

RESOLUTION NUMBER R-294251

ADOPTED ON NOVEMBER 21, 2000

WHEREAS, Draper Plaza, L.L.C., Applicant, and Christensen Engineering and Surveying, Engineer, submitted an application to the City of San Diego for a one-lot tentative map (Tentative Map No. 98-0835 for the Draper Avenue Condominium project), located at 7518 through 7534 Draper Avenue, in Zone 5 of the La Jolla Planned District and legally described as Lots 26, 27, 28, 29 and 30 in Block 12 of La Jolla Park, Map 352, in the La Jolla Community Plan area; and

WHEREAS, on October 28, 1999, the Planning Commission of the City of San Diego considered Tentative Map No. 98-0835, and pursuant to Resolution No. 2868-PC voted to recommend City Council deny the map; and

WHEREAS, Ami Kawa appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, on December 7, 1999, the City Council considered the matter, and a motion for continuance was made and approved; and

WHEREAS, on January 18, 2000, the City Council considered applicant's request for a continuance and a motion was made and approved to continue this matter; and

WHEREAS, on February 1, 2000, the City Council considered the matter, a motion was made to approve the appeal and the project; the motion failed and the decision of the Planning Commission remains in effect; and

WHEREAS, on October 24, 2000, the City Council considered and approved a motion to waive the permanent rules of the Council and a motion for reconsideration of the denial of the appeal which was part of a proposed settlement to pending litigation; and

WHEREAS, the matter was set for public hearing on November 21, 2000, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after the approval of the above referenced project by the City Council, Draper Plaza, L.L.C., transferred ownership of the property to Michael E. Turk, thereby making Michael E. Turk, individually, and Michael E. Turk, Trustee of the Pacific Beach Investment Trust dated April 11, 2001, Exempt Trusts A and B, the new permittee, and Michael E. Turk, the new owner of the Draper Avenue Condominium project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 98-0835:

1. The map proposes the subdivision of a .40-acre site into one lot for residential development. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the La Jolla Community Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the La Jolla Planned District Ordinance [La Jolla PDO] in that:

- a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a La Jolla Planned District Permit [LJPDP].
- b. All lots meet the minimum dimension requirements of the La Jolla PDO Zone 5.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a LJPDP.

d. Development of the site is controlled by Coastal Development Permit and La Jolla Planned District Permit No. 98-0835.

3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration LDR No. 98-0835, which is included herein by this reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the Council.

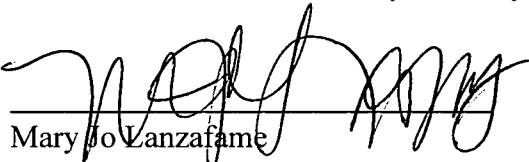
10. This is a tentative map of a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is twelve.

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 appeal of Ami Kawa is approved and that the recommendation of the Planning Commission is overruled, and Tentative Map No. 98-0835 is granted to Draper Plaza, L.L.C., Applicant, and Christensen Engineering and Surveying, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanza  
Deputy City Attorney


MJL/mdw:lc  
08/07/01  
Or.Dept:Clerk  
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Reviewed by Dan Stricker

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 98-0835  
DRAPER AVENUE CONDOMINIUMS  
ADOPTED BY RESOLUTION NO. R-294251 ON NOVEMBER 21, 2000

1. This tentative map will expire November 21, 2003.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. The final map shall conform to the provisions of La Jolla Planned District/Coastal Development Permit [LJPD/CDP] Permit No. 98-0835.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. 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.

5. "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).
6. "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."
7. The final map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

 - 294251

8. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code [SDMC] section 102.0404(2).
9. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
10. This project proposes to export 3,990 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.
11. The subdivider shall assure, by permit and bond, the installation of standard public improvements on Draper Avenue, including but not limited to a 5 foot sidewalk, curb and gutter satisfactory to the City Engineer.

**WATER AND SEWER REQUIREMENTS:**

12. The subdivider shall provide Covenants, Conditions and Restrictions [CC&Rs], for the operation and maintenance of on-site private water and sewer systems that serve more than one unit satisfactory to the Director of the Water Department and Director of the Metropolitan Wastewater Department.
13. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration No. 98-0835, satisfactory to the City Manager and the City Engineer. Prior to issuance of the grading permit or recordation of the final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
  - Historical Resources
  - Paleontological Resources
14. The Affordable Housing Requirement (Permit Conditions Numbers 30 and 31 of Coastal Development Permit and La Jolla Planned District Permit No. 98-0835), on file with the Development Services Department, is hereby incorporated by reference into this Tentative Map. The subdivider shall comply with the affordable housing requirements contained within Condition Numbers 30 and 31 as well as the terms of the "Compliance Permit and Agreement Imposing Covenants and Restrictions on Real Property" executed by the subdivider and the Housing Commission. Prior to filing of a Final Map, the Housing Commission shall provide certification to the City Engineer that the subdivider has complied with CDP/LJPDP Condition Numbers 30 and 31 and the terms of the Compliance Agreement.

R-294251

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

R - 294251