

RESOLUTION NUMBER R-300249

ADOPTED ON MARCH 15, 2005

WHEREAS, Soghra Baker and Dr. Bruce B. Baker, Individuals, Applicant/Subdivider, and San Diego Land Surveying and Engineering, Inc., Engineer, submitted an application to the City of San Diego for a 9,982 square-foot tentative map (Tentative Map No. 10079) for the Oyster Shell project [Project], located at 430, 432, and 440 Pearl Street, on the north side of Pearl Street, west of La Jolla Boulevard and east of Olivetas Street, and legally described as Lot 1, of Frisbee's Subdivision, Map No. 6324, and the southerly 100 feet of Lot 4, block 14, La Jolla Park, Map No. 352, in the La Jolla Community Plan area, within Zones 4 and 5 (pending rezone, resulting in the entire property to be within Zone 5), of the La Jolla Planned District, Coastal Overlay zone, and Coastal Height Limit Overlay zone; and

WHEREAS, on January 13, 2005, the Planning Commission of the City of San Diego considered Tentative Map No. 10079, and pursuant to Resolution No. 3628-3-PC voted to recommend City Council approval of the Tentative Map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the matter was set for public hearing on March 15, 2005, 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. 10079:

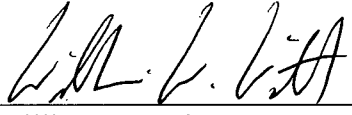
1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code section 125.0440.a and State Map Action sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code section 125.0440.c and State Map Act sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code section 125.0440.d and State Map Act section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code section 125.0440.e and State Map Act section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code section 125.0440.f and State Map Act section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code section 125.0440.g and State Map Act section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code section 125.0440.h and State Map Act section 66412.3).
9. The Map proposes the subdivision of a 0.23-acre site into one lot for a 6-unit residential condominium development.

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 recommendation of the Planning Commission is sustained, and Tentative Map No. 10079 is granted to Soghra Baker and Dr. Bruce B. Baker,

Applicant/Subdivider and San Diego Land Surveying and Engineering Inc., Engineer, subject to the attached conditions which are made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
\_\_\_\_\_  
William W. Witt  
Deputy City Attorney

WWW:pev  
04/28/05  
Or.Dept:Clerks  
R-2005-1075  
MMS #1562  
MAPS Tentative Map 04/05/05

CONDITIONS FOR TENTATIVE MAP NO. 10079

OYSTER SHELL PROJECT

ADOPTED BY RESOLUTION NO. R-300249 ON MARCH 15, 2005

**GENERAL**

1. This Tentative Map will expire on March 15, 2008.
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. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Coastal Development Permit No. 10076 and Site Development Permit No. 10078.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

**AFFORDABLE HOUSING**

7. Prior to the recordation of the Final Map, the subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee of \$7,150.00 ( $\$14,300.00 \times 0.50 = \$7,150.00$ ), pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**ENGINEERING**

8. The subdivider shall close all non-utilized driveways with City standard curb, gutter and sidewalk, on Pearl Street, per Standard Drawings G-2, G-7, G-9 and SDG-100.
9. The subdivider shall replace the existing curb with City standard curb and gutter, along the project frontage on Pearl Street, per Standard Drawings G-2 and SDG-100.
10. The subdivider shall install a City standard 20 feet wide driveway, on Pearl Street, per Standard Drawings G-14B, G-16 and SDG-100.

11. The subdivider shall replace the existing sidewalk with the same scoring pattern City standard sidewalk, along the project frontage on Pearl Street, per Standard Drawings G-7 and G-9.
12. The subdivider shall remove all existing walls from Pearl Street right-of-way.
13. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement from the City Engineer for the sidewalk underdrains, landscape, irrigation and their appurtenances in Pearl Street right of way.
14. The subdivider shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit "A."
15. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices ["BMP's"] maintenance, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
17. Prior to the issuance of any construction permit, the subdivider 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.
18. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.
19. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
20. Prior to map recordation, the pending Sewer Easement Abandonment, Project No. 34691 needs to be completed to the satisfaction of the City Engineer.
21. 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.

## **MAPPING**

22. "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).

23. "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."

24. Every 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.

25. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

## **SEWER AND WATER**

26. The project shall conform to all of the Water and Sewer conditions stated within the Coastal Development Permit No. 10076, and Site Development Permit No. 10077.

27. Prior to Final Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

## **GEOLOGY**

28. As a condition of approval of the TM, CPA, Rezone, SDP (for LJPD) and CDP, all geologic and geotechnical hazards or defects must be accurately characterized and mitigated prior to issuance of grading, improvement, or building permits. A geotechnical investigation report will be required to document that all geologic and geotechnical hazards and defects were accurately characterized and mitigated.

29. The geotechnical investigation report must provide an explicit opinion by the geotechnical consultant of record whether or not an "active" or "potentially active" fault trace passes beneath the proposed lot improvements. No structure for human occupancy shall be permitted over the trace of an active fault and the project geologic consultant must provide a minimum setback. The geotechnical report must be prepared in accordance with the City's "Technical Guidelines for Geotechnical Reports."

30. Following demolition, and prior to issuance of grading, improvement, or building permits, the geotechnical investigation report must be submitted for review, and approved by the City of San Diego LDR Geology staff. The applicant understands and agrees that the results of the geologic investigation may cause major revision of his project and require an amendment to this permit, requiring additional noticing, public hearings and discretionary approval.

31. The applicant further agrees to hold the City of San Diego harmless in the event of additional costs incurred due to deferring this investigation until after discretionary review.

32. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

## **INFORMATION:**

- The approval of this Tentative Map by the Council of 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.).
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to impact fees, as established by City Council, at the time of issuance of building permits.
- 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 the payment of park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the La Jolla Community Plan area.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the 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.