

RESOLUTION NUMBER R- 310349

DATE OF FINAL PASSAGE APR 11 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING VESTING TENTATIVE MAP NO. 1283305 AND EASEMENT VACATION NO. 1283304 FOR MISSION BEACH RESIDENCES - PROJECT NO. 366139.

WHEREAS, MB9 OWNER, LLC, a Delaware Limited Liability Company, Subdivider, and Leppert Engineering Corporation, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 1283305) and easement vacation (Easement Vacation No. 1283304), and to waive the requirement to underground existing offsite overhead utilities for the Mission Beach Residences Project. The project site is located at 818 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District within the Mission Beach Precise Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The property is legally described as: Parcel 2: Lots A through O, inclusive in Block 112 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; and Parcel 3: Lots A through L, inclusive in Block 115 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914; together with said portion of the alley and street hereby closed and described by an unrecorded resolution ordering work No. 75861; and

WHEREAS, the Map proposes the Subdivision of a 1.88 acre site into 22 lots for a 51 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 4125 and filed pursuant to the Subdivision Map Act. Lot 1 has 1 unit, Lots 2 through 21 have 2 units each except lots 6, 7, 8, 11, 13, and 15 which have 3 units each. The total number of residential condominium units is 51; and

WHEREAS, on January 21, 2016, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1283305, Easement Vacation No. 1283304, and the undergrounding waiver request, and pursuant to Planning Commission Resolution No. PC-4754, the Planning Commission voted 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, on April 11, 2016, the City Council of the City of San Diego considered Vesting Tentative Map No. 1283305 and Easement Vacation No. 1283304, and including the waiver of the requirement to underground existing offsite overhead utilities, pursuant to San Diego Municipal Code Section(s) 125.0440, 144.0240, and 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; and

WHEREAS, after the City Council approved Coastal Development Permit No. 1283306 on April 11, 2016, the permit was appealed to the California Coastal Commission. The California Coastal Commission thus assumed jurisdiction over the Mission Beach Residences project as permitting authority and all references to Coastal Development Permit No. 1283306 are null and void; and

WHEREAS, the California Coastal Commission approved Coastal Development Permit No. A-6-MBE-16-0048 on October 12, 2017 with conditions. Special Condition 5 states that the California Coastal Commission's action has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act that are not in conflict with the terms and conditions of the Coastal Development Permit No. A-6-MBE-16-0048. As a result, the City of San Diego, Development Services Department has determined that, subject to minor modifications, such as reducing the number of units to 47 and increasing the park acreage to a total of 0.32 acres, Vesting Tentative Map No. 1283305 and Easement Vacation No. 1283304 remain in full force and effect; 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. 1283305 and Easement Vacation No. 1283304:

1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan. The project site is located at 818 Santa Barbara Place in the R-S Zone of the Mission Beach Planned District (MBPD) within the Mission Beach Precise Plan (MBPP) and Local Coastal Program (LCP) area, the Coastal Height Limitation Overlay Zone (CHLOZ), and the Coastal Overlay Zone (Appealable Area). The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for 'School' use. The project includes a General Plan Amendment (GPA), Community Plan Amendment (CPA) and a Local Coastal Program Amendment (LCPA). The GPA, CPA and LCPA are required to redesignate the site from 'Institutional & Public and Semi-Public Facilities' in the General Plan to 'Residential' and from

'School' in the MBPP to 'Residential' use at 36 dwelling units per acre (du/ac). The project site, occupying 1.88 acres, could accommodate 51 dwelling units based on the new community plan designation and the underlying zone. The LCPA further clarifies the objectives of the MBPP, and reflects the more detailed objectives and implementation guidelines already outlined from the San Diego Local Coastal Program (LCP) Regulations, adopted by the Coastal Commission on May 17, 1981.

The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces and an approximately 0.201-acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

The MBPP includes the following general recommendations for new residential development within the community planning area in order to retain its overall character: density limitation of 36 du/ac; yards/setbacks that are increased for structures over two stories; a floor area ratio (FAR) of about 1.0, with variations up to 1.2; a height limit of 30 feet; and a requirement that 20 percent of the lot area within residential development should be landscaped. These design recommendations were further refined and implemented in the form of the Mission Beach Planned Development Ordinance (MBPDO). The MBPDO provides for more specific design measures based on the MBPP. For example, the MBPDO specifies a maximum FAR of 1.1, maximum lot coverage of 65 percent, and a building height restriction of 30 feet above grade (which is in accordance with the CHLOZ).

The character of Mission Beach is defined and maintained by the regulations of the MBPDO, which govern setbacks, density, bulk, and other development characteristics. Many different lot sizes can be found throughout Mission Beach, but all properties are regulated by the MBPDO, including the proposed projects. Lot sizes of 30 feet by 80 feet are the minimum dimensions required by the MBPDO, and there are no restrictions prohibiting larger lots. Larger lots currently exist throughout Mission Beach, and the MBPDO does not define any areas within Mission Beach where lots exceeding 30 feet by 80 feet are specifically prohibited. The MBPDO limits structures to a total of 5,280 square feet of floor area.

The proposed residential development has been designed to be a cohesive development that is compatible in scale and character and enhances the existing community character in the MBPP area, in compliance with MBPDO standards. Therefore, with the adoption of the GPA, CPA and LCPA, the proposed development 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 proposes the demolition of the existing

educational buildings on site and the construction of total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces and an approximately 0.201-acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. In addition, the project would contain sustainable building design measures to meet a Leadership in Energy and Environmental Design (LEED) Silver certification and incorporates many sustainable features in accordance with the City's General Plan Conservation Element.

The MBPP includes the following general recommendations for new residential development within the community planning area in order to retain its overall character: density limitation of 36 du/ac; yards/setbacks that are increased for structures over two stories; a FAR of about 1.0, with variations up to 1.2; a height limit of 30 feet; and a requirement that 20 percent of the lot area within residential development should be landscaped. These design recommendations were further refined and implemented in the form of the MBPDO. The MBPDO provides for more specific design measures based on the MBPP. For example, the MBPDO specifies a maximum FAR of 1.1, maximum lot coverage of 65 percent, and a building height restriction of 30 feet above grade (which is in accordance with the CHLOZ).

The character of Mission Beach is defined and maintained by the regulations of the MBPDO, which govern setbacks, density, bulk, and other development characteristics. Many different lot sizes can be found throughout Mission Beach, but all properties are regulated by the MBPDO, including the proposed projects. Lot sizes of 30 feet by 80 feet are the minimum dimensions required by the MBPDO, and there are no restrictions prohibiting larger lots. Larger lots currently exist throughout Mission Beach, and the MBPDO does not define any areas within Mission Beach where lots exceeding 30 feet by 80 feet are specifically prohibited. The MBPDO limits structures to a total of 5,280 square feet of floor area.

SDMC Section 144.0240(b)(5) allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights-of-way. It has determined that the waiver of the requirements to underground privately owned utility systems and services facilities qualifies under the guidelines of SDMC Section 144.0242(c)(1)(A) and (B) as follows: The conversion involves undergrounding of utilities that are already scheduled to occur in the near term as a utility company financed undergrounding project or as part of the City's utility underground program; and the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

The proposed subdivision shall be undergrounded and the waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties within the

abutting public rights-of-way. The City's Undergrounding Master Plan designates the site within Block 2S2, which has been assigned Capital Improvement Project (CIP) ID No. UU982. On April 14, 2014, the City Council approved the undergrounding project for Block 2S2, which is currently in the pre-design status and has not started the construction phase.

The project includes a request for deviations to the development regulations for street frontage and visibility triangle area. The following are the code sections and justification for the deviations:

Street Frontage: A deviation from SDMC Section 1513.0304 for no street frontage proposed for lots 7 through 15 (this section requires 30 feet of street frontage in the MBPD-R-S Zone). Since the project includes a Vesting Tentative Map (VTM), the lack of street frontage for lots 7 through 15 also results in a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic. As discussed above, the existing public right-of-ways were vacated in 1938 and 1941, and the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. The proposed lots would front a private driveway with a public access easement that would be recorded over the private driveways as a condition of the VTM. Therefore, the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. The proposed private driveways would be privately owned and would be maintained by the development's Home Owner's Association (HOA) in order to provide enhanced improvements and maintenance.

Street Frontage: A deviation from SDMC Section 1513.0304 for street frontage is proposed for lot 6. The required frontage is 30 feet where 25.04 feet would be provided. The lot is an irregular shaped end-lot occurring where Bayside Lane cuts diagonally through the regular street grid. The lot does not have the required 30 feet of frontage due to the unique geometry, but it has an average lot width of 45 feet and lot area greater than the required minimum within the MBPDO.

Visibility Triangle Area: A deviation from the SDMC Section 113.0273(d) to allow for no visibility triangle area along the property line on both sides of the private driveways that intersects with Bayside Lane, where the regulation requires 20 feet by 20 feet visibility triangle areas. The adjacent lots are irregular shaped end-lots occurring where Bayside Lane cuts diagonally through the regular street grid. The project will provide two stop signs facing northbound traffic on Bayside Lane, one at the southern private drive and one at the northern private drive to enhance safety for these two private drives at Bayside Lane.

In summary, the proposed residential development is consistent with the purpose and intent of the regulations of the underlying zone in that each of the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. In addition, because of the existing irregular shaped end-lots occurring where Bayside Lane cuts diagonally through the regular street grid, the proposed stop signs would assure safety at these intersections. For all of these reasons, including the justifications listed above, the deviations are appropriate and necessary, and will result in a more desirable project that 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 project site is located at 818 Santa Barbara Place in the R-S Zone of the MBPD within the MBPP and LCP Area, the CHLOZ, and the Coastal Overlay Zone (Appealable Area). The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for 'School' use. The project includes a GPA, CPA and LCPA to redesignate the site from 'Institutional & Public and Semi-Public Facilities' in the General Plan to 'Residential' and from 'School' in the MBPP to 'Residential' use at 36 du/ac. The project site, occupying 1.88 acres, could accommodate 51 dwelling units based on the new community plan designation and the underlying zone. The LCPA further clarifies the objectives of the MBPP, and reflects the more detailed objectives and implementation guidelines already outlined from the San Diego LCP Regulations, adopted by the Coastal Commission on May 17, 1981.

The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane.

The project site is located approximately 100 feet west of Mission Bay and approximately 385 feet east of the Pacific Ocean, and is not located between the sea and the first public roadway paralleling the sea. The site is located above the 100-year floodplain, and is not located within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain any other type of Environmentally Sensitive Lands (ESL) as defined in SDMC Section 113.0103.

A Master Environmental Impact Report (MEIR) No. 366139/SCH No. 2014081097 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was found to have potentially significant impacts to Noise, Health and Safety, Historical Resources (Archaeology), Transportation/Circulation and Parking (Combined Project), and Land Use (Combined Project). A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project. However, construction noise was the only topic identified as being significant and unavoidable for each project individually and combined. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision maker to adopt the project with significant and unmitigated direct impacts related to Noise (Construction). Therefore, 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 project site is located approximately 100 feet west of Mission Bay and approximately 385 feet east of the Pacific Ocean, and is not located between the sea and the first public roadway paralleling the sea. The site is located above the 100-year floodplain, and is not located within or adjacent to the MSCP MHPA and does not contain any other type of ESL as defined in SDMC Section 113.0103.

A MEIR No. 366139/SCH No. 2014081097 has been prepared for the project in accordance with CEQA guidelines. The project was found to have potentially significant impacts to Noise, Health and Safety, Historical Resources (Archaeology), Transportation/Circulation and Parking (Combined Project), and Land Use (Combined Project). A MMRP would be implemented with this project. However, construction noise was the only topic identified as being significant and unavoidable for each project individually and combined. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision maker to adopt the project with significant and unmitigated direct impacts related to Noise (Construction). Therefore, 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 1.88 acre project site is located at 818 Santa Barbara Place. The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. In addition, the project would contain sustainable building design measures to meet a LEED Silver certification and incorporates many sustainable features in accordance with the City's General Plan Conservation Element.

The project includes a deviation from SDMC Section 1513.0304 for no street frontage proposed for lots 7 through 15, as part of the Site Development Permit (SDP) No. 1283307. Since the project includes a VTM, the lack of street frontage for lots 7 through 15 also results in a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic. The existing public right-of ways were vacated in 1938 and 1941, and the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. The proposed lots would front a private driveway with a public access easement that would be recorded over the private driveways as a condition of the VTM No. 1283305. Therefore, the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other

alleys within the surrounding community. The proposed private driveways would be privately owned and would be maintained by the development's HOA in order to provide enhanced improvements and maintenance.

A MEIR No. 366139/SCH No. 2014081097 has been prepared for the project in accordance with CEQA guidelines. The project was found to have potentially significant impacts to Noise, Health and Safety, Historical Resources (Archaeology), Transportation/Circulation and Parking (Combined Project), and Land Use (Combined Project). A MMRP would be implemented with this project. However, construction noise was the only topic identified as being significant and unavoidable for each project individually and combined. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision maker to adopt the project with significant and unmitigated direct impacts related to Noise (Construction) and the MMRP is a condition 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 VTM No. 1283305 and Easement Vacation (EV) No. 1283304, 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 project site originally contained two alleys and a non-motorized pedestrian walkway (Jersey Court). However, on May 3, 1938, the alley within Block 112 was vacated pursuant to Resolution No. 67523, and on December 23, 1941, the alley within Block 115 and that portion of Jersey Court were vacated pursuant to Resolution No. 75861. With the vacation of the right-of-ways, the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court.

The project includes a deviation from SDMC Section 1513.0304 for no street frontage proposed for lots 7 through 15, as part of the SDP No. 1283307. Since the project includes a VTM, the lack of street frontage for lots 7 through 15 also results in a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic. The existing public right-of ways were vacated in 1938 and 1941, and the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. The proposed lots would front a private driveway with a public access easement that would be recorded over the private driveways as a condition of the VTM No. 1283305. Therefore, the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. In addition, the project will restore the public access through the site by the extension of the non-motorized Jersey Court and by installation of two private drives that would provide vehicular and

pedestrian access from Mission Boulevard to Bayside Lane. The proposed private driveways would be privately owned and would be maintained by the development's HOA in order to provide enhanced improvements and maintenance.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. In addition, the project would contain sustainable building design measures to meet a LEED Silver certification and incorporates many sustainable features in accordance with the City's General Plan Conservation Element.

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 site is located at 818 Santa Barbara Place in the R-S Zone of the MBPD within the MBPP and LCP Area, the CHLOZ, and the Coastal Overlay Zone (Appealable Area). The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for 'School' use. The project includes a GPA, CPA and LCPA to redesignate the site from 'Institutional & Public and Semi-Public Facilities' in the General Plan to 'Residential' and from 'School' in the MBPP to 'Residential' use at 36 du/ac. The project site, occupying 1.88 acres, could accommodate 51 dwelling units based on the new community plan designation and the underlying zone. The LCPA further clarifies the objectives of the MBPP, and reflects the more detailed objectives and implementation guidelines already outlined from the San Diego LCP Regulations, adopted by the Coastal Commission on May 17, 1981.

The project proposes the demolition of the existing educational buildings on site and the construction of a total of 17 buildings comprised of a single family dwelling unit, 2 duplexes, 10 triplexes, and 4 fourplexes. The project proposes a total of 51 units ranging from 1,221 square feet to 2,313 square feet in the following configurations: one four-bedroom unit, 10 two-bedroom and 40 three-bedroom units. The project includes 102 on-grade enclosed garage tandem parking spaces, and an approximately 0.201 acre pocket park. In addition, the project will restore the public access through the site that was vacated in 1938 and 1941, by the extension of the non-motorized Jersey Court and by installation of two private drives which includes a public access easement that would provide vehicular and pedestrian access from Mission Boulevard to Bayside Lane. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. In addition, the project would contain sustainable building design measures to meet a LEED Silver certification and incorporates many sustainable features in accordance with the City's General Plan Conservation Element.

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 MEIR No. 366139/SCH No. 2014081097 has been prepared for the project in accordance with CEQA guidelines. The project was found to have potentially significant impacts to Noise, Health and Safety, Historical Resources (Archaeology), Transportation/Circulation and Parking (Combined Project), and Land Use (Combined Project). A MMRP would be implemented with this project. However, construction noise was the only topic identified as being significant and unavoidable for each project individually and combined. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision maker to adopt the project with significant and unmitigated direct impacts related to Noise (Construction) and the MMRP is a condition of the approval.

The decision maker has reviewed the administrative record including the project plans, MEIR No. 366139/SCH No. 2014081097, 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 51 new residential units is consistent with the housing needs anticipated for the MBPP area.

BE IT FURTHER RESOLVED, two existing 8 foot sewer easements within the project boundaries as shown in Vesting Tentative Map No. 1283305 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 project site originally contained two alleys and a non-motorized pedestrian walkway (Jersey Court). However, on May 3, 1938, the alley within Block 112 was vacated pursuant to Resolution No. 67523, and on December 23, 1941, the alley within Block 115 and that portion of Jersey Court were vacated pursuant to Resolution No. 75861. With the vacation of the right-of-ways, the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. On January 9, 1952, two 8 foot wide sewer easements were recorded on the properties in the locations of the former alleys, and the easements currently contain 6 inch sewer mains.

An existing 15 inch sewer main that travels along Bayside Lane to the east would serve the project. The property contains two existing 6 inch sewer mains that travel in an east-west direction through the project site would be abandoned. The two existing connections to the existing 8 inch sewer main within Santa Barbara Place would be abandoned. All sewer systems within the project boundary will be private; therefore, there is no present or prospective use of the two existing 8 foot sewer easements, either for the facility or purpose for which it was originally acquired, or for any other public use of the alike 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 project site originally contained two alleys and a non-motorized pedestrian walkway (Jersey Court). However, on May 3, 1938, the alley within Block 112 was vacated pursuant to Resolution No. 67523, and on December 23, 1941, the alley within Block 115 and that portion of Jersey Court were vacated pursuant to Resolution No. 75861. On January 9, 1952, two 8 foot wide sewer easements were recorded on the properties in the locations of the former alleys, and the easements currently contain 6 inch sewer mains that were installed in 1923. An existing 15 inch sewer main that travels along Bayside Lane to the east would serve the project and the two existing connections to the existing 8 inch sewer main would be abandoned.

The public will benefit from the abandonment as the City will no longer be required to maintain the 93 year old sewer main. The proposed private driveway consists of permeable paving and aggregate base, and is part of the project's hydromodification design to address the storm water quality treatment on site, which currently is not treated on site and runs into the adjacent public right-of-way. The permeable paving and aggregate base, and the hydromodification design would not be permitted within the easement, if the easement was to remain.

11. The abandonment is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)). The project site is located at 818 Santa Barbara Place in the R-S Zone of the MBPD within the MBPD and LCP area. The R-S zoning designation allows for single family dwelling units, duplexes (two dwelling units in a single structure) and multiple dwelling units (restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots). The community plan designates the proposed project site for 'School' use. The project includes a GPA, CPA and a LCPA. The GPA, CPA and LCPA are required to redesignate the site from 'Institutional & Public and Semi-Public Facilities' in the General Plan to 'Residential' and from 'School' in the MBPP to 'Residential'

use at 36 du/ac. The project site, occupying 1.88 acres, could accommodate 51 dwelling units based on the new community plan designation and the underlying zone.

The project site originally contained two alleys and a non-motorized pedestrian walkway (Jersey Court). However, on May 3, 1938, the alley within Block 112 was vacated pursuant to Resolution No. 67523, and on December 23, 1941, the alley within Block 115 and that portion of Jersey Court were vacated pursuant to Resolution No. 75861. On January 9, 1952, two 8 foot wide sewer easements were recorded on the properties in the locations of the former alleys, and the easements currently contain 6 inches sewer mains that were installed in 1923. An existing 15 inch sewer main that travels along Bayside Lane to the east would serve the project and the two existing connections to the existing 8 inch sewer main would be abandoned.

The MBPP recommends that water and sewer line continue to be systematically upgraded; however, the plan does not specifically address and/or provide recommendations on the abandonment of the existing facilities or the vacations of easements. All sewer systems within the project boundary will be new and private, which will be maintained by the development's HOA. Therefore, the proposed sewer abandonment would be consistent with the recommendation of 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 project site originally contained two alleys and a non-motorized pedestrian walkway (Jersey Court). However, on May 3, 1938, the alley within Block 112 was vacated pursuant to Resolution No. 67523, and on December 23, 1941, the alley within Block 115 and that portion of Jersey Court were vacated pursuant to Resolution No. 75861. With the vacation of the right-of-ways, the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. On January 9, 1952, two 8 foot wide sewer easements were recorded on the properties in the locations of the former alleys, and the easements currently contain 6 inch sewer mains.

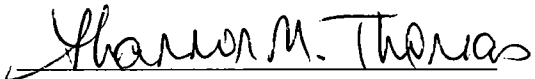
An existing 15 inch sewer main that travels along Bayside Lane to the east would serve the project. As stated above, the property contains two existing 6 inch sewer mains that travel in an east-west direction through the project site would be abandoned. The two existing connections to the existing 8 inch sewer main would be abandoned.

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. 1283305 and Easement Vacation No. 1283304, and including the waiver of the requirement to underground existing offsite overhead utilities, are

hereby granted to MB9 OWNER, 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 
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/04/2016
02/08/2018 Rev. Copy
Or.Dept: DSD
Doc. No.: 1217877_2

Attachment: Conditions for Vesting Tentative Map No. 1283305 and Easement Vacation No. 1283304

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1283305
AND EASEMENT VACATION NO. 1283304; MISSION BEACH
RESIDENCES - PROJECT NO. 366139 [MMRP]

ADOPTED BY RESOLUTION NO. R- 310349 ON APR 11 2016

GENERAL

1. This Vesting Tentative Map will expire on OCT 12 2020.
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 Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the San Diego County Recorder.
4. 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.
5. The Vesting Tentative Map and Final Map shall conform to the provisions of Coastal Development Permit No. A-6-MBE-16-0048 and Site Development Permit No. 1283307.
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 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.
7. This Vesting Tentative Map shall become effective only after the California Coastal Commission certifies an amendment to the Local Coastal Program required by this project.

AFFORDABLE HOUSING

8. 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.).

PARK & RECREATION

9. Prior to the recordation of the Final Map, the Subdivider shall grant a Recreation Easement for public access over a portion of Lot 21 for the Neighborhood Pocket Park (0.32 acre), in conformance with Vesting Tentative Map No. 1283305, to the satisfaction of the City Engineer.
10. Prior to the recordation of the Final Map, the Subdivider shall enter into a fully executed Park Development Agreement (PDA) and Park Maintenance Agreement with the City for the design, construction and long term maintenance of the Park.

ENGINEERING

11. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
12. 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.
13. 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.

TRANSPORTATION

14. Prior to the recordation of the first Final Map, the Subdivider shall record a public access easement over the two privately maintained drives between Mission Boulevard and Bayside Lane for vehicular public access, satisfactory to the City Engineer.
15. Prior to the recordation of the first Final Map, the Subdivider shall dedicate a public right-of-way easement over the privately maintained walkway extension of Jersey Court, between Mission Boulevard and Bayside Lane, for pedestrian and non-motor vehicle public access, satisfactory to the City Engineer.

MAPPING

16. "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].
17. "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."
18. 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

19. The Subdivider shall grant adequate size water easements for the proposed domestic water meters as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

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 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. 24004586

Passed by the Council of The City of San Diego on APR 11 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 11 2016

(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  Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310349