

RESOLUTION NUMBER R-295215

ADOPTED ON JULY 24, 2001

WHEREAS, Frank Warren, Applicant, and K & S Engineering, Engineer, submitted by an application to the City of San Diego for a 1-lot tentative map (Tentative Map No. 40-0242 for the Warren Development project), located at the southeast corner of Ravina Street and Olivetas Avenue, and legally described as portions of lots 1, 2, 3, and 4 in Block 14 of La Jolla Park, Map No. 352, in the Zone 5, La Jolla Planned District Ordinance [PDO]; and

WHEREAS, on April 19, 2001, the Planning Commission of the City of San Diego considered Tentative Map No. 40-0242, and pursuant to Resolution No. 3123-1 -PC voted to approve the map; and

WHEREAS, Gunter Zittel, represented by Worden, Williams, Richmond, Brechtel & Gibbs appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on July 24, 2001, 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 this Council adopts the following findings with respect to Tentative Map No. 40-0242:

1. The map proposes the subdivision of a 0.28-acre site into 1 lot for a six unit residential condominium 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 Zone 5, La Jolla PDO in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic.

b. All lots meet the minimum dimension requirements of the Zone 5, La Jolla PDO.

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.

d. Development of the site is controlled by Site Development/Coastal Development Permit No. 40-0242.

3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 and San Diego Municipal Code [SDMC] section 125.0440(g) 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 based upon the findings of , which is included herein by this reference. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 40-0242, which is included herein by 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.

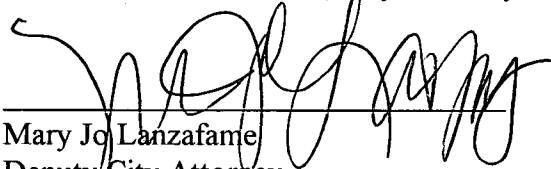
10. The subdivision is a condominium project as defined in California Civil Code section 1350 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is six.

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 Gunter Zittel is denied; the decision of the Planning Commission is sustained; and Tentative Map No. 40-0272 is granted to Frank Warren, Applicant, and K & S Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney


MJL:mdw:lc
08/29/01
Or.Dept:Clerk
R-2002-277
Form=tmr.frm
Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 40-0242
WARREN DEVELOPMENT
ADOPTED BY RESOLUTION NO. R-295215 ON JULY 24, 2001

1. This tentative map will expire on July 24, 2004.
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. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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.
4. The final map shall conform to the provisions of Site Development/Coastal Development Permit No. 40-0242.
5. 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.

6. "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).
7. "California Coordinate System" means the coordinate system as defined in Sections 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."
8. 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

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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.

9. The approval of this tentative map by 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 Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
10. The subdivider must provide a geologic (geotechnical) investigation report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code section 62.0415 *et seq.*
11. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
12. The subdivider shall construct a pedestrian ramp on Ravina Street near the existing curb inlet, shall replace the existing curb with curb and gutter on Ravina Street, shall close the existing driveways on Ravina Street with full-height curb and gutter and shall install a drain pipe connection to the City curb inlet at the corner of Ravina Street and Olivetas Avenue, all satisfactory to the City Engineer.
13. The subdivider shall construct a new 20-foot driveway on Olivetas Avenue (the wing may begin at the side property line extended), shall replace the existing curb with curb and gutter along the entire frontage of Olivetas Avenue and shall install a sidewalk underdrain force main in Olivetas Avenue.
14. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
15. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the San Diego Municipal Code in a manner satisfactory to the City Engineer.
16. The subdivider shall obtain an Encroachment Removal Agreement from the City Engineer, for landscaping on Olivetas Avenue and Ravina Street, a non-standard driveway and drainage force main on Olivetas Avenue and drain connection to the public curb inlet at the corner of Ravina Street and Olivetas Avenue.


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17. Sewer Requirements

- a. Prior to the submittal of any public improvement drawings, the subdivider shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- b. The subdivider shall install all sewer facilities, as required by the accepted sewer study, necessary to serve the proposed development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- c. The subdivider shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
- d. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department indicating that each lot will have its own sewer service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.
- e. The subdivider shall abandon the six inch sewer main that crosses the project site and construct a new eight inch sewer main to run westerly in Pearl Street to a point of connection to the existing eight inch sewer main in Olivetas Avenue, satisfactory to the Director of the Metropolitan Wastewater Department.
- f. The subdivider shall ensure that the relocation of the six VC sewer main will not preclude other adjacent properties from having sewer service to their properties. As such, the subdivider shall provide appropriate sewer laterals or mains to service those adjacent properties impacted by the subdivider's proposed work.

18. Water Requirements

- a. The subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water facilities that serve more than a single unit.
- b. The subdivider shall remove all existing unused services fronting the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.


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- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - d. The subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides.
19. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Project as specified in the Mitigated Negative Declaration (LDR No. 40-0242), satisfactory to the City's Environmental Review Manager and the City Engineer. Prior to issuance of the grading permit and/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

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.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

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