

Item 335- 7/28/15

(R-2016-17)
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Subitem 'c'

RESOLUTION NUMBER R- 309904

DATE OF FINAL PASSAGE JUL 28 2015

A RESOLUTION GRANTING AMENDED VESTING
TENTATIVE MAP NO. 1198583 AND EASEMENT
VACATION NO. 1451202, FOR THE DEL SUR COURT
PROJECT, PROJECT NO. 340862.

WHEREAS, on November 22, 2013, SPIC DEL SUR, LLC, a Delaware Limited Liability Company, Subdivider, and Raymond L. Martin, Engineer, submitted an application to the City of San Diego for an Easement Vacation, Planned Development Permit, Site Development Permit and an Amended Vesting Tentative Map for the Del Sur Court, for the purpose of developing 130 lots for single family residential units, 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units, and 12 homeowner association lots, on portions of an approximately 39.05 acre site (Project); and

WHEREAS, the project site is located easterly of Camino Del Sur, approximately one mile north of San Dieguito Road in the RM-2-6 Zone of the Black Mountain Ranch Subarea Plan; and

WHEREAS, the project site is legally described as Parcels 1 and 2 of Parcel Map No. 21213, filed in the Office of the County Recorder of San Diego County on January 28, 2015; 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, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act, and the total number of condominium dwelling units is 76; and

WHEREAS, the design of the proposed, privately-owned underground utilities will be constructed within the subdivision and are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240-Underground Conversion of Utility Lines at Developers Expense; and

WHEREAS, San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public easements by City Council resolution; and

WHEREAS, on April 20, 2015, the City of San Diego, as Lead Agency, prepared Addendum No. 340862 to Environmental Impact Report No. 96-7902, as amended by Addendum No. 142244, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 *et seq.*), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 *et seq.*); and

WHEREAS, on June 18, 2015, the Planning Commission of the City of San Diego considered Amended Vesting Tentative Map No. 1198583 and Easement Vacation No. 1451202, and pursuant to Resolution No. PC-4704 voted unanimously to recommend approval of Amended Vesting Tentative Map No. 1198583 and Easement Vacation No. 1451202; 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; and

WHEREAS, the matter was set for public hearing on JUL 28, 2015, and testimony having been heard, evidence having been submitted, oral and written presentations having been received, and the City Council having fully considered the matter and being fully advised concerning the same; and NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Amended Vesting Tentative Map No. 1198583 and Easement Vacation No. 1451202:

Amended Vesting Tentative Map – San Diego Municipal Code 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. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The Project site has a land use designation of Residential as identified in the Black Mountain Ranch Subarea Plan Land Use Map Figure 3.2 (Attachment 8). The Residential Land Use designation is identified as Core Residential with a density that allows between 10 and 25 dwelling units per acre not to exceed 300 dwelling units as identified in the Land Use element of the Subarea Plan. The project proposes to construct 206 age restricted (55 years old and over) dwelling units on approximately 38 acres, resulting in a land use density of just over five dwelling units per acre for the Project site, consistent with the Peripheral Residential density category of the Subarea Plan and will transfer 94 dwelling units to the North Village Mixed Use Core. The Project is consistent with the requirements of the Black Mountain Ranch Subarea Implementation section and would not adversely affect the residential density goals and policies of the Subarea Plan as it relates to density within the community. The Black Mountain Ranch Subarea Plan Implementation section allows for the transfer of development entitlements, measured in equivalent dwelling units, within and among the villages and perimeter properties within the same generalized land use category and requires no amendment to the Subarea Plan so

long as the transfer of residential units results in no change in the designated land use or residential density category. The proposed transfer of 96 dwelling units from a property that allows residential development to properties within the North Village that allow residential development will be consistent with the provisions of the Implementation Section of the Subarea Plan. The proposed transfer provides for additional housing within and near the Mixed Use Core consistent with the Goals and Policies of the Subarea Plan Land Use and Housing Elements. The Project is consistent with the goals and policies of the Black Mountain Ranch Subarea Plan by proposing a predominantly residential community with an extensive open space, park, and recreation system. The proposed development areas have been located to minimize grading and preserve environmentally sensitive areas, most of which are within the Multi-Habitat Planning Area open space system. The Multi-Habitat Planning Area open space has been dedicated and preserved by previously approved vesting tentative maps. The Project development area is within the original development footprint of the previously approved project which has been graded in accordance with legally issued construction permits and only minor additional impacts to environmentally sensitive areas will occur and will be mitigated as required by the City's adopted Biology Guidelines. The proposed Project will be harmonious with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan. The Project will implement the goals and policies of the Black Mountain Ranch Subarea Plan relevant to the site and therefore will not adversely affect the applicable land use plan. Therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to lot area and lot dimensions, street frontage and minimum yard setbacks that are consistent with the Black Mountain Ranch North Village Community Design Guidelines as they are amended for this Project. The deviations are consistent with and implement the principles of the approved Community Design Guidelines, approval of these deviations will allow a project design that is with the existing and developing character of the community than a project which might be required to strictly adhere to zoning regulations of the zone. The proposed deviations implement design principles contained in the Framework Plan and subsequent Black Mountain Ranch Subarea Plan that promote visual and physical connectivity to open space.

The proposed lots would take direct access from existing private driveways in lieu of a publicly dedicated street. The lots which gain access from the private driveways have no frontage on a

public street and therefore do not meet the minimum frontage requirements of the development regulations of the zone. These deviations would create residential lots consistent with the purpose and intent of the Planned Development Permit procedures and regulations to allow greater flexibility from the strict application of the regulations and to assure the development achieves the policy goals of the applicable land use plan. The requested deviations are consistent with other developments in the North Village of the Black Mountain Ranch Subarea Plan.

The Project proposes a deviation from the minimum lot size of the RM-2-6 zone which is 6,000 square feet. Of the 143 residential lots to be created by the Project, 130 would be less than 6,000 square feet. These lots would range in size from 4,025 to 5,959 square feet. The Project proposes a deviation from the 15 foot minimum front yard setback of the RM-2-6 zone and proposes a minimum front yard setback of 5 feet for all 143 residential lots. The design of the future homes would be in conformance with the Black Mountain Ranch North Village Community Design Guidelines, as amended for this Project. These adopted design guidelines set forth the basic design policies and describe the specific, detailed, and measureable criteria against which the future construction of lots would be evaluated. The Project will be consistent with these design guidelines and the present regulations of the RM-2-6 Zone with deviations, as allowed through the approval of a Planned Development Permit.

The project site is within the master planned community of Black Mountain Ranch. The Black Mountain Ranch Subarea Plan designates this site for core residential development, and all of the areas designated for residential uses surrounding the project have been approved or are under construction for low and very low density residential uses. The Project, implements the goals and policies of the Black Mountain Ranch Subarea Plan by combining a residential community within an extensive open space, park, and recreation system. The proposed re-subdivided development area is within the original development footprint and no impacts to environmentally significant areas would occur.

The Del Sur Court location is unique by being surrounded by, except for access, the Subarea Plan's vast resource based open space system that occupies approximately 2,240 acres. Included within this open space are the natural resource areas of the Multi-Habitat Planning Area. This resource based open space system, coupled with additional amenity open space areas of 775 acres, golf course, public and private parks, provides over 3,000 acres, or fifty-nine percent of the entire subarea, of active and passive recreational open space uses for visitors and community residents. Additionally, located within this large expanse of open space is a planned network of community-wide multi-purpose regional trails and paths for hiking, biking, and in some instances, horseback riding. This network will ultimately provide over eighteen miles of interconnected trails linking all parts of the Subarea internally and externally to trail systems in adjacent communities. The Del Sur Court neighborhood contributes to this system by providing an important linkage to the open space areas directly adjacent to the site.

The proposed Project has been designed in harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan, and the Project would implement the goals and policies of the Subarea Plan. Considering the exceptional benefits created by the adoption of the Black Mountain Ranch Subarea Plan enumerated above, these deviations will create a more desirable project that is clearly distinguishable from surrounding

communities than would be achieved by strict conformance with the development regulations of the applicable zone, as allowed by the Planned Development Permit regulations.

In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

3. The site is physically suitable for the type and density of development. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The site has been previously graded pursuant to prior construction permit approvals. The proposed re-subdivided development area is within the original development footprint. The applicant's consultant submitted an Addendum to Update Geotechnical Investigation, Black Mountain Ranch Senior Housing Site prepared by Geocon Inc., dated October 27, 2008 and Update Geotechnical Investigation, Black Mountain Ranch Senior Housing Site prepared by Geocon Inc., dated August 10, 2007, and a Drainage Study and Water Quality Technical Report which find the site is physically suitable for the type and density of the proposed development. Therefore, the site is physically suitable for the type and density of the 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. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The vesting tentative map development area is within a previously approved development footprint. A minimal amount of impact to environmentally sensitive lands will occur as the site has been previously graded pursuant to prior construction permit approvals. No development beyond that which was originally approved is proposed by the vesting tentative map. There are no watercourses on or adjacent to the proposed project site. Therefore, the proposed subdivision will not cause substantial environmental damage or substantially 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. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations. Technical studies prepared for the vesting tentative map conclude the site is appropriate for the proposed development and will not be detrimental to the public health, safety, and welfare. The conditions of approval will assure all development meets or exceeds the requirements of the federal, state and local regulations as these regulations address the subdivision of property.

The proposed Del Sur Court, together with the surrounding open space and development, which is within a larger approved project in the Black Mountain Ranch North Village and includes a mass grading design, provision of public and private roadways, public utilities, drainage infrastructure, preservation of open space and other such improvements, have been designed to conform with the City of San Diego's codes, policies, and regulations whose primary purpose is the protection of the public's health, safety and welfare. The Del Sur Court project has been determined to be consistent with the Black Mountain Ranch Subarea Plan, the California Environmental Quality Act, the City's land development regulations, the Multiple Habitat Planning Area principles and guidelines and all adopted relevant City Council policies. In addition, prior to construction of structures on the subject property, the construction permit drawings will be reviewed to achieve conformance with the California Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's 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. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The design of the vesting tentative map provides for a network of private easements that will be granted to a Homeowners' Association whereby all ingress and egress improvements will be privately owned and maintained by the Homeowners' Association. There are no easements acquired by the public at large for access through or use of property within the proposed subdivision. Therefore no conflict will result which would negatively affect the public at large for access through or use of the 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. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The vesting tentative map will not impede or inhibit any 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. Design Guidelines have been adopted for the future construction of the dwelling units and these Design Guidelines will not impede or inhibit any future passive or natural heating and cooling opportunities. Within the proposed subdivision 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. The amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The Black Mountain Ranch Subarea Plan requires new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The project proposes 206 residential dwelling units. The affordable housing obligation has been satisfied within the North Village area of the Black Mountain Ranch Subarea Plan. Balancing the needs for public facilities are provided within the development of the Black Mountain Ranch Subarea Plan and assured through the Public Facilities Financing Plan and the First Amendment to the Second Amended and Restated Development Agreement (Development Agreement) adopted by the City Council on August 9, 1988 and as amended on September 13, 1988 and December 10, 2001 as DOC No. 2002-0043111 recorded on January 17, 2002 of official records of the San Diego County Recorder's Office. The vesting tentative map is consistent with the needs for public facilities in the community. The project design has taken into account the best use of the land to minimize grading and preserve sensitive lands. The decision maker has determined the effects of the proposed subdivision on the housing needs of the region will create a positive effect. Furthermore the decision maker has determined those needs are balanced against the needs for public services and the available fiscal and environmental resources and found the proposed subdivision is consistent with 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 anticipated for the Black Mountain Ranch Subarea Plan area.

Easement Vacation – San Diego Municipal Code 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.** The easement for access and incidental purposes was granted to provide access to utilities planned for the development of the site. The easement has not been used since the date of its dedication and because of the proposed development will have no prospective use for the facility it was originally intended or for any other public use of a like nature in that the developer of the proposed project will provide access to all utilities and incidental needs to the site improvements through other existing or proposed easements. 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 abandonment through improved utilization of the land made available by the abandonment.** In that access and incidental purposes will be provided throughout the development through other existing or proposed easements, the easement is not needed for these purposes in the current location and the easement has no other utility or public use of a like nature. With the access to all utilities and incidental needs to the site improvements, the land area of the present easement has no public benefit and the public will benefit from the vacation by the development of the site in association with Amended Vesting Tentative Map No. 1198583.

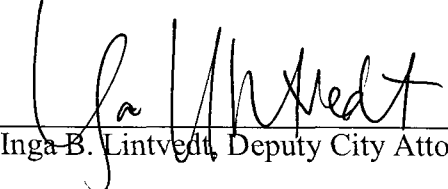
3. **The abandonment is consistent with any applicable land use plan.** The adopted Black Mountain Ranch Subarea Plan identifies the land area of this public utility easement for residential development. The vacation of the easement for access and incidental purposes will facilitate the fullest and highest use of the property as designated by the community plan. For these reasons the proposed vacation of the public utility easement is consistent with the policies and goals of the adopted within the Black Mountain Ranch Subarea Plan and will not adversely affect the Black Mountain Ranch Subarea Plan.

4. **The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.** In that the easement for access and incidental purposes will be provided through other existing and proposed easements within the public right-of-way and the site, the public facility and purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment and the purpose for which the easement was acquired no longer exists. The facilities in the immediate area will have all necessary access easements in place for the required operation of those facilities for the benefit of the public.

BE IT FURTHER RESOLVED, that based on the above findings adopted by the City Council, which are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference, Amended Vesting Tentative Map No. 1198583 and Easement Vacation No. 1451202 are hereby granted by the City Council to SPIC DEL SUR, LLC, Subdivider, under the terms and conditions as set forth in the attached Amended Vesting Tentative Map No. 1198583 and Easement Vacation No. 1451202, which are made a part of this resolution.

APPROVED: JAN GOLDSMITH

By:


Inga B. Lintvedt, Deputy City Attorney

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07/15/2015 COR. COPY 1
07/16/2015 COR. COPY 2
Or.Dept: DSD
Doc. No.: 1063721

ATTACHMENT: Amended Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1198583

DEL SUR COURT - PROJECT NO. 340862 [MMRP]

ADOPTED BY RESOLUTION NO. R-309904 ON JUL 28 2015

GENERAL

1. This Vesting Tentative Map will expire December 10, 2021. The Subdivider has entered into the First Amendment to the Second Amended and Restated Development Agreement (Development Agreement) adopted by the City Council on August 9, 1988 and as amended on September 13, 1988 and December 10, 2001 as DOC No. 2002-0043111 recorded on January 17, 2002 of official records of the San Diego County Recorder's Office that vests certain rights, rules, regulations and policies for a period of twenty years, or as provided in Paragraph 5.1 of that Development Agreement. In the event of a conflict between the conditions of this Vesting Tentative Map and the terms of the Development Agreement, the terms of the Development Agreement shall prevail.
2. Prior to the expiration of the Tentative Map, a Final Map to subdivide lots shall be recorded in the office of the County Recorder.
3. 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.
4. Prior to the recording 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 there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The final map shall conform to the provisions of Planned Development Permit No. 1198582 and Site Development Permit No. 1198581.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, 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

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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

7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
10. 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.
11. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
12. 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.
13. 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.

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MAPPING

14. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
15. Prior to the recordation of the Final Map, the thirty foot emergency access easement shown outside of the map boundary shall be granted to the City. A legal description, drawing and deed shall be recorded at the office of the County Recorder's office.
16. "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].
17. "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."
18. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES

19. The Subdivider shall grant water and sewer easements, as shown on the approved tentative map, satisfactory to the Public Utilities Director and the City Engineer.

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20. 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.
21. For any portion of the subdivision which will have gated access, the Subdivider shall provide keyed access to the Water Operations Branch and Wastewater Collection Divisions of the Public Utilities Department in a manner satisfactory to the Public Utilities Director. The City will not be responsible for any issues that may arise relative to the availability of keys.

TRANSPORTATION

22. The Subdivider shall indicate on the final map all property owners shall have a right of joint use and mutual access on private driveways "A," "B," and "C" as shown on the Vesting Tentative Map, satisfactory to the City Engineer.
23. The Subdivider shall indicate on the final map all condominium lots shall have a private reciprocal access and utility easement on each private driveway for the benefit of future owners of said condominium lots, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 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.

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- 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).

Internal Order No. 24004098

Project No. 340862
VTM No. 1198583

Passed by the Council of The City of San Diego on JUL 28 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 28 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- 309904