL CODE [SDMC] SECTION 126.0111**

1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.

The Owner/Permittee requests an Extension of Time to Tentative Map No. 123433 and Public Right-of-way Vacation No. 123434 and does not request any changes to the proposed development layout previously approved by City Council on August 9, 2005 by Resolution Number R-300783. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety. New conditions are not required to ensure public health and safety. All previously approved conditions remain applicable.

2. No new conditions are required to comply with state or federal law.

Tentative Map No. 123433 and Public Right-of-way Vacation No. 123434 were approved by City Council on August 9, 2005 by Resolution Number R-300783. There are no new conditions being added to the permit. New conditions are not required to comply with state or federal law. All previously approved conditions remain applicable.

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

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

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON \_\_\_\_\_, 2009.

APPROVED: \_\_\_\_\_, City Attorney

By \_\_\_\_\_  
Deputy City Attorney

Job Order No. 43-1372

**CITY COUNCIL**  
RESOLUTION NO. \_\_\_\_\_  
SITE DEVELOPMENT PERMIT NO. 578890  
EXTENSION OF TIME TO SITE DEVELOPMENT PERMIT NO. 123430  
**PROMONTORY POINT CONDOMINIUMS, PROJECT NO. 162051**  
**DRAFT**

WHEREAS, PROMONTORY POINT LLC., Applicant/Subdivider, and CLIFFORD W. LA MONTE, Engineer, submitted an application with the City of San Diego for a three-year Extension of Time to a Site Development Permit for the subdivision of two lots into one lot for the construction of 12 condominiums and to vacate an unused portion of Sixth Avenue. The project site is located at the northerly terminus of 6th Avenue in the MR-800B zone of the Mid-City Planned District of the Uptown Community Plan, and is legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811; and

WHEREAS, on April 9, 2009, the Planning Commission of the City of San Diego considered Site Development Permit No. 578890, which is a three-year Extension of Time to previously approved Site Development Permit No. 143667, pursuant to Resolution No. \_\_\_\_-PC and voted \_\_\_\_ to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

WHEREAS, all associated permits and maps shall conform to the previously approved Exhibits and conditions on file with Development Services per Site Development Permit No. 123430, City Council Resolution No. R-300784, Project No. 1612, recorded at the County of San Diego Recorder on September 22, 2005 as Document Number 2005-0820170, with the exception of the expiration dates.

WHEREAS, the Mitigated Negative Declaration No. 1612, that was prepared and approved on August 9, 2005, City Council Resolution No. R-300782 for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c) (3) and 15378(c).

BE IT RESOLVED, that the expiration date for Site Development Permit No. 578890 be \_\_\_\_\_, 2012. NOW, THEREFORE,

BE IT FURTHER RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 578890:

**EXTENSION OF TIME OF A DEVELOPMENT PERMIT- SAN DIEGO**  
**MUNICIPAL CODE [SDMC] SECTION 126.0111**

1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.

The Owner/Permittee requests an extension of time to Public Right-of-way Vacation No. 123434, Tentative Map No. 123433 and Site Development Permit No. 123430 and does not request any changes to the proposed development layout approved by City Council on August 9, 2005 by Resolution Numbers R-300784 and R-300783. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety. New conditions are not required to ensure public health and safety. All previously approved conditions remain applicable.

2. No new conditions are required to comply with state or federal law.

The development's Public Right-of-way Vacation No. 123434, Tentative Map No. 123433 and Site Development Permit [SDP] No. 123430 was approved by City Council on August 9, 2005 by Resolution Numbers R-300784 and R-300783. There are no new conditions being added to the permit. New conditions are not required to comply with state or federal law. All previously approved conditions remain applicable.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 578890, a three-year Extension of Time to Site Development Permit No. 123430 is granted to PROMONTORY POINT LLC, Owner/Permittee, under the terms and conditions set forth in permit number 123430.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON \_\_\_\_\_, 2009.

APPROVED: \_\_\_\_\_, City Attorney

By \_\_\_\_\_

Deputy City Attorney

Job Order No. 43-1372

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-1372

**SITE DEVELOPMENT PERMIT NO. 578890**  
**EXTENSION OF TIME FOR SITE DEVELOPMENT PERMIT NO. 123430**  
**PROMONTORY CONDOMINIUMS (MMRP)**  
**PROJECT NO. 162051**  
**CITY COUNCIL**

This Site Development Permit No. 578890, which is a three-year Extension of Time to previously approved Site Development Permit No. 123430 (Project No. 1612), is granted by the City Council of the City of San Diego to PROMONTORY POINT LLC, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 0.35-acre site is located at the northerly terminus of 6th Avenue in the MR-800B zone of the Mid-City Communities Planned District of the Uptown Community Plan. The project site is legally described as a Portion of Lots 28 and 29, Fleischers Addition, Map No. 811

Subject to the terms and conditions set forth in this Permit, permission is granted to PROMONTORY POINT LLC, Owner/Permittee for the construction of 12 condominiums, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project (Project No. 1612) approved by the City Council on August 9, 2005, is hereby extended as indicated within this permit until \_\_\_\_\_, 2012.

The project shall include:

- a. A three year extension of time for the previously approved Site Development Permit No. 123430, Project No. 1612.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.

2. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
3. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Site Development Permit No. 123430, Project No 1612, Recorded with the County of San Diego Recorder on September 22, 2005 as Document Number 2005-0820170 with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_, 2009.

**Mezo, Renee**

---

**From:** Leo Wilson [leo.wikstrom@sbcglobal.net]  
**Sent:** Monday, March 23, 2009 9:47 AM  
**To:** Mezo, Renee  
**Subject:** RE: Agenda for March 3, 09  
**Attachments:** Uptown Planners Agenda, March 3, 2009.doc

Hi Renee:

The draft minutes have not been prepared yet; they will be approved at the board meeting on April 7th.

Have attached the agenda for the March 3, 2009 board meeting -- and highlighted the three projects approved on consent -- which include Camp Run A Mutt and the Promontory Condominiums. The vote to approve the consent agenda was 13 - 0 -- 1 (non-voting chair).

Leo Wilson  
Uptown Planners

--- On **Mon, 3/23/09, Mezo, Renee** <RMezo@sandiego.gov> wrote:

From: Mezo, Renee <RMezo@sandiego.gov>  
Subject: RE: Agenda for March 3, 09  
To: "leo.wikstrom@sbcglobal.net" <leo.wikstrom@sbcglobal.net>  
Date: Monday, March 23, 2009, 9:09 AM

Any luck with this?

Renee Mezo

City of San Diego

Development Services

Development Project Manager

1222 First Ave. MS501

San Diego, CA 92101-4155

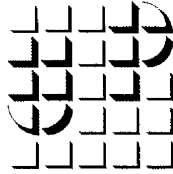
619-446-5001

FAX 619-446-5499

rmezo@SanDiego.gov

<http://www.sandiego.gov/development-services/>





## UPTOWN PLANNERS

Uptown Community Planning Committee

AGENDA

### NOTICE OF PUBLIC MEETING

**March 3, 2009 (Tuesday) – 6:00-9:00 p.m.**

**Joyce Beers Community Center, Uptown Shopping District**

**(Located on Vermont Street between the Terra and Aladdin Restaurants)**

**I. Board Meeting: Parliamentary Items/ Reports: (6:00 p.m.)**

- A. Introductions
- B. Adoption of Agenda and Rules of Order
- C. Approval of Minutes
- D. Treasurer's Report
- E. Website Report
- F. Chair/ CPC Report

**II. Public Communication – Non-Agenda Public Comment (3 minutes); Speakers are encouraged, although not required, to fill out public comment forms and provide them to the Secretary at the beginning of the meeting. (6:15 p.m.)**

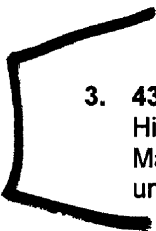
**III. Representatives of Elected Officials: (3 minutes each) (6:30 p.m.)**

**IV. Consent Agenda: Members present: Roy Dahl, Janet O'Dea, Mary Wendorf, Ernie Bonn, Ian Epley, Jay Hyde, David Gatzke, Leo Wilson**

- 1. 3265 INDIA STREET CUP ("CAMP RUN A MUTT") – Process Three –**  
Middleton -- Conditional Use Permit (CUP) for a dog day care with outdoor play area and boarding facility on a 0.22 acre site with an existing commercial building. The property is located at 3265 India Street in the CL-6 Zone. *(DRS Motion by O'Dea, second by Bonn: To approve the project as presented: 7 – 0 - 1)*

**V. Action Items: Projects: (6:45 p.m.)**

- 1. 101 DICKINSON STREET ("SHIRAZ MEDICAL CENTER") – Process Five –**  
North Hillcrest – Site Development Permit and Rezone from RS-1-1 to demolish existing structures and construct a four-story medical building with height and setback deviations on a 1.4 acre site at 101 Dickinson Street within the Uptown Community Plan, FAA Flight Path, Community Plan Implementation Overlay Area B.
- 2. 2965 FRONT STREET ("QUINCE STREET REZONE/ VACATION") – Process Five – Bankers Hill/ Park West --** Public Right-of-Way Vacation to vacate a portion of West Quince Street and Rezone from RS-1-2 and RS-1-7 at 2965 Front Street; within Airport Influence Zone, FAA Part 77, Residential Tandem Parking, and Transit Area. (DRS, 17 Feb 2009) **(7:15 p.m.)**

- 
3. **4325 SIXTH AVENUE ('PROMONTORY CONDOS') – Process Four** – North Hillcrest – Extension of Time for Site Development Permit 123430 and Tentative Map 123433 to construct a seven-story building with 12 residential condominium units on a 0.35 acre site at 4325 Sixth Avenue in the MR-800B Zone. **(7:40 p.m.)**
  4. **3545 ALBATROSS ("MACHADO DUPLEX") -- Process Two** – Hillcrest – Neighborhood Development Permit for a 461 sq. ft. addition to a previously conforming duplex and 378 sq. ft. garage on a 0.14 acre site at 3545 Albatross Street in the RS-1-7 Zone; Tandem Parking Overlay Zone; Tandem Parking Overlay Zone; Transit Area. **(7:55 p.m.)**
  5. **1005 ROBINSON MAP WAIVER – Process Three** – Hillcrest – Map Waiver application to waive the requirements of a Tentative Map to convert one existing unit to condominiums and create one new condominium unit on a 0,05 acre site at 1005 Robinson Avenue in the MR-1000 Zone; FAA Part 77; Residential Tandem Parking; Transit Area Overlay Zone. **(8:15 p.m.)**

**VI. Action Items: Non-Project**

1. **REQUEST FOR LETTER OF SUPPORT FOR ROCK AND ROLL MARATHON;** Event will take place on May 31, 2009. **(8:30 p.m.)**
2. **REQUEST FOR LETTER OF SUPPORT FOR TOPS OUTDOOR THEATRE** – Mission Hills – Request to the City Council that TOPS Outdoor Theatre, which has provided outdoor movie entertainment in Mission Hills/ Uptown community for several decades, be allowed to continue to operate pending the update of the Uptown Community Plan/ Mid-City PDO. City Code Enforcement is attempting to close the theater based on a claim it does not comply with the uses permitted in the current Mid-City PDO. **(8:35 p.m.)**
3. **LETTER REQUESTING THAT UPTOWN PLANNERS BE REPRESENTED ON ANY COMMITTEE REVIEWING THE 'DESTINATION LINDBERGH AIRPORT' PLAN:** The "Destination Lindbergh Airport" plan involves shifting a substantial amount of the airport passenger entry facilities to the northeast side of San Diego International Airport adjacent to Interstate 5; James Mellos would be appointed as the Uptown Planners representative on any such committee. **(8:50 p.m.)**

**VII. Subcommittee Reports:**

**VIII. Board Member/ Community Organization Reports**

**IX. Adjournment. (9:00 p.m.)**

**X. NOTICE OF FUTURE MEETINGS**

**Design Review Subcommittee:** Next meeting: March 17, 2009, at 5:00 p. m.; at Swedenborgian Church, 4144 Campus Avenue, in University Heights.

**Historic Resources Subcommittee:** Next meeting: March 10, 2009, at 2:00 p.m., at Jimmy Carter's Restaurant, 3172 Fifth Avenue, in Bankers Hill/ Park West.

**Public Facilities Subcommittee:** – Next meeting; March 19, 2008, at 3:00 p.m., at Bassam Café, 3088 Fifth Avenue, in Bankers Hill/ Park West.

**Uptown Planners:** Next meeting: April 7, 2009, at 6:00 p. m. at the Joyce Beers Community Center, Hillcrest.

**Note: All times listed are estimates only:** Anyone who requires an alternative format of this agenda or has special access needs, please contact (619) 835-9501 at least three days prior to the meeting. For more information on meeting times or issues before Uptown Planners, contact Leo Wilson, Chair, at (619) 231-4495 or at [leo.wikstrom@sbcglobal.net](mailto:leo.wikstrom@sbcglobal.net) . Correspondence may be sent to 1010 University Ave, Box 1781, San Diego, CA 92103 Uptown Planners is the City's recognized advisory community planning group for the Uptown Community Planning Area.

*Visit our website at [www.uptownplanners.org](http://www.uptownplanners.org) for meeting agendas and other information*

DEVELOPMENT SERVICES  
**Project Chronology**  
EXTENSION OF TIME FOR PROMONTORY CONDOS; PROJECT NO. 162051

	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
7/29/08	First Submittal	Project Deemed Complete		
9/15/08	First Assessment Letter	First assessment letter sent to applicant.	47 days	
1/9/09	Second submittal	Applicant's response to first assessment letter		131 days
2/3/09	Second Assessment Letter	Second assessment letter sent to applicant	25 days	
2/23/09	Third submittal	Applicant's response to second assessment letter		20 days
3/2/09	All issues resolved	Planning Commission Hearing - First Available	7 days	
4/9/09	Public Hearing-Planning Commission		38 days	
<b>TOTAL STAFF TIME**</b>			<b>117 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>151 days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>			From Deemed Complete to PC Hearing 268 days	

\*\*Based on 30 days equals to one month.

Project Title: <u>Promontory Point</u>	Project No. (For City Use Only) <u>162051</u>
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**Part II - To be completed when property is held by a corporation or partnership**

Legal Status (please check):

- Corporation  Limited Liability -or-  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_
- Partnership

Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise; and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached  Yes  No

Corporate/Partnership Name (type or print):  
Promontory Point, LLC

Owner  Tenant/Lessee

PO Box 587

Street Address:  
Lakeside CA 92040

City/State/Zip:  
619 340-7070 619 390-7072

Phone No: Duane K. Dubbs II Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Manager

Title (type or print):  
[Signature] 6-1-05

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
Promontory Point LLC

Owner  Tenant/Lessee

PO Box 587

Street Address:  
Lakeside CA 92040

City/State/Zip:  
619 340-7070 619 390 7072

Phone No: Cliff LaMonte/462-9861 Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Manager

Title (type or print):

Signature : [Signature] Date: 6/3/05

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_