

RESOLUTION NUMBER R- 297101

ADOPTED ON SEP 24 2002

WHEREAS, La Jolla Partners, Applicant, and Partners Planning & Engineering, Engineer, submitted by an application to the City of San Diego for a 1-lot tentative map (Tentative Map No. 7282 for the Windansea Luxury Condominiums project) and sewer easement vacation, located east of Neptune Place, and on the south side of Bonair Street, and legally described as Lots 4, 5, and 6, Block 1 of La Jolla Strand Map 1216, in the La Jolla Community Plan area, in the RM-3-7 zone; and

WHEREAS, on August 1, 2002, the Planning Commission of the City of San Diego considered Tentative Map No. 7282, and pursuant to Resolution No.3291-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on SEP 24 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 Tentative Map No. 7282:

1. The map proposes the subdivision of a 0.15-acre site into one lot for the development of five residential condominiums. 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/development regulations of the RM-3-7 zone in that:

a. The lot has minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a coastal development permit [CDP].

b. The lot meets the minimum dimension requirements of the RM-3-7 Zone.

c. The lot is 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 CDP.

d. Development of the site is controlled by Coastal Development Permit No. 7283.

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 or 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 or 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 Mitigated Negative Declaration LDR No. 40-3337. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 40-0337, Project No. 1473, 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 City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, 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. The sewer easement in Lots 4, 5 and 6, of Block 1, of La Jolla Strand Map 1216, recorded November 26, 1923, in Book 961, Page 412 of Deeds is no longer needed for the public purpose for which it was granted.

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 five.

12. The developer will continue to be required to underground any new service run to the proposed structures within the subdivisions.

13. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of the Municipal Code and Council Policy No. 600-25-Underground Conversion Utility Lines at Developers Expense.

14. The requested underground waiver of existing overhead facilities qualifies under the guidelines of Council Policy No. 600-25-Underground Conversion of Utility Lines at Developers Expense in that:

a. The conversion involves a short span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

b. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future.

15. The requested Public Right-of-Way Use Permit is in accordance with the findings of Municipal Code Chapter 12, Article 6, Division 10 in that:

a. The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant permission to maintain the encroachment on their property.

b. The proposed encroachment does not interfere with free and unobstructed use of the public right-of-way for public travel.

c. The proposed encroachment is not detrimental to the public health, safety or welfare.

d. The proposed encroachment does not interfere with the record owners' use or enjoyment of their property.

e. The proposed encroachment does not adversely affect the land use plan.

f. The proposed encroachment is not harmful to the aesthetic character of the community.

g. The proposed encroachment does not violate any other Municipal Code provisions or other local, state or federal law.

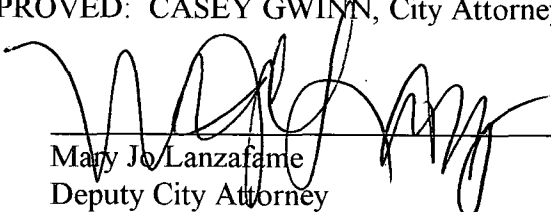
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the sewer easement in Lots 4, 5 and 6 of Block 1, of La Jolla Strand Map 1216, recorded November 26, 1923, in Book 961, Page 412 of Deeds located within the project boundaries as shown in Tentative Map No. 7282, 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. 7282 is granted to La Jolla Partners, Applicant and Partners Planning & 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

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8/26/02
Or.Dept:DSD
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CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 7282
WINDANSEA LUXURY CONDOMINIUMS PROJECT
ADOPTED BY RESOLUTION NO. R-297101 ON SEP 24 2002

1. This tentative map will expire SEP 24 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 90 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 No. 7283.
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.
 - 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

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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 § 1531 et seq.).
10. The subdivider shall obtain a bonded grading 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.
11. The subdivider must provide a geologic reconnaissance 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.

Prior to the inspection or approval of the foundation, a geologic report must be prepared with a determination of whether or not the fault passes beneath the structure, must be approved by the City Engineer. The report is to be based on inspection during the excavation of the foundation.

Following the basement excavation, no further construction shall occur until the report evaluating the fault has been submitted, reviewed and accepted by the City Engineer.

If the fault is found by the consultant and does pass beneath the building and if the consultant states that the fault poses minimal risk, a "Notice of Geologic Conditions" must be signed by the owner, notarized and recorded against the property. If the fault does not pass beneath the structure, no further work is necessary.

12. Undergrounding of proposed public utility systems and service facilities is required according to the San Diego Municipal Code.
13. The subdivider shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 40-0337, Project No. 1473, 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:

Historical Resources
Geology

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14. The vacation of the sewer easement in Lots 4, 5 and 6, of Block 1, of La Jolla Strand Map 1216, recorded November 26, 1923, in Book 961, Page 412 of Deeds is conditioned upon the recordation of a final map in accordance with the Subdivision Map Act section 66434(g).
15. The subdivider shall provide roadway striping and signage for Playa Del Norte to further enhance its designation as a one-way street at its intersection with Neptune Place, satisfactory to the City Engineer.
16. The subdivider shall either remove the red brick pavers in Bonair Street right-of-way or repair them and obtain an Encroachment Maintenance Removal Agreement.
17. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the sidewalk underdrain on Bonair Street.
18. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the private facilities in the adjacent public alley.
19. The subdivider shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for alley improvements.
20. The subdivider shall dedicate and improve an additional five feet of alley from the access to the underground parking to the westerly subdivision boundary and grant a 5' foot Irrevocable Offer of Dedication from the access to the underground parking to the easterly property line.
21. The subdivider shall replace the existing curb with City standard curb and gutter and close the existing driveway and replace with full height curb, gutter, and sidewalk adjacent to the site on Bonair Street.
22. Sewer and Easement Vacation
23. Water Requirements:
 - a. The subdivider shall provide CC&R's for the operation and maintenance of the on-site private water facilities that serve or traverse more than one single unit.
 - b. 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. Water facilities as shown on the approved tentative map shall be modified at final engineering to comply with standards.

24. Sewer Requirements:

- a. The subdivider 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 re-designed.
- b. No structures or landscaping, including private water facilities and enhanced paving, shall be installed in or over any easement/alley prior to the applicant obtaining a Maintenance and Encroachment Maintenance and Removal Agreement.
- c. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC& R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.
- d. Prior to the issuance of any building or grading permits, the subdivider shall vacate all on-site existing sewer easements, satisfactory to the Metropolitan Wastewater Department Director.

25. The drainage system proposed for this subdivision is subject to approval by the City Engineer.

26. All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable in accordance with the Municipal Code. Construction plans shall provide details for preventing untreated, irrigation-generated runoff from flowing directly into the storm water conveyance system, particularly with regard to the drains from the roof, hardscape and planters.

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

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section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.

- This development will 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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