

(R-2002-1811)

RESOLUTION NUMBER R-296739

ADOPTED ON JUNE 25, 2002

WHEREAS, La Jolla Shores, L.P., Applicant, and Latitude 33, Engineer, submitted by an application to the City of San Diego for a 2-lot vesting tentative map (Vesting Tentative Map No. 5136 for the Inn at La Jolla Condominiums project) and street and sewer easement vacations, located west of La Jolla Boulevard and south of Midway Street, and legally described as Block A and a portion of Block B of Bird Rock Villas, Map 1563, together with an unnamed vacated alley, in the La Jolla Community Plan area, in the RM-5-12, RM-3-7 and La Jolla Planned District Ordinance Zone 4 zones; and

WHEREAS, on March 7, 2002, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 5136, and pursuant to Resolution No. 3241-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on June 25, 2002, 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 Vesting Tentative Map No. 5136:

1. The map proposes the subdivision of a 4.20-acre site into two lots for two commercial and 139 unit residential condominium development. This type of development is consistent with the General Plan and the La Jolla Community Plan, which designate the area for commercial and 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/development regulations of the RM-5-12, RM3-7 and La Jolla Planned District Ordinance Zone 4 zones 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 Planned Development Permit [PDP] and Site Development Permit [SDP].

b. All lots meet the minimum dimension requirements of the RM-5-12, RM-3-7 and La Jolla Planned District Ordinance Zone 4 zones, as allowed under a PDP and SDP.

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 PDP and SDP.

d. Development of the site is controlled by Coastal Development No.5134, Planned Development Permit No. 5133 and Site Development Permit No.5135, Project No.1097.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 and San Diego Municipal Code section 125.0440(g) regarding the design of the subdivision for future passive or natural heating or cooling opportunities.

4. The site is physically suitable for commercial and 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 commercial and residential uses.

6. The design of the subdivision or the proposed improvements could 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 No.41-0481, 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, in as much 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 Planning Commission has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

10. All of Colima Street between La Jolla Boulevard and Chelsea Street and a portion of Chelsea Street dedicated per Map 1563, and the sewer easements in Block A and Block B of Map 1563 granted per documents recorded June 3, 1948, in Book 2826 page 151 and recorded November 30, 1948 in Book 3034 of Official Records are no longer needed for the public purpose for which they were created.

11. The subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 139 residential and two commercial.

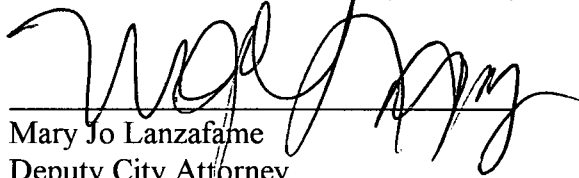
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), Colima Street between La Jolla Boulevard and Chelsea Street and a portion of Chelsea Street dedicated per Map 1563, and the sewer easements in Block A and Block B of Map 1563 granted per documents recorded June 3, 1948, in Book 2826 page 151 and recorded November 30, 1948 in Book 3034 of Official Records, located within the project boundaries as shown in Vesting Tentative Map No. 5136, 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 Vesting Tentative Map No. 5136 is granted to La Jolla Shores, L.P., Applicant and Latitude 33, 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:pev

8/6/02

Or.Dept:Clerk

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Reviewed by Jennifer Temple

CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO. 5136
INN AT LA JOLLA CONDOMINIUMS PROJECT
ADOPTED BY RESOLUTION NO. R-296739 ON JUNE 25, 2002


1. This tentative map will expire June 25, 2005.
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. 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 Coastal Development Permit [CDP] No. 5134/Planned Development Permit [PDP] No. 5133/Site Development Permit [SD] No. 5135.
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 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."
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.

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- 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.
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 Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
10. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. 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.
12. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Environmental Impact Report or Mitigated Negative Declaration LDR No. 41-0481, 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
 - Historical Resources (Archeology)
 - Paleontological Resources
 - Hydrology/Water Quality
13. The street vacations of Colima Street between La Jolla Boulevard and Chelsea Street and a portion of Chelsea Street dedicated per Map 1563, and the sewer easements in Block A and Block B of Map 1563 granted per documents recorded June 3, 1948, in Book 2826 page 151 and recorded November 30, 1948 in Book 3034 of Official Records, are conditioned upon approval and recordation of a final map in accordance with the Subdivision Map Act section 66434 (g).
14. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, subsection 2.

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15. The subdivider shall obtain a bonded grading permit from the City Engineer 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.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. The subdivider shall provide a minimum five foot wide, unobstructed public access easement with a disabled-accessible pathway from the public sidewalk on the west side of La Jolla Blvd. to a publically-accessible Scenic Overlook near the westerly site bluff edge. This easement shall be generally in alignment with Colima Street, as it exists on the east side of La Jolla Blvd. A small (approximately one foot square) sign will identify this publically-accessible Scenic Overlook at the juncture of the public sidewalk and the pathway.
18. The subdivider shall provide shared access and parking agreements, satisfactory to the City Engineer.
19. The subdivider shall construct, half width improvements along the project frontage on La Jolla Boulevard including 39 feet of pavement, curb, gutter and a 5-foot wide sidewalk within a 10-foot curb to property line distance, satisfactory to the City Engineer. However, the subdivider can enter into a deferred improvement agreement with City of San Diego for this improvement.
20. The subdivider shall construct, improvements along the project frontage on Chelsea Avenue to provide a varying 28 to 29 feet of pavement (with no parking allowed on the east side of the roadway) with proper transition to meet the existing curb line on the south side of the project, curb, gutter and 4-foot wide sidewalk within a varying 9 to 10 foot curb to property line distance, satisfactory to the City Engineer.
21. The subdivider shall close all non-utilized driveways on La Jolla Boulevard and Midway Street along the project frontage with full height curb, gutter, and sidewalk, satisfactory to the City Engineer.
22. The subdivider shall construct full height curb, gutter and a 5-foot wide sidewalk within a 10- foot curb to property line distance along La Jolla Boulevard where Colima Street is being vacated, satisfactory to the City Engineer.

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23. The subdivider shall provide "No Parking Anytime" signs on the east side of Chelsea Avenue along the project frontage where the pavement width does not exceed 34 feet curb to curb, satisfactory to the City Engineer.
24. The subdivider shall construct a raised center median along project frontage on La Jolla Boulevard, satisfactory to the City Engineer. However, the subdivider can enter into a deferred improvement agreement with City of San Diego for this improvement.
25. All driveways and curb openings shall comply with City of San Diego Standard Drawings G14a, G-16 and SDG-100.
26. The subdivider shall replace all damaged and missing curb, gutter, and sidewalk adjacent to the site on La Jolla Blvd. and Midway Street and construct pedestrian ramps as required.
27. No walls or their footings shall be located within the City right of ways.
28. This project proposes to export 70,000 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 export material. All such activities require a separate Conditional Use Permit.
29. Water :
 - a. Prior to the recordation of the street vacation, the subdivider shall cut and plug the existing public water facilities located within the Colima Street right-of-way in a manner satisfactory to the Water Department Director and the City Engineer.
 - b. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - c. The subdivider 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 Facility Design Guidelines and City regulations, standards, and practices pertaining thereto. Public water facilities, as shown on the approved tentative map, shall be modified at final engineering to comply with standards.
 - d. The subdivider shall grant adequate water and access easements, including vehicular access to each appurtenance (meters, blow offs, valves, manholes, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

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- e. The subdivider shall obtain encroachment maintenance and removal agreements for acceptable encroachments installed in or over any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access.
- f. The subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities serving the development.

30. Wastewater:

- a. The existing 21" sewer main that traverses this development shall be abandoned, satisfactory to the Metropolitan Wastewater Department Director.
- b. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes 20 feet. The easements shall be located within single lots. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.
- c. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- d. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
- e. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- f. The subdivider shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.
- g. For public on-site sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.

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- h. The subdivider developer shall design and construct 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 redefined.
31. The subdivider shall assure that the development does not impact the function and operation of the seepage line and appurtenances as shown on City Drawing 21629-D.
32. The subdivider shall show the type and location of all post-construction BMP's on the final construction drawings. By a separate report, the subdivider shall address the BMP's maintenance schedule, maintenance costs and who will be responsible for the future maintenance and associated costs. The report also needs to address water quality. Describe the type of pollutants that will be generated post development, the pollutants to be captured by the BMP's and the quality of the resultant discharge.
33. The drainage system proposed for this subdivision shall be private and is subject to approval by the City Engineer.
34. The subdivider shall mitigate all impacts to the existing storm drain system, associated with the connection of the private storm drain to the existing 42" RCP in Midway Street
35. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), *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 implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

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. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08

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36. Landscape

- a. No change, modification or alteration shall be made to the project unless appropriate application or amendment of the Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the Land Development Code section 142.0401 and Landscape Standards, Exhibit "A," Landscape Development Plan, Brush Management Plan, Details and Notes on file in the Office of the Development Services.
- b. The subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and median (if applicable) improvements, slope re-vegetation and hydro seeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City Manager. The subdivider shall assure by permit, cost estimate and bond, the installation of landscaping per landscape construction documents.
- c. The Developer shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within and visible from the public right-of-way. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recording of the final map.

37. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.

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 Education Code section 17620, 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.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, BY RESOLUTION NO. R-296739, ON JUNE 25, 2002

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