

RESOLUTION NUMBER R- 311572DATE OF FINAL PASSAGE MAR 05 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.
1830253, PUBLIC RIGHT-OF-WAY VACATION NO. 1830259
AND EASEMENT VACATION NO. 1830257 PHR VILLAGE
COMMERCIAL PHASE II - PROJECT NO. 519369 (MMRP).

WHEREAS, PHR Village II, LLC, a California limited liability company, Subdivider, and Matthew J. Semic, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1830253, Public Right-of-Way Vacation No. 1830259 and Easement Vacation No. 1830257 for the subdivision of property for the project known as PHR Village Commercial Phase II. The project site is located at the southeast corner of Carmel Valley Road and Pacific Highlands Ranch Parkway, north of Village Way, in the CC-1-3 Zone and Urban Village Overlay Zone of the Pacific Highlands Ranch Subarea Plan. The property is legally described as Lots 11, 12, 13, and 15 of Pacific Highlands Ranch Unit No. 2 and 3 of Final Map No. 15966, filed February 21, 2014, together with Parcels 1 and 3 of Parcel Map No. 21390 filed September 16, 2016 as Instrument No. 2016-07000396 of Official Records; and

WHEREAS, the Map proposes the Subdivision of a 2.28-acre site into six lots for commercial development; 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 December 14, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1830253, Public Right-of-Way Vacation No. 1830259

and Easement Vacation No. 1830257, and pursuant to Resolution No. 4909-PC, the Planning Commission voted 6-0-1 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 March 5, 2018, the City Council of the City of San Diego considered Vesting Tentative Map No. 1830253, Public Right-of-way Vacation No. 1830259 and Easement Vacation No. 1830257, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0430, 125.0941, 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1830253:

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 1999 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 site is designated as the "Village" area by the PHRSP and "Multiple Use" by the General Plan. The "Village" is the residential, commercial and civic core of the town center. The 33-acre Village will include 500 residential dwellings, 150,000 square feet of retail space, 150,000 square feet of office space, a transit center and a civic use area.

The proposed project site is located within Zone 1, where auto-accessible development should be located. It is also the outer edge of the Village, and can accommodate larger parking areas and anchor stores. Arterial-oriented anchor tenants and other auto-dependent users should

attempt to balance the needs of pedestrians and automobiles. The proposed project is consistent with Zone 1 recommendations by providing continued pedestrian access to existing commercial pathways as well as pathways for planned residential development. This will implement PHRSP pedestrian connectivity policies and will promote walkability and bike-ability for future users. The proposed parking lot has been placed at the interior of the block within the structures, so that parking does not interfere with movement of pedestrian as the PHRSP recommends. Additionally, extra landscape screening will be provided to ensure future residential development north of the proposed project will not be affected by being in close proximity with one another.

The Urban Design Element Village section's primary goal is to guide the future development of a more pedestrian-oriented environment that will feature a mix of residential and commercial uses. The proposed project is consistent with the recommendations by providing adequate pedestrian access, matching existing building façades, and orienting parking in the interior of the structures to focus on pedestrian-oriented development. Moreover, the buildings fronting Pacific Highlands Ranch Parkway and Village Way focus more on pedestrian-oriented activities while accommodating automobile uses.

The project will also implement the specific General Plan policy for *Mixed-Use Villages* (UD-C.2.) which recommends creating "design villages centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points." The proposed project will provide pedestrian-friendly access points throughout the site design, and integrate building orientation and façade with existing commercial buildings.

The purpose of the General Plan's Mobility Element is to improve mobility through development of a balanced, multi-modal transportation system. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design, and a safe and comprehensive local and regional bikeway network. As previously discussed, the proposed project will increase pedestrian access and comfort by providing multiple points of pedestrian access within the site and avoiding multiple driveway crossings of existing sidewalks adjacent to public streets.

Given the project is consistent with the General plan and the Subarea plan as described 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 proposed development complies with the relevant sections of the Land Development Code as allowed through the approval of deviations by the Planned Development Permit process. The project proposes a total of four deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development which will be an integral component of the Pacific Highlands Ranch Village. Further, the deviation complies with the purpose of the Planned Development Permit Procedures which state: "The purpose of these procedures is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations

than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations." All of the four deviations contribute to a development which achieves a cohesive, seamless site design so that the resulting project blends with the other previously constructed portions of the Village. Of the four deviations, three are minor and will not be visible to users of the site or the general public in that the deviations are related to lot area, lot width, side-yard setbacks. These development parameters are theoretical constructs invisible to the common observer. Only the deviation for the maximum retaining wall height, from nine feet to ten feet six inches, will be visible yet will be so minor as to be inconsequential. In light of the benefits derived from the deviations and the nature of the deviations, it is determined these deviations are consistent with the Planned Development Permit regulations.

The first deviation is requested for the minimum lot area. Lot 1, an entry monument lot, has a lot area of 3,197 square feet where 5,000 is required. The proposed design of the development will function as a single cohesive project without regard for lot area and/or property line setbacks and be visually consistent and compatible with the previously constructed portions of the Village. The deviation request allows the project to comply with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

The second deviation is requested for lot width. Lots 1 and 5 have proposed lot widths of 54 feet and 90 feet, where 100 feet is the minimum required. The proposed design of the development will function as a single cohesive project without regard for lot width and property lines and be visually consistent and compatible with the previously constructed portions of the Village. The deviation allows the project to comply with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

The third deviation is requested for the required side setback. Lot 6 has a proposed side setback of five feet, where a minimum of ten feet or 0 feet, is required. The proposed design of the development will function as a single cohesive project without regard for the required side setback and property lines and be visually consistent and compatible with the previously constructed portions of the Village. Lot lines have been drawn primarily for financing purposes and have no material bearing on the quality of the proposed development. The deviation request allows the project to comply with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

The fourth deviation is requested for retaining wall height. Lot 6 proposes a retaining wall of 10.5 feet where nine feet is the maximum allowed. The proposed retaining wall height will not be visible from the public right-of-way of Carmel Valley Road or any other sensitive public vantage point. The retaining wall will be below the surrounding features, as it sits lower and retains soil between the road and the parking structure. The deviation will allow the development of a project that functions as part of a single cohesive project and complies with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

All four deviations are appropriate for this location in that the proposed development is part of a larger community commercial, residential and civic urban village. The deviations will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone by encouraging a creative approach to challenging design parameters and planning dynamics. The resulting project will be a more desirable solution than otherwise obtainable by strict adherence to the Land Development Code. The development will achieve the purpose and intent of the PHRSP and will be preferable to what would be achieved by strict conformance with the regulations, as allowed by the Planned Development Permit process.

3. The site is physically suitable for the type and density of development. The majority of the site is underlain by formational bedrock soils comprised of the Scripps Formation/Torrey Sandstone. Compacted fill is present along the eastern property margin. Based on previous geotechnical studies performed at the site, site soils and geologic conditions, there are no soil or geologic conditions that would preclude development of the property as proposed.

The approved Drainage Study for The Village at Pacific Highlands Ranch was prepared and submitted under with applications for prior projects, specifically The Village at PHR Unit 1 and The Village at PHR Units 2&3. The study's Proposed Drainage Exhibit includes two offsite drainage basins which contribute flow to the Village site's storm drain system. The report's hydraulic calculations assumed the entirety of Offsite Basin 'O1' would be covered with impervious surface and a very conservative runoff coefficient value of $C=0.90$ was utilized to calculate projected flows. The proposed project will annex Parcel 1 of Parcel Map 21390 into the *Village II* project boundary, the majority of which is covered by the original Offsite Basin 'O1'. The project is classified as "Commercial" per Table 2 of the City of San Diego Drainage Manual and a runoff coefficient value of $C=0.85$ applies. As such, the inclusion of the new project with a lower runoff coefficient will not result in an increase in runoff. Therefore, public storm drain pipe #6, as shown on drawing no 37688-16-D, which will be used to convey project generated flows, was adequately oversized in the original report and has the capacity to convey the anticipated flows.

The site is within the PHRSP, adopted in 1999, which is the applicable land use plan for the project area along with the City's General Plan, adopted in 2008. The proposed development implements the goals and policies of these documents by creating a portion of the previously approved commercial development within a multi-use urban village, which included market rate and affordable dwelling units, commercial space, a library, and a civic use area. The commercial development proposed by the current application is in the core of the community and further implements both the three-zone village structure and the pedestrian-focused nature of the internal village streets with bulb out sidewalks, four-sided architecture with entrances facing both the street and internal parking areas, and diagonal and parallel street-side parking.

There are no physical attributes of the site which would preclude the development of the site as proposed. 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. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous Master Environmental Impact Report, no new additional mitigation or alternatives are required, and the project is within the scope of the Master Environmental Impact Report. The site has been mass graded and used as a borrow site and temporary parking lot. There are no sensitive habitats, species or water courses located on the site. 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 proposed development as currently designed will not be detrimental to the public health, safety, and welfare. The development, together with the existing surrounding development of the Village, grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, et cetera, in the PHRSP 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 development will construct necessary 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 (BMPs) 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 development which does not adversely affect 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. All easements granted to the City over the property have been left in place or have been relocated and improved, or vacated, in a manner that allows for public access that is an improvement over the access formerly provided in unimproved easements, as reflected on the Vesting Tentative Map.

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 proposed interior parking structures have trellises to shade the top level. With the proposed subdivision each structure will have the opportunity through 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 commercial development will have no effect upon the housing needs of the region. All public services necessary for the commercial development will be installed prior to occupancy of the development or have already been installed by other developments. The development will have no effect upon the fiscal or environmental resources within the City of San Diego.

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 Black Mountain Road and Old Survey 57 and a Water Easement and Building Restricted Easement, located within the project boundaries as shown in Vesting Tentative Map No. 1830253, 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)). Old Survey No. 57 (also known as Black Mountain Road) was dedicated per Board of Supervisors minutes on February 27th, 1886, as shown in Book 7, Page 200. The 60-foot-wide Black Mountain Road right-of-way was dedicated per document recorded September 1, 1982 as Doc. No. 82-271463 of official record. Carmel Valley Road, which was dedicated per document recorded September 19, 2003 as Doc. No. 2003-1154955 of official record was a realignment of these intended rights-of-way. However, the portion of public right-of-way within the project site was never vacated. The current alignment for Carmel Valley Road, just north of the proposed street vacation, makes the historic public rights-of-way redundant. The street vacation will allow the Village portion of the PHRSP to be developed cohesively and properly front the existing improved Carmel Valley Road. The implementation of the Subarea Plan's Village is the intended use of this portion of land and therefore in the best interest of the Community. In that the existing improved Carmel Valley Road provides the necessary circulation within the community in this location, 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)). With the street vacation of this section of Old Survey 57 and the old Black Mountain Road alignment, there can be a larger and more contiguous developable area in the Village of Pacific Highlands Ranch consistent with the PHRSP. This would implement the intent of the PHRSP for the Village, for development to abut the currently improved Carmel Valley Road. The public will assist in the creation of an urban, mixed use area that promotes walkability and connectivity, as well as providing a sense of place and community character, as envisioned by the Pacific Highlands Ranch Subarea Plan.

11. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c)). The street vacation would allow the proposed development to completely abut Carmel Valley Road. The PHRSP shows the area proposed to be vacated to be developed as part of the Village, the mixed use core of the Pacific Highlands Ranch Community. The vacation does not adversely affect the applicable land use 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 easements to be vacated were originally for a Street (Old Survey 57 and Black Mountain Road) that was realigned into the current Carmel Valley Road. Carmel Valley Road did not follow the old Black Mountain Road directly, but curves and winds through the Community of Pacific Highlands Ranch, and left some portions of the Black Mountain Road easements redundant. The public is provided access through the improved, existing Carmel Valley Road, therefore the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

13. 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 additional easements to be vacated include a water easement and a building restricted easement. The water easement was granted to the City of San Diego per document recorded March 12, 1971 as Instrument No. 47149 of Official Record. This easement was for a water main which followed the alignment of Black Mountain Road. As Carmel Valley Road was built, new water mains were constructed per City Drawing No. 30228-D and the old water mains were either removed or abandoned in place. However, the portion of the water easement within the project site was never vacated. The easement vacation will allow the Village portion of the PHRSP to be developed cohesively and properly front the existing Carmel Valley Road. The implementation of the Subarea Plan's Village is the intended use of this portion of land and in the best interest of the Community.

The building restricted easement over all of Parcel 1 of Parcel Map 21390 was granted to the City of San Diego per Parcel Map 21390 recorded September 16, 2016 as File. No. 2016-7000396 of Official Record. At the time of preparation of Parcel Map 21390, the land lying within Parcel 1 was zoned for agricultural uses. In order to record the map, City Staff requested assurance that no buildings would be built on Parcel 1 until a rezone action was completed. This Vesting Tentative Map proposes commercial uses thereby allowing the area to be developed cohesively and properly front the full alignment of Carmel Valley Road. The implementation of the Subarea Plan's Village is the intended use of this portion of land and therefore in the best

interest of the Community. There are 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 abandonment through improved utilization of the land made available by the abandonment. (San Diego Municipal Code § 125.1040(b)). With the vacation of the water easement and a building restricted easement over the entirety of Parcel 1 of Parcel Map 21390, there can be a larger and more contiguous developable area in the Village of Pacific Highlands Ranch. This would implement the intent of the PHRSP for the Village, where it would be completely abutting the currently improved Carmel Valley Road. The public will benefit from the creation of an urban, mixed use area that promotes walkability and connectivity, as well as providing a sense of place and community character, as envisioned by the Subarea Plan.

15. The abandonment is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)). The water easement and a building restricted easement vacation would allow for development to completely abut the existing Carmel Valley Road. The PHRSP shows the area of the vacations to be developed as part of the Village, the mixed use core of the Pacific Highlands Ranch Community. Therefore, the abandonment is consistent with any applicable land use plan.


16. 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 water easement to be vacated was originally to be used for public water mains within Black Mountain Road. These water mains were removed when new mains were installed within Carmel Valley Road. The public now uses the water mains within Carmel Valley Road, therefore the public facility for which the water easement was originally acquired will not be detrimentally affected by the vacation because the need for the facility has been met by existing water mains within the existing Carmel Valley Road.

The building restricted easement to be vacated was granted only for the purpose of ensuring that the land within Parcel 1 of PM 21390 would be re-zoned to commercial use before any new development could begin construction. The Vesting Tentative Map proposes commercial uses thereby fulfilling the purpose of the building restricted easement. The parcel may now be developed for its intended use and the easement will no longer be necessary for the purpose it was granted.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1830253, Public Right-of-Way Vacation No. 1830259,

and Easement Vacation No. 1830257 are hereby granted by the City Council of the City of San Diego to PHR Village II, LLC, a California limited liability company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Casey C. Shaw
Deputy City Attorney

CS:jvg:nja
02/09/18
Or.Dept: DSD
Doc. No.: 1685969

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1830253,
PUBLIC RIGHT-OF-WAY VACATION NO. 1830259 AND
EASEMENT VACATION NO. 1830257
PHR VILLAGE COMMERCIAL PHASE II - PROJECT NO. 519369 (MMRP)

GENERAL

1. This Vesting Tentative Map will expire **MAR 05 2021**,
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 expiration of the Vesting Tentative Map, a Final Map to subdivide the property within the VTM boundary into six lots shall be recorded in the office of the County Recorder.
4. All public rights of way and public service easements as shown on approved Exhibit "A" within the boundary of the VTM shall be vacated pursuant to section 66434(g) of the Subdivision Map Act.
5. 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.
6. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated \$34.00 compliance fee to avoid delaying the recordation of the Final Map.
7. The Final Map shall conform to the provisions of Planned Development Permit No. 1830261 and Site Development Permit No. 1830262.
8. 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

9. The final map shall include the vacation of the Old Survey No. 57 (also known as Black Mountain Road), dedicated per Board of Supervisors minutes on February 27th, 1886, as shown in Book 7, Page 200 and the 60-foot-wide Black Mountain Road right-of-way, dedicated per document recorded September 1, 1982 as Doc. No. 82-271463 of official record, satisfactory to the City Engineer.
10. The final map shall include the vacation of the water easement in a portion of Parcel 1 of parcel Map 21390, satisfactory to the City Engineer.
11. Prior to the recordation of the final map, the Subdivider shall provide a five foot General Utility Easement (GUE) along the Carmel Valley Road frontage and vacated right-of-way, satisfactory to the City Engineer.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. 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.
14. 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

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. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California

Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.

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."

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 MAR 05 2018, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 05 2018

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

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Hy Brady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311572