

RESOLUTION NUMBER R- 309506

DATE OF FINAL PASSAGE FEB 23 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 714401, PUBLIC RIGHT-OF-WAY VACATION, AND EASEMENT VACATION FOR ONE PASEO - PROJECT NO. 193036.

WHEREAS, Kilroy Realty Corporation, Subdivider, and Leppert Engineering, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map No. 714401, including public right-of-way and easement vacations for the One Paseo project; and

WHEREAS, the project consists of the construction of a phased mixed-use development encompassing a maximum of 1,454,069 square feet (sf) consisting of approximately 246,500 sf of commercial retail, approximately 492,840 sf of commercial office and approximately 714,729 sf of residential with a maximum of 608 multi-family for-sale units (Project); and

WHEREAS, the project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive with Interstate 5 approximately one quarter mile to the west and State Route 56 approximately one mile to the south; and

WHEREAS, the project site is legally described as Parcel 1 and 2 of Parcel Map No. 15061 and Parcel 2 of Parcel Map No. 19130 within the City of San Diego, County of San Diego, State of California; and

WHEREAS, the Map proposes the subdivision of a 23.6-acre site into 50 lots for residential and commercial use (5 residential, 13 retail, 3 office, 18 Property Owners Association (POA), 6 parking and 5 private driveways). Lots 11, 13, 14, 16, 18, 19, and 29 of this subdivision are commercial condominium projects as defined in Section 4125 of the Civil Code of the State

of California and are filed pursuant to the Subdivision Map Act. Lot 11 has 3 units, Lot 13 has 3 units, Lot 14 has 3 units, Lot 16 has 4 units, Lot 18 has 3 units, Lot 19 has 3 units, and Lot 29 has 10 units for a total of 29 commercial condominium units. Lots 12, 23, 24, 25, and 27 of this subdivision are residential condominium projects as defined in Section 4125 of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act. Lot 12 has 10 units, Lot 23 has 155 units, Lot 24 has 169 units, Lot 25 has 168 units, and Lot 27 has 106 units for a total of 608 residential condominium units; 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 October 16, 2014, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 714401, including public right-of-way and easement vacations, and pursuant to Resolution No. 4626-PC, the Planning Commission voted that the Project is good but was unable to recommend approval at that time based on eleven considerations; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, on January 27, 2015, the City Council of the City of San Diego considered Vesting Tentative Map No. 714401, Public Right-of-Way Vacation and Easement Vacation and pursuant to San Diego Municipal Code sections 125.0440, 125.0430, 125.0941, 125.1040, and

Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that pursuant to California Government Code section 66434 (g), the following public right-of-way and public service easement, located within the Project boundaries as shown on Tentative Map No. 714401, shall be vacated contingent upon the recordation of the approved final map for the Project:

- Del Mar Heights Place dedicated per Parcel Map No. 15061.
- 20-foot wide Water Easement granted per Parcel Map No. 15061.

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No.714401:

Tentative Map – SDMC Section 125.0440

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 into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

The City's General Plan identifies specific communities as distinct planning areas. The project site is within the Carmel Valley Community Planning Area which comprises approximately 4,300 acres east of the I-5 freeway and the Torrey Pines Community, west of the Communities of Pacific Highlands Ranch and Del Mar Mesa, south of the San Dieguito River Valley and north of Los Penasquitos Canyon and the Torrey Hills Community.

The Carmel Valley Community Plan is the City's adopted land use plan for the planning area. The community plan defers to neighborhood Precise Plans for specific land use recommendations. The Carmel Valley Employment Center Precise Plan was adopted in 1981 and covers the existing 118-acre business park located between the I-5 freeway and El Camino Real and south of Del Mar Heights Road which includes the project site. The Community Plan and Precise Plan designate the project site for use and development of an *Employment Center*. The

Carmel Valley Planned District Employment Center (EC) zone allows various employment related uses such as office, research, and manufacturing. The zone also allows for limited uses that support employment such as health clubs, onsite food services, and specifically within certain lots within the subject site, restaurants, and travel bureaus.

Approval of the development project and related permits also requires approval of land use plan amendments to eliminate the project's conflicts with current land uses applied to the site. The amendments and the development project are being processed concurrently.

Amendments are proposed to the Carmel Valley Employment Center Precise Plan to redesignate the site from *Employment Center* to *Community Village* and incorporate project design guidelines, implementation measures and other details related to the project. The draft amendment to the Precise Plan is formatted as a stand-alone document describing changes to the above plans and, if approved, will be incorporated into the Carmel Valley Employment Center Precise Plan by reference. The Precise Plan amendment also constitutes amendments to the Carmel Valley Community Plan and to the General Plan. The amendment to change the General Plan would change the land use designation from *Industrial Employment* to *Multiple Use* and change the Carmel Valley Community Plan land use designation from *Employment Center* to *Community Village*. A rezone is also proposed to implement the land use plan amendments. The Project includes an amendment to the Carmel Valley Planned District to create a new mixed-use zone, *Mixed-Use Center* (MC).

The proposed development will not adversely affect the applicable land use plans upon approval of the required land use plan amendments. An assessment as to how the proposed land use plan amendments achieve or conflict with policies of the General Plan, Carmel Valley Community Plan and Employment Center Precise Plan would include a review of applicable land use plans for goals, objectives, policies, and design guidelines that the project achieves or implements as well as identifying potential conflicts and/or inconsistencies. Both the project's Final Environmental Impact Report as well as the Planning Report's staff analysis are referenced as sources for review of applicable policies.

The project has been designed to implement the vision and goals of the General Plan's Strategic Framework Element, particularly the City of Villages Strategy. The City of Villages strategy is a departure from the suburban development model employed for many areas of the City by the 1979 General Plan. The General Plan states that "Over the last two centuries, San Diego has grown by expanding outward onto land still in its natural state. This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open lands. It establishes the strategic framework for how the City grows while maintaining the qualities that best define San Diego." Therefore, the General Plan's direction is to efficiently use the remaining developable land in the City consistent with the new policies of the Strategic Framework. The project proposes a mixed-use development of 1,454,000 square feet where 514,000 square feet could currently be permitted representing an efficient use of remaining developable land.

The Strategic Framework Element recommends mixed-use villages as a desirable development pattern, stating that "new policies have been created to support changes in

development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City's continued growth over the long term." Growth is to be focused into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system.

The project site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the community's town center across El Camino Real and residential neighborhoods to the north and northeast. As a relatively large, vacant property, the project site provides an infill development opportunity of a unique and distinctive, unifying, mixed-use village center for Carmel Valley. The project proposes to combine housing, shopping, employment and civic uses into a compact, self-contained, pedestrian-friendly community village that implements the vision of the General Plan.

A main goal of the Carmel Valley Community Plan is to establish a physical, social, and economically balanced community. The balanced community concept is met through identification of single-family and multi-family housing for a range of incomes, the provision of a relatively large employment center, and a town center neighborhood intended to serve as a community core with a mix of retail, office, higher density residential and an array of public uses. Each residential neighborhood is to contain a focal point that includes a school and/or neighborhood shopping center linked by pedestrian and bicycle trails. The Community Plan provides a framework for development and adoption of neighborhood plans through a precise plan process, including the timely provision of public facilities.

The project would further a physical, social and economically balanced community by combining residential, commercial and civic uses within a centrally-located village center. The Carmel Valley community is underserved by retail space so there is a market demand for additional retail. The project would provide additional commercial retail and service uses in the core of the community where they can be more easily accessed via multiple transportation modes. This would allow capture of more shopping and entertainment trips within the community. The addition of multi-family housing within a mixed-use village-type format provides an additional housing choice within the community. Potential impacts to public facilities and services would be offset by payment of the Facilities Benefit Assessment fee.

In addition to the mixed-use land use plan, multiple design elements of the project's site plan and building program contribute to a pedestrian-friendly 'Main Street' design that would implement General Plan urban design policies related to the City of Villages Strategy. The project proposes a network of local streets within the project site (including a 'Main Street') that breaks up the existing superblock pattern. This is consistent with General Plan guidance to retrofit existing large-scale development patterns, such as "superblocks" or "campus-style" developments, to provide more and improved linkages among uses. The proposed vertical integration of retail and residential uses would provide desirable street level activity. The 'Main Street' design and centrally located main plaza would provide walking opportunities and gathering spaces to promote social interaction and a sense of community. The design of the project has virtually eliminated views of parked automobiles by locating spaces either largely

below ground or within above grade parking structures that are concealed behind building facades.

The project is designed to accommodate future transit planned for 2035 as part of SANDAG's 2050 RTP rapid bus service and proposes a Transportation Demand Management Plan that contains strategies intended to improve the efficiency of the existing transportation system by encouraging use of alternative transportation modes to the single-occupancy vehicle, including the provision of a private shuttle system with service to the Sorrento Valley Coaster station.

The project would provide sustainable features to reduce waste, conserve energy and water, reduce greenhouse gas emissions and lower long-term operating costs. The project has been registered with the Green Building Certification Institute with a certification goal of LEED Silver under the LEED for Neighborhood Development rating system. The proposed project has achieved a Smart Location and Linkages Prerequisite review approval; the first certification level from the Green Buildings Certification Institute.

The project ensures consistency with the Carmel Valley Community Plan, because the project includes adoption amendments to the Community Plan and Precise Plan which implement the planning goals and policies of the General Plan and the Carmel Valley Community Plan and provides detailed planning and design considerations for the subdivision.

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 into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

The project is located in the Carmel Valley Planned District (CVPD) Ordinance area. The current zoning of the property is CVPD-EC (Employment Center). The project includes a rezone of the site to CVPD-MC- (Mixed Use Center), which is a new zone that will be added to the Carmel Valley PDO and allows a diversity of uses including residential, retail, restaurants, hospitality, workplace, and civic activities. The intent of the CVPD-MC Zone is to create a compact, multi-functional, mixed-use community village. Use and development regulations of the CVPD-MC Zone are based on the CC-5-5 Zone. The proposed residential, commercial retail, office, and cinema would comply with all development regulations including setback, height and floor area ratio. The Precise Plan amendment, which will be concurrently adopted with the rezone, provides additional design and implementation regulations consistent with the requirements of the Land Development Code (LDC). The subdivision will therefore comply with all the applicable regulations of the LDC, as amended by the project approvals, and no deviations are requested.

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 subdivision into 50 lots for residential (including 608 condominiums)

and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

On May 30, 1986, the City of San Diego Planning Commission approved Tentative Parcel Map (TPM) 86-0276, a four-lot parcel map for approximately 33 acres that included this project site and the adjacent property to the south. This project site and the adjacent property were subsequently graded and the office development was constructed on the adjacent property, while this site has remained vacant.

The project site is surrounded by existing urbanized development and is one of the last undeveloped large parcels in Carmel Valley. The site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the Del Mar Highlands commercial center to the east and residential neighborhoods to the north and east.

The project's design as a higher-density, mixed use adjacent to planned transit lines and major transportation corridors is needed to facilitate the use and expansion of transportation opportunities in the area. As noted in the General Plan at ME-5, "Focused development and density adjacent to transit stops and stations helps make transit convenient for more people, and allows for a more cost-effective expansion of transit services."

The project has been designed with two access points from Del Mar Heights Road and one from El Camino Real to provide adequate circulation, and safe ingress and egress for cars and bicycles. The project also includes suitable pedestrian access from all sides of the development, including access from the employment center to the west. The mix of uses and density is therefore appropriate at the proposed location because the uses are consistent with the General Plan's Strategic Framework's direction to efficiently develop remaining land in the City into mixed use villages in this manner. Therefore, the site is physically suitable for the type of density and development.

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 proposed subdivision into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

The vacant project site is surrounded by existing urbanized development. The site was previously graded and is regularly maintained and cleared as part of the storm water pollution prevention plan for the site. As determined in the Environmental Impact Report (EIR) prepared for the project, no sensitive wildlife or wetland habitat exists on the site. The project site is not located within or adjacent to the City's Multiple Habitat Planning Area, and determinations have been made that there are no resources on the site under the jurisdiction of the United States Fish and Wildlife Service or the California Department of Fish and Wildlife. The EIR found that the Project would not impact listed sensitive plant or animal species and preserves the natural

environment by directing and efficiently developing these uses into the central, urban core of the community instead of expanding into open space areas. Therefore, the subdivision and improvements will not cause environmental damage and will avoid injury to fish and wildlife and 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 proposed subdivision into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the constructions and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The Project has been designed with adequate storm water controls during construction and operation to comply with the City of San Diego storm water regulations. This will result in better downstream water quality and therefore protect and preserve the public health and safety of surface waters.

The overall circulation network for the project has been planned to balance compatibility between pedestrians, bicycles and motor vehicles while separating them for enhanced public safety purposes. The Project is planned as a “park once” environment, where people are encouraged to park in one place and then make stops on foot, rather than driving from one destination to another. This creates the type of environment where people can easily walk or bike between destinations and reinforces a safe pedestrian and bicycle experience. Parking within the site area will be predominantly located within underground parking structures, or above-ground facilities, minimizing the interaction between cars and people, and therefore maximizing public safety.

The project is projected to pay approximately \$13.7 million in Facilities Benefit Assessment fees, which will go toward the provision of public services such as roads, parks, libraries and open space that will be beneficial to health and welfare of the community.

The permits for the Project contain specific conditions addressing project compliance with the City’s codes, policies, regulations and other regional, State and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. 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 proposed subdivision into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

The proposed Vesting Tentative Map (VTM) will not conflict with easements previously acquired by the public for access or use of property within the proposed subdivision, because the VTM proposes to vacate those previously acquired, but not utilized, easements and replace them with easements to support the development. The VTM will vacate Del Mar Heights Place which was never constructed as well as a water line easement that was never installed and is no longer necessary for the operation of the project.

The street being vacated, Del Mar Heights Place, was a cul-de-sac street, which provided legal access to Parcel 1 of the Parcel Map. This Parcel Map consisted of four parcels and was recorded as Parcel Map 15061. The project being proposed has a different traffic circulation pattern, and provides access to all lots with a series of internal private driveways. Access to public streets will be provided by reciprocal access easements and the previous cul-de-sac street is no longer needed. All necessary improvements to the private drives and public right-of-way would be provided, including curb, gutter, sidewalks, water and sewer connectivity.

There is no present or prospective public use for the water line easement because the project land plan proposes, a looping 12" system of water mains that will provide domestic water supply to the project within Del Mar Heights Road, El Camino Real and the private driveways, but in a different location than the original configuration shown on Parcel Map 15061. This makes the current water easement alignment unnecessary. Therefore, 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.

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 proposed subdivision into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

The design of the building as "blocks" within the site as well as siting the tallest buildings at the lowest elevations would allow for adequate air circulation throughout the project. Each building would vertically integrate a mixture of uses and public spaces including small landscaped plazas or paseos at the intersections, interior courtyards for the residential units.

A civic plaza would be centrally located to the overall project site at the northeastern corner. The plaza would be lined with retail uses and restaurants and would function as the main gathering space within the project and could accommodate community events, markets, and holiday activities. It would feature landscaping, lawns, hardscape, and other amenities to serve residents, employees, and patrons of the project. Accent trees and palms are proposed to provide shade and define the area intended for outdoor gathering and seating. The proposed landscape plans identify open branching, deciduous canopy trees interspersed with evergreen canopy trees along Del Mar Heights Road and El Camino Real in order to increase shade over pavement and allow for natural cooling.

Providing subterranean and an above ground parking structure allows for less on-grade parking, therefore reducing the need for large surface parking lots. In addition, according to the Environmental Impact Report prepared for the Project, no significant shading impacts would occur because the proposed buildings would not cast shadows that would extend onto adjacent outdoor useable spaces. Therefore, the subdivision is designed so that shading from the buildings would not prevent 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 subdivision into 50 lots for residential (including 608 condominiums) and commercial uses is to accommodate a mixed-use development of approximately 1,454,000 square-feet. The proposed subdivision is located on a 23.6-acre site south of Del Mar Heights Road between El Camino Real and High Bluff Drive.

The project provides much needed market entry types of housing in the northern part of the City. The project is located in an urbanized area of the City where public services are already available and therefore there will be no need to extend new public services to meet the mix of housing, commercial, and retail uses on the site. The project will pay Facilities Benefit Assessment fees that are based on the project's fair share of the community's infrastructure requirements necessary to serve the residents and customers of the project. The Project will pay school fees to the Solana Beach School District and the San Dieguito Union High School District to offset school facilities impacts. Pursuant to Section 142.1304 of the Municipal Code, the project will also pay Inclusionary Affordable Housing Fees, the purpose of which is to encourage diverse and balanced neighborhoods with housing available for households of all income levels, and to ensure that when developing the limited supply of developable land, housing opportunities for persons of all income levels are provided. The Project will increase the fiscal revenues of the City by providing new sales tax revenue from retail sales, as well as increased property taxes from the property being developed. The decision makers have considered the effects of the subdivision on the housing needs of the region and found that those needs are balanced against the needs for 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 Del Mar Heights Place and an easement for a 12-inch public water main to connect with an existing 16-inch water main within El Camino Real located within the Project boundaries as shown in Vesting Tentative Map No. 714401, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the

following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

Public Right-of-Way Vacation - SDMC Section 125.0941

1. **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)).** The street being vacated, Del Mar Heights Place, was a cul-de-sac street dedicated per Parcel Map 15061, a four-lot parcel map, which provided legal access to Parcel 1 of the Parcel Map. The street, as well as the original project, was never constructed. The street was located between High Bluff Drive and El Camino Real. The original development allowed each lot to be developed independently of the other lots, with each lot having direct frontage to a public street. The proposed Project has a different traffic circulation pattern, and provides access to all lots with a series of internal private driveways. Access to public streets will be provided by reciprocal access easements and therefore the previous cul-de-sac street is no longer needed. The determination was made that two access points to Del Mar Heights Road were required for the Project, requiring the vacation of the Del Mar Heights Place cul-de-sac and the revestment of access rights to Del Mar Heights road for the two new private driveways into the project. Therefore, 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.

2. **The public will benefit from the action through improved use of the land made available by the vacation.** The street being vacated, Del Mar Heights Place, was a cul-de-sac street dedicated per Parcel Map 15061, a four-lot parcel map. The street was located between High Bluff Drive and El Camino Real. The original development allowed each lot to be developed independently of the other lots, with each lot having direct frontage to a public street. The proposed Project has a different traffic circulation pattern, and provides access to all lots with a series of internal private driveways. Access to public streets will be provided by reciprocal access easements and therefore the previous cul-de-sac street is no longer needed. With the recordation of Parcel Map 15061, access rights to Del Mar Heights Road are required to be relinquished to restrict connection points of driveways to Del Mar Heights Road. The Project provides access openings at the two private driveways and are required to be revested. Access will be relinquished at the location of the former Del Mar Heights Place with the recordation of the subdivision map for the Project.

The public will benefit from the reconfiguration of access points to the Project, because it will allow for a mixed-use village type development on the property instead of a series of four parcels without a common theme or allowance for internal circulation and access. The village type development made possible by the vacation of this right-of-way is consistent with the Strategic Framework and City of Villages strategy in the City of San Diego General Plan, and the public will benefit from the development of the parcel consistent with current General Plan policies. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

3. **The vacation does not adversely affect any applicable land use plan.** The vacation of Del Mar Heights Place and the revestment of access rights to Del Mar Heights Road will not adversely affect the Carmel Valley Community Plan or the City of San Diego General Plan. Del Mar Heights Place is not designated as a circulation roadway for the Carmel Valley Community and was only intended to provide access to the four-lot development previously conceived on the property. The original development has changed from a series of four lots disconnected from one-another, to a mixed use, main-street center which requires different points of access from the originally proposed development. Revestment of the two private driveways to Del Mar Heights Road will allow for proper ingress and egress from the site and will enhance circulation in the area. Therefore, no adverse effects to roadways in the land use plan will occur.

4. **The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.** The street being vacated, Del Mar Heights Place, was a cul-de-sac street dedicated per Parcel Map 15061, a four-lot parcel map. The street was located between High Bluff Drive and El Camino Real. The land plan for the original four-lot development that made up Parcel Map 15061 allowed each lot to be developed independently of the other lots, with each lot having direct frontage to a public street. The Project has a different traffic circulation pattern, and provides access to all lots with a series of internal private driveways. Access to public streets will be provided by reciprocal access easements and therefore the previous cul-de-sac street is no longer needed. The Del Mar Heights Place cul-de-sac is no longer necessary as it would not adequately serve the Project.

With the recordation of Parcel Map 15061, access rights to Del Mar Heights Road were required to be relinquished to restrict connection points of driveways to Del Mar Heights Road. The Project provides access openings at the two private driveways to the project are required to be revested. Access will be relinquished at the location of the former Del Mar Heights Place with the recordation of the subdivision map. Revestment of access rights to Del Mar Heights Road will provide for enhanced ingress and egress to the property and provide better circulation on Del Mar Heights Road. Therefore, public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

Easement Vacation - SDMC Section 125.1040

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. (San Diego Municipal Code § 125.1040(a)).** The unimproved Del Mar Heights Place street vacation includes an easement for a 12-inch public water main to connect with an existing 16-inch water main within El Camino Real. This 12-inch water main was never built. Under the current Project proposal, implementing a water main at this location would be unnecessary and inappropriate, since the Project proposes to develop the land above the water main easement with residential and commercial uses. Thus, the Project includes a request to abandon the existing Del Mar Heights Place water easement. The Project proposes a new water main alignment within the Project's private roadway system to serve the Project. 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.

2. 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)). The unimproved Del Mar Heights Place street vacation includes an easement for a 12-inch public water main to connect with an existing 16-inch water main within El Camino Real. This 12-inch water main was never built. Under the current Project proposal, implementing a water main at this location would be unnecessary and inappropriate, since the Project proposes to develop the land above the water main easement with residential and commercial uses. Thus, the Project includes a request to abandon the existing Del Mar Heights Place water easement. The Project proposes a new water main alignment within the Project's private roadway system to serve the Project.

With the recordation of Parcel Map 15061, recorded December 16, 1987 at File No. 87-691921, in the Office of the County Recorder of San Diego County, an easement for the installation of a public water line to connect Del Mar Heights Place to El Camino Real was granted. The water line between Del Mar Heights Road and El Camino Real was never installed. The water line for which the water line easement was acquired is no longer necessary to provide water service to the Project. With the proposed Project, a looping 12" system of water mains will provide domestic water supply to the project within Del Mar Heights Road, El Camino Real and the private driveways, but in a different location than the original configuration shown on Parcel Map 15061. Therefore, adequate water service is being provided to the site, but the specific easement being vacated is no longer necessary to provide that service to the Project or surrounding area.

3. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)). The unimproved Del Mar Heights Place street vacation includes an easement for a 12-inch public water main to connect with an existing 16-inch water main within El Camino Real and will not adversely affect the Carmel Valley Community Plan or the City of San Diego General Plan. The 12-inch water main was never built. Under the current project proposal, implementing a water main at this location would be unnecessary and inappropriate, since the project proposes to develop the land above the water main easement with residential and commercial uses. Thus, the project includes a request to abandon the existing Del Mar Heights Place water easement. The project proposes a new water main alignment within the project's private roadway system to serve the project. The applicable land use plan does not contain specific guidelines regarding the abandonment of easements, so there is no inconsistency between the plan and the proposed abandonment, which will allow for the necessary infrastructure for the project.

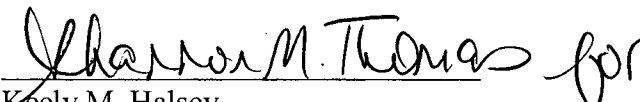
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d)). The unimproved Del Mar Heights Place street vacation includes an easement for a 12-inch public water main to connect with an existing 16-inch water main within El Camino Real. This 12-inch water main was never built. Under the current Project proposal, implementing a water main at this location would be unnecessary and inappropriate, since the Project proposes to develop the land above the water main easement with residential and commercial uses. Thus, the Project includes a request to abandon the existing Del Mar Heights Place water easement. The Project

proposes a new water main alignment within the project's private roadway system to serve the Project.

With the recordation of Parcel Map 15061, recorded December 16, 1987 at File No. 87-691921, in the Office of the County Recorder of San Diego County, an easement for the installation of a public water line to connect Del Mar Heights Place to El Camino Real was granted. The water line between Del Mar Heights Road and El Camino Real was never installed. The water line for which the water line easement was acquired is no longer necessary to provide water service to the project. With the proposed Project, a looping 12" system of water mains will provide domestic water supply to the Project within Del Mar Heights Road, El Camino Real and the private driveways, but in a different location than the original configuration shown on Parcel Map 15061. Therefore, adequate water service is being provided to the site, but the specific easement being vacated is no longer necessary to provide that service to the Project or surrounding area.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 714401, Public Right-of-Way Vacation, and Easement Vacation are hereby granted to Kilroy Realty Corporation subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  for
Keely M. Halsey
Deputy City Attorney

KMH:dkr
02/11/15
02/12/15 COR. COPY
02/25/15 REV.
Or.Dept:DSD
Doc. No.:923113_7

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 714401

ONE PASEO - PROJECT NO. 193036 - MMRP

ADOPTED BY RESOLUTION NO. R-309506 ON February 23, 2015

GENERAL

1. This Vesting Tentative Map will expire on February 23, 2018
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Final Map shall comply with the provisions of Amendments to the General Plan, Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan No. 683374, Rezone No. 683373, Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983.
6. The Subdivider shall comply with the mitigation requirements in the Mitigation, Monitoring, and Reporting [MMRP] No. 193036.
7. 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.

ENGINEERING

8. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. City drawing No. 23217-D (for mass grading and improvements) was approved as part of the previous Tentative Map. A construction change to this drawing is required and shall be as-built prior to issuance of any additional grading and/or improvement permits on this site.
10. The Subdivider shall relinquish abutter's rights on Del Mar Heights Road across the existing Del Mar Heights Place right-of-way and revest abutter's rights across the project's proposed two signalized driveway entrances on Del Mar Heights Road.
11. The Subdivider shall construct City standard curb ramps with truncated domes at all signalized entrances and at the southwest corner of Del Mar Heights Road and El Camino Real.
12. The Subdivider shall construct three City standard commercial driveways, on El Camino Real, per Standard Drawings SDG-163.
13. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for private storm drains, landscape and irrigation located within the City's right-of-way and access easements.
14. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
15. 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.
16. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
17. 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.
18. 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 Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
20. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, currently Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, currently 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.
21. 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.
22. 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

23. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
24. The Subdivider has reserved the right to record multiple final maps over the area shown on the approved 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 tentative map the subdivider is including in each final map and may impose reasonable conditions, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
25. 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 residential unit.
26. "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."

27. The Final Map shall:
- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES

28. 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 tentative map, may require modification based on the accepted water study and final engineering.
29. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenances (meters, blow offs, valves, fire hydrants, etc.) 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 single 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.
30. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves; 15 feet; water mains with services or fire hydrants 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, may require modification based on standards and final engineering.
31. The Subdivider shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
32. 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 (2) fire hydrants or thirty (30) 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.

33. 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 except as shown on the VTM (the VTM and Exhibit "A" shall identify median improvements on the interior private drives).
34. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
35. Prior to the issuance of any building permits, the Owner/Permittee shall apply for 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.
36. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
37. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
38. 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

39. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

LANDSCAPE

40. Prior to the recordation of the final map, the Owner/Subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for required right-of-way and median improvements, and the 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.

TRANSPORTATION

41. Prior to the recordation of the first final map the Subdivider shall provide an Access Easement Agreement containing the legal description of the properties involved, the reason for the agreement, and the conditions of the agreement to ensure perpetual mutual access for all lots within the development.
42. Prior to recordation of the first final map, the Subdivider shall dedicate 12-30 feet of right-of-way along the project frontage on Del Mar Heights Road, per Exhibit "A," to add westbound left turn lanes and eastbound right turn lanes, satisfactory to the City Engineer. This includes an 8-foot wide non-contiguous sidewalk within a 22-foot landscaped parkway.
43. Prior to recordation of the first final map, the Subdivider shall dedicate 7-21 feet of right-of-way along the project frontage on El Camino Real, per Exhibit "A," to add southbound right turn lanes, satisfactory to the City Engineer. This includes an 8-foot wide non-contiguous sidewalk within a 17-foot landscaped parkway.
44. Prior to recordation of the first final map, the Subdivider shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and First Avenue (private driveway) including widening to provide two westbound left turn lanes and an eastbound right turn lane, satisfactory to the City Engineer.
45. Prior to recordation of the first final map, the Subdivider shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and Third Avenue (private driveway) including widening to provide a westbound left turn lane and an eastbound right turn lane, satisfactory to the City Engineer.
46. Prior to recordation of the first final map, the Subdivider shall provide visibility easements along the El Camino Real frontage as shown on Exhibit "A," satisfactory to the City Engineer.

INFORMATION:

- The approval of this 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.

- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- 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 FEB 23 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input 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"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 23 2015

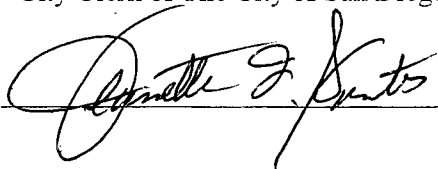
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309506