

RESOLUTION NUMBER R- 311402

DATE OF FINAL PASSAGE NOV 07 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 1968677, EASEMENT VACATION NO. 1968676, PUBLIC RIGHT OF WAY VACATION NO. 1179064 FOR CORALLINA AT PHR - PROJECT NO. 335613

WHEREAS, TRY ANGLE FARM LIMITED PARTNERSHIP, a California limited partnership, Subdivider, and Raymond L. Martin, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map (Vesting Tentative Map No. 1968677), Public Right-of-Way Vacation (Public Right of Way Vacation No. 1179064) and Easement Vacation (Easement Vacation No. 1968676) for the mixed-use project known as Corallina at Pacific Highlands Ranch. The project site is located 6155 Carmel Valley Road within the AR-1-1 and RT-1-2 Zones of the Pacific Highlands Ranch Community Planning area. The property is legally described as Parcel 2 of Parcel Map No. 21390, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, September 16, 2016 as File No. 2016-7000396 of Official Records; and

WHEREAS, the Vesting Tentative Map proposes the Subdivision of a 5.99-acre site into three lots for residential and mixed-use development (one residential and two mixed-use); 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 109; and

WHEREAS, on September, 14, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1968677, Public Right-of-Way Vacation No. 1179064, and Easement Vacation No. 1968676, and pursuant to Resolution No. 4890-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 November, 7, 2017, the City Council of the City of San Diego considered Vesting Tentative Map No. 1968677, Public Right-of-Way Vacation No. 1179064, and Easement Vacation No. 1968676, and pursuant to San Diego Municipal Code sections 125.0440, 125.0430, 125.0941, 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council of the City of San Diego 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. 1968677, Public Right-of-Way Vacation No. 1179064, and Easement Vacation No. 1968676:

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 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 5.99-acre site is designated for a mixed-use project by the PHRSP. The proposed three-lot subdivision includes a total of 130 dwelling units and 30,000 square feet of retail space. The proposed development implements the goals and policies of these documents by creating a mixed-use project with 109 market rate residential condominiums and 21 affordable residential units, over 30,000 square feet of commercial space. The residential component of this proposed development provides a portion of the housing needs within the community, concentrated in the heart of the "Village" within the Town Center area identified in the Pacific Highlands Ranch Subarea Plan. These high density units are the residential core of the community, and combined with the commercial, retail, office, and nearby civic uses, form a mixed-use and pedestrian-oriented development located along a regional transit system. The development utilizes design components that facilitate pedestrian orientation, such as a modified grid system, bulb-out sidewalks at intersections, diagonal street-side parking, and other pedestrian features within the development. Therefore, the subdivision will not adversely affect 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 proposes a change in the zoning of the site from AR-1-1 and RT-1-2 to CC-1-3 and Urban Village Overlay Zones as recommended in the PHRSP and as requested by City Council at the creation of the Pacific Highlands Ranch Subarea Plan in 1999. No deviations to the subdivision are proposed other than the retaining wall discussed below, and the design of the subdivision complies with all regulations of the CC-1-3 and Urban Village Overlay Zone including, but not limited to, height, setbacks, density, landscape, parking, and floor area ratio. One deviation is requested for a temporary retaining wall up to 28-feet in height on the eastern portion of the property to minimize grading on site and allow maximum use of the site. This results in a pedestrian-oriented development, meeting the intent of the applicable zoning and development regulations for this site. The removal of the retaining wall is assured by the continuation of the Village Way right-of-way, which will be constructed through the adjacent property and terminate at Village Center Loop Road to the east. 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 5.99-acre site slopes down to the southwest, with existing onsite elevations ranging from 278 feet to 312-feet MSL. The development is physically situated within the “Village” land use designation of the Pacific Highlands Ranch Subarea Plan. The “Village” calls for higher-density, transit-dependent housing mixed with commercial and civic uses. The development, through its general location and local site plan, encourages a higher degree of pedestrian activity, and is located south of Carmel Valley Road and near to State Route 56, allowing for region-wide transit access. The site is currently a graded vacant lot and is at the Town Center of Pacific Highlands Ranch. The suitability of this site for the type and density of the proposed project was analyzed through various technical studies including, geotechnical, traffic, water quality, and drainage. The technical studies concluded the site is physically suitable for the type and density of the proposed 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 entire project has been designed to be consistent with the previously approved Master Environmental Impact Report No. No. 96-7918/SCH No. 97111077. 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 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 Findings No. 335613 to Master Environmental Impact Report (MEIR) No. 96-7918/SCH No. 97111077, approved by City Council on July 28, 1998 per Resolution No. 290520, 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.

The subdivision, together with the existing surrounding development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the Pacific Highlands Ranch Subarea Plan, 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 subdivision will construct necessary improvements, including sewer and water facilities to serve the residents and occupants. The development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance.

The development will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. All structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The development has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a proposed design of the subdivision, or the type of improvement, that 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 design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer. The subdivision proposes vacation of several right-of-way and utility easements that are no longer necessary or used. In their place, where needed, new easements and/or rights of way are proposed to be dedicated to replace them. The proposed easement vacations and right-of-way vacations will not impact the proposed development and any of the surrounding neighborhoods. All easements granted to the City over the property have been left in place or have been relocated and improved in a manner that allows for public access that is better than access formerly provided by the unimproved easements, as reflected on the Vesting Tentative Map. 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 design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for 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. Proposed landscaping, including canopy trees, will assist in cooling the community and prevent urban heat island effect. The proposed buildings are elongated in the east-west axis, thereby maximizing solar orientation. Therefore, the design of the proposed division provides the opportunity through building materials, site orientation, architectural treatments, and placement and selection of plant materials, 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 development will construct a mixed-use project, with a multi-use urban village, with 109 market rate residential condominiums and 21 affordable residential units for a total of 130 residential dwelling units. These additional dwelling units provided by the proposed development will make a substantial contribution towards fulfilling the City's Regional Housing Needs Assessment allocation found in the City's Housing Element adopted in March of 2013. The higher density of the proposed development means an increased supply of housing units without the same associated loss of land and environmental resources. The introduction of quality multifamily market-rate and affordable housing units in the Pacific Highlands Ranch Community brings diversity in housing options for the community and the City as a whole. The project implements the City's General Plan policies that encourage locating residential uses near transit and employment opportunities, thereby capturing automobile trips and allowing for increased pedestrian activity, bicycle and transit activity. All appropriate public services (including fire, police, medical, schools, public parks, and libraries) as well as necessary utilities such as electricity, water, and sewer, will be available to and adequate for the proposed development. The development is not expected to have a net fiscal impact on the City, as any potential fiscal impact will be offset by additional revenues accruing to the City from increased property taxes.

The decision maker has reviewed the administrative record, including the project plans and environmental documentation, and heard public testimony to determine 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 and found that the addition of 130 residential units for private development is consistent with the housing needs anticipated for the Pacific Highlands Ranch Community Planning area.

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 General Utility and Access Easements, and portions of Water Easements, located within the project boundaries as shown in Vesting Tentative Map No. 1968677, Public Right-of-Way Vacation No. 1179064, and Easement Vacation No. 1968676, 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 easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a)).

The existing easements requested to be vacated are located within, or are related to, the original alignment of both Old Survey No. 57 (Black Mountain Road) and Black Mountain Road

(now identified as Carmel Valley Road). Carmel Valley Road has been realigned north of the project site, with all easements or facilities relocated into that right of way. The easement vacations proposed will allow the construction of a private, mixed-use project. Therefore, there is no present or prospective use for the proposed easement vacation, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

10. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment. (San Diego Municipal Code § 125.1040(b)).

The project proposes to vacate easements which currently impede full use of the subject site and limit the ability to develop the property to the fullest potential as projected by the Land Use Element of the Pacific Highlands Ranch Subarea Plan. The proposed vacation will allow the project site to be fully utilized and to provide for the full measure of both market rate and affordable housing opportunities as well as commercial office space availability projected by the approved Subarea Plan. Therefore, the public will benefit from the easement abandonment through improved utilization of the land made available by the vacation.

11. The abandonment is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)).

The existing easements requested to be vacated are located on land designated as the "Village" within the Pacific Highlands Ranch Subarea Plan, which allows for a mixed-use project. Abandonment of these easements would allow the construction of a project consistent with the Village land use designation. Therefore, the abandonment of these easements are consistent with the applicable land use plan.

12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d)).

The original, old alignments of Old Survey No. 57 (Black Mountain Road) and Black Mountain Road have been realigned and reconstructed to the north, along with the relocation of any utilities or public facilities for which these onsite easements were originally provided. Therefore, the public facility or purpose for which these easements were originally acquired no longer exists.

BE IT FURTHER RESOLVED, that portions of Old Survey No. 57 (Black Mountain Road) and Black Mountain Road, located within the project boundaries as shown in Vesting Tentative Map No. 1968677, Public Right-of-Way Vacation No. 1179064, and Easement Vacation No. 1968676, 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:

13. 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 existing rights-of way which are being requested to be vacated are portions of the original, old alignment of both Old Survey No. 57 (Black Mountain Road) and Black Mountain Road. This major roadway, now referred to as Carmel Valley Road, has been recently realigned and reconstructed consistent with the Circulation Element of the Pacific Highlands Ranch Subarea Plan. The existing rights-of-ways are no longer necessary, and private development will occur in their stead. Therefore, there is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

14. 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 proposes to vacate several portions of existing right-of-way which currently impede full use of the subject site and limit the ability to develop the property to the fullest potential as projected by the land use element of the Pacific Highlands Ranch Subarea Plan. The proposed right-of-way vacations will allow the project site to be fully utilized and to provide for the full measure of both market rate and affordable housing opportunities as well as commercial office space availability projected by the approved Subarea Plan. Therefore, the public will benefit from the right-of-way vacation through improved utilization of the land made available by the vacation.

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

The existing right-of way requested to be vacated are portions of the original, old alignment both Old Survey No. 57 (Black Mountain Road) and Black Mountain Road. This major roadway, now referred to as Carmel Valley Road, has been recently realigned and reconstructed consistent with the City adopted Circulation Element of the Pacific Highlands Ranch Subarea Plan. The existing easements requested to be vacated are located on land designated as the "Village" within the Pacific Highlands Ranch Subarea Plan, which allows for a mixed-use project. Abandonment of these easements would allow the construction of a project consistent with the Village land use designation. Therefore, the proposed vacations do not adversely affect the applicable land use plan.

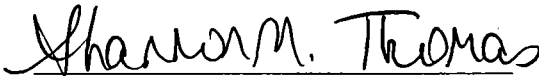
16. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. (San Diego Municipal Code § 125.0941(d)).

Existing public facilities associated with the original, old alignment of Carmel Valley Road have been removed, or relocated, as part of the realignment and construction of the Carmel

Valley Road. Therefore, public facilities for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council of San Diego, Vesting Tentative Map No. 1968677, Public Right-of-Way Vacation No. 1179064, and Easement Vacation No. 1968676, are hereby granted to TRY ANGLE FARM LIMITED PARTNERSHIP, a California limited partnership, Subdivider, 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
10/20/2017
Or.Dept:DSD
Doc. No.: 1596442

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1179059
CORALLINA - PROJECT NO. 335613
ADOPTED BY RESOLUTION NO. R-~~311402~~³¹¹⁴⁰³ NOV 07 2017

GENERAL

1. This Vesting Tentative Map will expire NOV 07 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 Vesting Tentative Map expiration date, a Final Map to subdivide the lots 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. This Subdivision shall conform to the provisions of Planned Development Permit No. 1965098, Site Development Permit No. 1179061, and Neighborhood Use Permit No. 1968364.
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.

AFFORDABLE HOUSING REQUIREMENTS

7. The Owner/Permittee/Subdivider shall comply with the affordable housing requirements of the City's North City Future Urbanizing Area Framework Plan and the Pacific Highlands Ranch Subarea Plan, which requires that the project provide 20 percent of the pre-density bonus units as affordable (the "Affordable Housing Requirements").
 - A. Prior to the recordation of the Final Map, the Owner/Permittee/Subdivider shall:
 1. Enter into a Master Affordable Housing Agreement ("Affordable Housing Agreement") with the San Diego Housing Commission ("Housing Commission") to detail and assure the construction and occupancy of an "Affordable Housing Project" consisting of twenty-one (21) units ("Affordable Units") to be constructed on Lot 3 (the "Affordable Housing Site"), as shown on the Vesting Tentative Map and Exhibit "A" Drawings. The Affordable Housing Agreement shall be recorded against the property senior to all monetary liens. The bedroom and bathroom mix of the Affordable Units shall be proportional to the bedroom and bathroom mix of the market rate units at the property. The Affordable Housing Agreement shall include all of the provisions of this Section and such other and further conditions as shall be required by the President and CEO of the Housing Commission, or his designee ("President and CEO"), to assure satisfaction of the affordable housing requirements as referenced in this Permit and the Affordable Housing Program.
 2. Execute and record a declaration of covenants, conditions and restrictions (the "Declaration") in first priority position against the Affordable Housing Site, restricting the occupancy and affordability of the Affordable Housing Project for a period of fifty five (55) years from the date of initial occupancy of the Affordable Housing Project. All Affordable Units shall be for rent or sale to families earning no more than sixty five percent (65%) of the Area Median Income, as adjusted for family size and utilities, and with a rental rate or a total housing cost, as applicable that does not exceed thirty percent (30%) of sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities. The Declaration shall provide for the bedroom and bathroom mix of the Affordable Units (which shall be proportional to the bedroom and bathroom mix of the market rate units at the property), and the siting of the Affordable Housing Project.
 3. Execute and record a deed of trust against the Affordable Housing Site, in second lien priority (junior only to the Declaration), assuring the timely performance of the Declaration and the Affordable

Housing Agreement. The deed of trust in favor of the Housing Commission may be subordinated to construction deed of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the President and CEO in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Housing Project, upon such terms and conditions as she/he may impose.

4. Post performance security for the construction of the Affordable Housing Project, including without limitation, all onsite and offsite improvements, necessary to access and serve the Affordable Housing Project with all necessary utilities, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the President and CEO in her/his sole discretion.
- B. The timing of the construction and occupancy of the Affordable Housing Project, acceptable to the President and CEO, shall be included in the Affordable Housing Agreement, provided that the following timetable shall be incorporated into the Affordable Housing Agreement:
1. Issuance of building permits for the Affordable Project shall occur on or before the earlier of:
 - a. The issuance of building permits for construction of the 55th market rate dwelling unit; or
 - b. Twenty-four (24) months after the issuance of the first residential building permit.
 2. In no event shall the issuance of building permits for the construction of the 55th market rate dwelling unit occur until building permits for construction of the twenty-one (21) affordable units are authorized by the City and are obtained by the Owner/Permittee/Subdivider. Further, if individual parcels are sold initially by the Owner/Permittee/Subdivider without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building permit issued, in determining when the issuance of the building permit occurs for the 55th market rate unit.
 3. Completion of construction of the Affordable Project shall occur upon the earlier of:
 - a. Eighteen (18) months after the issuance of building permit for the Affordable Project: or
 - b. Three and one half years after the issuance of the first residential building permit at the property.

4. Occupancy of the Affordable Project shall occur not later than one hundred eighty (180) days after the completion of construction the Affordable Project.
- C. For "good cause" shown to the satisfaction of the President and CEO, the thresholds and dates referenced herein may be adjusted and/or extended one or more times. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the President and CEO, in his/her sole discretion.
- D. The successors, heirs and assigns of the Owner/Permittee/Subdivider shall enter into and execute such other and further documents as the President and CEO shall require, from time to time, as may be needed to effectuate the affordable housing requirements of this Vesting Tentative Map and the Affordable Housing Program.

ENGINEERING

8. This Subdivision shall comply with all Conditions of the Site Development Permit No.1179061, Planned Development Permit No. 1965098, Neighborhood Use Permit No. 1968364.
9. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
10. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Owner/Permittee/Subdivider will be required to install a new street light adjacent to the site as shown on Exhibit "A," satisfactory to the City Engineer.
11. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee/Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
12. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. Back flow prevention devices shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
13. Prior to the recordation of the Final Map, the Subdivider shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities, in a manner satisfactory to the Public Utilities Director and the City Engineer.

14. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
15. 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.
16. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

17. "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].
18. "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."
19. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES DEPARTMENT

20. The Subdivider shall process encroachment maintenance and removal agreements (EMRAs) for all acceptable encroachments into public right-of-way, including, but not limited to structures, enhanced paving, or landscaping.
21. The Subdivider shall provide a 10-foot minimum (edge to edge) separation between the water and sewer mains, and provide a 5-foot minimum separation between the water main and face of curb, per the Water and Sewer Design Guide.
22. Prior to the recordation of the Final Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

GEOLOGY

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

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain

the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Passed by the Council of The City of San Diego on NOV 07 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 07 2017

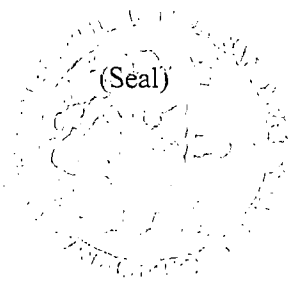
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

By Ginda Bruin Deputy



Office of the City Clerk, San Diego, California
Resolution Number R- 311402