

RESOLUTION NUMBER R- 305967

DATE OF FINAL PASSAGE JUN 29 2010

A RESOLUTION GRANTING VESTING TENTATIVE MAP
NO. 723238 AND EASEMENT ABANDONMENT NO. 723239
FOR THE MERCADO DEL BARRIO PROJECT NO. 203874

WHEREAS, the Redevelopment Agency of the City of San Diego, a public body corporate and politic, and Shea Mercado, LLC, a California limited liability company, Applicants/Subdividers, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for a vesting tentative map [VTM No. 723238] and easement abandonment [Easement Abandonment No. 723239] for a mixed-use development that includes 92 multi-family residential units, of which 91 for rent units will be set aside for households with an income at or below 30 to 60 percent of the Area Median Income [AMI], known as the Mercado del Barrio project [Project], located at 1135 Cesar E. Chavez Parkway on a vacant 6.8 acre site that encompasses a two block area between Cesar E. Chavez Parkway (formerly Crosby Street) and Dewey Street, and National Avenue and Main Street in the Redevelopment Subdistrict (Mercado District) of the Barrio Logan Planned District, the Barrio Logan Redevelopment Project Area, the Coastal Overlay Zone (Non-Appealable Area 2), the Transit Area Overlay Zone, the Barrio Logan Harbor 101 Community Plan Area, and the Federal Aviation Administration [FAA] Part 77 Noticing Area of San Diego International Airport [SDIA] and North Island Naval Air Station [NAS];

The project site is legally described as Parcels 1 through 9, inclusive of Parcel Map No. 18810, in the City of San Diego, County of San Diego, State of California, filed in the Office of

the County Recorder of San Diego County, October 4, 2001 as Instrument No. 20001-0718068 of Official Records.

Together with that portion of Newton Avenue (formerly "N" Street) as dedicated per Mannasse & Shilter's Subdivision of Pueblo Lot 115, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870, as vacated by Resolution No. 295465, recorded December 24, 2001 as Instrument No. 01-0949601 of Official Records, described as follows:

Beginning at the most Easterly Corner of Block 95 of said Map No. 209; Thence along the Southwesterly Line of Newton Avenue as dedicated per Map No. 209, North 50 degree 39'34" West, 150.31 feet to the most Northerly Corner of Lot 30 of said Block 95; Thence leaving said Southwesterly Line, North 29 degrees 20'26" East, 40.00 feet to the centerline of Newton Avenue; Thence along said centerline, North 50 degrees 39'34" West, 25.12 feet; Thence North 39 degrees 20'26" East, 40.00 feet to the most Southerly Corner of Lot 17 Block 129 of said Map No. 209, said point being on the Northeasterly Line of Newton Avenue; Thence along said Northeasterly Line, South 50 degrees 39'34" East, 175.36 feet to the most Southerly Corner of said Block 129; Thence along the Southwesterly Prolongation of the Northwesterly Line of Dewey Street, South 39 degrees 17'37" West, 10.20 feet to the beginning of tangent 70.00 foot radius curve, concave to the East; Thence Southwesterly, Southerly and Southeasterly along said curve, through a central angle of 89 degrees 58'54" an arc distance of 109.93 feet to a point of cusp with said Southwesterly Line of Newton Avenue, being also on the Northeasterly Line of Parcel 1 of Parcel Map No. 17172, filed in the Office of the County Recorder of said San Diego County; Thence along said Northeasterly and Southwesterly Line, North 50 degrees 41'17" West, 9.98 feet to an angle point in said Northeasterly Line of Parcel 1; Thence

continuing along said Northeasterly Line and its Northwesterly Prolongation, North 50 degrees 31'08" West, 60.00 feet to the Point of Beginning; and

WHEREAS, the Map proposes the subdivision of a 6.8-site into eleven lots for a mixed-use development; including one condominium lot of 92 residential units, and three condominium lots of 17, 6, and 1 commercial units, respectively; 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, lots 1, 2, 3, and 4 of this subdivision are condominium projects as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The number of commercial condominium units is 24 and the number of residential condominium units is 92. The total number of condominiums units is 116; and

WHEREAS, on May 20, 2010, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 723238 and Easement Abandonment No. 723239, and pursuant to Resolution No. 4592-PC, the Planning Commission voted to recommend City Council approval of the vesting tentative map [Vesting Tentative Map No. 723238] and easement vacation/abandonment [Easement Abandonment No. 723239]; 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, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on JUN 29 2010, the City Council of the City of San Diego considered Vesting Tentative Map No. 723238 and Easement Abandonment No. 723239 and pursuant to San Diego Municipal Code sections 125.0440 and 125.1040 and Subdivision Map Act section 66474, received for its consideration written and oral presentations, evidence, and testimony from all interested parties at the public hearing, 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 Vesting Tentative Map No. 723238 and Easement Abandonment No. 723239:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The proposed Project is located on a vacant 6.8 acre site within the Redevelopment Subdistrict (Mercado District) of the Barrio Logan Planned District [BLPD], the Barrio Logan Redevelopment Project [RDP] Area, the Coastal Overlay Zone (Non-Appealable Area 2), the Transit Area Overlay Zone, the Barrio Logan Harbor 101 Community Plan Area, and the Federal Aviation Administration [FAA] Part 77 Noticing Area of San Diego International Airport [SDIA] and North Island Naval Air Station [NAS]. The project is a mixed-use development that includes 92 multi-family residential units, of which 91 units will be set aside for households with an income at or below 30 to 60 percent of the AMI with one market rate manager unit. The Project's residential units will be wrapped around a two and one-half story above-grade parking structure with 219 parking spaces. The project also includes an additional 209 surface parking spaces; 35,890 square-feet of general commercial or grocery uses (Northgate Market); 34,555 square-feet of retail uses; 13,865 square-feet of restaurant uses with 2,325 square-feet of outdoor seating; 2,790 square-feet of shopkeeper units included in the residential unit count; a 445 square foot apartment leasing office; and other on- and off-site infrastructure improvements. As a component of the Project, a portion of the Project will utilize renewable energy technology (i.e., photovoltaic) and pursue U.S. Green Building Council's Leadership in Energy and Environmental Design [LEED] certification or the equivalent, thus meeting the requirement of Council Policy 900-14, the City's Sustainable Building Policy.

The Project is located within the Mercado District portion of the Barrio Logan RDP area, which was approved in 1991. The purpose of the RDP is to eliminate blight conditions, and to facilitate the rehabilitation of buildings, the preservation of significant historic properties, and the planning

and redesign of stagnant or underutilized areas. Other goals of the RDP include obtaining participation of owners and tenants in the revitalization of their properties, providing low-and moderate-income housing, and providing new commercial and office opportunities. The Project as proposed accomplishes these RDP goals and objectives.

Therefore, the Project and the proposed subdivision are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

The Project is consistent with the anticipated land uses for the Mercado District, which assumed mixed-use residential and commercial development in close proximity to employment centers, medical facilities and transit opportunities. In accordance with the Mercado District development standards, the floor area ratio [FAR] for the commercial use is capped at 1.5 FAR, and the residential use may not exceed 53 dwelling units [DU] per acre assuming the Affordable Housing Density Bonus Program. The Project is proposing a 1.05 total FAR for the residential plus commercial uses, and 13.5 DU per acre based on the total acreage of 6.8 acres.

While the Project complies with the majority of the development regulations of the applicable zone, there are requested deviations that result in a more economically viable and desirable project than would be achieved if designed in strict conformance with the regulations. The Project as proposed complies with applicable regulation of the Barrio Logan Redevelopment Subdistrict relative to land use, FAR, setbacks, parking, pedestrian access, fire and emergency access, and accessibility for persons with disabilities as provided in SDMC Chapter 15, Article 2 [BLPD], Division 3 (Zoning and Subdistricts) and Division 4 (General and Supplemental Regulations). As stated in SDMC section 126.0601, the Planned Development Permit [PDP] process allows “an applicant to request greater flexibility from the strict application of the regulations . . . to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.” The requested deviations are outlined in the findings specific to the PDP.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed project is located on a vacant 6.8 acre site, bounded by National Avenue to the east, Main Street to the west, Cesar E. Chavez Parkway to the north and Caltrans and Coronado Bridge right-of-way to the south, and is within the Redevelopment Subdistrict (Mercado District) of the BLPD, the Coastal Overlay Zone (Non-Appealable Area 2), the Barrio Logan RDP Area, the Transit Area Overlay Zone and the Barrio Logan Harbor 101 Community Plan Area. The mixed-use project as proposed is consistent with the planned use and density as provided in the Mercado District of the Barrio Logan RDP.

The Project is surrounded by a variety of uses, including industrial, commercial, and housing. North of the Project site is a combination of existing uses, including residential, commercial and

office. South of the Project is the Caltrans and Coronado Bridge right-of-way. The Mercado Apartments are located just south of the bridge, and are within walking distance of the development site. East of the Project is a vacant lot planned for commercial use and an existing institutional facility currently occupied by the community college. West of the Project is the vacant parcel to be developed by the San Diego Community College for a continuing education center. The Project as proposed supports and compliments these uses and the community by providing retail opportunities and affordable housing.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The Project will not adversely affect environmentally sensitive lands. Although the development site is currently vacant, it was previously fully developed with a mixture of light and heavy industrial structures and three single family residences. All previously existing structure were demolished in 1995, and the tenants relocated. The site currently has disturbed and bare soil overgrown in areas with ruderal weeds, and scattered debris. Addendum No. 203874 to Environmental Impact Report [EIR] No. 90-0133/ SCH No. 90010287 has been prepared for the project in accordance with Section 15164 of the State of California Environmental Quality Act [CEQA] Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which would reduce, to a level below significance, some of the potential impacts identified in the environmental review process. Therefore, the proposed subdivision and associated improvements are not likely to cause substantial environmental damage or substantially and avoidably 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 (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The Project as proposed complies with applicable regulation of the Barrio Logan Redevelopment Subdistrict relative to land use, FAR, setbacks, parking, pedestrian access, fire and emergency access, accessibility, and architectural design as defined in SDMC Chapter 15, Article 2 [BLPD], Division 3 (Zoning and Subdistricts) and Division 4 (General and Supplemental Regulations). Other than the requested deviations so as to achieve an economically viable affordable housing development, the Project complies with the applicable regulations of the SDMC.

The Project is also pursuing U.S. Green Building Council's Leadership in Energy and Environmental Design [LEED] certification or the equivalent through design measures that accommodate renewable energy, water conservation building and landscape techniques, such as high efficiency irrigation technology and drought tolerant native plants. The Project will also divert construction waste from disposal, optimize energy performance, incorporate recycled content and provide innovative design techniques and methods to promote sustainable measures. These design features of the project could help reduce the dependence on fossil fuels and improve air quality.

Project and permit conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of persons residing, working and

recreating in the surrounding area. The proposed project will be required to obtain building permits to show that project construction will comply with all applicable Building and Fire Code requirements. Therefore, the proposed development 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The Project design of the subdivision has been developed to accommodate an existing 60-foot wide sewer easement that runs along the alignment of vacated Newton Street. This easement will be retained, and the subdivision improvements have been designed to accommodate the easement restrictions. There are two 20-foot wide general utility easements that are proposed to be vacated, since the former rights-of-way have been vacated and the former facilities and uses that it served are now demolished from the site. Therefore, the design of the subdivision and 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.

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

The Project is pursuing U.S. Green Building Council's LEED certification or the equivalent through design measures that accommodate renewable energy, water conservation, and green building and landscape techniques, such as high efficiency irrigation technology and drought tolerant native plants. As a component of the Project, ninety percent of the residential units have been designed in a way to promote natural cross ventilation. In addition, the Project will incorporate cool pavements and trees and shade structures. An Energy Star "cool roof" will be included that will support domestic hot water solar collectors and photovoltaic panels. A portion of the project will utilize renewable energy technology (i.e., photovoltaic). Based on shade studies of the development site, the optimal location would be photovoltaic's on the Building "A" roof. These design features of the project could help reduce the dependence on fossil fuels and improve air quality. Through these design measures, the Project would be consistent with Council Policy 900-14, the City's Sustainable Building Policy. Based on the foregoing, the Project provides for future passive and 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The Project is a mixed-use development that includes 92 multi-family residential units, of which 91 units will be set aside for households with an income at or below 30 to 60 percent of the AMI and one manager unit at market rate. The Project advances the City's inclusionary housing goals and supports the City's policy to "identify locations appropriate for Urban Villages and mixed use developments incorporating housing as well as employment and retail uses." As an infill

development, the Project ties into existing infrastructure in accordance with the Barrio Logan RDP, and consistent with the findings of the Barrio Logan RDP EIR and subsequent amendments.

The Project implements the goals and complies with the recommendations of the Barrio Logan RDP, Barrio Logan Harbor 101 Community Plan, Planned Development Permit and approved deviations, the San Diego Municipal Code, and the General Plan. The Project will provide necessary sewer and water facilities to serve the development site. Police service would be provided by the Central Area Station of the San Diego Police Department, located at 801 West Market Street. Fire protection would be provided by the City of San Diego Fire Department that maintains a station, Fire Station No. 7, adjacent to the Project at 944 Cesar E. Chavez Parkway. These facilities are adequate to serve the build-out population. Therefore, the proposed subdivision provides needed affordable housing for the region, and the provision of housing in the area is balanced by the provision of public services and the available fiscal and environmental resources.

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

BE IT FURTHER RESOLVED, that two 20-foot wide general utility and access easements indentified on Parcel Map No. 18810, located within the project boundaries as shown in Vesting Tentative Map No.723238, shall be abandoned, 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:

- 1. 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.**

The Project proposes the abandonment of two existing 20 foot general utility and access easements that originally serviced properties that were formerly occupied by residential and industrial uses. The referenced general utility easements were placed over the alleys, which have been subsequently vacated by separate action. The Project site is currently vacant, all pre-existing structures were demolished in 1995, and there is no present or prospective use for the existing utility easements in their current alignment.

2. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

The action of vacating the public utility easements will improve the utilization of the land made available by the abandonment because it will allow the land to be used for a mixed-use residential and commercial development that will provide affordable housing and retail uses and eliminate the blighted conditions of the property. Appropriate utility easements will be established so as to provide the necessary services to the development site and its users.

3. The abandonment is consistent with any applicable land use plan.


The proposed vacation will not adversely affect the applicable land use plan. The Project as proposed connects with existing infrastructure in accordance with the Barrio Logan RDP, and consistent with the findings of the Barrio Logan RDP EIR and subsequent amendments.

4. 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.

The public facility for which the public easement was originally acquired will not be detrimentally affected by the abandonment because the former rights-of-way have been vacated and the former facilities and uses that they served are now demolished from the site; therefore, the subject easements are no longer needed. Upon review of the information received, Cox Communications, AT&T, and SDG&E have facilities within the proposed easement abandonment area and have expressed the desire for either reservation over the facilities or coordination with them to relocate these facilities. The Project representatives will coordinate with Cox Communications, AT&T, and SDG&E to accommodate future facilities to the project site.

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. 723238 and Easement Abandonment No. 723239 are hereby granted to the Redevelopment Agency of the City of San Diego and Shea Mercado, LLC, Applicants/Subdividers, and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:js
05/27/2010
Or.Dept:DSD
R-2010-860
MMS#12275

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 723238
AND EASEMENT ABANDONMENT NO. 723239

MERCADO DEL BARRIO - PROJECT NO. 203874 [MMRP]

ADOPTED BY RESOLUTION NO. R-305967 ON JUN 29 2010

GENERAL

1. This Vesting Tentative Map will expire on JUN. 29, 2013.
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 to merge and resubdivide the existing parcels into eleven (11) lots for a mixed-use development; including one (1) condominium lot of 92 residential units, and three (3) condominium lots of 17, 6, and 1 commercial units respectively, 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 Final Map shall conform to the provisions of Coastal Development Permit No. 723231, Planned Development Permit No. 723233, and Site Development Permit No. 723237.
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, review, 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 promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

7. The project is subject to the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the SDMC). The project includes 91 units that will be set aside for households with an income at or below 30 to 60 percent of the Area Median Income [AMI]. The project will also be subject to an Agreement with the City of San Diego Redevelopment Agency, which includes deed restrictions equivalent or more stringent than the City's Inclusionary Affordable Housing Regulations. The Inclusionary Affordable Housing Regulations are not cumulative to (or in addition to) the Agreement with the City of San Diego Redevelopment Agency. In the event that the project does not fulfill the terms of the Redevelopment Agency restrictions due to default, foreclosure, cancellation, or dissolution of the Redevelopment Agency participation or for any other reason(s) prior to their satisfaction, the inclusionary affordable requirements of the SDMC will apply to the project. In such event, the project owner will be required to enter into an affordable housing agreement and deed of trust with the San Diego Housing Commission to provide 10 percent of the units as affordable on-site; an in-lieu fee option will not be available.

ENGINEERING

8. 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.
9. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
10. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
11. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
12. 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.
13. 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.

14. All driveways and curb openings shall comply with City Standard Drawings G-14A G-14B, G-16 and SDG-100.
15. The drainage system outside the public right-of-way proposed for this subdivision, as shown on the approved vesting tentative map, is private, shall be privately maintained and subject to approval by the City Engineer.
16. 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 No. and Drawing No. 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 subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
17. Prior to the recordation of the Final map, the applicant shall provide recorded copies of grant deeds that show and describe the new location of public utilities on the subject private property, which public utilities include those owned by SDG&E, AT&T, and Cox Communications.
18. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
19. 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.
20. 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.

MAPPING

21. A building restricted easement shall be granted over all of Lot 11.

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 [NAD83].
23. "California Coordinate System of 1983" [CCS83] means the system of plane coordinates as defined and described in Section 8801 *et. seq.* of the California Public Resources Code. The specified zone for San Diego County is Zone 6, and the official datum is the NAD83.
24. The Final Map shall:
 - a. Use the CCS83 for its Basis of Bearings 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. The Basis of Bearings may be established 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 Horizontal Control stations shall be shown in relation to the CCS83 (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/ WATER

25. Prior to connecting to any existing sewer lateral, the lateral shall be inspected using a closed-circuit television (CCTV) by a California Licensed Plumbing Contractor to verify the lateral is in good working condition and free of all debris. Utilization of existing sewer laterals is at the sole risk and responsibility of the Subdivider to ensure the laterals are functional and connected to a public sewer facility.
26. Prior to the issuance of any building permits, the Subdivider shall provide evidence, satisfactory to the Public Utilities Department Director, indicating that each lot will have its own sewer lateral or provide recorded CC&R's for the operation and maintenance of onsite private sewer facilities that serve more than one lot/ownership.
27. Prior to the issuance of any building permits, appropriate public improvement plans for the rerouting of the sewer facilities must be approved and the improvements constructed in conformance with the established criteria in the City of San Diego Sewer Design Guide, to the satisfaction of the Public Utilities Director. The existing sewer easements will be required to be abandoned through the City's abandonment process (D sheets).
28. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service

adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

29. Prior to the issuance of any building permits, the Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
30. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be completed and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
31. The Subdivider shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide and City regulations, standards and practices.
32. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
33. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.
34. No shrubs that could exceed three feet in height at maturity may be located within 10 feet of any sewer main or within access easements.

ENVIRONMENTAL

35. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
36. The mitigation measures specified in the MMRP and outlined in Addendum No. 203874 to Environmental Impact Report No. 90-0133/ SCH No. 90010287, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
37. The Owner/Permittee shall comply with the MMRP as specified in Addendum No. 203874 to Environmental Impact Report No. 90-0133/ SCH No. 90010287 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Transportation/Traffic Circulation
Noise

Historical Resources (Cultural Resources/Archaeology)
Paleontological Resources
Health and Public Safety (Risk of Upset)

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 in accordance with San Diego Municipal Code § 142.0607.