TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: APRIL 7, 2008

CMR: 195:08

SUBJECT: APPROVAL OF A FINAL MAP TO SUBDIVIDE THE ELKS LODGE SITE INTO TWO LOTS FOR A NEW LODGE AND A MULTI-FAMILY RESIDENTIAL PROJECT, LOCATED AT 4249 AND 4251 EL CAMINO REAL

RECOMMENDATION

Staff recommends that the City Council approve the proposed Final Map to subdivide the Elks Lodge Site into two lots, based upon findings and conditions contained within the Record of Land Use Action for the Tentative Map (RLUA, Attachment A).

DISCUSSION

On March 24, 2008, the City Council approved a Tentative Map to subdivide the 7-acre Elks Lodge site into two lots for a new Elks lodge and a 45-unit multi-family condominium residential project. The City Council approved the Tentative Map with the addition of the following condition of approval:

“To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City its actual attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.”

The approval of the Final Map, proposed by SummerHill Homes on behalf of the property owner, Benevolent and Protective Order of Elks (BPOE), would finalize the two-lot subdivision to facilitate the sale of the 3.97-acre Lot 2 to SummerHill Homes for the development of the
approved 45-unit multi-family condominium project. Lot 1 would be a 2.82-acre parcel retained by BPOE for the future Elks Lodge. Approximately 0.34 acres of the Elks Lodge site, which is currently a public access easement for the southerly half of Deodar Street, would be permanently dedicated as a public street.

The Final Map for the two lot subdivision and the approved Record of Land Use Action for the Tentative Map have been provided for the Council’s review and action. The Planning Division, the Public Works Department and the City Attorney have reviewed the Final Map and have determined that it is consistent with the approved Tentative Map and its Record of Land Use Action. According to the State Subdivision Map Act, the City Council must therefore approve the Final Map.

The map satisfies all approval conditions associated with the Tentative Map. Because of the terms of the purchase agreement between BPOE and SummerHill Homes, the existing Elks Lodge will not be demolished until after the final map for the two-lot subdivision is recorded. In effect, the recordation of the proposed lot line would underlie the existing Elks Lodge structure until it is demolished. City staff has discussed the logistics of the demolition with the applicant. A bond or letter of credit would be provided by the applicant to the City to guarantee the demolition of the Elks Lodge and accessory structures immediately after final map recordation.

**ENVIRONMENTAL REVIEW**
An Initial Study was prepared and a Mitigated Negative Declaration was adopted on October 25, 2007 by the Director of Planning and Community Environment for the project, including the Tentative Map. No further environmental review is required.

**PREPARED BY:**

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**DEPARTMENT HEAD:**

STEVE EMSLIE  
Director of Planning and Community Environment

**CITY MANAGER APPROVAL:**

EMILY HARRISON  
Assistant City Manager

**ATTACHMENTS**

A. Record of Land Use Action of Tentative Map Approval  
B. Final Map (Council Members Only)
COURTESY COPIES:
Jim Baer, Premiere Properties
Elaine Breeze, SummerHill Homes
Carlin Otto
Penny Ellson
Jean Olmsted
Denis Losé