

RESOLUTION NUMBER R- 311576

DATE OF FINAL PASSAGE MAR 05 2018

ITEM # 2010
3/5/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 1669785 AND EASEMENT VACATION NO. 2001745 FOR PACIFIC VILLAGE – PROJECT NO. 470158.

WHEREAS, Lennar Homes of CA, Subdivider, and Latitude 33 Planning and Engineering, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. No. 1669785 and Easement Vacation No. 2001745 for the residential project known as Pacific Village. The project is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive, within the RM-1-1 Zone and the Rancho Penasquitos Community Plan area. The property is legally described as Lot 1 of Penasquitos Village in the City San Diego, County of San Diego, State of California according to Map thereof No. 6126, filed in the Office of the County Recorder of San Diego County, June 12, 1968; and

WHEREAS, the Map proposes the Subdivision of a 41.45-acre site into 4 lots for the development of 600 dwelling units consisting of 324 for-sale condominiums and 276 for-rent dwelling units; 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 consists of a condominium project on proposed Lots 1, 2, and 3, as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 324; and

WHEREAS, on December 7, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. No. 1669785 and Easement Vacations No. 2001745, and pursuant to Resolution No. 4907-PC, the Planning Commission voted to recommend City Council approval of the map, with the easement vacations; 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. No. 1669785 and Easement Vacation No. 2001745, 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; 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.1669785:

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

The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the Rancho Penasquitos Community Plan (RPCP) area. The project proposes to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted

units, with deviations from the RM-1-1 zone development regulations and parking regulations. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood identification signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The project site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP. The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10 dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi-unit residential development at varying densities up to 15 dwelling units per acre and is consistent with the density range identified in the Neighborhood Planning Element. The density range shown in the Neighborhood Planning Element is the appropriate density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1 zone. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be limited to 30 feet in these areas. The project includes a Planned Development Permit to allow a deviation from the 30-foot height limit of the RM-1-1 zone. Structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative

elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the San Diego Housing Commission (SDHC).

The RPCP states that while the community overall should maintain a quiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Peñasquitos residents by balancing development with the preservation of the community's natural resources and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Peñasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements. 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 to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units. The project also proposes the construction of a one-story parking structure, recreational facilities, a block wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, and access, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

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 three deviations: to allow structures to exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall to exceed the maximum permitted height within the rear yard setback. 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 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the RPCP area. The project site is located within an urbanized community and abuts a neighborhood commercial center to the north, multi-unit residential development (Cresta Bella apartments and Canyon rim apartments), and Los Penasquitos Elementary School to the west, multi-unit, duplex residential development to the south, and Interstate-15 to the east. The primary access to the property is from Carmel Mountain Road, located west of the property. The site is characterized by moderate slopes and terraces descending to the east with approximate elevations ranging 625 mean sea level within the west/northwest portion of the site to 586 mean sea level within the southeast portion of the site. A 16-inch San Diego Gas and Electric (SDG&E) gas easement extends through the southern portion of the site in a northeast-southwest direction across proposed Lots 1 and 2.

The site was previously graded and improved with a 332-unit, one-story, residential complex constructed in 1971. A geotechnical investigation report has been prepared for the project, which 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.

The proposed residential development is consistent with both the community plan land use designation and zone. The Neighborhood Planning Element of the RPCP designates the site for Medium Density Residential use at a density range between 10 to 22 dwelling units per

developable acre (du/dac) and is within the RM-1-1 Zone, which is a multiple dwelling unit zone that allows a maximum density of one dwelling unit per 3,000 square-feet of lot area or a maximum of 601 dwelling units on the subject site. The project site could accommodate 415 to 912 dwelling units based on the land use designation, and a maximum of 601 dwelling units based on the RM-1-1 zone. The proposed 600-unit residential development yields a density of 14.5 du/dac, which is consistent with the RPCP land use designation, and the RM-1-1 zone. The project has been designed to integrate well with the surrounding land uses with respect to architecture and site design. 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 has been previously graded and improved with a 332-dwelling unit residential complex, and is located within an urbanized community. The project site is located near the Black Mountain Open Space Park, which includes three wildlife corridors, none of which are in proximity to the proposed project. The project site is approximately 877 feet to the southeast of the nearest Multiple Habitat Planning Area (MHPA), which is separated from the proposed project site by developed land. Therefore the proposed project is not located within or adjacent to the MHPA, nor is it located within a migratory passageway for any native resident or migratory fish or wildlife species. Furthermore, the site does not contain any jurisdictional wetlands or waters nor any Environmentally Sensitive Lands as defined in SDMC Section 113.0103.

Mitigated Negative Declaration (MND) No. 470158 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 areas of Paleontological Resources and Transportation/Traffic. 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 are 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 necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property 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 subdivision, including easements for sewer, storm drain, and pedestrian access. The site contains several easements for SDG&E, sewer, storm drain, which will remain and not be affected by the proposed subdivision. The project has been conditioned to require approvals from SDG&E for work within utility easements located within the project boundaries, including a 16-inch gas easement, located in proposed Lots 1 and 2. Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed as shown on Exhibit "A." These existing easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965, which will be vacated through the Tentative Map action. No public improvements exist within these easements, and they are no longer needed. As such, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision,

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

The proposed subdivision of a 41.45-acre lot into four lots for the development of 600 dwelling units 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 four residential housing types and 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 41.45-acre lot into four lots for the development of 600 dwelling units, and is consistent with the density range per the community plan and the maximum number of dwelling units that can be accommodated on site based on the underlying RM-1-1 zone. Balanced needs for public facilities were taken into consideration with the development of the RPCP and the projected build-out with the applied zone designations. The proposed 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 opted to provide 60 for-rent low income dwelling units on site, subject to an affordable housing agreement with the San Diego Housing Commission to meet their affordable housing requirement for the 600-unit residential project.

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 600 dwelling units, including 324 for-sale condominium units comprised of 99 detached cluster dwelling units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low income dwelling units, results in a net increase of 268 dwelling units and contributes to the housing needs anticipated for the RPCP 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 existing easements for drainage and sewer road and incidental purposes located within the project boundaries as shown in Vesting Tentative Map No. No. 1669785, 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)).

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29,

1965. No public improvements or facilities 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)).

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965. The proposed easement vacations will allow the subdivision of 41.45-acre parcel into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, and neighborhood identification signs. The development will result in the net increase of 268 dwelling units in the community and maximize the density on site. Therefore, the public will benefit from the vacation through improved utilization of the land made available by the vacation and the net increase of 268 dwelling units within the RPCP area.

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

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965, which are proposed to be vacated through this Tentative Map action. The proposed easement vacations will allow the subdivision of the 41.45-acre parcel into four lots for the development of 600 dwelling units, a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, and neighborhood identification signs. 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 600-unit residential development and associated site improvements consisting of 324 for-sale units, and 276 for-rent apartments, include 60 low income dwelling units, maximizing the density on site and contributing to the housing needs anticipated for the RPCP area. Therefore, the vacation of the aforementioned easements would not affect the RPCP land use plan and would allow the development of the residential subdivision consistent with RPCP land use plan.

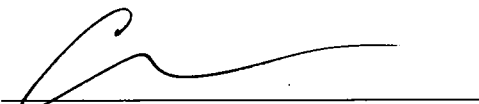
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d)).

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965. 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, Vesting Tentative Map No. No.1669785 and Easement Vacation No. 2001745 are hereby granted to Lennar Homes of CA, Subdivider, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:als
02/13/2018
Or.Dept:DSD
Doc. No.: 1680822

Attachment: Tentative Map Conditions

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 type="checkbox"/>	<input checked="" 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 MAR 05 2018.

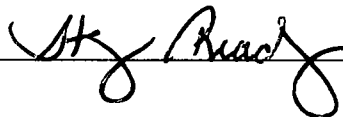
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311576

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1669785
EASEMENT VACATION NO. 2001745
PACIFIC VILLAGE - PROJECT NO. 470158 [MMRP]

ADOPTED BY RESOLUTION NO. R- 311576 ON MAR 05 2018

GENERAL

1. This Vesting Tentative Map No. 1669785 will expire on 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 recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Vesting Tentative Map and Final Map shall conform to the provisions of Planned Development Permit No. 1669786, Site Development Permit No. 1669787, and Neighborhood Use Permit No. 2001744.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

6. The Subdivider is voluntarily electing to provide sixty (60) dwelling units as affordable to low income households for 55 years. Prior to the recordation of the Final Map, the Subdivider shall: (i) enter into an affordable housing agreement acceptable to the San Diego Housing Commission, which affordable housing agreement will restrict the aforementioned affordable dwelling units; and (ii) represent and warrant to the City and San Diego Housing Commission that the project complies with Section 142.1303(f) of

the San Diego Municipal Code. By Subdivider entering into and causing such affordable housing agreement, secured by a deed of trust, to be recorded against the property senior to all monetary encumbrances and making such representation and warranty, then, pursuant to Section 142.1303(f) of the San Diego Municipal Code, the project will be exempt from the provisions of the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 142.1301 et seq.).

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. 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.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the 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

11. The Developer/Subdivider has requested permission to file a Financial Parcel Map over the property prior to the recording of the final subdivision map(s) to divide the apartment site, Lot 4, from the remaining property, Lots 1, 2, and 3. Prior to issuance of any building permits the Developer/Subdivider shall process and record a final subdivision map over the financial parcel map parcels to create the final mapped Lots 1 thru 4. The Financial Parcel Map must contain a statement substantially similar to the following on its face: "THIS MAP IS FOR FINANCE AND CONVEYANCE PURPOSES ONLY AND DOES NOT CREATE LEGAL BUILDING SITES".
12. All vacations located within the project boundaries as shown on the Vesting Tentative Map shall be vacated pursuant to California Government Code section 66434(g) and contingent upon the recording of the approved Final Map.
13. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. 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

16. Prior to the recording of the Final Map, the Subdivider shall provide all necessary new additional sewer easements (including sewer access easements) to increase the width of all existing sewer easements in accordance with the City's current Sewer Design Guide. This will require an additional total width of 10' easement to be added to the existing 10' wide sewer easement associated with the 8" VC per 11668-D, and an additional total of 10' sewer easement width associated with the existing 15" VC/18" PVC located along the southerly property line per 24131-D and 11528-D.
17. 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.
18. Prior to (or concurrent with) the recordation of the Final Map, any/all existing public sewer easements that will not be utilized by the development must be vacated.
19. Prior to (or concurrent with) the recordation of the Final Map, the Subdivider is required to dedicate additional sewer easements to the satisfaction of the Public Utilities Director and City Engineer (including a sewer access easement for the existing sewer main bisecting the development).

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal

Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24006477