

RESOLUTION NUMBER R- 311056
DATE OF FINAL PASSAGE APR 18 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING TENTATIVE MAP NO. 1457891, RIGHT-OF-WAY VACATION, AND UNDERGROUNDING WAIVER FOR 3503 – 3517 INDIANA STREET – PROJECT NO. 388089.

WHEREAS, Idea Enterprise, LP, a California Limited Partnership, Subdivider, and Walsh Engineering and Surveying, Inc., Engineer, submitted an application to the City of San Diego for a tentative map and public right-of-way vacation for the construction of seven new multi-family detached residential condominium units and the vacation of portions of Myrtle Avenue, between Indiana Street and the alley of Crestwood Place, and portions of the alley of Crestwood Place, between Cypress Avenue and Myrtle Avenue, and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The property is legally described as Lots 22 through 27 in Block 251 of University Heights, in the City of San Diego, County of San Diego, State of California, according to the amended Map thereof made by G.A. D’Hemecourt in Book 8 E.T. Seq. of Lis Pendens, in the Office of the County Recorder of San Diego County; and

WHEREAS, the Map proposes the Subdivision of a 0.52-acre site into one lot for 7 units residential development; and

WHEREAS, on May 31, 2016, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources

Code section 21000 et. seq.) under CEQA Guideline Section 15332, In-Fill Development Projects; and the Environmental Determination was appealed to City Council, which heard and denied the appeal on October 18, 2016 pursuant to Resolution No. R-310729; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 7; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) based on the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on January 19, 2017, the Planning Commission of the City of San Diego considered Tentative Map No. 1457891 and Public Right-of-Way Vacation, and pursuant to Resolution No. 4830-PC, the Planning Commission voted to recommend City Council approval of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body 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 18, 2017, the City Council of the City of San Diego considered Tentative Map No. 1457891, and Public Right-of-Way Vacation, including the waiver of the requirement to underground existing offsite overhead utilities and pursuant to San Diego Municipal Code section(s) 125.0440, 144.0240, 125.0430, 125.0941, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1457891:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The Project proposes the development of seven multi-family detached condominium dwelling units on two parcel lots with a combined 0.52 acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The Greater North Park Community Plan designates the 0.52 acre project site Medium-High Residential 30-45 dwelling units per acre. Based on the proposed project site area, 16 to 23 dwelling units would be allowed. According to General Plan Policy LU-C.4., new development is required to meet the density minimums of the applicable plan designation in order to ensure efficient use of remaining land available for residential development. However, due to the existing site development constraints with a heavily vegetated urban canyon and environmentally sensitive steep hillsides on the premises, a lower density of seven units at this site represents a more sensitive approach to this unique area and Policy LU-C.4 can be supported for the proposed density related to canyon and hillside preservation in the community.

The proposed Project will meet several policies of the Urban Design Element of the Greater North Park Community Plan by incorporating horizontal and vertical offsets, surface articulation, and other architectural features such as balconies, varying window arrangements, textures, and building materials to break up the perceived bulk and scale of the structure. In order to address guidelines for enhancing the public streetscape and pedestrian environment, street tree plantings associated with the Project will consist of jacarandas and evergreen theme trees for a combined total of ten along Indiana Street where there are currently only three street trees along the western side of the site. Although the Project is not located within community plan designated open space, the proposed Project utilizes the existing topography of the site by

utilizing a combined bench and stilt building construction, minimizing grading and clustering development in order to preserve the steeper portions of the site to the south as open space.

The proposed Project will include several project features that will meet recommendations found in the Conservation Elements of the community plan and the General Plan related to sustainable development and compliance with the Climate Action Plan. The Project will meet the recommendation of employing sustainable or green building techniques that will achieve greater energy efficiency and employ self-generation of energy using renewable technology by incorporating a rooftop photo-voltaic system which is intended to provide a minimum 15% improvement in performance standard when compared to Title 24; provide green/cool roof materials with a minimum 3-year aged solar reflection and thermal emittance or high solar reflection index; low-flow fixtures/appliances will be provided; and Electric Vehicle Charging Station (EVCS) will be provided in the enclosed private garage of each detached dwelling unit.

Several deviations are requested as part of the development proposal related to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. The North Park Community Plan does not provide specific recommendations regarding these particular development requirements. However, despite these deviations and as proposed, the Project will be consistent with the policies of the North Park Community Plan, as well as with applicable Conservation Element policies contained in the General Plan, and therefore the proposed subdivision and its design and improvements will be 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.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to overall building height, yard setbacks, architectural features, and retaining wall height at the front property line. More specifically, the Project requires the approval of eight deviations from the development regulations of the MR-1000 Zone of the Mid-Cities Community Planned District. These deviations are as follows:

- The Project has detached dwelling units that are separated by a minimum of 3 feet where detached dwellings are required to maintain a minimum distance of 6 feet between dwellings located on the same property.

The Project functions as a multi-family dwelling, which may share walls, in that it houses several residences within a unified parcel. It also functions in several manners similar to the City's small lot residential development regulations in which detached dwellings on separated parcels are permitted to not have setbacks between the subdivided lots, so long as the primary parcel complies with setbacks.

- The Project has a side setback of 2 feet from the north property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side

setback of 6 feet from the north property line at the third story where a side setback of 9 feet is required at the third story; and

- The project has a side setback of 2 feet from the south property line at the second story (entry balcony) where a side setback of 6 feet is required at the second story and a side setback of 6 feet from the south property line at the third story where a side setback of 9 feet is required at the third story.

Both the above deviations, the Project utilizes a building structure intended to be harmonious to the neighborhood's predominately existing single-family unit structures. In addition, the density and scale of the proposed development strikes a balance between the permissible Medium-High Residential development and the existing dense vegetation of the canyon south-east of the site. By providing small, private walk up stairways to the proposed units, the Project balances the mood of single-family residences surrounding it, with reduced setbacks to allow for the development of wider residential structures with the average width of 21'-6" for each unit, including stair entries.

- The project has a maximum structure height of 53 feet and the building is not above enclosed parking where the maximum structure height allowed where the building is not above enclosed parking is 40 feet.

- Dwelling #1 = 53 feet;
- Dwelling #2 = 50 feet;
- Dwelling #3 = 48 feet;
- Dwelling #4 = 47.5 feet;
- Dwelling #5 = 47 feet;
- Dwelling #6 = 49.5 feet; and
- Dwelling #7 = 45 feet

- The project has a maximum Overall Structure Height of 62.5 feet where the maximum Overall Structure Height allowed is 60 feet.

- Dwelling #1 has an Overall Structure Height of 62.5 feet above the lowest point within 5 feet of the structure;
- Dwelling #3 has an Overall Structure Height of 62 feet above the lowest point within 5 feet of the structure; and
- Dwelling #4 has an Overall Structure Height of 61 feet where above the lowest point within 5 feet of the structure.

Both of the height deviations are directly related to the existing topography on the site. The Project site's topography is comprised of nearly 80% of steep hillside slopes with grades ranging from 253.5 feet to 300.2 feet. This change in topography has created the development design for the units to establish the building massing by vertically stacking three floor levels (two above street level and one below basement) with minimal setback from the street and elevated on stilts to the rear on each unit. The development layout of separated, low-lying buildings, benefits the surrounding neighborhood by minimizing the impact to the natural topography of the site and maximizing on-site open spaces as well as maintaining several

significant trees on the site. Due to these constraints, the proposed design provides a uniquely different product of seven detached dwellings, elevated above the terrain and cushioned within the existing vegetation of the existing urban canyon.

- The project provides only 4 of the 5 architectural features as required by SDMC section 1512.0304. Not all the windows facing the street will have awnings where this feature requires all windows facing the street to have awnings.

The Project's design impact is maximized when architectural features work together. The Project's Unit 6, the development's only one-bedroom unit, is designed to read as a separate object, and though the materials and style remain "contemporary," the Project and Unit 6's abutting units are improved by the removal of the transom window and associated awning.

- The project does not provide the minimum transparency on the first story of the facade facing the street as required by SDMC section 1512.0312(b)(3), (4).

Three of the seven residential unit's garage doors fronting Indiana Street are fully glazed. The remainders are of a varied character to improve the neighborhood, through the removal of repetition. The glazed and unglazed windows will read similarly, but to require transparency on the entirety of these residences would create a monotonous dwelling type when repeated seven times. The physical separations between each detached structure also acts a layer of transparency to the development as a whole, further allowing public glimpse views through the green-scape canyon beyond and therefore, increasing the transparency of the development as a whole.

- The project provides a 4-foot solid wall at the front property line (perpendicular to it) where a maximum 3-foot high solid wall is allowed at the front property line.

Due to the steep terrain of the hillside and for the health, safety, and welfare of the unit's residents and public, a wall set at unit entry guardrail height has been added at the front of the property line along Units 1, 3, 4, and 7. By using natural materials such as the designated stone, the visual impact of the walls will be diminished when surrounded by other natural materials and landscape.

The above deviations are consistent with the purpose and intent of the Mid-City Community Planned District and Site Development Permit regulations and will allow a project design that is consistent with the existing developed character of the community than a project which might be required to strictly adhere to zoning regulations of the zone. 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 Project proposes the development of seven multi-family detached condominium dwelling units on two parcel lots with a combined 0.52 acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The Greater

North Park Community Plan designates the 0.52 acre project site Medium-High Residential 30-45 dwelling units per acre. Based on the proposed project site area, 16 to 23 dwelling units would be allowed.

The project site slopes from Indiana Street, eastward into a small, highly vegetated canyon, sloping some 35 – 47 feet across the site. The steep hillside terrain makes it challenging to achieve the minimum dwelling unit density permissible under the Greater North Park Community Plan without extensive steep hillside grading and clearance of the existing vegetation. The Project with the proposed lower density of seven detached dwellings units and hillside stilt structure construction is a suitable balance of providing an urban infill on environmentally sensitive steep hillsides and the retention and regeneration of the highly vegetated canyon. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project proposes the development of seven multi-family detached condominium dwelling units on two parcel lots with a combined 0.52 acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The proposed design minimizes impacts to the environmentally sensitive lands, specifically steep hillside slope, through the planning of several smaller scaled detached dwelling units sited across the eastern frontage of the property in-lieu of a singular large structure. Each structure is setback from the street to allow for vehicular entry, and is designed upon stilts to elevate the detached structures above the natural land-form. The design therefore minimizes any disturbance to the natural ground plane below through the use of isolated pier footings within the natural landscape. Flow-through planters are also incorporated into the project to avoid urban storm water run-off into the environmentally sensitive lands.

Furthermore, the Permit provides a condition to protect the environmentally sensitive lands (Steep Hillsides) that are outside of the allowable development area on the premises to remain in a natural state and used only for those passive activities allowed as a condition of permit approval. The passive activities allowed on the undeveloped remainder of the premises and any other conditions of the Permit shall be incorporated into a covenant of easement that shall be recorded against title to the property. Therefore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The proposed Project has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The Project is consistent with the Greater North Park Community Plan, the City's

environmental regulations, landscaping and brush management requirements, the fire protection policies, water and sewer study recommendations, and the City's affordable housing policies and regulations. The Project is also located in Fire Buffer Zone (300'). The proposed project proposes alternative compliance for Brush Management by eliminating Zone 1 and incorporating the seven detached dwellings, decks, and other flammable building materials with resistivity levels that comply with protective fire ratings and regulations. In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the Project for this site contains specific conditions addressing the 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. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by the City to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations. These requirements will assure the continued health, safety and general welfare of persons residing or working in the area. 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 Project proposes the development of seven multi-family detached condominium dwelling units on two parcel lots with a combined 0.52 acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The project site is located on private property and is not within a public access corridor identified in the community plan and does not contain any easements for public access. 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 Project proposes the development of seven multi-family detached condominium dwelling units on two parcel lots with a combined 0.52 acreage located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan. The proposed Project will include several project features that will meet recommendations found in the Conservation Elements of the community plan and the General Plan related to sustainable development and compliance with the Climate Action Plan. The Project will meet the

recommendation of employing sustainable or green building techniques that will achieve greater energy efficiency and employ self-generation of energy using renewable technology by incorporating a rooftop photo-voltaic system which is intended to provide a minimum 15% improvement in performance standard when compared to Title 24; provide green/cool roof materials with a minimum 3-year aged solar reflection and thermal emittance or high solar reflection index; low-flow fixtures/appliances will be provided; and Electric Vehicle Charging Station (EVCS) will be provided in the enclosed private garage of each detached dwelling unit.

In addition, all of the detached dwellings have adequate window openings to allow for cross ventilation cooling, thereby reducing the need to air-conditioning. All the living spaces and main bedrooms are located on the east side overlooking the valley, with the garages and bathrooms with minimum amount of glazing on the west side, thereby reducing the heat load to the living and sleeping areas of the dwellings. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The Project proposes the subdivision of two parcel lots, with a combined 0.52 acreage, and the creation of seven multi-family detached condominium dwelling units located at 3503-3517 Indiana Street, south of Cypress Avenue and north of Myrtle Avenue, in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan.

The creation of seven new dwelling units, where there existed two units, would assist the housing needs of the North Park area community. The seven single dwelling units will not place a significant impact on public resources such as police, fire, parks and library resources. Existing public utility services to the subdivision shall continue to be provided and serve the seven dwelling units. The proposed subdivision has implemented drainage and storm water improvements due to the required implementation of current codes, and the fees and taxes from the subdivision will be used for future infrastructure. Therefore, the Planning Commission 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 above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that portions of Myrtle Avenue and Crestwood Place, located within the project boundaries as shown in Tentative Map No. 1457891, 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:

9. 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 project site located at 3503-3517 Indiana Street, south of Cypress Avenue, north of Upas Street, and west of Georgia Street within the Greater North Park Community Plan area. The Project proposes the subdivision of two parcel lots, with a combined 0.52 acreage, and the creation of seven multi-family detached condominium dwelling units and the public right-of-way vacation of the abutting unimproved portions of Myrtle Avenue and Crestwood Place (alley).

The unimproved portion of Myrtle Avenue, a 60 feet by 158 feet public right-of-way, is located along the Project's southerly property line and the unimproved portion of Crestwood Place (alley), a 20 feet by 163 feet public right-of-way, is located along the Project's easterly property line. Both public rights-of-way intersect at 90 degrees at the Project's southeasterly property corner and no further public right-of-way exists beyond the intersection to the east or south. The unimproved public rights-of-way do not provide any vehicle access to the abutting developed properties along the rear of Indiana Street, Upas Street, and Georgia Street. The existing public utilities within the vacated rights-of-way shall be reserved as public easements and continue to serve the surrounding community. Due to the steep hillside topography of these portions of Myrtle Avenue and Crestwood Place and lack of residential development access, the existing rights-of-way does not provide any logical future connection within the North Park community. 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.

10. The public will benefit from the vacation through improved use of the land made available by the vacation. (San Diego Municipal Code § 125.0941(b)).

The project site located at 3503-3517 Indiana Street, south of Cypress Avenue, north of Upas Street, and west of Georgia Street within the Greater North Park Community Plan area. The Project proposes the subdivision of two parcel lots, with a combined 0.52 acreage, and the creation of seven multi-family detached condominium dwelling units and the public right-of-way vacation of the abutting unimproved portions of Myrtle Avenue and Crestwood Place (alley) that will not be utilized for public street purposes.

The abutting property owners would benefit in that the vacation would revert the dedicated portion of the right-of-way back to private ownership, which would inhibit the public from disposing of trash and allow for passive recreational activities by the owners as allowed with the Project's proposed conservation easement. Additionally, allowing the vacation of this portion of right-of-way would reduce the City liability. Therefore, the proposed right-of-way vacation would benefit the public by minimizing encroachment and public liability.

11. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c)).

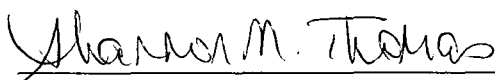
No portion of the proposed street vacation or adjacent properties have been designated as open space, pedestrian pathway, park, or a public view corridor in the Greater North Park Community Plan. Therefore, the proposed right-of-way vacation does not adversely impact the recommendations found in the community plan.

12. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. (San Diego Municipal Code § 125.0941(d)).

The unimproved portion of Myrtle Avenue, a 60 feet by 158 feet public right-of-way street, is located along the Project's southerly property line and the unimproved portion of Crestwood Place (alley), a 20 feet by 163 feet public right-of-way street, is located along the Project's easterly property line. Both public rights-of-way intersect at 90 degrees at the Project's southeasterly property corner. Due to previous right-of-way vacations for existing residential development on Georgia Street and Upas Street, no further public right-of-way street exists beyond the intersection of Myrtle Avenue and Crestwood Place, to the east or south that would provide any transit opportunities or further connectivity. The purpose and intent for which the public rights-of-way was originally dedicated is no longer in effect, the streets have not been improved, and there are no future plans for the site. Therefore, the public right-of-way was originally acquired will not be detrimentally affected by the proposed vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 1457891, public right-of-way vacation, and waiver of the requirement to underground existing off-site overhead utilities are hereby granted to Idea Enterprise, LP, a California Limited Partnership, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/21/2017
Or.Dept:DSD
Doc. No.: 1461005

Attachment: Conditions for Tentative Map No. 1457891

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO.1457891

3503 – 3517 INDIANA STREET- PROJECT NO. 388089

ADOPTED BY RESOLUTION NO. R-311056 ON APR 18 2017

GENERAL

1. This Tentative Map will expire April 18, 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 Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Tentative Map shall conform to the provisions of Site Development Permit No. 1361903.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written

confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

9. 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.
10. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
11. The Subdivider shall reserve adequate easement(s) for all existing public and private utilities located within the portions of Myrtle Avenue and the easterly alley way, Crestwood Place, that are proposed to be vacated.

MAPPING

12. "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).
13. "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."
14. 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.
15. Per SMA 66426, a Final Map is required to consolidate the existing lots into one lot and to subdivide the ownership interest as a condition of the tentative map. 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.

16. Prior to the recordation of the Final Map the street vacation shall be recorded. A legal description, Exhibit "A" and B-sheet drawing, Exhibit "B," shall be recorded at the office of the County Recorder's office.

PUBLIC UTILITIES

17. Prior to the recordation of the Final Map, the Subdivider shall provide evidence that CC&R's have been added to the titles of those properties which share private water and/or sewer facilities. The CC&R's are subject to the approval of the Public Utilities Director and must be written so as to ensure the perpetual operation and maintenance of all such shared private facilities.

PLANNING

18. Prior to the recordation of the Final Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for steep hillsides, in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

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 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 Tentative Map, may protest the

imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Passed by the Council of The City of San Diego on APR 18 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 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 18 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.

(Seal)

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

By *Zenda Bruin*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311056