

RESOLUTION NUMBER R- 312074

DATE OF FINAL PASSAGE DEC 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING TENTATIVE MAP WAIVER NO.
2203529, EDCO RECOVERY – PROJECT NO. 515674 [MMRP].

WHEREAS, Del Properties LP and EDCO Disposal Corporation, Subdividers, and Raymon J. Spear, Land Surveyor, submitted an application to the City of San Diego for a Tentative Map Waiver for the consolidation of 22 parcels into one lot for the expansion of a solid waste transfer and recovery facility. The project site is located at 3608-3698 Dalbergia Street in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area within the Coastal Overlay Zone (Non-Appealable Area 2). The property is legally described as Lots 21 and 22 in block 262 Noel’s Subdivision Map No. 457, Lots 3 through 22 and southeasterly four feet of Lot No. 2 in block 262, Guion’s Addition Map No. 220 and Lots A and B in block 262 of Arlington Map No. 1638, within the City of San Diego, County of San Diego, State of California; and

WHEREAS, the Map proposes the Subdivision of a 2.03-acre site into one lot for an industrial 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 November 8, 2018, the Planning Commission of the City of San Diego considered Tentative Map Waiver No. 2203529 as part of the EDCO Recovery project, Project No. 515674, and pursuant to Resolution No. 4966-PC voted to recommend approval of the Project, including the map waiver; 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 3, 2018, the Council of the City of San Diego considered Tentative Map Waiver No. 2203529, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0444, 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 Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 2203529:

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 proposes to expand an existing solid waste transfer and recovery facility from 29,550 to 60,680 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas or electricity. The 2.03-acre site is located within the Coastal Overlay Zone (Non-Appealable) at 3608-3698 Dalbergia Street in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area within Council District 8.

The Barrio Logan/Harbor 101 Community Plan designates the site as Residential/Commercial/Industrial. The proposed expansion to the existing industrial use on-site is consistent with the underlying land use designation, which allows for industrial uses. Additionally, the project site is within Subdistrict B of the Barrio Logan Planned District, which is the zone that implements the Community Plan. The proposed expansion is consistent with General Plan policy to maximize waste reduction and diversion by supporting the development of facilities that recycle materials. The proposed expansion is also consistent with the General Plan guidance to maintain an adequate variety of employment opportunities that contribute to a wide range of jobs for the City's residents.

The project is consistent with the Barrio Logan/Harbor 101 Community Plan policy guidance to improve the environmental and visual quality of industrial development and to control exterior

noise, air pollution and dust. The transferring and sorting of recyclable material will be contained indoors, resulting in limited trash or dust exposure to the outside. Additionally, the operations of the anaerobic digester will take place within an enclosed area and will include ventilation systems and biofilter systems which would minimize outdoor odor. The proposed expansion is consistent with the Community Plan guidance that directs industrial development to provide fencing, walls and orient parking so that industrial uses do not detract from the visual quality to existing residential development in the form of buffer areas/improved landscaping along the project site. The project will be surrounded by a seven-foot screen wall along Dalbergia Street and Vesta Street with additional screening provided by evergreen trees and shrubs.

The project is consistent with the Community Plan recommendation to include a buffer area with improved landscaping along the north side of the project site where it is adjacent to Interstate 5. The proposed project includes an eight-foot wide landscape buffer, which would include evergreen trees and ground cover, to provide screening along the north side of the solid waste transfer and recovery facility. Therefore, the proposed project is consistent with the General Plan and the Barrio Logan/Harbor 101 Community Plan. Therefore, 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. Five deviations are being requested as part of the project design: 1) 45-foot driveway along Dalbergia Street where 30 feet is allowed; 2) 35-foot driveway along Vesta Street where 30 feet is allowed; 3) 48-foot building height where the maximum allowed is 35 feet; 4) wall height of 7 feet within street side yard where 3 feet is allowed; and 5) a reduction in off-street parking spaces where the project requires 29 and is providing 4. The following outlines the deviations and justifications:

Dalbergia Street Driveway Width: SDMC Table 142-05M allows a maximum 30-foot driveway width. The deviation is being requested to allow an increase in the driveway width to allow transfer trucks to make a safe radius turn into the solid waste transfer and recovery facility.

Based on mandates to comply with Assembly Bill (AB) 341 (Solid waste: diversion), all vehicles will need to access one driveway for entry/exit purposes. To do so, and keep vehicle and public safety a priority, the driveway width on Dalbergia Street will need to be 45 feet wide. Reducing the width of the driveway, from the requested 45 feet to the 30-foot standard, will not maintain the safety between vehicles, as a 30-foot width driveway limits a transfer truck (a 53-foot long vehicle) from making a wider turn to avoid the northwest corner of the proposed property and still exit into the northbound lane. A 30-foot width driveway could result in the transfer trucks driving directly over or beyond the driveway flares (almost 15 feet beyond the driveway edge). In addition, the transfer trucks need to orient themselves close to the ramp's retaining wall to align with the narrowed exiting lane. A 45-foot wide driveway, allowing trucks to avoid traversing over the sidewalk and the neighboring driveway, is a safe width for not only the transfer truck, but for public safety on Dalbergia Street.

Vesta Street Driveway Width: SDMC Table 142-05M allows a maximum 30-foot driveway width. The deviation to allow an increase in the width to 35 feet will allow transfer trucks to make a safe radius turn into the solid waste transfer and recovery facility.

The width of the existing access drive is 15 feet. The north side of the alley will be required to facilitate a drainage culvert that collects the watershed from the sloped Caltrans right-of-way coming down from Interstate 5. This culvert will drain south and under the sidewalk. Because of the drainage culvert, and due to the existing sidewalk location and the required return from the edge of driveway for the sidewalk to reconnect to the existing sidewalk location, the driveway cannot be relocated further to the east. A 30-foot driveway width would limit maneuverability in a tight space, causing concerns with vehicles' ability to traverse the driveway and the increased probability of damage to the proposed infrastructure. A transfer truck can traverse into the site and cross the driveway with a 35-foot wide driveway, allowing more flexibility to avoid the rolling gate and concrete masonry unit (CMU) wall, and increasing maneuverability for the truck to enter and back into the adjacent dock.

Building Height: The City of San Diego building height requirements, per SDMC Section 152.0307(e), limit building height to 35 feet. The proposed solid waste transfer and recovery facility requires a building height of 48 feet to accommodate the needed ceiling height clearances for the processing equipment.

The available site area for the proposed building expansion is limited in size. To achieve the landfill removal percentage required in accordance with AB 341, which requires the reduction of greenhouse gas emissions by diverting waste from landfills and to reach California's recycling goal of 75 percent by the year 2020, the floor storage space and processing equipment required to process the materials received in the building will need to be designed with vertically stacked equipment. Processing equipment vendors can design the equipment to provide the most efficient layout within the site area constraints, however, to do so the equipment will need to accommodate vertical height. In addition, the roof structure above the equipment will need to support the necessary roof loads for electrical, lighting, fire sprinklers, mechanical equipment, and photovoltaics. A building height of 48 feet will accommodate processing equipment and the needed ceiling height clearances.

Fence/Wall Height: SDMC Section 142.0310(c) limits solid fence/wall heights in required front and street side yards to three feet. The proposed solid waste transfer and recovery facility proposes a deviation to the fence/wall regulations to accommodate a seven-foot solid wall within a required street side and front yard along a portion of Dalbergia Street and Vesta Street to screen the processing equipment.

The project proposes to extend the existing concrete masonry unit (CMU) wall along the perimeter of the existing facility to the perimeter of the proposed addition along Vesta Street and partially along Dalbergia Street. The proposed wall will promote a safe work environment while maintaining the architectural integrity of the existing screen wall and

the additional height will provide screening of on-site operations. Through conditions in the permit, the property owner will maintain the wall free from dilapidated or dangerous conditions and in a graffiti-free condition. The City of San Diego Police Department (SDPD) recommended at least a seven-foot high fence to match the existing screen wall along property for security reasons.

Off-Street Parking: The project site is within the Barrio Logan Planned District Subdistrict B and has the Land Use designation of Residential/Commercial/Industrial. Most of the uses in the vicinity rely on street parking for both employee and visitor parking. The area is primarily industrial and commercial use, with a few residences along Vesta Street and on Dalbergia Street east of Vesta Street. The San Diego Municipal Code states that the parking requirement for Barrio Logan Planned District Subdistrict B for industrial spaces, facilities with a majority of floor area dedicated to large equipment, tanks, vessels, and automated machinery is a minimum parking ratio of 1 parking space per 1,000 square feet of floor area. Accordingly, a total of 52 parking spaces would be required.

The proposed solid waste transfer and recovery facility will be a use-type facility that includes processing equipment and limited employees. The proposed facility will be operated by a mixture of managers, supervisors, and an equipment labor force. To keep pace with the processing of incoming material, the operation will be split into two shifts. Each shift will have a total of 25-28 employees, with some employees staying for both shifts (i.e. managers and supervisors). There will be a 60-minute window between shifts, which will mitigate any overlap in parking demand.

Based on City of San Diego approval of the preceding development permit CDP No. 8488/SDP No. 8489, a total of 31 off-street parking spaces were required with an operational staff count of 12. With the proposed development the operational staff count is estimated to be 29 for the maximum parking demand. Due to existing driveways along Dalbergia Street frontage being removed and only one larger driveway being added at the north portion of the project, an additional 11 spaces will be added to the street parking. The parking and trip generation study conducted by Kimley-Horn, dated Dec. 22, 2017, analyzed the site to determine the existing on-street parking. The study reviewed available on-street parking within a quarter-mile from the site, which was considered an acceptable walking distance for pedestrians. The study indicated there are 295 on-street parking spaces within the study area. Observed available on-street spaces within the preferred areas for Tuesday and Thursday were averaged to determine if there would be enough available parking to accommodate the project. The results show that during the peak mid-day afternoon period the parking demand of 29 spaces generated by the project can be accommodated within the preferred parking supply area, along with on-site parking, with 12 additional parking spaces remaining. Therefore, the projected parking demand from the proposed development to utilize on-street facilities in the area would not impact acceptable parking or traffic levels and no impacts to the commercial or residential neighborhood nearby would be anticipated.

Staff analyzed the requested deviations to determine consistency with the goals and recommendations of the General Plan, Barrio Logan/Harbor 101 Community Plan, and the

purpose and intent of BLPD-SUBD-B. The proposed deviations will not adversely affect the plans and are appropriate for the site. The deviations are allowed by a Site Development Permit for projects utilizing the Affordable/In-Fill Housing and Sustainable Buildings Regulations from SDMC section 143.0915. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

3. The site is physically suitable for the type and density of development. The site has been previously graded and developed with an existing solid waste transfer and recovery facility. The project proposes to expand the solid waste transfer station from 29,550 to 60,680 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas or electricity. The solid waste transfer and recovery facility will expand within the existing site and into an adjacent alley proposed to be vacated as part of the project application. The expansion of the solid waste transfer and recovery facility is consistent with the community plan's land use designation of Residential/Commercial/Industrial and Subdistrict B zoning designation. Therefore, the site is physically suitable for the type and density of the 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. Mitigated Negative Declaration No. 515674 has been prepared in accordance with the State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program for Air Quality has been prepared and will be implemented which will reduce impacts to below a level of significance. Mitigation includes odor minimization through site design and management practices as identified in MND No. 515674. The project now avoids or mitigates any potentially significant environmental impacts to air quality in accordance with the California Environmental Quality Act. The project is located within an urbanized and built-out environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. Therefore, the subdivision or the proposed improvements will not cause substantial environmental damage or substantially 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 project proposes to expand an existing solid waste transfer and recovery facility from 29,550 to 60,580 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas. Mitigated Negative Declaration No. 515674 has been prepared in accordance with the State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program for Air Quality has been prepared and will be implemented which will reduce impacts to below a level of significance.

The proposed project, including the review of grading design, provisions of a new driveway, drainage, architecture, landscape, and environmental impacts, has been designed to conform with the City of San Diego's codes, policies, and regulation with the primary focus of protecting the public's health, safety and welfare. The conditions of approval of the project require compliance with several operational constraints and development controls intended to assure the continued

public health, safety, and welfare for those who would work at the site and within the community. Conditions of approval address driveway, public improvements, landscaping and grading. Storm water impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features, such as source control and treatment control Best Management Practices and the harvesting of storm runoff for use as portable water supply to irrigation, plumbing fixtures, facility misting and transfer truck wash down.

All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Additionally, prior to the issuance of any construction permit, the owner shall submit the appropriate Solid Waste Facilities Permit Application to the Local Enforcement Agency (LEA) to address the proposed changes to the site and operations. Before the actual construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public.

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 project proposes to consolidate 22 lots into one parcel and to expand an existing solid waste transfer and recovery facility from 29,550 to 60,680 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas or electricity. The proposed subdivision will not conflict with existing public easements as there are none on the site. The site is adjacent to an unnamed alley proposed to be vacated with the project's application to accommodate the facilities expansion. General utilities run along the alley, Vesta Street, Dalbergia Street and Una Street public rights-of-ways and not through the existing project site. Within the alley there are existing utilities including a power pole, pole lighting, data lines, a gas supply line, a sanitary sewer line, and a storm drain line. As a condition of the solid waste transfer and recovery facility expansion and approval of the associated Tentative Map Waiver, public utilities within the alley will be relocated and/or removed accordingly, which will remove any need for the alley in order to access the utilities.

The subdivision proposes public improvements to include new driveway curb cuts along Dalbergia and Vesta Streets, reconstruction of damaged portions of the sidewalk and curbs adjacent to the site, and the addition of 11 diagonal parking spaces along Dalbergia Street sidewalk. Therefore, the design of the subdivision and proposed improvements would 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. As a component of the proposed project, the existing solid waste transfer and recovery facility will utilize renewable energy technology, self-generating at least 30 percent of the projected total energy consumption on site through photovoltaic technology and from an anaerobic digester (AD) to create natural gas or electricity. The AD would include five digester vessels above ground that are mechanically filled

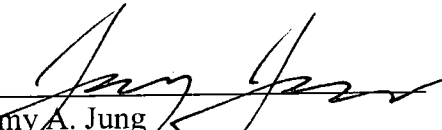
with a mix of incoming materials from the transfer building collected from the public's solid waste to create sustainable fuel. The photovoltaic system will be located on a portion of the roofs and the AD will be located at grade within the project's boundary. The photovoltaic system and renewable natural gas will have the capacity to generate energy to run the heating and cooling system proposed for the solid waste transfer and recovery facility. Additionally, the project will exceed the minimum sustainable criteria by targeting a Leadership in Energy and Environmental Design (LEED) Silver rating by creating a sensitive design that utilizes energy efficient means and methods of construction as well as a design that utilizes the local climate through passive solar design features and design elements. Therefore, the design of the proposed 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 expansion will not affect the housing stock in the area as the existing solid waste transfer and recovery facility is being expanded without impacting existing housing. Public services will not be affected and will remain at utility agency standards as overhead utilities will be undergrounded and utilities relocated to accommodate the expansion of the solid waste transfer and recovery facility. The solid waste transfer and recovery facility will extract recyclable material which would normally be deposited at the City's landfill. Extracting recyclable material will make the project consistent with the City's Climate Action Plan which requires a 75 percent landfill diversion by 2020, 90 percent by 2035, and Zero Waste by 2040. Therefore, 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.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map Waiver No. 2203529, is hereby granted to Del Properties LP

and EDCO Disposal Corporation, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney

JAJ:nja
11/08/18
Or. Dept: DSD
Doc. No.: 1874306

ATTACHMENT: Tentative Map Waiver Conditions

CITY COUNCIL
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2203529
EDCO RECOVERY - PROJECT NO. 515674 MMRP

ADOPTED BY RESOLUTION NO. 312074 ON DEC 03 2018

GENERAL:

1. This Tentative Map Waiver will expire December 3, 2021.
2. Compliance with all the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the Tentative Map Waiver expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of a Parcel Map the Subdivider shall relocate all utilities located in the unnamed alley adjacent to the site.
5. Prior to the recordation of the Parcel 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. The Tentative Map Waiver shall conform to the provisions of Coastal Development Permit No. 2103481 and Site Development Permit No. 2103482.
7. 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:

8. Pursuant to the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new street light along Dalbergia Street adjacent to the site.

9. Pursuant to the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Owner/Permittee shall assure, by permit and bond to update all street lights and to upgrade the luminaire wattage for the street lights adjacent to the site along Dalbergia Street adjacent to the site.

10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

11. 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.

12. Conformance with the "General Conditions for Tentative Subdivision Maps" filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING:

13. "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. Every Parcel 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.

GEOLOGY:

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

INFORMATION:

- The approval of this Tentative Map Waiver by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map Waiver, may protest the imposition within ninety days of the approval of this Tentative Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where during 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 DEC 03 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Chris Ward | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gomez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage DEC 03 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.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

312074

Resolution Number R-_____