

RESOLUTION NUMBER R- 305133

DATE OF FINAL PASSAGE JUL 21 2009

APPROVING TENTATIVE MAP NO. 179546,
SCHROEDL/TORREY PINES RESIDENCE.

WHEREAS, David M. Schroedl and Frances C. Schroedl, Trustees of the Schroedl Family Trust, Applicant/Subdivider, and Antony K. Christensen, Christensen Engineering and Surveying, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 179546), for a lot split to a property containing a historically-designated residence, Historic Resources Site No. 854, with a non-exclusive access easement to Amalfi Street.

The Schroedl/Torrey Pines Residence Project [Project] is located at 1821 Torrey Pines Road, and is legally described as a portion of Pueblo Lot 1285, Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870. The project site is located within the La Jolla Community Plan area, in the RS-1-5 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, Residential Tandem Parking Overlay Zone, Parking Impact Overlay Zone, and Transit Area Overlay Zone; and

WHEREAS, the Map proposes the subdivision of a 0.45 acre site into two lots for residential 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 San Diego Municipal Code section 144.0220; and

WHEREAS, on June 11, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 179546, and pursuant to Resolution No. 4522 -PC voted 6-0-1 to recommend City Council approval of the 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 21 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 Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 179546:

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))[LDC].
2. The design and proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC 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 avoidable/injure fish or wildlife or their habitat (LDC 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 (LDC 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 (LDC section 125.0440(f) and Subdivision Map Act section 66474(g)).

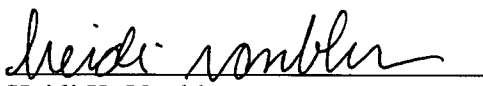
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act section 66473.1).

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 (LDC section 125.0440(h) and Subdivision Map Act section 66412.3).

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

BE IT FURTHER RESOLVED, that Tentative Map No. 179546 is hereby granted to David M. Schroedl and Frances C. Schroedl, Trustees of the Schroedl Family Trust, Applicant/Subdivider, subject to the Conditions for Tentative Map No. 179546 which are made a part of this Resolution by reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:js
07/06/2009
Or.Dept:DSD
R-2010-17R-

CONDITIONS FOR TENTATIVE MAP NO. 179546

SCHROEDL/TORREY PINES RESIDENCE PROJECT

ADOPTED BY RESOLUTION NO. R- ~~305133~~^N JUL 21 2009

GENERAL

1. This Tentative Map will expire July 21, 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 Parcel Map, unless otherwise noted.
3. Prior to the issuance of the Parcel 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.
4. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 179545, Planned Development Permit No. 175270 and Non-Exclusive Access Easement Agreement No. 654444.
5. 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.

ENGINEERING

6. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
7. The Tentative Map shall comply with the conditions of Coastal Development Permit No. 179545, Planned Development Permit No. 175270 and Access Easement Agreement No. 654444.

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8. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
9. Prior to the issuance of any construction permit, 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.
10. This project may be subject to payment of a park fee prior to the filing of the parcel map in accordance with the San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with the San Diego Municipal Code.
11. This project 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.
12. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for landscaping and a D-25 curb outlet in Torrey Pines Road.
13. Prior to the issuance of any construction permits, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, 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, satisfactory to the City Engineer.
15. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
16. 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.
17. 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.

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

18. "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).
19. "California Coordinate System" means the coordinate system as defined in Sections 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."
20. The Parcel 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

21. Prior to the issuance of any engineering or building permits, the Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities installed in or over the public right-of-way.
22. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

23. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER

24. 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 Facilities Design Guidelines and City regulations, standards and practices pertaining thereto.
25. If at any time the Subdivider installs an irrigation system for landscape purposes and/or sprinkler system for fire protection on the existing residence or the proposed residence, a plumbing permit for the installation of the appropriate private back flow prevention device (BFPD) on each water service will be required, in a manner satisfactory to the Director of Public Utilities and the City Engineer. The Water Department will not permit BFPD installations below grade or within structures.
26. The Subdivider agrees that, no trees and/or shrubs, will be installed within ten (10) feet of the outside edge of pipe or any water facilities.

TRANSPORTATION

27. The Subdivider shall construct a 20-foot asphalt concrete private driveway within the 30' right-of-way, along the project's frontage on Amalfi Street, satisfactory to the City Engineer.
28. The Subdivider shall provide curb and gutter along the project's frontage on Amalfi Street, satisfactory to the City Engineer.

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 U.S.C. 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 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.
- Per San Diego Municipal Code section 142.0607, 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.