

Item 334-4/11/17

(R-2017-440)

RESOLUTION NUMBER R- 311047 *Subitem A*

DATE OF FINAL PASSAGE APR 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 1817512, INCLUDING PUBLIC RIGHT-OF-WAY VACATION NO. 1864091 AND EASEMENT VACATION NO. 1864786 FOR THE PACIFIC HIGHLANDS RANCH UNITS 8 AND 9 PROJECT - PROJECT NO. 500058.

WHEREAS, PARDEE HOMES, Subdivider, and John Eardensohn, Engineer, submitted an application to the City of San Diego for a Vesting tentative Map (Map No. 1817512), Easement Vacations, and Public Right-of-Way Vacations for the development of 515 single-family homes (451 previously approved and 64 proposed), six pocket parks, and a recreation center on approximately 254 acres with lots ranging from 5,000 square feet to 10,000 square feet; and

WHEREAS, the project site is located at the northwest corner of Pacific Highlands Ranch Parkway and Carmel Valley Road in the RS-1-11, RS-1-13, and OC-1-1 zone(s) (with portions rezoned to the RS-1-11, RS-1-12, RS-1-13 and RS-1-14 zones through this project) of the Pacific Highlands Ranch Subarea Plan area, as legally described in Vesting Tentative Map No. 1817512 and Exhibit A thereto; and

WHEREAS, the Map proposes the Subdivision of a 254-acre site into 547 parcels to include 515 residential lots, two Multiple Habitat Planning Area (MHPA) open space lots, four water quality basin lots, 23 home owners association lots, one recreation center lot, and two private driveway lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491 (b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on February 23, 2017 the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1817512 including Public Right-of-Way Vacation No. 1864091 and Easement Vacation No. 1864786, and pursuant to Resolution No. 4839-PC, the Planning Commission voted to recommend City Council approve; 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, on April 11, 2017, the City Council of the City of San Diego considered Vesting Tentative Map No. 1817512 including Public Right-of-Way Vacation No. 1864091 and Easement Vacation No. 1864786, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0430, and 125.0941, and California Government Code section 66428 of the Subdivision Map Act, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1817512, Public Right-of-Way Vacation No. 1864091 and Easement Vacation No. 1864786:

**A. VESTING TENTATIVE MAP – 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 254-acre project site is located at the northwest corner of Pacific Highlands Ranch Parkway and Carmel Valley Road within the Low Density Residential (2 – 5 dwelling units per acre) designation of the Pacific Highlands Ranch Subarea Plan area.

The project site is located within the Pacific Highlands Ranch Subarea Planning Area (Subarea III of the City's former North City Future Urbanizing Area). The Pacific Highlands Ranch Subarea Plan (PHRSP) was adopted in 1998 to guide development of Subarea III with the overall goal to refine and augment the NCFUA Framework Plan as it relates to Subarea III. The PHRSP also contains the more detailed area specific land use recommendations required by the citywide General Plan.

The Pacific Highlands Ranch community is based on neo-traditional planning concepts that emphasize bicycle, equestrian and pedestrian paths and focus community activities around a hub-and-spoke development pattern. Commercial, civic and residential uses would be integrated in the town center and the community's circulation system will accommodate pedestrian, bicycle, transit, and equestrian movement.

The Subarea Plan recommends that these neighborhoods be designed to preserve natural topography and features. The Plan recommends pedestrian and open space linkages within and between neighborhoods through the use of trails. Lot and street alignments should be adapted to the topography and other natural features of the area to create a sensitive and unique series of neighborhoods. This design approach, particularly with regard to the construction of streets and other built improvements, minimizes the need for extensive earthwork. Distinct pedestrian and open space linkages should be developed within and between neighborhoods. These linkages will provide access to the rest of the community and its facilities and services. Additional public open spaces should be located at the edge of the MHPA to create focal points, utilize public view opportunities, trail heads and to visually link neighborhoods within the subarea.

The proposed project is meeting the goals and objectives of the Pacific Highlands Ranch Subarea Plan by including a distinct network of bike paths and pedestrian paths linking surrounding developments. The road design will follow the MHPA and open space boundaries and pocket parks will provide both passive and recreational opportunities throughout the project. Trail heads and open spaces linkages will provide access to various off site trails system's for walking, hiking, and mountain biking. Additionally, the project meets the density requirements by providing 2-5 dwelling units per acre and incorporates a variety of unit and lot sizes that would create more variation in housing types while preserving natural topographic features. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous agricultural practices and grading from the previously approved Vesting Tentative Map. As a result, both grading and disturbance of sensitive habitat is minimized. Therefore, the proposed subdivision and its design or improvement 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 project includes a deviation from San Diego Municipal Code (SDMC) Section 131.0431(b), Table 131-04D for front yard setbacks on all lots. Lots zoned RS-1-11 are required have a minimum front yard setback of 20 feet and lots zoned RS-1-12, RS-1-13, and RS-1-14 are required to have minimum front setback of 15 feet. Within in the RS-1-11 zone the project proposed a reduced front setback of 10 feet for side loaded garages and 18 feet for front

loaded garages. Within the RS-1-12, RS-1-13, RS-1-14 zones the project proposes a reduced setback of 10 feet.

This deviation is intended to allow Units 8 and 9 to be consistent with Units 6, 7, and 10, for which the front setbacks are 10 feet where 15 feet is required. In accordance with the land use plan, this project has been designed to preserve natural topographic features, and provide pedestrian and open space linkages within and between neighborhoods within the designated low-density and peripheral residential zoning designations. These dwelling units have been designed with side-loaded garages, bringing the houses closer to the street, creating more intimacy throughout the community. Designing the development with the garages closer to the street serves as a traffic calming device, thus, causing traffic throughout the neighborhood to drive slower, thus reducing the chance for traffic accidents. For lots adjacent to the canyons, adhering to the brush management zone one and two requirements, it was necessary to move the dwelling units closer to the street, to create more room in the rear property lines for brush management, allowing a decrease in the required front yard setback requirements. The proposed deviation to front yard setbacks for the RS-1-11, RS-1-12, RS-1-13 and RS-1-14 zones would also allow a flexible design for variation in articulation of the buildings to create diversity and promote a more varied design.

The proposed residential development is consistent with the purpose and intent of the regulations of the underlying zones in that each of the individual lots will be provided access to and from a publicly accessible right-of-way through public and private driveway systems. The proposed development complies with the applicable zoning and development regulations of the Land Development Code including land development requirements regulating single-family development. The proposed project was reviewed for compliance with the RS-1-11, RS-1-12, RS-1-13, and RS-1-14 zone land development requirements which include but are not limited to setbacks, density, landscape, parking, and floor area ratio. Therefore, for all of these reasons, including the justifications listed above, the deviations are appropriate and necessary, and will result in a more desirable project that would be achieved if designed in strict conformance with the applicable development regulations. Therefore, 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.

### **3. The site is physically suitable for the type and density of development.**

The Pacific Highlands Ranch (PHR) Subarea Plan designates the site of the project as Low Density Residential ranging from 2-5 dwelling units per acre. The proposed project provides two dwelling unit per acre, meeting the land use density requirement and goal of the PHR Subarea Plan. The additional proposed units would help the project meet the land use goals identified in the PHR Subarea Plan which includes creating a variety of units and lot sizes that would create more variation in housing types while preserving natural topographic features, provide a community facility, and create a unique community that provides pedestrian circulation and connection through the community.

In addition to compliance with the PHR Subarea Plan, the site of the proposed project has already been graded per previously approved Vesting Tentative Map (VTM) No. 7248 and subsequent grading permits. The limits of grading have not changed from the previously approved VTM and ensures that no additional environmentally sensitive land (ESL) will be impacted. The site is surrounded by other developed communities across the canyons that

encircle the majority of the project site, and are in close physical proximity to other residential single-family neighborhoods. Therefore, the type and density of the development are physically suitable for the project site.

**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 developable area of the site has been cleared and graded to established street alignments and create building pads as well as for other infrastructure improvements in accordance with previously approved Tentative Map No. 7248. The entire project has been designed to be consistent with the City's adopted Multiple Species Conservation Plan (MSCP) and to preserve the maximum area for the Multiple Habitat Planning Area (MHPA). All biological mitigation measures including open space dedication and habitat restoration required in the previously approved Master Environmental Impact Report No. No. 96-7918/SCH No. 97111077 and Findings LDR No. 41-0185 have been implemented. The project will not increase the development foot print from the previously approved Vesting Tentative Map No.7248; Planned Development Permit No. 7250 and Site Development Permit No. 7251.

The project has been designed to minimize alterations to natural landforms. Development footprints have been located to minimize erosion, flood, and fire hazards. According to the City of San Diego's Seismic Safety Study, the project lies within Geologic Hazard Category 53 with moderate to low risk for instability. In addition, the project site is not located on nor is it adjacent to an earthquake fault. The project would be required to utilize proper engineering design and utilization of standard construction practices, to be verified at the grading permit stage. Brush Management for fire safety is required for the project as native vegetation exist along the north and south perimeter of the site and is inclusive of the MHPA. Virtually all brush management will be located out of the MHPA resulting in increased building setbacks and reduced fire hazards and each home will contain a fire sprinkler system. The development area is located out of the floodway and on the flatter portions of the property and not subject to flooding. Therefore, 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.

**5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.**

The City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Master Environmental Impact Report (MEIR) No. 96-7918/SCH No. 97111077 and Findings LDR No. 41-0185/SCH No. 97111077, along with the Initial Study for this project, and determined that this project would not result in any additional significant effects on the environment beyond those identified in the MEIR. The proposed project is considered to be within the scope of analysis of the Specific Plan as examined by the MEIR and subsequent Findings pursuant to CEQA §15177, 15178, and 15179.

The project would be required to obtain building permits, grading permits, and a public improvement permit prior to the construction of the single family dwelling development. The

building plans and public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code requirements, and development regulations. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project. Such conditions include public utility installation, storm runoff restrictions, parking and landscaping requirements. These conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in SDP No. 1817510, and other regulations and guidelines pertaining to the subject property per the LDC. Therefore, the design of the subdivision or the type of improvement 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.**

The proposed subdivision will not conflict with existing public easements as proposed. Currently there exist a public sewer facility easement; a public sewer easement to construct, reconstruct, maintain, operate, and repair to sewer facility appurtenances; a public utility easement for ingress and egress granted to San Diego Gas and Electric; and a covenant of easement for protection environmentally sensitive lands on the site. Additionally, a building restricted easement, recreation easement, general utility and access easement, and a five-foot general utility easement also exist on the site

The project proposes to slightly redesign the previously approved development and vacate eight undeveloped roads, a public sewer facility easement, a building restricted easement, a recreation easement, a general utility and access easement, and a five-foot general utility easement. New roads will be incorporated into the proposed project and some of the previously recorded easements will remain. The proposed easement vacations and right-of-way vacations will not impact the proposed development and any of the surrounding neighborhoods. 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.**

The proposed 254- acre site with 515 lots for residential development 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 single family homes; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. The required minimum side and rear setbacks will be met, allowing for the passage of wind and penetration of sunlight between buildings. Proposed landscaping including canopy trees throughout the community will assist in cooling the community and prevent urban heat island effect.

**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 motivation behind the requested VTM Amendment is to provide the community with a housing mix that will better meet the needs of a broader group of San Diego home buyers. Variation resulting from development regulations from the proposed zones foster varied building articulation, lot sizes, and overall landscaping and architecture that will create diversity, promote a more varied design and improve the overall aesthetic of the community, thereby meeting the needs of a wider range of home buyers. The proposed amendment will be processed concurrently with an additional 13 affordable housing units that will also contribute to the diversity of home prices and provide much needed housing in the San Diego region. Public services, fiscal resources, and environmental resources are being coordinated with City; however, the project will adhere to the land development code and all applicable regulations. With the proposed development 515 single family residential units, there would be a gain of 515 for-sale units. The decision maker has determined that the available fiscal and environmental resources are balanced by the proximity of shopping and essential services and recreation in the nearby developed urban area. The project is within a half mile from retail services and sales. In addition, the project will include a recreation center and hiking trails within its boundaries. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

**B. EASEMENT VACATION - 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.**

The project proposes to construct 515 single-family dwelling units (451 previously approved and 64 additional units) comprised of 547 parcels to include 515 residential lots, two Multiple Habitat Planning Area (MHPA) open space lots, four water quality basin lots, 23 home owners association lots, one recreation center lot, and two private driveway lots. The proposed easement vacations are a result of the proposed project changing the layout of the subdivision. The modified Unit 8 and 9 is a re-subdivision of the previously approved Unit 8 and 9, of which none of the land has been conveyed. The prior streets and easements required by Unit 8 and 9 were dedicated to the City when approved in 2002. The proposed amendment will increase the number of single family dwelling units, shift the lots, realign the streets, and relocate the recreation center, making many of the previously recorded easements obsolete. The existing Subdivision Improvement Agreement (SIA) will be terminated and Public Improvement Plans and bonds cancelled. The land will be remapped with new public streets and easements granted on the new Vesting Tentative Map to replace those that are to be vacated. The streets and easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. 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.

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

The project proposes to vacate several easements to modify the previously approved undeveloped Planned Development. The project will require shifting of land uses that will cause

the need for easement vacations, reorganization of streets, utilities, lot lines, recreation center, and other easements into a more efficient plan that remains outside the MHPA Boundary. The modified Unit 8 and 9 is a re-subdivision of the previously approved Units 8 and 9, of which none of the land has been conveyed. The prior streets and easements required by Units 8 and 9 were dedicated to the City when approved in 2002. The proposed amendment will increase the number of single-family dwelling units, shifts the lots, realigns the streets, and relocate the recreation center, making many of the previously recorded easements obsolete. Therefore, the public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

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

The 254-acre project site is located at the northwest corner of Pacific Highlands Ranch Parkway and Carmel Valley Road within the RS-1-11, RS-1-13 OC-1-1 zones within the Pacific Highlands Ranch Subarea Plan area. The site is designated Low Density Residential (2 – 5 dwelling units per acre).

The project site is located within the Pacific Highlands Ranch Subarea Planning Area (Subarea III of the City's former North City Future Urbanizing Area). The Pacific Highlands Ranch Subarea Plan (PHRSP) was adopted in 1998 to guide development of Subarea III with the overall goal to refine and augment the NCFUA Framework Plan as it relates to Subarea III. The PHRSP also contains the more detailed area specific land use recommendations required by the citywide General Plan.

The Pacific Highlands Ranch community is based on neo-traditional planning concepts that emphasize bicycle, equestrian and pedestrian paths and focus community activities around a hub-and-spoke development pattern. Commercial, civic and residential uses would be integrated in the town center and the community's circulation system will accommodate pedestrian, bicycle, transit, and equestrian movement.

The "Low Density" designation permits single-family residences yielding approximately 2,370 dwelling units. The Subarea Plan recommends that these neighborhoods be designed to preserve natural topography and features. The Plan recommends pedestrian and open space linkages within and between neighborhoods through the use of trails. Lot and street alignments should be adapted to the topography and other natural features of the area to create a sensitive and unique series of neighborhoods. This design approach, particularly with regard to the construction of streets and other built improvements, minimizes the need for extensive earthwork. Distinct pedestrian and open space linkages should be developed within and between neighborhoods. These linkages will provide access to the rest of the community and its facilities and services. Additional public open spaces should be located at the edge of the MHPA to create focal points, utilize public view opportunities, trail heads and to visually link neighborhoods within the subarea.

The proposed project is meeting the goals and objectives of the Pacific Highlands Ranch Subarea Plan by including a distinct network of bike paths and pedestrian paths linking surrounding developments. The road design will follow the MHPA and open space boundaries and pocket parks will provide both passive and recreational opportunities throughout the project. Trail heads and open spaces linkages will provide access to various off site trails system's for walking, hiking, and mountain biking. Additionally, the project meets the density requirements



by providing 2-5 dwelling units per acre and incorporates a variety of unit and lot sizes that would create more variation in housing types while preserving natural topographic features. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous agricultural practices and grading from the previously approved Vesting Tentative Map. As a result, both grading and disturbance of sensitive habitat is minimized. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. Therefore, the 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.**

The proposed easement vacations are a result of the proposed project changing the layout of the subdivision. The modified Units 8 and 9 is a re-subdivision of the previously approved Unit 8 and 9, of which none of the land has been conveyed. The prior streets and easements required by Unit 8 and 9 were dedicated to the City when approved in 2002. The proposed amendment will increase the number of single family dwelling units, shift the lots, realign the streets, and relocate the recreation center, making many of the previously recorded easements obsolete. The existing Subdivision Improvement Agreement (SIA) will be terminated and Public Improvement Plans and bonds cancelled. The land will be remapped with new public streets and easements granted on the new Vesting Tentative Map to replace those that are to be vacated. The streets and easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. Therefore, 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.

**C. 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.**

The project proposes to construct 515 single-family dwelling units (451 previously approved and 64 additional units) comprised of 547 parcels to include 515 residential lots, two Multiple Habitat Planning Area (MHPA) open space lots, four water quality basin lots, 23 home owners association lots, one recreation center lot, and two private driveway lots. The proposed Public Right-of-Way vacations are a result of the proposed project changing the layout of the subdivision. The modified Unit 8 and 9 is a re-subdivision of the previously approved Unit 8 and 9 through Vesting Tentative Map No. 7248, of which none of the land has been conveyed. The prior streets required by Unit 8 and 9 were dedicated to the City when approved in 2002. The proposed amendment will increase the number of single family dwelling units, shift the lots, realign the streets, and relocate the recreation center, making many of the previously recorded easements obsolete. The existing Subdivision Improvement Agreement (SIA) will be terminated and Public Improvement Plans and bonds cancelled. The land will be remapped with new public streets and easements granted on the new Vesting Tentative Map to replace those that are to be vacated. The streets and easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act.

**2. The public will benefit from the vacation through improved use of the land made available by the vacation.**

The project proposes to vacate several streets to modify the previously approved undeveloped planned development. The project will required shifting of land uses that will cause the need for Public Right-of-Way vacations and reorganization of streets into a more efficient plan that remains outside the MHPA Boundary. The modified Unit 8 and 9 is a re-subdivision of the previously approved Unit 8 and 9, of which none of the land has been conveyed. The prior streets and easements required by Unit 8 and 9 were dedicated to the City when approved in 2002. The proposed amendment will increase the number of single family dwelling units, shifts the lots, realigns the streets, and relocate the recreation center, making many of the previously recorded easements obsolete. Therefore, the public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

**3. The vacation does not adversely affect any applicable land use plan.**

The site is designated Low Density Residential (2 – 5 dwelling units per acre) within the Pacific Highlands Ranch Subarea Planning Area (Subarea III of the City's former North City Future Urbanizing Area). The Pacific Highlands Ranch Subarea Plan (PHRSP) was adopted in 1998 to guide development of Subarea III with the overall goal to refine and augment the NCFUA Framework Plan as it relates to Subarea III. The PHRSP also contains the more detailed area specific land use recommendations required by the citywide General Plan.

The Pacific Highlands Ranch community is based on neo-traditional planning concepts that emphasize bicycle, equestrian and pedestrian paths and focus community activities around a hub-and-spoke development pattern. Commercial, civic and residential uses would be integrated in the town center and the community's circulation system will accommodate pedestrian, bicycle, transit, and equestrian movement.

The "Low Density" designation permits single-family residences yielding approximately 2,370 dwelling units. The Subarea Plan recommends that these neighborhoods be designed to preserve natural topography and features. The Plan recommends pedestrian and open space linkages within and between neighborhoods through the use of trails. Lot and street alignments should be adapted to the topography and other natural features of the area to create a sensitive and unique series of neighborhoods. This design approach, particularly with regard to the construction of streets and other built improvements, minimizes the need for extensive earthwork. Distinct pedestrian and open space linkages should be developed within and between neighborhoods. These linkages will provide access to the rest of the community and its facilities and services. Additional public open spaces should be located at the edge of the MHPA to create focal points, utilize public view opportunities, trail heads and to visually link neighborhoods within the subarea.

The proposed project is meeting the goals and objectives of the Pacific Highlands Ranch Subarea Plan by including a distinct network of bike paths and pedestrian paths linking surrounding developments. The road design will follow the MHPA and open space boundaries and pocket parks will provide both passive and recreational opportunities throughout the project. Trail heads and open spaces linkages will provide access to various off site trails system's for walking, hiking, and mountain biking. Additionally, the project meets the density requirements by providing 2-5 dwelling units per acre and incorporates a variety of unit and lot sizes that

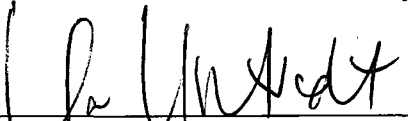
would create more variation in housing types while preserving natural topographic features. The proposed development has been sited on the portions of the project site with minimal topographic relief, most of which has been disturbed through previous agricultural practices and grading from the previously approved Vesting Tentative Map. As a result, both grading and disturbance of sensitive habitat is minimized. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. Therefore, the abandonment is consistent with any applicable land use plan.

**4. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.**

The proposed Public Right-of-Way Vacations are a result of the proposed project changing the layout of the subdivision. The modified Unit 8 and 9 is a re-subdivision of the previously approved Unit 8 and 9, of which none of the land has been conveyed. The prior streets and easements required by Unit 8 and 9 were dedicated to the City when approved in 2002. The proposed amendment will increase the number of single family dwelling units, shift the lots, realign the streets, and relocate the recreation center, making many of the previously recorded easements obsolete. The existing Subdivision Improvement Agreement (SIA) will be terminated and Public Improvement Plans and bonds cancelled. The land will be remapped with new public streets and easements granted on the new Vesting Tentative Map to replace those that are to be vacated. The streets and easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. Therefore, 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.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1817512, Public Right of Way Vacation No. 1864091, and Easement Vacation No. 1864786 are approved and hereby granted to PARDEE HOMES, contingent upon final passage of O- 20821 rezoning the site, and subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Inga B. Lintvedt  
Deputy City Attorney

IBL:mcm  
March 23, 2017  
Or.Dept: DSD  
Doc. No.: 1464277

Attachment(s): Conditions for Vesting Tentative Map

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 11 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Passed by the Council of The City of San Diego on APR 11 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 11 2017.

(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 *Sty Ready*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311047

EXHIBIT A  
VTM CONDITIONS, PTS NO.  
500058

CITY COUNCIL  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1817512,  
PACIFIC HIGHLANDS RANCH UNITS 8/9- PROJECT NO. 500058  
ADOPTED BY RESOLUTION NO. R-311047 ON APR 11 2017

**GENERAL**

1. This Vesting Tentative Map will expire April 11, 2020.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Vesting Tentative Map shall conform to the provisions of Development Permit No. 1817515 and Site Development Permit No. 1817510.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

6. Affordable Housing conditions for the additional 64 market rate residential units in Pacific Highlands Ranch Units 8 and 9 are covered separately under Project No. 500066, Del Mar Highlands Estates, Affordable Housing Site. Please refer to Planned Development Permit No. 1783449, for affordable housing permit requirements.

**ENGINEERING**

7. The Subdivider shall ensure that all 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.

8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. 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.
10. 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 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.
11. 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.
12. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

## **MAPPING**

13. "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].
14. "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."
15. Prior to the expiration of the Tentative Map, Final Map to subdivide Lots shall be recorded in the office of the County Recorder with request to process multiple Maps (Map Phasing).
16. Note to Subdivider: State number of Maps to be recorded.



17. 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.
18. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (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 shall be shown on the map.

#### **WASTEWATER/WATER**

19. The Subdivider shall process encroachment maintenance and removal agreements (EMRA), for all acceptable encroachments into the public right-of-way, including but not limited to the private sewer main, utilities and enhanced paving. No structures or landscaping of any kind shall be installed in or over any public vehicular access roadway.
20. The Subdivider shall provide a 10 feet minimum (edge to edge) separation between the water and sewer mains, and provide a 5 feet minimum separation between the water main and face of curb, per the Water and Sewer Design Guide.

#### **LANDSCAPE/BRUSH MANAGEMENT**

21. Prior to the issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed lands in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A', on file in the Office of the Development Services Department.
22. Prior to the issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 square foot area around each tree which is unencumbered by utilities and hardscape. Driveways, utilities, drains, water, and sewer laterals shall be designed so as not to prohibit the placement of street trees.

## **ENVIRONMENTAL**

23. Mitigation requirements in the Mitigation, Monitoring and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by Reference.
24. The mitigation measures specified in the MMRP and outlined in the Findings No. 500058/SCH No. 97111077 shall be noted on the construction plans and specifications under the hearing ENVIRONMENTAL MITIGATION REQUIREMENTS.
25. The Owner/Permittee shall comply with the MMRP as specific in the Findings No. 500058/SCH No. 97111077, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following area: Transportation/Circulation, Paleontological Resources, Public Facilities/Services, Water and Sewer Service, Solid Waste, Public Safety.

## **PARKS AND RECREATION**

26. The Owner/ Permittee shall ensure that prior to recordation of the Final Map a Recreation Easement for public access is placed over Lots F, J, P, R, U, V, W, and A-A and portions of Lots S, T, Y and 493 as shown on approved PHR Units 8&9 "MHPA Open Space, Trail Access and Recreation Easements" Exhibit "A" in conformance with the approved Vesting Tentative Map, to the satisfaction of the City Engineer.
27. The Owner/ Permittee shall ensure that prior to recordation of the Final Maps for Units 9A, 9B and 9C, evidence is provided that shows pedestrians shall be permitted access to the private sidewalks within Private Driveway "P" between Lot J and Lots V and W as well as access to Lot R (also known as the Senterra Trail) and the pedestrian connection over a portion of Lot 493 (also known as the Rancho Pacifica Trail). Such evidence will be in the form of the approved CC&R's for Units 9A, 9B and 9C.
28. The Owner/ Permittee shall ensure that prior to recordation of the Final Map for Unit 9A, a Recreation Easement to provide public access is placed over a portion of the Detention 11 Access Trail (Lot S) that is offsite to the subdivision and is within the adjacent Pacific Highlands Ranch Unit 18 to provide continuous public trail access as identified on the approved plans, in conformance with the approved Vesting Tentative Map, to the satisfaction of the City Engineer.
29. Prior to the acceptance of the Final Map, the Owner/Permittee shall provide an Irrevocable Offer of Dedication (IOD) in fee title to the City of San Diego Lots A-C and A-E to the satisfaction of the City Engineer. The Permittee shall ensure that the lots to be deeded to the City as open space are free and clear of all private easements, private encroachments, private agreement and/or liens. At no time will Lot A-C and A-E be

encumbered by any deed of trust and shall remain free and clear until at such time the City of San Diego accepts said lots.

30. Prior to the acceptance of said Irrevocable Offer of Dedication (IOD), the Owner/Permittee shall schedule an inspection with the Park & Recreation Department. All trash, illegal use and associated structures shall be removed prior to the City acceptance. All required restoration mitigation shall be completed.
31. Prior to the acceptance of said Irrevocable Offer of Dedication (IOD), the Owner/Permittee shall construct a trail between Basins 10 and 11. If the trail does not meet Park and Recreation Trail Standards and is not acceptable to the City, the IOD shall be vacated pursuant to the state law and said trail between Basins 10 and 11 shall be lotted out and shall remain in private ownership. A new IOD shall be offered that excludes said trail and the Owner/Permittee shall provide a Recreation Easement for public access over said trail.

**INFORMATION:**

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- 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).