

RESOLUTION NUMBER R-305097

DATE OF FINAL PASSAGE JUL 14 2009

APPROVING TENTATIVE MAP NO. 644820 AND
EASEMENT ABANDONMENT NO. 397702 FOR THE
LA JOLLA CONDOMINIUMS PROJECT NO. 80161.

WHEREAS, Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Applicant/Subdivider, and William J. Suiter, Pasco Engineering submitted an application with the City of San Diego for a tentative map and easement abandonment (Tentative Map No. 644820 and Easement Abandonment No. 397702), for the demolition of an existing apartment building, abandonment/relocation of an existing storm drain easement and construction of a three-story, eight dwelling unit condominium development. The project site is located at 7570 La Jolla Boulevard in Zone 5 of the La Jolla Planned District, Coastal (non-appealable), Coastal Height Limit, Transit and Beach Parking Impact Overlay Zones within the La Jolla Community Plan area. The project site is legally described as portion of Lots 17 and 18, Block 15, La Jolla Park Addition, Map No. 352; and

WHEREAS, the Map proposes the subdivision of a 0.34 acre-site into one lot for an eight dwelling unit residential condominium development; and

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

WHEREAS, 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 eight; and

WHEREAS, on May 21, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 644820 with Easement Abandonment No. 397702, and pursuant to Resolution No. 4511-PC voted to recommend City Council approval of the vesting tentative map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUL 14 2009, 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 City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 644820 and Easement Abandonment No. 397702:

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 Subdivision Map Act 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 Subdivision 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 avoidably injure fish or wildlife or their habitat (Land Development Code section 125.0440(d) and Subdivision 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 Subdivision 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 Subdivision 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 Subdivision 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 Subdivision Map Act section 66412.3).

9. The property contains a drainage easement which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430, and the City Council finds that:

- (a) there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (b) the public will benefit from the vacation through improved utilization of land;
- (c) the vacation is not inconsistent with the General Plan, the approved Community Plan, or the Local Coastal Program; and
- (d) the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation.

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

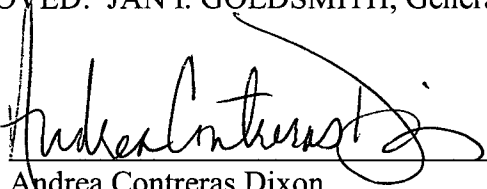
That above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of the existing storm drain easement, located within the project boundaries as shown in Tentative Map No. 644820, shall be abandoned and relocated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED; pursuant to California Government Code section 66434(g), the drainage easement recorded September 20, 1948 as Document No. 93366 in Book 2952 page 365, located within the project boundaries as shown in Tentative Map No. 644820, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map No. 644820 and Easement Abandonment No. 397702 is granted to Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, subject to the conditions attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, General Counsel

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
06/29/09
Or.Dept:DSD
R-2009-1357
MMS#9728

CONDITIONS FOR TENTATIVE MAP NO. 644820

LA JOLLA CONDOMINIUMS PROJECT NO. 80161

ADOPTED BY RESOLUTION NO. R-~~305097~~ ON JUL 14 2009

GENERAL

1. This Tentative Map will expire July 14, 2012.
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. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map, shall conform to the provisions of Coastal Development Permit No. 250308 and Site Development Permit No. 250310.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

7. Prior to recordation of the Final Map the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an Coastal Affordable Housing in-lieu fee of \$111,200.00.

ENGINEERING

8. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
10. 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.
11. 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. RR-297376.

MAPPING

12. "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].
13. "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."
14. 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 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.

SEWER AND WATER

15. The developer shall grant adequate sewer, and/or access easements, including 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.
16. No structures or landscaping that would inhibit access shall be installed in or over any sewer access easement.
17. No approved structures or landscaping, including private utilities and enhanced paving, shall be installed in or over any sewer easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement
18. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
19. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.
20. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
21. For public onsite 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.
22. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
23. 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.

INFORMATION

- The approval of this Tentative Map by the City 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.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code section 142.0607.