

RESOLUTION NUMBER R- 311463

DATE OF FINAL PASSAGE DEC 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING TENTATIVE MAP NO. 1532103
AND EASEMENT VACATION NO. 1927562 FOR MARBURN
CORP TM. – PROJECT NO. 435483.

WHEREAS, Marburn Corporation, a California Limited Liability Corporation, Subdivider, and Paco Laret Suiter, Engineer, submitted an application to the City of San Diego for a Tentative Map No. 1532103 and Easement Vacation No. 1927562 for the residential project known as Marburn Corp Project. The project site is located north of Interstate 8 and east of College Avenue at 5551 1/3 College Avenue within the RS-1-7 Zone and the Navajo Community Plan area. The property is legally described as Portion of Lot 67 of Rancho Mission of San Diego, In the City of San Diego, County of San Diego, State of California, as described in Grant Deed Recorded November 3, 1975 as Document 75-306249; and

WHEREAS, the Map proposes the Subdivision of a 5.9-acre site into 29 lots consisting of 24 single dwelling residential lots, and five Homeowner Association (HOA) lots, including two private open space lots, one access water easement lot, one storm water lot, and a private street; 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 September 14, 2017, the Planning Commission of the City of San Diego considered Tentative Map No. 1532103 and Easement Vacation No. 1927562, and pursuant to Resolution No.4892-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 December 11, 2017, the City Council of the City of San Diego considered Tentative Map No. 1532103 and Easement Vacation No. 1927562, and pursuant to San Diego Municipal Code sections 125.0440 and 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after the Council approval on December 11, 2017, but before the recordation of the approvals, the ownership changed to Light On A Hill, LLC; 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.1532103:

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

The 5.99-acre project site is a vacant property located immediately north of Interstate 8 on the east side of College Avenue, within the Navajo Community Plan (NCP). The project proposes to subdivide the existing vacant parcel into a total of 29 lots consisting of 24 lots to accommodate the construction of 24 single dwelling units with deviations from the RS-1-7 Zone development regulations, and five HOA lots consisting of two private open space lots totaling 0.18 and 0.31 acres; a water easement access lot totaling 441.2 square feet; a 0.58-acre lot for storm water basins; and one lot for the private drive. The project also includes the construction of associated site improvements including site walls, bio-filtration basins, utilities, landscaping and a private drive, and the vacation for four existing easements for storm drains, sewer, and slope.

The long-range vision for the NCP is to retain the residential character of the area and enhance Navajo as a livable, walkable community. The principal objective of the Residential Element of the NCP is to maintain and enhance the quality of existing residences and encourage the development of a variety of new housing types with dwelling unit densities primarily in the low to low-medium density range. The NCP provides several policy recommendations for residential development, which have been incorporated into the design of the proposed development as detailed below.

The project is a low density residential development consisting of three design plans that are similar in bulk and scale to the surrounding low density residential development while providing new housing opportunities within the community. The Residential Element of the NCP recommends site design for new residential development to be sensitive to the topography and surrounding areas, including use of retaining walls to minimize grading and recontouring areas where needed. According to the Geotechnical Investigation report prepared by AGS Advanced Geotechnical Solutions, Inc. for the project, the site was previously partially graded to its current configuration in the late 1950's to early 1960's in relation to the construction of the residential development to the east, College Avenue to the west and Interstate 8 and associated College Avenue off ramp to the south and southwest. The report further states that fills of 20 to 30 feet deep appear to have been placed in the southwesterly portion of the site associated with the residential development to the southeast, based on historic photos and topographic maps. Based on a slope analysis, the site does not contain any steep hillsides as defined in SDMC Section 113.0103. Overall, the project is designed to work with the site's topographic conditions and maintains the southerly descending topography while providing a transition between project's grade elevations in relation to the abutting development. The project uses a combination of cut, fill, contour grading techniques and retaining walls to help achieve an infill development with a grading design sensitive to the topography and surrounding areas while maximizing the use of an otherwise, vacant underutilized residentially zoned property.

The NCP also calls for streets to be designed and developed to be pleasant places to walk and drive, as well as the protection of residential areas from noise of excessive traffic. The project proposes a 25-foot wide private drive, with sidewalk along the east side providing a walkable private street for residents that connects to sidewalk on College Avenue. The project has also been conditioned to include sound attenuation features that will reduce noise associated with the traffic on I-8 and College Avenue to 45 decibel (dB) Community Noise Equivalent Level (CNEL) interior noise level as recommended in the Acoustical Analysis prepared by Davy & Associates, Inc., dated December 16, 2016. The project is consistent with NCP land use designation and consistent with its policy recommendations for residential development and therefore, the proposed development will not adversely affect the applicable land use plan. Based on the above, 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 proposes the subdivision of a vacant 5.99-acre parcel into 24 residential lots and five HOA lots for the development of 24 dwelling units. The project also includes construction of associated site improvements including site walls, bio-filtration basins, utilities, landscaping and a private drive.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for floor area ratio, height, lot area, open space, parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes five deviations: to create buildable lots without frontage on a dedicated public right-of-way, to create residential lots which take access from a private drive, to reduce the front yard setback for certain dwelling units, and to allow certain lots to deviate from the minimum required lot depth. Therefore, the proposed development will comply with the applicable regulations of the land Development Code, including any allowable deviations pursuant to the LDC.

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

The 5.99-acre undeveloped project site is located north of Interstate-8 and east of College Avenue within the NCP area. Topography on site generally slopes down toward the southwest with approximate elevations ranging 450 mean sea level at the northerly limits of the site to 356 mean sea level at the southwest corner. There are slopes up to approximately 25 feet high along the northwesterly property boundary ascending to College Avenue. There is an existing 80-foot wide public water easement, and an 8-foot wide SDG&E easement, located at the northern end of the project site, which are to remain and not affected by the proposed project.

The site was previously partially graded to its current configuration in the late 1950's to early 1960's in relation to the construction of the residential development to the east, College Avenue to the west and Interstate 8 and associated College Avenue off ramp to the south and southwest, with potentially fills of 20 to 30 feet deep placed in the southwesterly portion of the site. A Geotechnical Investigation report prepared by AGS Advanced Geotechnical Solutions, Inc. for the project adequately addresses soil and geologic conditions potentially affecting the proposed project for the purposes of environmental review and indicates the site is physically suitable for the design and siting of the proposed development.

Overall, the project is designed to work with the site's topographic conditions and maintains the southerly descending topography while providing a transition between project's grade elevations in relation to the abutting development. The project uses a combination of cut, fill, contour grading techniques and retaining walls to help achieve an infill development with a grading design sensitive to the topography and surrounding areas while maximizing the use of an otherwise, vacant underutilized residentially zoned property.

Furthermore, the proposed residential development is consistent with both the community plan land use designation and zone. The NCP designates the site for Very Low/Low Density Residential development at a density range between zero and nine dwelling units per acre (du/ac). The NCP land use designation is implemented by the underlying RS-1-7 zone, which is a Residential-Single Unit zone intended for the development of single dwelling units that

accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character and livability. The project site could accommodate a maximum of 54 dwelling units based on the land use designation, and a maximum of 52 dwelling units based on the RS-1-7 zone. The project proposes 24 residential units yielding a density of four du/ac, which is consistent with the NCP land use designation, and the RS-1-7 zone. The size and scale of the proposed dwelling units would be similar to those within the surrounding low density residential developments. Based on the above, 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 site is currently undeveloped, but was previously partially graded to its current configuration in the late 1950's to early 1960's in relation to the construction of the residential development to the east, College Avenue to the west and Interstate 8 and associated College Avenue off ramp to the south and southwest, with potentially fills of 20 to 30 feet deep placed in the southwesterly portion of the site. The site is not within or adjacent to any wildlife corridor areas including the Multiple Habitat Planning Area, nor is it located within a migratory passageway for any native resident or migratory fish or wildlife species. The site does not contain any jurisdictional Wetlands or waters. The site contains Environmentally Sensitive Lands in the form of sensitive biological resources.

Mitigated Negative Declaration (MND) No. 435483/SCH No. 2017051071 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines which analyzed the environmental impact of the proposed project. Implementation of the Mitigation, Monitoring, and Reporting Program (MMRP) would reduce impacts to a level below significance in the area of Biological Resources, Cultural Resources (Archaeology and Paleontology), and Tribal Cultural Resources. 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 design of the subdivision and improvements area consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impact upon the health, after 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 and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code

requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. Furthermore, this project has been reviewed pursuant to the California Environmental quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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 and outside the proposed subdivision. The conditions of approval for this project include granting necessary public utility easements over the proposed private drive for maintenance access to onsite public sewer and drainage facilities. The project also includes a General Utility Easement to the City for maintenance access to the existing City owned open space located south of the project site. The site contains several easements including an easement for telephone and telegraph, two easements for storm drain, public water easement, and easements for San Diego Gas & Electric, which are to be preserved through this Tentative Map action. Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These existing easements include slope, storm drains, and sewer proposed to be vacated through this Tentative Map action.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The proposed subdivision of a 5.99- acre parcel into 24 residential and 5 HOA 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 and future development of residential units. The project proposes three residential design plans consisting of building articulation and offsetting plans, and varied roof heights. With the independent design of the proposed subdivision, each structure will have the opportunity through building setbacks, overall structural envelope, building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

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

The proposed project is the subdivision of a 5.99-acre parcel into 29 lots consisting of 24 single dwelling lots and five HOA lots for residential development. Based on the underlying RS-1-7 zone and the NCP land use designation, the site could accommodate 0 to 54 dwelling units. The project design has taken into account the best use of the land in light of the topographical constraints, as well as other site constraints including public service easements to remain and

regulatory requirements such as storm drain that limit site design opportunities. The proposed 24 dwelling unit subdivision is consistent with the density range per the community plan and the number of dwelling units that can be physically accommodated on the site. Balanced needs for public facilities were taken into consideration with the development of the NCP and the projected build-out with the applied zone designations. The 24-lot subdivision 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 development. Furthermore, the applicant has chosen the option of paying an in-lieu fee to meet their affordable housing requirement rather than provide affordable housing on site.

Environmentally Sensitive Lands in the form of sensitive biological resources are also present on the site. The project proposes to mitigate impacts to biological resources through payment into the City Habitat Acquisition Fund. The decision maker has reviewed the administrative record including the project plans, technical studies, 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 24 residential single dwelling units contributes to the housing needs anticipated for the NCP 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 public sewer easement, storm drain easements, and slope easement, located within the project boundaries as shown in Tentative Map No.1532103, 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:

1. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a)).

Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These include a 10-foot wide easement for public sewer recorded January 14, 1959, a 15-foot wide easement for storm drain recorded September 2, 1964, a 10-foot wide easement for storm drains recorded November 17, 1955, and an easement for slope rights recorded January 10, 1959. No public improvements exist within these easements. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

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

Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These include a 10-foot wide easement for public sewer recorded January 14, 1959, a 15-foot wide easement for storm drain recorded September 2, 1964, a 10-foot wide easement for storm drains recorded November 17, 1955, and an easement for slope rights recorded January 10, 1959. The proposed easements vacations will allow the subdivision of a vacant 5.99-acre parcel into 24 residential lots and five HOA lots for the development of 24 dwelling units, and the construction of associated site improvements including site walls, biofiltration basins, utilities, landscaping and a private drive. The development will result in the creation of 24 single dwelling units in the community and maximizes the use of an otherwise, vacant underutilized residentially zoned property. Therefore, the public will benefit from the vacation through improved utilization of the land made available by the vacation and the addition of 24 dwelling units to the existing housing stock within the NCP area.

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

Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These include a 10-foot wide easement for public sewer recorded January 14, 1959, a 15-foot wide easement for storm drain recorded September 2, 1964, a 10-foot wide easement for storm drains recorded November 17, 1955, and an easement for slope rights recorded January 10, 1959, which are proposed to be vacated through this Tentative Map action. The proposed easements vacations will allow the subdivision of a vacant 5.99-acre parcel into 24 residential lots and five HOA lots for the development of 24 dwelling units, and the construction of associated site improvements including site walls, biofiltration basins, utilities, landscaping and a private drive. No public improvements exist within these easements. Furthermore, these existing easements on the subject property will no longer be utilized once the proposed public improvements are constructed. The vacation of the aforementioned easements would allow the development of a 24-unit residential subdivision and associated site improvements, and thereby the addition of 24 residential single dwelling units contributing to the housing needs anticipated for the NCP area. Therefore, the vacation of the aforementioned easements would not affect the NCP land use plan and would allow the development of the residential subdivision consistent with NCP land use plan.

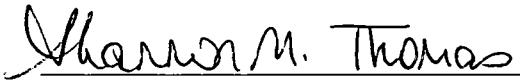
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d)).

Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These include a 10-foot wide easement for public sewer recorded January 14, 1959, a 15-foot wide easement for storm drain recorded September 2, 1964, a 10-foot wide easement for storm drains recorded November 17, 1955, and an easement for slope rights recorded January 10, 1959. No public improvements exist within these easements. It has been determined these easements are unnecessary and the purpose of

which the easement was originally acquired no longer exists. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation 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, Tentative Map No. 1532103 and Easement Vacation No. 1927562 are hereby granted to Light On A Hill, LLC, a California Limited Liability Company, 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
11/16/2017
01/10/2018 Cor. Copy
Or.Dept:DSD
Doc. No.: 1627805_2

Attachment: Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR TENTATIVE MAP NO. 1532103
EASEMENT VACATION NO. 1927562

MARBURN CORP TM - PROJECT NO. 435483

ADOPTED BY RESOLUTION NO. R-**311463** ON DEC 11 2017

GENERAL

1. This Tentative Map will expire on December 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 Tentative Map and Final Map shall conform to the provisions of Site Development Permit No. 1532102 and Planned Development Permit No. 2000231.
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.

ENGINEERING

6. The Subdivider shall underground proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
7. 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.

BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

8. Prior to the recording 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.
9. The Subdivider shall assure, by permit and bond, the construction of new streetlights, per current City Standard, adjacent to the site on College Avenue, as shown on the approved Tentative Map Exhibit "A", satisfactory to the City Engineer.
10. The Subdivider shall construct public improvements per Project Number 435483, Site Development Permit No. 1532102 and Planned Development Permit No. 2000231.
11. The Subdivider shall grant to the City General Utility Easement over lots D and E.
12. 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.

MAPPING

13. Prior to the expiration of the Tentative Map, a Final Map to subdivide Parcels/Lots shall be recorded in the office of the County Recorder.
14. All vacations located within the project boundaries as shown on the Tentative Map shall be vacated pursuant to California Government Code section 66434(g) and contingent upon the recordation of the approved Final Map.
15. 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. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
17. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
18. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid

divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

19. The Subdivider shall grant water and sewer easement, as shown on the approved Tentative Map Exhibit "A," satisfactory to the Public Utilities Director and the City Engineer.
20. Prior to the recordation of the sewer easement vacation, the existing public sewer main must be abandoned in a manner satisfactory to the Director of Public Utilities and the City Engineer.
21. No approved improvements or landscaping, including private water and sewer facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
22. Prior to the recording 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. The Subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Report" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

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).

Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: January 10, 2018
TO: Elizabeth Maland, City Clerk
FROM: Shannon M. Thomas *ST*
SUBJECT: Item 209 – Sub-Item B (R-2018-207) and Sub-Item C (R-2018-205)
Marburn Corp. TM – Project No. 435483 – Council Meeting of December 11,
2017

We are submitting corrected Resolution Nos. R-2018-207 and R-2018-205 to reflect the change of ownership from Marburn Corporation to Light On A Hill, LLC. Please see attached Grant Deed.

SMT:als
Doc. No.: 1664684



Recording Requested By:
First American Title Company
Subdivision Department

DOC# 2017-0602317



Dec 21, 2017 03:34 PM

OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$3,334.00
PCOR: YES
PAGES: 4

RECORDING REQUESTED BY

First American Title Insurance Company

AND WHEN RECORDED RETURN TO:

Light On A Hill, LLC
Attn: Kendall Laughlin
5577 University Avenue
San Diego, CA 92105

Escrow number: DTR-5605152 (SK)

Title number 581014A

APN# 463-010-10-00

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX is \$ 3,300.00

computed on full value of property conveyed, or
 computed on full value less value of liens or encumbrances
remaining at time of sale,

Unincorporated area: City of San Diego

GRANT DEED


SIGNATURE

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, I-8 College Ave, LLC, a California limited liability company ("Grantor"), as grantor, hereby GRANTS and conveys to Light On A Hill, LLC, a California limited liability company, as grantee, the following described real property in the City of San Diego, County of San Diego, State of California:

See Exhibit A attached hereto and incorporated herein by this reference.

SUBJECT TO:

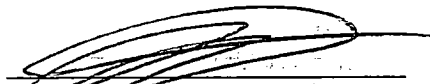
1. General and special real property taxes and assessments and supplemental assessments, if any, for the current fiscal year.
2. All other covenants, conditions, restrictions, reservations, rights, rights-of-way, dedications, offers of dedication and easements of record as of the date hereof.
3. Deed of Trust with Assignment of Rents as Additional Security recorded in the Official Records of the State of California, County of San Diego, concurrently herewith.

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(the signature page follows)

Mail Tax Statements to: Light On A Hill, LLC
Attn: Joel Sanders
5577 University Avenue
San Diego, CA 92105

IN WITNESS WHEREOF, Grantor hereto has executed this Grant Deed on the date shown in the notarization below.

I-8 COLLEGE AVE, LLC,
a California limited liability company

By: 
Jon C. Sundt
Its. Manager

CERTIFICATE OF ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On December 10, 2017, before me, Linda Rubio, Notary Public, personally appeared Jon C. Sundt, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature  [SEAL]

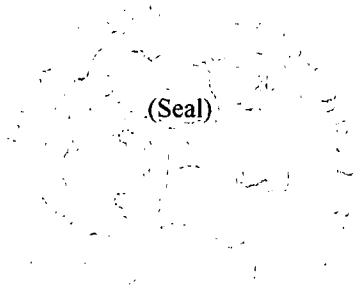
Passed by the Council of The City of San Diego on DEC 11 2017, by the following vote:

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 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 DEC 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:



(Seal)

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

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

By , Deputy

Office of the City Clerk, San Diego, California

311463

Resolution Number R-_____