

RESOLUTION NUMBER R- 308792

DATE OF FINAL PASSAGE MAR 04 2014

ITEM # 331
SUB-B
3/4/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 1047193 FOR ELMS & IVY AND RELATED PUBLIC RIGHT-OF-WAY AND EASEMENT VACATIONS – PROJECT NO. 296644.

WHEREAS, Taylor Morrison of California, LLC., Subdivider and Owner/Permittee, submitted an application to the City of San Diego for Vesting Tentative Map No. 1047193 for the Elms & Ivy residential subdivision, including Public Right-of-Way Vacation and Easement Vacations; and

WHEREAS, the project site is located north and south of State Route 56 (SR-56), east of the Carmel Valley Road exit, and west of the Rancho Santa Fe Farms Road exit. The northern portion of the project is more specifically southeast of the Carmel Valley Road and Lopelia Meadows Place intersection, while the southern portion is southeast of Morning Glory Way and west of Caminito Mendiola, within the Pacific Highlands Ranch Community, within the City and County of San Diego. The property is legally described as Parcel 2 of Parcel Map No. 12337; and

WHEREAS, the Map proposes the Subdivision of a 30.44-acre site with 147 residential lots for 146 single family market rate units and one lot for 28 multi-family affordable housing units; and

WHEREAS, the City of San Diego, as Lead Agency, through the Development Services Department, made an Environmental Determination that the project would be consistent with Pacific Highlands Ranch (Subarea III) Subarea Plan in the NCFUA (LDR No. 96-7918/SCH

No. 97111077), which analyzed the impacts that would potentially result from development of the Subarea; 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, on January 23, 2014, the Planning Commission of the City of San Diego considered Vesting Tentative No. 1047193 and Public Right-of-Way Vacation and Easement Abandonment, 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, 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 March 4, 2014, the City Council of the City of San Diego considered Vesting Tentative Map No.1047193, and Public Right-of-Way Vacation and Easement Vacation, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0941, 125.1040 and Subdivision Map Act (Cal. Gov't Code section 66428), received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1047193:

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 subdivision and its design and improvements would be consistent with the Pacific Highlands Subarea Plan which designates the project site for peripheral residential development at a density range of 5 to 9 units per acre. The proposed development provides the recommended density and the associated improvements including public rights-of-way, utilities and amenities as prescribed by the 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 proposed subdivision complies with the residential and open space zones underlying the 30.44-acre site by providing a variety housing types including affordable housing. The project is requesting several deviations to the minimum setbacks, lot dimensions and retaining wall heights. The deviations are permitted with an approved Planned Development Permit; therefore, the proposed subdivision would comply with the applicable zoning.

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 Pacific Highlands Ranch designates the project site for peripheral residential development with a maximum density of 234 residential units. The project seeks to develop the 30.44-acre site with 174 units and has transferred the additional 57 units to the Village at Pacific Highlands Ranch project. The site is physically suitable for the reduced density and will provide private lot ownership, and infrastructure including water, sewer, storm water and public and private streets. The project site was previously graded in anticipation of future development and has existing access from a dedicated public right-of-way on Carmel Mountain Road. The project also provides recreational amenities including linear parks, green space and an urban trail system. Therefore, the site is physically suitable for the proposed 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 (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).** The design of the subdivision preserves and protects natural biological and wetland resources on the site through mitigation, permit conditions and established buffer zones. Therefore the design of the subdivision and the proposed 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 improvement 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 development as currently designed will not be detrimental to the public health, safety, and welfare. The development, together with the existing surrounding development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the Pacific Highlands Ranch Subarea Plan has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The development will

construct necessary sewer and water facilities to serve the residents and occupants. The development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance. The development will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. All structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The development has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a proposed development which does not adversely affect 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 design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer. All easements granted to the City over the property have been left in place or have been relocated and improved in a manner that allows for public access that is better than access formerly provided by the unimproved easements, as reflected on the Vesting Tentative Map.

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 design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Each structure 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The proposed project is the subdivision of a 30.44-acre parcel for residential development. The Pacific Highlands Ranch Subarea plan requires new development to provide housing on site to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The proposed development provides 20 percent (28) multi-family residential units for a minimum of 55 years as conditioned by the San Diego Housing Commission. Balanced needs for public facilities were taken into consideration with the development of the Subarea Plan and the projected build-out with the applied zone designations. The subdivision of this parcel into residential lots is

consistent with what was anticipated in the community plan. Environmentally Sensitive Lands are also present on the site. The project design has taken into account the best use of the land to minimize grading and preserve sensitive lands. The project proposes to mitigate onsite through the preservation of 2.08-acres that would be placed within a covenant of easement in favor of the City of San Diego and wildlife agencies. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation 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 addition of 146 residential lots for private development is consistent with the housing needs anticipated for the Pacific Highlands Subarea Plan.

9. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)). The project was not developed for the elderly or the disabled but does include an affordable housing element in compliance with the Pacific Highlands Ranch Subarea Plan. The project has been conditioned to include 28 affordable multi-family units on site and will be maintained with a declaration of covenants, conditions and restrictions (the "Declaration") in first priority position against the Affordable Housing Site, restricting the occupancy and affordability of the Affordable Housing Project for a period of fifty-five (55) years from the date of initial occupancy of the Affordable Housing Project. All Affordable Units shall be for occupancy by families earning no more than sixty-five percent (65%) of the Area Median Income, as adjusted for family size and utilities, and with rental rates that do not exceed thirty percent (30%) of sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities. The Declaration shall provide for the siting, mix and architecture of the Affordable Housing Project.

BE IT FURTHER RESOLVED, that portions of Black Mountain Road, a portion of a drainage easement and a utility easement located within the project boundaries as shown in Vesting Tentative Map No. 1047193 shall be vacated, contingent upon the recordation of the approved Final Map for the project, based on the following findings:

Easement Vacation Findings:

10. 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 easements to be are remnants that are no longer required for the purpose for which they were established. The draining easement will be replaced with the infrastructure of the proposed subdivision which provides storm drain systems and utilizes best management practices consistent with the City of San Diego Storm Water requirements. The utility easement access road will no longer be required as the utilities in the location are relocated as a part of the development. The easement will be replaced with a public right-of-way (Lopelia Meadows Place), pedestrian and bicycle trail system. Therefore, 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.

11. The public will benefit from the action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b)). Vacation of the easements will allow the development of the subdivision in a manner consistent with the Pacific Highlands Ranch Subarea Plan with the provision of 174 residential dwelling units including 28 affordable units and other urban amenities for the community at large. Additionally, vacating the easements will remove any liability associated with ownership of the easements from the City of San Diego.

12. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)). The project is located in the Pacific Highlands Ranch Subarea Plan which designates the 30.44-acre site for residential development. Vacating the remnant easements would allow the development of the subdivision in a manner consistent with the applicable land use plan.

13. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d)). All of the public facilities proposed to be vacation by this development are no longer required and the purpose for which they were originally required no longer exists. All of the easements have been or will be replaced as a part of this development.

Right-of-Way Vacation Findings:

14. There is no present or prospective use for the public right-of-way, either for the 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 § 125.0941(a)). Carmel Valley Road provides the right-of-way for which the Black Mountain Road right-of-way was originally acquired. Carmel Valley Road has been constructed and is currently in use by the public therefore the remnant portion of the Black Mountain Road right-of-way is no longer needed. The remnant portion of Black Mountain Road proposed to be vacated has no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

15. The public will benefit from the action through improved use of the land made available by the vacation. (San Diego Municipal Code § 125.0941(b)). The public will benefit from the vacation because the remnant portion of Black Mountain Road right-of-way is no longer required. The vacation will allow the development of the proposed subdivision that would benefit the public with the provision of 174 new residential dwelling units including 28 affordable units as well as urban amenities such as the proposed pedestrian and bicycle trail and linear green spaces for the community.

16. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c)). The proposed vacation would not adversely affect the applicable land use plan. The vacation would allow the development of the parcel with a


residential subdivision consistent with the land use and density of the Pacific Highlands Ranch Subarea Plan. The subarea plan designates the 30.44-acre site for peripheral residential development intended to provide housing opportunities in proximity to the town center and commercial services. Therefore, the vacation is necessary to disencumber the lot so development can occur on the site consistent with the applicable land use plan.

17. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation. (San Diego Municipal Code § 125.0941(d)). The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation because the Black Mountain Road right-of-way was previously replaced by Carmel Valley Road and the right-of-way is no longer required.

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. 1047193 including the Public Right-of-Way Vacation and Easement Vacation is hereby granted to Taylor Morrison of California, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Keely M. Halsey
Deputy City Attorney

KMH:als
02/14/14
Or.Dept:DSD
Doc. No.: 722559

CONDITIONS FOR VESTING TENTATIVE MAP NO. 1047193

THE ELMS & IVY –PROJECT NUMBER 296644

ADOPTED BY RESOLUTION NO. R- 308792 ON MAR 04 2014

GENERAL

1. This Vesting Tentative Map will expire on March 4, 2017.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. This Vesting Tentative Map No. 1047193 shall conform to the provisions of Site Development Permit No. 1047194, Planned Development Permit No. 1047195 and Neighborhood Use Permit No. 1238629.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, “Indemnified Parties”]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City’s approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify 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

6. The Owner/Permittee shall comply with the affordable housing requirements of the City’s North City Future Urbanizing Area Framework Plan and the Pacific Highlands Ranch Subarea Plan, which requires that the project provide 20 percent of the pre-density bonus units as affordable (the “Affordable Housing Requirements”).
7. Prior to recording the Final Map, the owner/permittee shall enter into a Master Affordable Housing Agreement (“Affordable Housing Agreement”), with the San Diego Housing Commission (“Housing Commission”) to detail and assure the construction and

occupancy of an "Affordable Housing Project" consisting of twenty-eight (28) units ("Affordable Units") to be constructed on Lot 147 (the "Affordable Housing Site"), as shown on the Vesting Tentative Map. The Affordable Housing Agreement shall include all of the provisions of this Section and such other and further conditions as shall be required by the President and CEO of the Housing Commission, or his designee ("President and CEO"), to assure satisfaction of the affordable housing requirements as referenced in this Permit and the Affordable Housing Program (attached to this Permit).

8. Prior to the issuance of any building permits, the Owner/Permittee shall execute and record a declaration of covenants, conditions and restrictions (the "Declaration") in first priority position against the Affordable Housing Site, restricting the occupancy and affordability of the Affordable Housing Project for a period of fifty-five (55) years from the date of initial occupancy of the Affordable Housing Project. All Affordable Units shall be for occupancy by families earning no more than sixty-five percent (65%) of the Area Median Income, as adjusted for family size and utilities, and with rental rates that do not exceed thirty percent (30%) of sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities. The Declaration shall provide for the siting, mix and architecture nature of the Affordable Housing Project.
9. Prior to the issuance of any building permits, the Owner/Permittee shall execute and record a deed of trust against the Affordable Housing Site, in second lien priority (junior only to the Declaration), assuring the timely performance of the Declaration and the Affordable Housing Agreement. The deed of trust in favor of the Housing Commission may be subordinated to construction deed of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the President and CEO in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Housing Project, upon such terms and conditions as she/he may impose.
10. Prior to the issuance of any building permits, the Owner/Permittee shall post performance security for the construction of the Affordable Housing Project, including without limitation, all onsite and offsite improvements, necessary to access and serve the Affordable Housing Project with all necessary utilities, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the President and CEO in her/his sole discretion.
11. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the President and CEO, shall be included in the Affordable Housing Agreement, provided that the following timetable is incorporated into the Affordable Housing Agreement:
12. Issuance of building permits for the Affordable Project shall occur on or before the earlier of:(A) the issuance of building permits for construction of the 73rd market rate dwelling unit; or (B) twenty-four (24) months after the issuance of the first residential building permit.
13. In no event shall the issuance of building permits for the construction of the 73rd market rate dwelling unit occur until building permits for construction of the twenty-eight (28)

affordable units are authorized by the City and are obtained by the Owner/Permittee. Further, if individual parcels are sold initially by Owner/Permittee without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building permit issued, in determining when the issuance of the building permit occurs for the 73rd market rate unit.

14. Completion of construction of the Affordable Project shall occur upon the earlier of either eighteen (18) months after the issuance of building permit for the Affordable Project as referenced in Paragraph 12, above; or Three and one-half years after the issuance of the first residential building permit.
15. Occupancy of the Affordable Project shall occur not later than one hundred eighty (180) days after the completion of construction as referenced in Paragraph 14, above.
16. For “good cause” shown to the satisfaction of the President and CEO, the thresholds and dates referenced herein may be adjusted and/or extended one or more times. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the President and CEO, in his/her sole discretion.
17. The successors, heirs and assigns of the Owner/Permittee shall enter into and execute such other and further documents as the President and CEO shall require, from time to time, as may be needed to effectuate the affordable housing requirements of this Site Development Permit and the Affordable Housing Program.

The Pacific Highlands Ranch Affordable Housing Program is attached to these Permit conditions and on file in the Office of the Development Services Department and is incorporated herein. The provisions of the Affordable Housing Program shall not in any way modify or change any provisions of the Affordable Housing requirements. To the extent that there is any inconsistency between the two, the terms of the permit conditions shall prevail.

ENGINEERING

18. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
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. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

22. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
23. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
24. The Final Map shall comply with the provisions of Site Development Permit No. 1047194 and Planned Development Permit No. 1047195.
25. All driveways and curb openings shall comply with City Standard Drawings SDG-160 and SDG-164B satisfactory to the City Engineer.
26. The drainage system proposed for this subdivision is subject to approval by the City Engineer.
27. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement (EMRA), for private drains from treatment BMPs connecting to public storm drain system in the public right-of-way.
28. 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.
29. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
30. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 in accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
31. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City
32. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on

February 26, 2002 (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.

33. 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

34. "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 (NAD83).
35. "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."
36. 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.

WATER & WASTEWATER

37. The Subdivider shall grant adequate water and sewer easements, including vehicular access to each appurtenances (meters, blow offs, valves, fire hydrants, man holes, etc.) for all public water and sewer facilities that are not located within fully improved public right-of-ways, satisfactory to the Public Utilities Director. Vehicular access roadbeds shall be a minimum of 24 feet wide unless shown otherwise and surfaced with suitable approved material satisfactory to the Public Utilities Director and the City Engineer.
38. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water and sewer 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.

39. 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 and Sewer Facility Design Guidelines and City regulations, standards and practices.

GEOLOGY

40. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
41. The subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING

42. The Subdivider shall maintain the connection from Elms & Ivy to Dandelion Way for pedestrian/non-vehicular and emergency access, as shown on the Exhibit "A" Vesting Tentative Map. The connection shall be designed as a two lane residential local, urban parkway configuration roadway to accommodate vehicular traffic should vehicular access be desired in the future.

LANDSCAPE/BRUSH MANAGEMENT

43. Prior to the recordation of the Final Map, the Subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and median improvements, and revegetation of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. The Owner/Subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.
44. Prior to recordation of the Final Map, the Owner/Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit 'A.' These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

TRANSPORTATION

45. Prior to the issuance of the first building permit, the subdivider shall comply with Phase Three of the Pacific Highland Ranch Transportation and Facility Phasing Plan for Carmel Valley Road between SR 56 and Del Mar Heights Road to the satisfaction of the City Engineer. Compliance may be demonstrated by assuring the improvements as defined in the Phase Three of the Pacific Highlands Ranch Transportation and Facility Phasing Plan.
46. Prior to the issuance of the first building permit, the subdivider shall comply with Phase Three of the Pacific Highland Ranch Transportation and Facility Phasing Plan for Carmel Valley Road between Del Mar Heights Road and Black Mountain Road to the satisfaction of the City Engineer. Compliance may be demonstrated by assuring the improvements as defined in the Phase Three of the Pacific Highlands Ranch Transportation and Facility Phasing Plan.
47. The Subdivider shall dedicate and shall assure by permit and bond the construction of Lopelia Meadows Place with 52 feet curb to curb with a 12 foot raised median in 66 feet right-of-way including a 12' parkway with noncontiguous 5 foot sidewalk, curb and gutter on the east side and a 2 foot parkway on the west side, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.
48. The Subdivider shall dedicate and shall assure by permit and bond the construction of Lopelia Meadows Place/Carmel Valley Road signalized intersection with a northbound left turn lane and a through/right turn lane and a single southbound lane, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.
49. The Subdivider shall dedicate and shall assure by permit and bond the construction of Streets A, B, C, D, E and Dandelion Way as residential streets with 30 feet curb to curb in 50 feet right-of-way including 10' parkways with noncontiguous 5 foot sidewalk, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.
50. For the Affordable Housing, a minimum of 53 off-street automobile parking (including 1 van and 2 accessible), 3 motorcycle, and 15 bicycle parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.
51. For the 146 single-family units, a minimum of 292 off-street automobile parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all parking stalls shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or

utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

52. Prior to the issuance of any building permit, the project shall demonstrate conformance with the Pacific Highlands Ranch Transportation Phasing Plan satisfactory to the City Engineer.
53. The Subdivider shall relinquish abutter's rights onto Carmel Valley Road, with the exception of Private Drive "G," to the satisfaction of the City Engineer.
54. The Subdivider shall relinquish abutter's rights onto State Route 56 to the satisfaction of the City Engineer.

MSCP

55. Prior to the recordation of the Final Map, the Subdivider shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Subdivider shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreement and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City and USFWS and CDFG. The Subdivider shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

INFORMATION:

- The approval of this Vested 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).

Passed by the Council of The City of San Diego on MAR 04 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 04 2014.

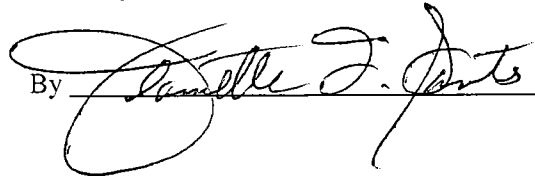
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308792