

Item 520

(O-2016-113)  
COR. COPY

ORDINANCE NUMBER O- 20677 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 12 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 1579190, PUBLIC RIGHT-OF-WAY AND EASEMENT VACATION FOR THE NEW ONE PASEO AND WAIVING THE REQUIREMENT OF A PLANNING COMMISSION HEARING AND RECOMMENDATION PRIOR TO THE PASSAGE OF THIS ORDINANCE – PROJECT NO. 451328.

WHEREAS, Kilroy Realty, L.P., a Delaware Limited Partnership, Subdivider, and Leppert Engineering, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map No. 1579190, including public right-of-way and easement vacations, for the New One Paseo project; and

WHEREAS, the project consists of the construction of a mixed-use development encompassing a maximum of 1,175,871 square-feet (sf) consisting of 95,871 sf of commercial retail, 280,000 sf of commercial office and approximately 800,000 gsf 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 one quarter mile to the west and State Route 56 approximately one mile to the south. The property is legally described as Parcels 1 and 2 of Parcel Map No. 15061 and Parcel 2 of Parcel Map. No. 19130; and

WHEREAS, the Map proposes the subdivision of a 23.6-acre site into five (5) lots for residential condominium and commercial use (two residential, one commercial retail and two commercial office). Lots 1 and 2 of this subdivision are commercial office projects and Lot 3 is a commercial retail project as defined in Section 4125 et. seq. of the Civil Code of the State of

California and are filed pursuant to the Subdivision Map Act. Lots 4 and 5 are residential condominiums as defined in Section 4125 et. seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act for a total of 608 residential condominium units.

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, due to recusals, the Planning Commission of the City of San Diego was unable to obtain a quorum to hear and provide a recommendation on the New One Paseo project; and

WHEREAS, under Charter section 280(a)(2) this ordinance 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, on June 27, 2016, the City Council of the City of San Diego considered Vesting Tentative Map No. 1579190, 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. 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 Vesting Tentative Map No. 1579190, 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.

Section 2. That it adopts the following findings with respect to Vesting Tentative Map No. 1579190:

**Tentative Map - Section 125.0440 (a-h)**

**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 of two lots for residential (including 608 condominiums) and three lots for commercial uses would accommodate a mixed-use development of approximately 1,175,000 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 community plan defers to neighborhood Precise Plans for specific land use recommendations. The Carmel Valley Employment Center Development Unit Number Two 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 site was previously rezoned to the Carmel Valley Planned District Mixed-Use Center (MC) zone. This MC zone is intended to create a community village which is compact, multi-functional, and pedestrian-oriented. The MC zone permits a diversity of uses, including residential multiple dwelling units, retail sales, offices and commercial services.

Approval of the development project and related permits also requires approval of land use plan amendments to bring the General Plan and the land use plan into consistency with the underlying zone applied to the site and for the proposed project to be consistent with the community plan land use.

In addition, a Municipal Code amendment is being processed to the MC zone applied to the site to reduce the allowable height for the office use, modify the minimum land use mix table and reduce the floor area ration. The land use plan, code amendment, and the development project are being processed concurrently.

Amendments are proposed to the 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 Precise Plan amendment also constitutes amendments to the Carmel Valley Community Plan and to the General Plan. The Precise Plan amendment would change the General Plan 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*.

The proposed development will not adversely affect the applicable land use plans upon approval of the required land use plan amendments described above. The change to the land use plans will also bring them into alignment with the underlying MC zone. The proposed development would also further several goals of the General Plan and Community Plan as described below.

A goal of the Precise Plan amendment is to provide a mixed-use community village for Carmel Valley. The General Plan describes a series of village types of varying parameters and intensities, with neighborhood and community village centers ranging from just a few acres to more than 100 acres. Therefore, the 23.6-acre site would be sufficient to achieve this goal, as it is a relatively large, vacant, centrally located site within this community. The project with the proposed land use plan amendments would achieve the goals related to a mixed-use community village for Carmel Valley by providing residential, retail, commercial office and public space uses with a pedestrian-friendly design.

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. As described above, the project proposes a mixed-use development of commercial office, retail and multi-family residential and several plazas for community gathering.

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 existing 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 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 a specific amount 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 uses 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 the goal of a physically, socially, 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 and onsite affordable 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 Development Impact Fees.

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 design that would implement the General Plan urban design policies related to the City of Villages Strategy. The overall circulation network for the project has been planned to achieve a high degree of compatibility between pedestrians, bicyclists and vehicles. The connection to the existing community will encourage forms of mobility other than automobiles. The project has been designed with multiple pedestrian connections to the existing street network, while walking and biking from off-site areas is encouraged through a pedestrian-oriented design at site perimeters, and exclusive areas for pedestrian entry. The project would provide for pedestrian and bicycle access throughout the site by a network of passes, sidewalks, pathways, plazas, and public spaces. Class III bicycle routes would be provided within the project site and would connect to existing Class II bicycle lanes along Del Mar Heights Road and El Camino Real.

The project is planned as a “park once” environment, where people are encouraged to park in one place and then make trips on foot, rather than driving from one destination to another, creating the type of environment where it is easy for people to walk between destinations through the paseos and plazas.

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 “Paseo” design and centrally located main plazas would provide walking opportunities and gathering spaces to promote social interaction and a sense of community.

The General Plan calls for villages to be connected by “high quality transit,” but does not contain a precise definition for the term. Carmel Valley is not currently served by public transit. The nearest bus line connects North County coastal communities with the University community along Highway 101. There are also Coaster rail stations in Sorrento Valley and nearby Solana Beach. The Solana Beach Coaster station also serves as a regional hub that has state-wide Amtrak service. The 2050 Regional Transportation Plan prepared by the San Diego Association of Governments (SANDAG) identifies several future bus routes that would provide local and regional high frequency service to Carmel Valley with potential stops at the project site. Of these, a rapid bus route would connect Oceanside and University Town Center with potential stops within Carmel Valley and the Sorrento Valley Coaster station in the year 2030. The timing between anticipated completion of the project in 2021 and planned provision of public transit represents a considerable period of time in which the project would not be served by public transit.

To address the lack of current public transit service, the proposed development would include a Transportation Demand Management (TDM) program including a shuttle service between the project and the Solana Beach Coaster station through the Carmel Valley Employment center. Northbound and southbound trains arrive at the station at approximate 30-minute intervals during AM and PM peak periods as further described in Condition Nos. 55 and 56 of the permit. The project’s proposed densities would help justify the provision of future transit services. A TDM plan and a long-term commitment to a private shuttle system are essential project features to bridge the gap between existing conditions and the future public transit services.

**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 project is located in the Carmel Valley Planned District (CVPD) Ordinance area. The current zoning of the property is CVPD-MC (Mixed-Use Center) which 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. The proposed residential, commercial retail, and office would comply with all development regulations including setback, height and floor area ratio and no deviations are requested. The Precise Plan amendment, which is being concurrently processed, 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 of two lots for residential (including 608 condominiums) and three lots for commercial uses would accommodate a mixed-use development of approximately 1,175,000 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 project 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 four 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 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 previously certified Environmental Impact Report (EIR) and Addendum to the 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 previously certified EIR and Addendum to 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)).**

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Codes governing the constructions and continued operation of the development apply to this project to prevent adverse effects 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.

The project is projected to pay the Development Impact 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 contains 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 of two lots for residential (including 608 condominiums) and three lots for commercial uses would accommodate a mixed-use development of approximately 1,175,000 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.

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 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 design of the buildings as well as siting the tallest buildings at the lowest elevations would allow for adequate air circulation throughout the project. The 608 residential units will be situated in the northwest corner of the site and are within three separate buildings over a parking podium and include public spaces and interior courtyards. The 280,000 square-feet of office uses are located within two buildings; one, four story and one, six story at the southern portion of the site. The office buildings are the tallest of the project due in part to this area having the lowest elevation. This portion of the site has a 70-foot reduction in elevation compared to the elevation on High Bluff Drive. Parking is one level underground with an above ground structure that, like the retail parking structure, will be enhanced with design elements and landscaping. There will

be an open-air element incorporated into the underground parking structure for the provision of natural light and ventilation. The buildings are set back from El Camino Real with extensive landscaping and gardens between the buildings and the street. The office plaza will have adjacent see-through structures and multiple places for movable and fixed furniture in various configurations. The retail and residential paseos converge at the office plaza. The use of the plaza will change with its occupants, consisting primarily of office users during the week and residents/public on the weekends. The single-story, 95,871 square-foot retail use structure would be located at the northeastern corner of the site in a clustered configuration. In order to increase shade over pavement and allow for natural cooling, large mature trees will lead the way through the main plazas and paseos. The architecture will be pedestrian in scale with neutral tones and a mixture of material elements. The retail use connects to the central plaza, which is the main unifying element of the project.

Providing subterranean and an above ground parking structures allows for less on-grade parking, therefore reducing the need for large surface parking lots. In addition, the previously certified Environmental Impact Report (EIR) and Addendum to the EIR identified no significant shading impacts 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 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. Per City Council direction on February 23, 2015, the project is subject to the City's Inclusionary Housing Ordinance and has been conditioned to provide 61 affordable units on-site to households earning at or below 65% of Area Median Income.

The project will pay Development Impact 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. 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.

Section 3. 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. 1579190, 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 - 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, 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 project 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 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 which 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 -Section 125.10401**

**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 abandonment through improved utilization of the land made available by the abandonment. (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 abandonment 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. 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, abandonment is consistent with any applicable land use 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. (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-inch 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.

Section 4. That based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1579190, including public right-of-way and an easement vacations, is hereby granted to Kilroy Realty, L.P. subject to the attached conditions which are made a part of this ordinance by this reference and contingent upon final passage of O- 20674 approving amendments to the General Plan, Carmel Valley Community Plan, and Precise Plan General Plan, Carmel Valley Community Plan, and Precise Plan.


Section 5. That, notwithstanding San Diego Municipal Code section 112.0509, which provides for a Planning Commission hearing and recommendation prior to certain City Council

actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this ordinance.

Section 6. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:dkr  
06/08/16  
06/21/16 COR. COPY  
Or.Dept:DSD  
Doc. No.: 1261134\_2

CITY COUNCIL ORDINANCE NO. 0-20677  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1579190  
**THE NEW ONE PASEO - PROJECT NO. 451328: MMRP**  
**DRAFT**

**GENERAL**

1. This Vesting Tentative Map will expire on JUL 12, 2019
2. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the San Diego 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 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. 1579193, Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192.
6. The Subdivider shall comply with the mitigation requirements in the Mitigation, Monitoring, and Reporting [MMRP] No. 451328.
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 underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
11. 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 one signalized driveway entrance on Del Mar Heights Road and the right turn in, right turn out entrance at Driveway "B".
12. 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.
13. The Subdivider shall construct three City standard commercial driveways, on El Camino Real and one City standard commercial driveway on Del Mar Heights Road per Standard Drawings SDG-163.
14. 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.
15. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
16. 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.
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. 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**

19. "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].
20. 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.
21. 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.
22. "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."
23. 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**

24. The Subdivider shall grant water easements, as shown on the approved tentative map Exhibit "A", satisfactory to the Public Utilities Director and the City Engineer. Easements shall be located entirely within one lot or parcel and adjacent to the property line.
25. 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 Public Utilities Director and the City Engineer.

#### **GEOLOGY**

26. 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**

27. 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**

28. 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.
29. 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.

30. 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.
31. 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 Driveway "A" including widening to provide two westbound left turn lanes and an eastbound right turn lane, satisfactory to the City Engineer.
32. Prior to recordation of the first final map, the Subdivider shall assure by permit and bond the construction of a fourth leg to the signalized intersection on El Camino Real and Highlands Town Center Driveway/ Driveway "D" (private driveway) including widening to provide a southbound right turn lane, satisfactory to the City Engineer.
33. 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 Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- 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).

Internal Order No. 24000155

Passed by the Council of The City of San Diego on JUL 12 2016, 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 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 12 2016.

AUTHENTICATED BY:

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

(Seal)

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

By *Mary Fernandez*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 27 2016

, and on JUL 12 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20677