

(R-2016-124)
monday 9/21/15
Item 201
Subitem C

RESOLUTION NUMBER R- 309989

DATE OF FINAL PASSAGE SEP 21 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.
1375776 AND EASEMENT VACATION NO. 1400360 FOR
SILVER STREET VILLAGE HOMES – PROJECT NO. 393503.

WHEREAS, EHOFF LA JOLLA, LLC, a Delaware Limited Liability Company,
Subdivider, and ALIDADE ENGINEERING, Engineer, submitted an application to the City of
San Diego for a vesting tentative map (Vesting Tentative Map No. 1375776) and easement
vacation (Easement Vacation No. 1400360) for the Silver Street Village Homes Project. The
project site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the
La Jolla Planned District within the La Jolla Community Plan and Local Coastal Program Area,
the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable Area
2), the Parking Impact Overlay Zone (Coastal Impact Area), Residential Tandem Parking
Overlay Zone, and Council District. The property is legally described as: Parcel 1 of Parcel Map
No. 3935, in the City of San Diego, County of San Diego, State of California, filed in the Office
of the County Recorder of San Diego County, July 17, 1975, and all of Lot 1, Block 11, of the
La Jolla Park, according to Map thereof No. 352, in the City of San Diego, County of San Diego,
State of California, filed in the Office of the County Recorder of San Diego County, March 22,
1887, together with all that portion of the south half of Ravina Street, lying north of and
adjoining said Lot, as vacated and closed to public use by Resolution No. 50978, on July 29,
1929; and

WHEREAS, the Vesting Tentative Map No. 1375776 proposes the Subdivision of a
0.739 acre site into 1 lot for a 18 unit residential condominium development; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 18; and

WHEREAS, on August 13, 2015, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1375776 and Easement Vacation No. 1400360, and pursuant to Planning Commission Resolution No. PC-4724, the Planning Commission voted to recommend City Council approval of Vesting Tentative Map No. 1375776 and Easement Vacation No. 1400360; 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, on September 21, 2015, the City Council of the City of San Diego considered Vesting Tentative Map No. 1375776 and Easement Vacation No. 1400360, and pursuant to San Diego Municipal Code Section(s) 125.0440, 125.0430, 125.1040, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, 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 Vesting Tentative Map No. 1375776 and Easement Vacation No. 1400360:

1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan;

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the La Jolla Planned District (LJPD) within the La Jolla Community Plan (LJCP) and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 dwelling units per acre (du/ac). The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying 0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33 dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJPD-3 Zone of the LJPD.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a Leadership in Energy and Environmental Design (LEED) Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. Therefore, the proposed 18 unit residential condominium project would not adversely affect the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the land development code;

The project includes a request for deviations to the development regulations for no retail uses on the ground floor, ground floor residential use in the front half of the lot, vehicle circulation or vehicle turnaround areas, the number of driveways, and driveway design and distance between the driveways.

No Retail Use on the Ground Floor: A deviation from San Diego Municipal Code (SDMC) Section 159.0306(a) to provide no retail uses on the ground floor where the regulation requires that projects located in Zone 3 are to provide a "minimum" of 50 percent of retail uses on the ground floor.

This portion of Silver Street and Draper Avenue is primarily developed with multi-family residential structures, a school, and park land. The community commercial/retail development is located approximately a block north and south, and east of the project site and the site is not located within a designated commercial area or district within the LJCP. The project site is located within Zone 3 and part of the intent of the regulations is to encourage residential uses to provide a transition zone to the multi-family residential areas to the west of Fay Avenue. The proposed residential development would implement the LJCP designation, goals, and objectives for the site, and would provide a larger transitional zone from the school and parks to the surrounding residential development.

Residential Uses on the Ground Floor: A deviation from SDMC Section 159.0306(c) to allow 100 percent of the ground floors for residential use where the regulation restricts residential uses on the ground floor within the front 50 percent of the lot.

As stated above, the project site is located within Zone 3 and part of the intent of the regulations is to encourage residential uses to provide a transition zone to the multi-family residential areas to the west of Fay Avenue. The proposed residential development would implement the LJCP designation, goals, and objectives for the site, and would provide a larger transitional zone from the school and parks to the surrounding residential development.

Vehicle Circulation or Vehicle Turnaround Areas: A deviation from SDMC Section 142.0560(d) (3), to allow for no through vehicle circulation or vehicle turnaround areas where the regulation requires “aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space.”

The gated on-site driveways and drive aisles provide access to the private garages for the residential units only, and all guest parking is provide off-site. (There are 20 on-street parking spaces adjacent to the property on Silver Street and Draper Avenue.) A red painted ‘No Parking’ and backup area is provided at the end of each drive aisle for the garages adjacent to the area. This requested deviation reduces the number of driveways required for the development and reduces the pedestrian vs. vehicular conflicts, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue.

Number of Driveways: A deviation from SDMC Section 142.0560(j)(8), to allow for two driveways on Silver Street where the regulation requires that for properties with no access to an alley, there shall be at least one driveway opening permitted per street frontage with a maximum of one driveway opening for each 100 feet of street frontage.

On the eastern side of the property, along Silver Street, the topography impacts the ability to provide access from the private drive aisle to the garage for the residential unit fronting Silver Street. This requested deviation is to allow for a separate driveway to access the one unit fronting Silver Street, which would be located 10 feet from the driveway servicing the 4 rear units and a 10 foot visibility area has been provided to assure pedestrian vs. vehicular safety.

Driveway Design and Distance Between: A deviation from SDMC Section 159.0405(c) and Chapter 15 Article 9 Appendix D (3), to allow for two non-standard driveways on Silver Street with a 10 foot clearance between the driveways where the regulation requires driveways to be designed to current City standards and require a minimum of 150 feet between driveways constructed along the same frontage.

As stated above, the topography of the site and drive aisle impacts the ability to provide access from the private drive aisle to the garage for the residential unit fronting Silver Street. This requested deviation is to allow for a separate driveway to access the one unit fronting Silver Street, which would be located 10 feet from the driveway servicing the 4 rear units and a 10 foot visibility area has been provided to assure pedestrian vs. vehicular safety.

The proposed residential development is consistent with the purpose of the underlying zone that encourages residential uses as a transitional zone to the multi-family residential areas that are located west of Fay Avenue and would provide a larger transitional zone from the school and parks to the surrounding residential development. In addition, the project would implement the LJCP designation, goals, and objectives for the site, and would reduce the pedestrian vs. vehicular conflicts along the streets, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue. For all of these reasons, including the justifications listed above, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code and the allowable deviations are appropriate and necessary, and will result in a more desirable project than would be achieved if designed in strict conformance with the applicable development regulations.

3. The site is physically suitable for the type and density of development;

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the LJPD within the LJCP and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 dwelling units per acre (du/ac). The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying 0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33-dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJPD-3 Zone of the LJPD.

The project site is a corner lot with frontage on Silver Street and Draper Avenue. The parcel has been previously graded and developed with two existing commercial structures (a 2,800-square-foot veterinary clinic and an 11,000-square-foot United States Post Office Annex). The United States Post Office Annex was constructed in 1981, whereas the veterinary clinic building was constructed in 1966.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the

proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The property is located approximately 1,425 feet from the Pacific Ocean and is not located between the ocean and the first public roadway paralleling the ocean. The site is approximately 85 feet above Mean Sea Level (MSL), and is located above the 100-year floodplain. The property is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain any other type of Environmental Sensitive Lands (ESL) as defined in San Diego Municipal Code (SDMC) Section 113.0103.

A Mitigated Negative Declaration (MND) No. 393503 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which address potential impacts to Historical Resources (Archaeology), Noise, and Paleontological Resources. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which will reduce the potential impacts to below a level of significance. With the implementation of the MMRP, including the justifications listed above, the proposed subdivision is physically suitable for the type and density of development.

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;

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue. The property is located approximately 1,425 feet from the Pacific Ocean and is not located between the ocean and the first public roadway paralleling the ocean. The site is approximately 85 feet above MSL, and is located above the 100-year floodplain. The property is not within or adjacent to the MSCP MHPA and does not contain any other type of ESL as defined in SDMC Section 113.0103.

A MND No. 393503 has been prepared for the project in accordance with State of CEQA Guidelines, which address potential impacts to Historical Resources (Archaeology), Noise, and Paleontological Resources. A MMRP would be implemented with this project, which will reduce the potential impacts to below a level of significance. With the implementation of the MMRP, the subdivision and the proposed improvements would not cause substantial environmental damage or impact fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare;

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a

roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The property is a corner lot and is located approximately 1,425 feet from the Pacific Ocean and is not located between the ocean and the first public roadway paralleling the ocean. The site is approximately 85 feet above MSL, and is located above the 100-year floodplain. The property is not within or adjacent to the MSCP MHPA and does not contain any other type of ESL as defined in SDMC Section 113.0103.

A MND No. 393503 has been prepared for the project in accordance with CEQA Guidelines, which address potential impacts to Historical Resources (Archaeology), Noise, and Paleontological Resources. A MMRP would be implemented with this project, which will reduce the potential impacts to below a level of significance and are conditions of the approval.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Vesting Tentative Map (VTM) No. 1375776 and Easement Vacation (EV) No. 1400360, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Therefore, the subdivision will not be detrimental to the public health, safety and welfare.

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;

The northern portion of the property was part of Ravina Street and on July 29, 1929, this street was vacated by Resolution No. 50978. On November 21, 1929, a 10 foot wide storm drain easement was recorded within portions of the vacated street; however, no utilities and/or facilities were installed within the easement. On June 24, 1948, a 10 foot wide storm drainage easement was recorded on the property pursuant to Drawing No. 3544-B and currently contains a 63 inch cast in place concrete pipe (CIPCP) public storm drain that traverse the northern portion of the parcel. The project proposes the vacation of the above referenced easement as part of the VTM and proposes the dedication of a 20 foot wide storm drain easement in the same location to comply with current City standards for the easement width. The sewer and water mains servicing the property and surrounding development are located within the public right-of-ways on Silver Street and Draper Avenue. The proposed replacement of the existing 10 foot wide storm drain easement with a 20 foot wide easement will allow for future service and maintenance of the existing 63 inch CIPCP public storm drain. Therefore, there is no present or prospective use for the 10 foot 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. Other than the easements listed

above, there are no other existing easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities; and

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic) to generate electricity needed by the buildings and its occupants. Therefore, the proposed subdivision will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

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.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the LJPD within the LJCP and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 du/ac. The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying 0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33 dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJPD-3 Zone of the LJPD.

This project is subject to the requirements of the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the San Diego Municipal Code), and the payment of Affordable Housing fees are due at the time of building permit issuance.

A MND No. 393503 has been prepared for the project in accordance with CEQA Guidelines, which address potential impacts to Historical Resources (Archaeology), Noise, and Paleontological Resources. A MMRP would be implemented with this project, which will reduce the potential impacts to below a level of significance and are conditions of the approval.

The decision maker has reviewed the administrative record including the project plans, MND No. 393503, and heard public testimony to determine 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 and found that the proposed subdivision containing 18 new residential units is consistent with the housing needs anticipated for the LJCP area.

BE IT FURTHER RESOLVED, that portions of the storm drain easement located within the project boundaries as shown in Vesting Tentative Map No. 1375776, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

9. There is no present or prospective 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. (San Diego Municipal Code § 125.1040(a)).

The northern portion of the property was part of Ravina Street and on July 29, 1929, this street was vacated by Resolution No. 50978. On November 21, 1929, a 10 foot wide storm drain easement was recorded within portions of the vacated street; however, no utilities and/or facilities were installed within the easement. On June 24, 1948, a 10 foot wide storm drainage easement was recorded on the property pursuant to Drawing No. 3544-B and currently contains a 63 inch CIPCP public storm drain that traverse the northern portion of the parcel. The project proposes the vacation of the above referenced easement as part of the VTM and proposes the dedication of a 20 foot wide storm drain easement in the same location to comply with current City standards for the easement width. The sewer and water mains servicing the property and surrounding development are located within the public right-of-ways on Silver Street and Draper Avenue. The proposed replacement of the existing 10 foot wide storm drain easement with a 20 foot wide easement will allow for future service and maintenance of the existing 63 inch CIPCP public storm drain. Therefore, there is no present or prospective use for the 10 foot 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.

10. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment. (San Diego Municipal Code § 125.1040(b)).

The northern portion of the property was part of Ravina Street and on July 29, 1929, this street was vacated by Resolution No. 50978. On November 21, 1929, a 10 foot wide storm drain easement was recorded within portions of the vacated street; however, no utilities and/or facilities were installed within the easement. On June 24, 1948, a 10 foot wide storm drainage easement was recorded on the property pursuant to Drawing No. 3544-B and currently contains a 63 inch CIPCP public storm drain that traverse the northern portion of the parcel. The project proposes the vacation of the above referenced easement as part of the VTM and proposes the dedication of a 20 foot wide storm drain easement in the same location to comply with current City standards for the easement width. The sewer and water mains servicing the property and surrounding development are located within the public right-of-ways on Silver Street and Draper Avenue. The proposed replacement of the existing 10 foot wide storm drain easement with a 20 foot wide easement will allow for future service and maintenance of the existing 63 inch CIPCP public storm drain. Therefore, the public will benefit from the abandonment through the dedication of a 20 foot wide storm drain easement in the same location to comply with current City standards for the easement width.

11. The abandonment is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)).

The northern portion of the property was part of Ravina Street and on July 29, 1929, this street was vacated by Resolution No. 50978. On November 21, 1929, a 10 foot wide storm drain, easement was recorded within portions of the vacated street; however, no utilities and/or facilities were installed within the easement. On June 24, 1948, a 10 foot wide storm drainage easement was recorded on the property pursuant to Drawing No. 3544-B and currently contains a 63 inch CIPCP public storm drain that traverse the northern portion of the parcel. The project proposes the vacation of the above referenced easement as part of the VTM and proposes the dedication of a 20 foot wide storm drain easement in the same location to comply with current City standards for the easement width. The sewer and water mains servicing the property and surrounding development are located within the public right-of-ways on Silver Street and Draper Avenue. The proposed replacement of the existing 10 foot wide storm drain easement with a 20 foot wide easement will allow for future service and maintenance of the existing 63 inch CIPCP public storm drain.

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the LJPD within the LJCP and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 dwelling units per acre (du/ac). The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying 0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33 dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJPD-3 Zone of the LJPD.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. Therefore, the proposed 18 unit residential condominium project with the proposed easement vacation would not adversely affect the applicable land use plan.

12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d))

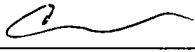
The northern portion of the property was part of Ravina Street and on July 29, 1929, this street was vacated by Resolution No. 50978. On November 21, 1929, a 10 foot wide storm drain easement was recorded within portions of the vacated street; however, no utilities and/or facilities were installed within the easement. On June 24, 1948, a 10 foot wide storm drainage easement was recorded on the property pursuant to Drawing No. 3544-B and currently contains a 63 inch CIPCP public storm drain that traverse the northern portion of the parcel. The project proposes the vacation of the above referenced easement as part of the VTM and proposes the dedication of a 20 foot wide storm drain easement in the same location to comply with current City standards for the easement width. The sewer and water mains servicing the property and surrounding development are located within the public right-of-ways on Silver Street and Draper Avenue. The proposed replacement of the existing 10 foot wide storm drain easement with a 20 foot wide easement will allow for future service and maintenance of the existing 63 inch CIPCP public storm drain. For all of these reasons, including the justifications listed above, the public facility or purpose for which the easement was originally acquired would not be detrimentally affected by this abandonment since there will be a dedication of a 20 foot wide storm drain easement in the same location.

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

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1375776 and Easement Vacation No. 1400360, are hereby granted to EHOFF LA JOLLA, LLC, a Delaware Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
September 3, 2015
Or.Dept:DSD
Doc. No.: 1096700

ATTACHMENT: Vesting Tentative Map and Easement Vacation Conditions

CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO. 1375776
AND EASEMENT VACATION NO. 1400360

SILVER STREET VILLAGE HOMES - PROJECT NO. 393503 [MMRP]

ADOPTED BY RESOLUTION NO. R-**309989** ON SEP 21 2015

GENERAL

1. This Vesting Tentative Map will expire on SEP 21 2018.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447.
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 the City and/or any Indemnified Parties 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 the Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, the Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

6. Prior to the issuance of any building permits, the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

Project No. 393503
VTM No. 1375776

ENGINEERING

7. The project proposes to export 4,100 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
8. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
9. Prior to foundation inspection, the Subdivider shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.
10. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private encroachments in the Public storm drain easement.
11. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private storm drain connections to the Public storm drain system.
12. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private finished grade level planter encroaching in the Draper Avenue and Silver Street Right-of-Way.
13. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, to close the non-utilized portions of the existing driveways with current City Standard curb, gutter and sidewalk, adjacent to the site on Draper Avenue and Silver Street.
14. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the construction of a current City Standard 20 foot wide and 12 foot wide driveway, adjacent to the site on Silver Street, pursuant to Deviation from Standards approved by Deputy City Engineer.
15. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the construction of a current City Standard 20 foot wide driveway, adjacent to the site on Draper Avenue.

Project No. 393503
VTM No. 1375776

16. The Subdivider shall reconstruct existing curb ramp at the northeast corner of Draper Avenue and Silver Street, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes.
17. Prior to the issuance of any building permit, the Subdivider shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the Right-of-Way due to the design of the Right-of-Way on Silver Street.
18. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
20. Prior to the issuance of any construction permit the Owner/Permittee 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.
21. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
22. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
23. 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.
24. 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 Vesting 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.

Project No. 393503
VTM No. 1375776

MAPPING

25. Per SMA 66426 a Final Map is required to consolidate the existing lots into one lot and to subdivide the ownership interest as a condition of the vested tentative map. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
26. Prior to the recordation of the Final Map, the SDG&E easements need to be quitclaim and recorded in the office of the San Diego County Recorder. A copy of the recorded quitclaim must be provided to satisfy this condition.
27. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
28. "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."
29. 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 First Order accuracy. 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.

PUBLIC UTILITIES DEPARTMENT

30. Prior to Recordation of the Final Map, the Subdivider shall sign and provide to the City a letter acknowledging their obligation and intent to create, via CC&Rs

Project No. 393503
VTM No. 1375776

on each Unit's title, provisions for the continuous future operation and maintenance of the development's private sewer main in a manner satisfactory to the Public Utilities Director and the City Engineer.

31. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
32. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer and five feet of any water facilities.

ENVIRONMENTAL

34. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
35. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 393503, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
36. The Subdivider shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 393503, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology)

Noise

Paleontological Resources

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any

Project No. 393503

VTM No. 1375776

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.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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 Vesting 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 Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider 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 (San Diego Municipal Code § 142.0607).

Internal Order No. 24005220

Project No. 393503
VTM No. 1375776

Passed by the Council of The City of San Diego on SEP 21 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 21 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Stenbury*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309989