

RESOLUTION NUMBER R-305579

DATE OF FINAL PASSAGE (JAN 26 2010

A RESOLUTION DENYING THE APPEAL AND APPROVING
VESTING TENTATIVE MAP NO. 433521, FOR THE PACIFIC
HIGHLANDS RANCH VILLAGE PROJECT – PROJECT
NO. 7029.

WHEREAS, Pardee Homes, a California Corporation, and Pacific Carmel AFG, LLC, a California limited liability company, Pacific Carmel MAG, LLC, a California limited liability company, Pacific Carmel RWJ, LLC, a California limited liability company and Pacific Carmel TMJ, LLC, a California limited liability company, collectively known as the Gonsalves Ownership as Subdivider/Applicant, and John Eardensohn, Engineer, submitted an application with the City of San Diego for a vesting tentative map, (Vesting Tentative Map [VTM] No. 433521, for the subdivision and development of a project with 294 residential units, 195,000 square-feet of commercial retail space, 20,000 square-feet of commercial office space, a proposed parcel for a future public library and a civic use area, with specific deviations to the requirements of the Land Development Code [LDC]. The project site is located at the northeast corner of Carmel Valley Road and Del Mar Heights Road in the CC-1-3 and Urban Village Overlay Zones of the Pacific Highlands Ranch Subarea Plan; and

WHEREAS, the Map proposes the subdivision of a 27.67-acre site into twenty-two lots: lots 1, 11 and 12 for commercial use; lot 8 for parking; lots 2, 3 and 4 for commercial use and parking; lots 6, 7, 14, 15 and 16 for residential use; lots 5, 9, 10, 13, 18 and 19 for mixed use; lot 17 for cinemas and commercial use; lot 20 for main street, village square and HOA; lot 21 for public library site and parking; and lot 22 for HOA; and

WHEREAS, a portion of the map is a subdivision condominium project as defined in section 1350 et.seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The number of residential condominium units in lot 5 and 6 is 67, in lot 7,9, and 10 is 63, in lot 13 is 1, in lot 14 is 75, in lot 15 is 41, in lot 16 is 26, in lot 18 is 14 and in lot 19 is 7. The total number of residential condominium dwelling units is 294; and

WHEREAS, the conclusions of the Findings to Master Environmental Impact Report [MEIR] No. 96-7918 included specific mitigation for the potential impacts resulting from the implementation of the project at the site, as also included in the MEIR No. 96-7918. The MEIR No. 96-7918 addressed impacts to biological resources and instituted the appropriate mitigation. Therefore, the potential impacts associated with the proposed project would be adequately addressed. No new mitigation set will be required for the proposed project and the mitigation in the MEIR No. 96-7918 will mitigate all impacts to below a level of significance; and

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

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 294; and

WHEREAS, the Subdivider will continue to be required to underground any new service run to the proposed structures within the subdivision; and

WHEREAS, on October 15, 2009, the Planning Commission of the City of San Diego considered VTM No. 433521 and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written

and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; 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 of the City of San Diego to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the City Council of the City of San Diego was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on January 26, 2010, testimony having been heard, evidence having been submitted, and the City Council of the City of San Diego 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 VTM No. 433521:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)). The proposed uses of the lots shown on the VTM are consistent with the Pacific Highlands Ranch Subarea Plan which identifies these sites for a mixed-use development combining residential single family and multi-family market-rate housing and affordable housing, community serving commercial and retail space in a mixed-use village core with a retail/employment/office center, a library, transit center; a village urban core, civic activities such as community meeting rooms, pedestrian plaza and town green and other on- and off-site infrastructure improvements. The project site is situated within the master planned community of Pacific Highlands Ranch. The proposed project is a master planned, mixed use residential/commercial development on a 27.67-acre site designated for Mixed-Use Community Commercial uses in the Pacific Highlands Ranch Subarea Plan. Further the design and implementation of the proposed project will achieve the goal, policies and objectives of the Pacific Highlands Ranch Subarea Plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b). The proposed development complies with the regulations of the CC-1-3 and Urban

Village Overlay Zones and site-specific development regulations for the property, as allowed through the approval of a Planned Development Permit. Five deviations are approved with the project and are described as follows: 1) Minimum side and rear yard setback; 2) Rear yard setback; 3) Ground floor use restrictions affecting parking and residential uses; 4) Building Height, and 5) Minimum lot width and street frontage. The proposed development complies with all relevant regulations of the LDC, as allowed through the approval of a Planned Development Permit. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 12852, Site Development Permit No. 433515 and Conditional Use Permit No. 628324. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the LDC.

3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)). The conclusions of several technical and scientific reports specifically concerned with determining the suitability of the site for the type and density of the proposed development concluded that in fact the site is suitable for both the type and density of the proposed project. The results of water and wastewater analysis, geotechnical, traffic analysis, water quality technical report and drainage and hydrology, and biology studies concluded individually the physical suitability of the site for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)). The conclusions of several technical and scientific reports specifically concerned with determining the suitability of the site for the type and density of the proposed development concluded that in fact the site is suitable for both the type and density of the proposed project. The results of water and wastewater analysis, geotechnical, traffic analysis, water quality technical report and drainage and hydrology, and biology studies concluded individually the physical suitability of the site for the type and density of the proposed development. In addition and more specifically the conclusions of the Findings to MEIR No. 96- 7918 included specific mitigation for the potential impacts resulting from the implementation of the project at the site, as also included in the MEIR No. 96-7918. The MEIR No. 96-7918 addressed impacts to biological resources and instituted the appropriate mitigation. Therefore, the potential impacts associated with the proposed project would be adequately addressed. No new mitigation set will be required for the proposed project and the mitigation in the MEIR No. 96-7918 will mitigate all impacts to below a level of significance. Therefore, the subdivision or the proposed improvements will not likely cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)). The proposed subdivision will construct

necessary sewer and water facilities to serve the residents and occupants of the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance; will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The subdivision will also provide for the health, safety, and welfare of the residents and occupants by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed 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 (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)). There are no existing easements acquired by the public at large for access through of use of property within the subdivision, therefore there will be no affects to the public with regard to any rights to pass across or for use of the property within the subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1). The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in the subdivision design, include the design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes. In providing for future passive or natural heating or cooling opportunities in the design of the proposed subdivision, consideration will be given to the local climate, to landform contours, to the configuration of the parcels to be divided, and to other design and improvement requirements, and such provisions will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and technological, environmental and social factors.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3). The proposed subdivision will provide 294 dwelling units. These dwelling units will assist the City in meeting the housing needs of the City, and region, which has determined to be experiencing a housing crisis. Additionally, the development of these 294 dwelling units will be balanced against their need for public services and available fiscal and environmental resources through the payment of property

taxes, utility charges, economic stimulus effects, and diversity of contributions. Further, the Subdivider has entered into a Master Affordable Housing Agreement with the San Diego Housing Commission which addresses the Pacific Highlands Ranch Subarea and will enter into a subsequent agreement specifically for the proposed project, thus affordable housing will continue to be provided by the development of new housing in the subarea and will further the goals of providing housing to a wide spectrum of citizens to enhance and further the goals of the city of San Diego. All necessary public facilities within the subarea will be provided as planned in the public facilities financing plan. The decision maker has determined the proposed subdivision and resulting development will balance the needs of the region with the fiscal and environmental resources of the City, region, state, and country.

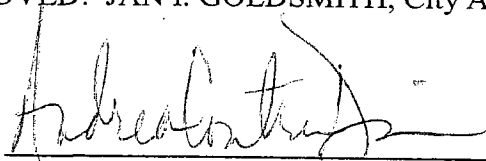
9. That said Findings are supported by the minutes, map(s), and exhibits, all of which are herein incorporated by reference. The said findings stated above are supported by the drawings, design guidelines, subarea plan, and all other relevant documents and reports used in the review process for evaluating the proposed subdivision and are a part of the official record for these decisions.

BE IT FURTHER RESOLVED, that the appeal filed by Dean and Karen Dubey, is denied, the decision of the Planning Commission is upheld, and the Vesting Tentative Map is granted by the City Council of the City of San Diego.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council of the City of San Diego, Vesting Tentative Map No. 433521, is hereby granted to Pardee Homes, a California Corporation, Subdivider/Applicant, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
01/29/10
03/04/10 REV.COPY
Or.Dept:DSD
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CONDITIONS FOR TENTATIVE MAP NO. 433521

PACIFIC HIGHLANDS RANCH VILLAGE PROJECT NO. 7029

ADOPTED BY RESOLUTION NO R4305579 ON JANUARY 26, 2010

GENERAL

1. This Vesting Tentative Map will expire January 26, 2013.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to recording the Final Map, unless otherwise noted.
3. Prior to recording the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 12852, Site Development Permit No. 433515 and Conditional Use Permit No. 628324.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. The Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

PLANNING

6. The Subdivider shall record a public access easement over all of Lots 20, 21 and 22.

ENGINEERING

7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.

8. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is private and subject to approval by the City Engineer.
9. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for a portion of the private drainage system within the public right of way that connects to the existing 60 inch RCP pipe.
10. This subdivision is in a community plan area designated in the General Plan as "Planned Urbanizing". As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of the final map, the Subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment [FBA] or such other means as may have been established by the City Council.
11. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order number and Drawing number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of sub-drains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
12. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to recording the Final Map, unless otherwise noted.
14. The Subdivider is permitted to file up to five final maps. The Subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
15. The Subdivider has reserved the right to record multiple final maps over the area shown on the approved Vesting Tentative Map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the Vesting Tentative Map the Subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.

16. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.
17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
18. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual, known as Document No. 297376, filed November 25, 2002, and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 by Resolution R-296141, satisfactory to the City Engineer. This may require, but not be limited to, installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
19. The Subdivider shall underground existing and/or proposed public utility systems and service facilities within the subdivision in accordance with the San Diego Municipal Code.
20. 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.
21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
23. "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."
24. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTEWATER

25. Prior to issuance of an engineering permit for public improvements, the Subdivider shall provide an acceptable sewer study, satisfactory to the Director of Public Utilities, for all proposed public sewer facilities in accordance with the City of San Diego's current sewer design guide to determine appropriate sewer facilities needed to serve this development and for the drainage basin in which it lies, and to show that the proposed public sewer facilities will have adequate capacity and cleansing velocities.
26. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

27. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
28. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.
29. The Subdivider shall provide evidence, satisfactory to the Director of Public Utilities, indicating that each building/dwelling unit will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one unit.
30. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
31. Provide an Encroachment Removal Agreement for and prior to proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public right-of-way or public easement.
32. No structures or landscaping that would inhibit vehicular access will be installed in or over any sewer easement. No shrubs more than 2 feet in height at maturity are allowed within any sewer easements. No trees are allowed within 10 feet of any Public Sewer Mains or Sewer Laterals. No pressurized landscape irrigation mains or electrical facilities are allowed within any Sewer Easements.
33. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a General Utility Easement must be dedicated for the exclusive use of the City of San Diego or the Public Utilities Department. Other agencies will require separate easements.

WATER

34. The Subdivider shall design and construct all public water facilities as required in the accepted water study for this project, necessary to serve this development in a manner satisfactory to the Director of Public Utilities and the City Engineer. Water facilities, as shown on the approved vesting tentative map, will require modification based on the accepted water study and final engineering.

35. The Subdivider agrees to design and construct all proposed public water facilities, including services and meters, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on the approved vesting tentative map Exhibit "A", shall be modified at final engineering to comply with standards. Proposed facilities that do not meet the current standards shall be private.
36. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
37. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenances, meters; blow offs; valves; fire hydrants; et cetera, for all public water facilities that are not located within fully improved public right-of-ways, satisfactory to the Director of Public Utilities. Easements shall be located within singles lots, when possible, and not split longitudinally. Vehicular access roadbeds shall be a minimum of 20-feet wide and surfaced with suitable approved material satisfactory to the Director of Public Utilities and the City Engineer.
38. Grants of water easements shall have a the following minimum widths: water mains with no appurtenances including valves shall be 15 feet-wide; water mains with services or fire hydrants shall have 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs or rolled curbs shall have protective posts. Easements, as shown on the approved vesting tentative map, will require modification based on standards and final engineering.
39. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
40. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
41. For any portion of the subdivision which will have gated access, then the Subdivider shall provide keyed access to the Water Operations Division of the Water Department in a manner satisfactory to the Director of Public Utilities. The City will not be responsible for any issues that may arise relative to the availability of keys.

GEOLOGY

42. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's "Technical Guidelines for Geotechnical Reports."

TRANSPORTATION

43. Prior to recording the first final map, the Subdivider shall assure by permit and bond the construction of Carmel Valley Road from SR-56 to Subarea IV/Torrey Highlands boundary as a six lane/four lane modified major street. The Subdivider shall dedicate 146' of right-of-way and shall provide a minimum of 126 of curb-to-curb distance, curb, gutter and 5-foot wide sidewalk within a 10-foot curb-to-property line distance then transitioning to a minimum curb-to-curb width of 102 feet within 128 feet of right-of-way east of Del Mar Heights Road, satisfactory to the City Engineer.
44. Prior to recording the first final map, the Subdivider shall assure by permit and bond the modification of the traffic signal at the intersection of Carmel Valley Road/Street "A," satisfactory to the City Engineer.
45. Prior to recording the first final map, the Subdivider shall assure by permit and bond the modification of the traffic signal at the intersection of Village Center Loop Road/Driveway "E," satisfactory to the City Engineer.
46. Prior to recording the first final map, the Subdivider shall assure by permit and bond the modification of the traffic signal at the intersection of Village Center Loop Road/Street "C," satisfactory to the City Engineer.
47. Prior to recording the first final map, the Subdivider shall assure by permit and bond the construction of Street "A" as a four lane modified urban collector street. The Subdivider shall dedicate 114 feet of right-of-way and shall provide a minimum of 84 feet curb-to-curb distance, curb, gutter and 15-foot wide sidewalk within 15-foot curb-to-property line, satisfactory to the City Engineer.
48. Prior to recording the first final map, the Subdivider shall assure by permit and bond the construction of Street "B" as a two lane modified urban collector street. The Subdivider shall dedicate 99 feet of right-of-way and shall provide a minimum of 69-foot curb-to-curb distance, curb, gutter and 15-foot wide sidewalk within 15-foot curb-to-property line, satisfactory to the City Engineer.
49. Prior to recording the first final map, the Subdivider shall assure by permit and bond the construction of Street "C" as a two lane modified urban collector street. The Subdivider shall dedicate 99 feet of right-of-way and shall provide a minimum of 69 feet curb-to-curb distance, curb, gutter and 15-foot wide sidewalk within 15-foot curb-to-property line, satisfactory to the City Engineer.

PLANNING COMMISSION

50. Prior to recording a final map for Unit 4 or Unit 5, the Subdivider shall indicate on the final map a 10-foot wide reciprocal pedestrian access easement, located between Unit 4 and 5, extending from Private Driveway "D" to the subdivision boundary. The easement shall allow for a 5-foot wide walkway and landscaping.

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- 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 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.