

RESOLUTION NUMBER R-298410

ADOPTED ON SEPTEMBER 23, 2003

WHEREAS, Sylmar La Jolla I, L.P., Applicant, and Alta Consultants, Engineer, filed an application to waive the requirement of the Tentative Map for the Marazul Townhomes project, on portions of a 10,199 square-foot site located at 605 and 607 Westbourne Street, and legally described as Lot 6 in Block "B" of Map No. 1729, in the La Jolla Community Planning area, in the RM-1-1 Zone; and

WHEREAS, on August 14, 2003, the Planning Commission of the City of San Diego considered Map Waiver No. 10711, and pursuant to Resolution No. 3411-PC voted to approve the map; and

WHEREAS, Maury Liwerant appealed the Planning Commission decision to the council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on September 23, 2003, 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 Map Waiver No. 10711:

1. The map proposes the subdivision of a 0.23-acre site into one (1) lot for a three (3) unit residential condominium conversion. This type of development is consistent with the 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 existing improvements for the map are consistent with the zoning/development regulations of the RM-1-1 Zone in that:

- a. The lot has minimum frontage on a dedicated street which is open to and usable by vehicular traffic.
- b. The lot meets the minimum dimension requirements of the RM-1-1 Zone.
- c. The buildings conform with respect to side yard and rear yard setback regulations.
- d. Development site is controlled by Coastal Development Permit No. 10706.

3. The existing improvements for the subdivision conform with the Subdivision 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 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 existing density. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Negative Declaration No.1815, which is included herein by this reference.

7. The design of the subdivision and the existing 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 existing 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 Section 66412.3 of the Subdivision Map Act, 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. It has been determined that a Geotechnical Report is not required for the proposed Map Waiver.

11. The subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is three (3).

12. The site is provided with a dedicated roadway system, public water and sewer systems, and has direct access to the dedicated right-of-way Westbourne Street and an alley. The request for the Tentative Map and Parcel Map Waiver for this subdivision is in accordance with Municipal Code Sections 125.0120, 125.0121, and the Subdivision Map Act Section 66428(b).

13. The developer will continue to be required to underground any new service run to any new or proposed structures within the subdivision.

14. 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 Municipal Code Section 144.0204 and Council Policy No. 600-25- Underground Conversion of Utility Lines at Developers Expense.

15. The requested Underground Waiver qualifies under the guidelines of Council Policy No. 600-25- Underground 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.

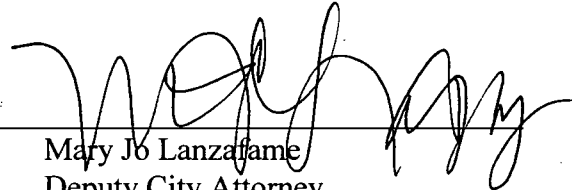
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Maury Liwerant is granted, the recommendation of the Planning Commission is overturned, and Map Waiver No., 10711 is

granted to Sylmar La Jolla 1, L.P., Owner/Permittee, and Alta Consultants, 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:cdk
09/26/03
Or.Dept: Clerk
R-2004-360
Reviewed by Vena Lewis

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP WAIVER NO. 10711
MARAZUL TOWNHOMES PROJECT
ADOPTED BY RESOLUTION NO. R-298410 ON SEPTEMBER 23, 2003


1. This Map Waiver will expire on September 23, 2006.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
4. The approval of this Map Waiver 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.).
5. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
6. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
7. Water and Sewer Requirements:
 - a. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
 - b. The Subdivider shall provide a letter, to the Development Project Manager, agreeing to prepare CC& Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
8. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.

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FOR INFORMATION:

This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the La Jolla Community Plan area.

- 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.
- 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.

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