

RESOLUTION NUMBER R- 311580

DATE OF FINAL PASSAGE MAR 05 2018

ITEM # 202 E
3/5/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.
979190 FOR CARROLL CANYON MIXED USE- PROJECT
NO. 240716.

WHEREAS, Horizon Christian Fellowship, Owner and Michael D. Wolfe Subdivider, filed an application to the City of San Diego for a Vesting Tentative Map to redevelop the property at 9850 Carroll Canyon Road consisting of multi-family residential units, restaurants and commercial retail space known as the Carroll Canyon Mixed Use Project located at 9850 Carroll Canyon Road at the northeast corner of Interstate 15 and Carroll Canyon Road within the Scripps Miramar Ranch Community Planning area. The property is legally described as: Parcel A: Parcel 1 of Parcel Map No. 4337, in the City of San Diego, County of San Diego, State of California, according to map thereof in Book of Parcel Maps filed in the Office of the County Recorder of San Diego County Recorder of San Diego County, being a division of Lots 1, 2 and 7 of Scripps Miramar Ranch Business Park, according to Map thereof No. 7960 filed in the Office of the County Recorder of San Diego County. Excepting therefrom that portion described as follows: Beginning at the Southwest corner of said parcel 1; Thence along the westerly boundary of said parcel 1 North 00°20'34" East, 23.45 feet; thence leaving said westerly boundary South 64°37'34" East, 55.39 feet, to the southerly boundary of said parcel 1; thence along said southerly boundary, North 89°40'28" West, 50.19 feet to the point of beginning, and Parcel B: A strip of land 15.00 feet wide over and across a portion of Section 5, Township 15 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, said strip of land contained within land described in deed to the state of California recorded August 8, 1973 as File No. 73-220186 of Official Records, said 15.00 feet strip of land described as follows:

Commencing at the northwest corner of said deed, said corner also being on the north line of said section 5; thence along the north boundary of said South 89°38'07" East, 7.75 feet to the true point of beginning; thence along the following numbered courses: (1) continuing along said north boundary South 89°38'07" East, 15.00 feet to the northeast corner of said deed, (2) along the east boundary of said deed, also being the west boundary of Parcel 1 of Parcel Map No. 4337 recorded December 29, 1975 as File No. 75-367111 of Official Records, South 00°20'34" West, 636.67 feet to a point distant 23.45 feet along said west boundary from the southwest corner of said Parcel Map, (3) thence leaving said boundary North 64°37'34" West, 16.55 feet, (4) along a line that is parallel and 15.00 feet westerly at right angles to said boundary, North 00°20'34" East, 629.68 feet to the true point of beginning.

WHEREAS, the Map proposes the subdivision of a 9.28-acre site into six lots; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); 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 14, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 979190 and pursuant to Resolution No. 4916-PC, the Planning Commission voted 6-0-1 to recommend City Council approval of the map; and

WHEREAS, on March 5, 2018, the City Council of the City of San Diego considered Vesting Tentative Map No. 979190 pursuant to San Diego Municipal Code section 125.0440,

and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council of the City of San Diego having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting tentative Map No. 979190:

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 is located in the Scripps Miramar Ranch Community Plan area. The Community Plan identifies the project site for Industrial Park uses. The project proposes to change the designation of the project site from Industrial Park to Residential (15-29 du/net ac) and Community Shopping. The Scripps Miramar Ranch Community Plan does not contain any goals, objectives, or proposals regarding the preservation of industrial lands within the community.

The Scripps Miramar Ranch Community Plan addresses the need to provide for a balanced mix of housing varieties. The project would create additional multi-family housing, adding to the housing variety in the community, and add community shopping located in close proximity to employment uses and in an area with few housing development opportunities. Another Community Plan goal is to provide sufficient commercial area to meet the present and future needs of the community. The project would create additional community-serving commercial options and would provide for retail commercial services near residential uses and adjacent business parks, eliminating some vehicular trips and potentially reducing vehicle miles travelled outside the community for these services. The project also provides for an improved gateway for the southern portion of Scripps Miramar Ranch as the proposed buildings will better address the Carroll Canyon Road than the existing buildings. The pedestrian experience will be enhanced by the provision of new sidewalks and identified street crossings, resulting in an activated presence at this high-profile community entry.

The Scripps Miramar Ranch Community Plan recommends preserving eucalyptus trees as an element for historical continuity and overall community design. The Design Element of the Community Plan states that all forested areas be defined on tentative maps and other development plans and requests justification for the removal of trees with a diameter exceeding eight inches. In addition, the Community Plan's Commercial Element encourages eucalyptus trees in commercial area landscaping, recommends that landscaping in new developments emphasize the use of eucalyptus species, and that a variety of eucalyptus species should be used in landscaping. The project's Inventory of Eucalyptus Trees documents forested areas of eucalyptus, as well as the number of individual eucalyptus trees located throughout the development area. This inventory shows the project would remove 92 trees within the two forested areas of the project site and all of the individual trees located within the developed

portions of the site. Some eucalyptus trees within the forested areas need removal due to disease or other factors. Removing the diseased trees would help the other remaining trees healthy. However, the project would preserve 16 existing eucalyptus trees within the site's forested areas and would plant 18 new eucalyptus trees in three species as shown in the project's Landscape Concept Plan. By incorporating existing and new eucalyptus trees as a feature of the project's landscape plan, the project is consistent with the Community Plan's goal of preserving the heritage of the community. Planting a variety of new, pedestrian-friendly eucalyptus species on the project site conforms with Community Plan recommendations, enhances the landscape elements of the project, continues the community's historical continuity and creates eucalyptus tree areas that add to the overall community design. As the project is designed to be consistent with the Scripps Miramar Ranch Community Plan as described above, the proposed development will not adversely affect the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed development complies with the regulations of the Land Development Code. Pursuant to Section 126.0602(b)(1), a Planned Development Permit is requested to allow for deviations to maximum wall heights, minimum street frontage, residential sign restrictions, minimum lot area, minimum lot width, setbacks, lot frontage, and maximum building height and to allow restaurant use within the RM-3-7 zone with limitations on size, location, and hours. The project's proposed deviations are listed and described in the table below:

	APPLICABLE REGULATION	PROPOSED DEVIATION	PURPOSE FOR DEVIATION																								
1	<i>Maximum wall height:</i> Six feet SDMC Section 142.0340	<i>Proposed wall height:</i> Eight feet (at the west edge of the property)	Provides additional sound attenuation.																								
2	<i>Maximum wall height:</i> Six feet SDMC Section 142.0340	<i>Proposed wall height:</i> Seven feet (at the east edge of the property)	Accommodates grade changes and level pad.																								
3	<i>Maximum building height:</i> 40 feet SDMC Table 131-04G	<i>Proposed building height:</i> 50 feet (in the RM-3-7 zoned portion of the property)	Accommodates proposed density of 29 dwelling units per acre.																								
4	<i>Minimum street frontage:</i> RM-3-7: 70 feet <i>Minimum street frontage:</i> CC-2-3: 100 feet SDMC Table 131-04G	Proposed Deviations from Minimum Lot Frontage <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> <th colspan="2">CC-2-3</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>34 ft.</td> </tr> <tr> <td>3</td> <td>70 ft.</td> <td>0 ft.</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>5</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>29 ft.</td> </tr> </tbody> </table>	Lot No.	RM-3-7		CC-2-3		Required	Proposed Deviation	Required	Proposed Deviation	1	N/A	--	100 ft.	34 ft.	3	70 ft.	0 ft.	N/A	--	5	N/A	--	100 ft.	29 ft.	Accommodates the proposed mixed-use development and an interior lot configuration.
Lot No.	RM-3-7			CC-2-3																							
	Required	Proposed Deviation	Required	Proposed Deviation																							
1	N/A	--	100 ft.	34 ft.																							
3	70 ft.	0 ft.	N/A	--																							
5	N/A	--	100 ft.	29 ft.																							

	APPLICABLE REGULATION	PROPOSED DEVIATION					PURPOSE FOR DEVIATION																								
		6	N/A	--	100 ft.	32 ft.																									
	SDMC Table 131-05E																														
5	<i>Minimum setback: 57.5 feet</i> SDMC Table 131-04G	<i>Proposed setback: 46 feet, ten inches (west property line)</i> 50 feet eight inches and 51 feet, six inches (east property line)					Allows for efficient use of the property.																								
6	<i>Maximum wall height: Six feet</i> SDMC Section 142.0340	<i>Proposed wall height: Eight feet (solid trash enclosure walls)</i>					To provide better screening and additional security.																								
7	<i>Residential signs for property identification, yard sale, and real estate</i> (Commercial signs in the RM-3-7 zone not addressed by the City's Sign Regulations)	<i>Proposed signs/area: Signage for commercial uses in the RM-3-7 zone, which is not addressed in the residential sign regulations, to allow up to 1.5 square feet of sign area per linear foot of commercial leased premises on the ground floor of Building 4 and Building 6.</i>					Allows commercial signage to serve the proposed commercial retail/restaurant uses.																								
8	<i>Minimum lot area, RM-3-7: 7,000 square feet (SF).</i> <i>Minimum lot area, CC-2-3: 5,000 square feet.</i> SDMC Table 131-04G SDMC Table 131-05E	<p style="text-align: center;">Proposed Deviations from Minimum Lot Area</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> <th colspan="2">CC-2-3</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>--</td> <td></td> <td>3,000 SF</td> </tr> <tr> <td>5</td> <td>7,000 SF</td> <td>--</td> <td>5,000 SF</td> <td>4,200 SF</td> </tr> <tr> <td>6</td> <td></td> <td>5,800 SF</td> <td></td> <td>4,500 SF</td> </tr> </tbody> </table>					Lot No.	RM-3-7		CC-2-3		Required	Proposed Deviation	Required	Proposed Deviation	1		--		3,000 SF	5	7,000 SF	--	5,000 SF	4,200 SF	6		5,800 SF		4,500 SF	To provide public street frontage and meet lot area requirements for integration of residential and commercial uses.
Lot No.	RM-3-7		CC-2-3																												
	Required	Proposed Deviation	Required	Proposed Deviation																											
1		--		3,000 SF																											
5	7,000 SF	--	5,000 SF	4,200 SF																											
6		5,800 SF		4,500 SF																											
9	<i>Minimum lot width, RM-3-7: 70 feet.</i> <i>Minimum lot width, CC-2-3: 100 feet.</i> SDMC Table 131-04G SDMC Table 131-05E	<i>Proposed lot width for panhandle portions of lots:</i> 34 feet (Lot 1) 29 feet (Lot 5) 32 feet (Lot 6) (Lots 1, 5, and 6 straddle the RM-3-7 and CC-2-3 zones)					To accommodate panhandle lots.																								

	APPLICABLE REGULATION	PROPOSED DEVIATION	PURPOSE FOR DEVIATION																													
10	<p>Minimum lot frontage, RM-3-7: 70 feet. Minimum lot width, CC-2-3: 100 feet. SDMC Table 131-04G SDMC Table 131-05E</p>	<p>Lots 1, 5, and 6 have narrow lot frontages on Carroll Canyon Road (within the CC-2-3 zone), and Lot 3 (within the RM-3-7 zone) has no lot frontage on Carroll Canyon Road. Proposed deviations: Proposed Deviations from Minimum Lot Frontage</p> <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> <th colspan="2">CC-2-3</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>34 ft.</td> </tr> <tr> <td>3</td> <td>70 ft.</td> <td>0 ft.</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>5</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>29 ft.</td> </tr> <tr> <td>6</td> <td>N/A</td> <td>--</td> <td>100 ft.</td> <td>32 ft.</td> </tr> </tbody> </table>	Lot No.	RM-3-7		CC-2-3		Required	Proposed Deviation	Required	Proposed Deviation	1	N/A	--	100 ft.	34 ft.	3	70 ft.	0 ft.	N/A	--	5	N/A	--	100 ft.	29 ft.	6	N/A	--	100 ft.	32 ft.	To accommodate the mixed-use development.
Lot No.	RM-3-7			CC-2-3																												
	Required	Proposed Deviation	Required	Proposed Deviation																												
1	N/A	--	100 ft.	34 ft.																												
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5	N/A	--	100 ft.	29 ft.																												
6	N/A	--	100 ft.	32 ft.																												
11	Restaurants are not permitted in the RM-3-7 Zone. SDMC Section 131.0431(b).	Project proposes a restaurant in the RM-3-7 portion of the project site.	The deviation would allow a restaurant serving residents and patrons of the residential/mixed use project.																													

Deviations are proposed to ensure that noise levels do not exceed City standards (Deviation 1), for construction of retaining walls to accommodate site grading (Deviation 2), to allow for lot configuration and street frontage (Deviations 4, 5, 9 and 10), to respond to the design needs of the project (Deviations 3, 6, and 7), and to allow for the integration of residential and commercial uses (Deviation 8). The provision of a restaurant in the residential zone (Deviation 11) will allow a restaurant serving residents and patrons of the residential/mixed use project. These deviations are necessary to allow for development of the project site in a manner that is consistent with the Scripps Miramar Ranch Community Plan and that meets the regulations of the City's Land Development Code, and that results in a better project. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

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

The Carroll Canyon Mixed-Use project site is located in the Scripps Miramar Ranch community on a 9.28-acre site that is located adjacent to I-15 and that is developed with office buildings, parking lots, landscaping and associated improvements. Existing urban development surrounds the project site and multi-family residential development within the Mira Mesa community occurs west of the project site, on the west side of I-15. A drainage corridor separates the project site from Scripps Ranch High School to the northeast. The project site is adjacent to a freeway entrance near the Scripps Miramar Ranch community. Commercial office and industrial

developments are located east and south of the project site along Carroll Canyon Road, with mixed-use retail and offices immediately south of the project site. Given the proximity of these various use types, the project is an in-fill development.

The project proposes up to 260 multi-family residential units and approximately 10,700 square feet of commercial retail space totaling 386,000 square feet of new structure. The project site can accommodate this proposal as the project provides a variety of residential units, retail stores and restaurants proposes in eight buildings and provides parking on the site's surface and in a parking structure. The project allows for gathering and dining space. The project site has convenient access to an existing network of surface streets, freeways, and transit routes and all public utilities are in place to provide project connections. In addition, the site can accommodate the project's proposed new signalized primary access at the easterly project driveway and the proposed additional right-in/right-out driveway.

Grading has already occurred on the site associated with previous office building development. As approximately nine acres of the 9.28-acre project site is graded, the proposed Carroll Canyon Mixed-Use project would require only finish grading to accommodate development. Earthwork for the project would be localized at the northern portion of the site to rebuild the site at the current split-level building location. Some excavation will be necessary to render the site suitable for the proposed development due to underlying soil formations. As the site is developed, is located near existing utilities and infrastructure, and is near existing multi-family residential development, community amenities and services, 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 developed and currently contains existing, partially vacant office buildings and associated improvements. The project site has been improved except for a drainage and area of natural slope along its northern perimeter. As such, the site contains little or no natural vegetation, with a small area of native vegetation occurring within the natural slope area along the northern site perimeter. As a result, the project site does not support fish or wildlife or their habitat. Due to the developed nature of the project site, the on-site conditions consist of non-native habitat and developed lands. Little wildlife diversity, shelter or food for wildlife occurs within the natural drainage corridor. Species observed are typical of urbanized or ruderal areas and lack the diversity observed in native habitats or non-native grasslands. Re-development of the project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. 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 proposal is an in-fill mixed-use project located near public transit and near other public services and facilities. Additionally, the project site is within walking distance of nearby business parks, offices, light industrial developments, and restaurants. In addition, the site can accommodate the project's proposed new signalized primary access at the easterly project driveway and the proposed additional right-in/right-out driveway. The project also would widen Carroll Canyon Road and construct an eastbound second left turn lane into the project at the signalized intersection.

The project design complies with the City of San Diego Land Development Code and other regional, state, and federal regulations relative to the welfare of site users and the general public. These requirements ensure that streets and sidewalks are built consistent with City standards, and that grading and drainage provide for storm water control and treatment. The project will ensure safe construction activities and will provide appropriate lighting and landscaping for the project, enhancing public safety. Project construction will comply with the Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes, further ensuring public safety. Additionally, the project would utilize reclaimed water for irrigating landscaped areas, enhancing public welfare by reducing water usage in the community.

As the project will provide an in-fill, mixed-use development adhering to Land Development Regulations, provide improved street and sidewalks, adhere to storm water requirements, and reduce water usage, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety and welfare.

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

Currently, the project site contains partially vacant office buildings and associated improvements. There are no public easements within or through the site, and there is no public use of the property. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The project will comply with the Uniform Building Code (UBC) and Title 24 requirements for building materials and insulation to reduce energy loss and thereby maximize natural heating and cooling. Project site design and building orientations will reduce energy use by taking advantage of sun-shade patterns, prevailing winds, and landscaping, allowing levels of non-essential lighting, cooling, and heating to be reduced. Proposed deciduous trees will provide shade and provide natural cooling. The project is proposed in eight buildings on the 9.28-acre site providing opportunities for passive and natural cooling by allowing wind flow through the building separations. In addition, the proposed subdivision of a 9.28-acre parcel into six lots for

residential and commercial retail development will not impede or inhibit any future passive or natural heating and cooling opportunities. As the project will comply with building codes that maximize natural heating and cooling, take advantage of shade patterns and provide trees for natural cooling opportunities, the design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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

The proposed Carroll Canyon Mixed-Use project proposes up to 260 multi-family residential units with approximately 10,700 square feet of commercial retail space. The subdivision would create six lots and would create a mix of residential and commercial uses that would serve the adjacent employment parks, nearby residential neighborhoods, the Scripps Miramar Ranch community, and the adjacent Mira Mesa community to the west of the project site. Housing provided by the project would provide additional housing opportunities for the City. The project's location and proposed uses would serve to reduce trips to outlying areas for similar retail services and capture drive-by trips. The project also expands employment opportunity proximate to residential development and provides an amenity to the nearby business parks. The project would create housing to assist the housing needs of the region as well as contribute to a balance of land uses for the community. The area around the project site is developed and provides the project site with public infrastructure including public streets, sidewalks, transit services, shopping and convenience services. These services and infrastructure would be available to both the new residents and employment uses within the project and employment parks in the nearby vicinity.

The project is the redevelopment of an existing developed site, where limited natural resources exist today. Environmental impacts resulting from the proposed project have been evaluated in the project's Environmental Impact Report (EIR), which included an evaluation of impacts associated with Land Use, Transportation/Traffic Circulation/Parking, Visual Quality/Neighborhood Character, Air Quality, Global Climate Change, Energy, Noise, Biological Resources Geologic Conditions, Paleontological Resources, Hydrology and Water Quality, Health and Safety, Public Services and Facilities, and Public Utilities. As determined by the EIR, direct and cumulative impacts associated with Transportation/Traffic Circulation, indirect impacts to Biological Resources and Noise, and impacts to Paleontological Resources could occur as a result of the proposed project. Indirect impacts associated with Biological Resources would be fully mitigated through the implementation of recommended mitigation measures. As such, the project does not represent a substantial demand on environmental resources.

Relative to impacts associated with Traffic Circulation, the project's mitigation measures for significant impacts at affected intersections call for a fair share contribution to improvements that also require contribution from other sources for their completion. Although the project's fair share contribution would mitigate the project's impacts to intersections, because completion of those improvements relies on funding by others, if the improvements are not completed by the horizon year (2035), cumulative impacts at the Carroll Canyon Road/Maya Linda Road and Carroll Canyon Road/I-15 southbound ramp intersections may not be fully mitigated. To

mitigate impact to the segment of Carroll Canyon Road between the signalized project access and Businesspark Avenue, the applicant would pay a fair share toward the cost of a constructing a raised median at this location. During the construction of the signalized entrance for the project, the applicant will construct a short segment of the raised median just east of the signalized project access; the cost of constructing the short segment of the raised median would be credited towards the applicant's fair share responsibility for the eventual raised median between the signalized project access and Businesspark Avenue. However, if the roadway is not improved with a raised median by the study horizon year of 2035, then the cumulative impact may not be fully mitigated.

As the infrastructure and services supporting the proposed subdivision are in place or would be provided as part of the project and the project provides both residential and commercial retail components, 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 above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the City Council of the City of San Diego, Vesting Tentative Map No. 979190 is hereby granted to Horizon Christian Fellowship, Owner and Michael D. Wolfe, Subdivider, subject to the attached conditions which are made a part of this Resolution by this reference, contingent upon final passage of Resolution R- 311578^{-1,-2} approving amendments to the General Plan and Scripps Miramar Ranch Community Plan and Ordinance O- 20912 rezoning the project site to RM-3-7 and CC-2-3.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
02/14/2018
Or.Dept:DSD
Doc. No.: 1681584

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 type="checkbox"/>	<input checked="" 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 *Stacy Brady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311580

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 979190
CARROLL CANYON MIXED USE - PROJECT NO. 240716

ADOPTED BY RESOLUTION NO. R-311580 ON MAR 05 2018

GENERAL

1. This Vesting Tentative Map 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 shall conform to the provisions of Planned Development Permit No. 1000051.
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. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
7. The Vesting Tentative Map shall comply with the conditions of Planned Development Permit No. 1000051.
8. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

9. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
10. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
11. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
12. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
13. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
14. 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.
15. 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

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. Prior to the recordation of the Parcel Map, all conditions listed in the approved resolution of conditions shall be satisfied or assured to the satisfaction of the City Engineer, unless otherwise noted.
19. Prior to the expiration of the Tentative Map, if approved, a final map subdividing the project site into six lots for commercial and residential mixed-use shall be recorded in the office of the County Recorder.
20. Prior to the recordation of the final map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.
21. 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.
22. 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.

WASTEWATER/WATER

23. All on-site water and sewer mains will be "private."
24. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

25. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
26. The Subdivider shall design and install all necessary irrigation appurtenances to utilize recycled water. The Subdivider shall install all necessary piping to connect to recycled water system. The system shall be designed to avoid any cross connections between the two systems. This will necessitate a separate irrigation service.
27. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Owner/Permittee shall install a redundant water system, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

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. 24001819