

RESOLUTION NUMBER R- 312501

DATE OF FINAL PASSAGE JUN 04 2019

ITEM# 332D
6/4/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. 2152396, PUBLIC RIGHT OF WAY VACATION NO. 2152395, AND EASEMENT VACATION NO. 2261533 FOR CAL TERRACES PA61 - PROJECT NO. 605191.

WHEREAS, Subdivider, Pardee Homes, a California Corporation, and Engineer, Henry H. Peng, submitted an application to the City of San Diego for a Vesting Tentative Map No. 2152396, Public Right-of-Way Vacation No. 2152395 and Easement Vacation No. 2261513 (the "project") for the subdivision of a single parcel into two lots for the creation of 171-267 multi-family residential condominium units, one private recreational park, and 45,000 square feet of future commercial development; and

WHEREAS, the project site is located south of Otay Mesa Road, east of Caliente Avenue, and north of SR-905. The property is legally described as, Parcel 1: All that portion of the northwest quarter of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Base and Meridian in the City of San Diego, County of San Diego, California according to the official plat thereof, described as follows: Beginning at the northwest corner of said Section 32, thence along the westerly line of said Section 32, south 00°18'24" west 348.92 feet; thence south 61°46'14" east 309.64 feet; thence south 72°16'59" east 1107.21 feet to an intersection with the easterly line of said northwest quarter of the northwest quarter of said Section 32; thence along said easterly line north 00°26'17" east 804.78 feet to an intersection with the northerly line of said section 32; thence along said northerly line north 88°48'52" west 1332.08 feet to the point of beginning; Parcel 2: That portion of the west one-half of the northwest quarter of Section 32, Township 18 south, Range 1 west, San Bernardino Meridian, in

the City of San Diego, County of San Diego, State of California, according to the official plat thereof, more particularly described as "Parcel 2" quitclaim deed to Rancho Villa Apartments No. 2 LLC, recorded on June 24, 2002 as DOC# 2002-0530243 in the office of the County Recorder of said County; and

WHEREAS, the Map proposes the subdivision of a 14.6-acre site into two lots; 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 is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 171-267; and

WHEREAS, on April 11, 2019, the Planning Commission of the City of San Diego considered the project and pursuant to Resolution No. 5000-PC voted to recommend City Council approval; 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 June 4, 2019, the City Council of the City of San Diego considered the project pursuant to San Diego Municipal Code sections 125.0440, 125.0430, 125.0941, 125.1040, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all

interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, as follows:

A. That it adopts the following findings with respect to Vesting Tentative Map No. 2152396, which are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

1. **The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.** The 14.6-acre site is located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road just north of State Route 905 within the Northwest District of the Otay Mesa community planning area and is currently designated Community Commercial-Residential Prohibited within the Otay Mesa Community Plan. The project proposes the subdivision of an existing parcel into two lots and the construction of 171 to 267 residential condominiums with ten percent of the units to be affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). Additionally, the project lies within the Airport Influence Area (Brown Field / Review Area 2), the Community Plan Implementation Overlay Zone Type A (CPIOZ-A), the FAA Part 77 Notification Area (Brown Field / 576' AMSL), and the Transit Priority Area.

The project includes a request for a Community Plan Amendment (CPA) to redesignate a 9.20-acre portion of the project site from Community Commercial-Residential Prohibited to Residential Medium density which would permit multi-family residential development at a density range of 15 to 29 dwelling units per acre. The CPA would also include a reclassification of the segment of Caliente Avenue between Otay Mesa Road and State Route 905 westbound On-Ramp from a six-Lane Primary Arterial to a five-Lane Primary Arterial (three lanes southbound and two lanes northbound) as depicted within the Community Plan's Roadway Classification Map.

The project would be consistent with specific Otay Mesa Community Plan policies pertaining to housing and commercial development. The Community Plan's Land Use Element provides a distribution of land uses of sufficient capacity for a variety of uses, facilities, and services needed to serve the community. The proposed CPA would reduce the amount of land planned for retail use by 9.20-acres and increase overall housing capacity by 171 to 267 dwelling units. A retail analysis evaluating the land use change concluded that the proposed reduction of commercial land would have no adverse impact on the local retail environment.

The addition of housing to the site would implement the housing goals and policies of the Community Plan and the General Plan including policies to integrate a variety of housing types within village and residentially designated areas (including the provision of larger units) with multi-modal transportation access to the employment centers within the eastern portion of community. The project housing includes units with 3-4 bedrooms and 3-3.5 baths each with 2-

car garages. The project site is within a Transit Priority Area and located directly adjacent to the Metropolitan Transit System bus Routes 905 A and B, and within a half mile of a future bus rapid transit stop and a quarter mile of the existing Caliente Avenue Park and Ride Facility. Transit service connects the site to the community's main employment areas, including the nearby Ocean View Hills Corporate Center and Otay Corporate Center South, as well as those within the eastern portion of the community. Additionally, the site provides links to the Otay Mesa Bicycle network with a Class II adjacent to the site on Caliente Avenue and a Class III adjacent to the site along Otay Mesa Road.

The project would implement various Community Plan and General Plan Policies related to providing affordable housing within this community and the City as a whole, including Community Plan Policy 2.2-6, to "promote affordable housing development through the provision of a variety of housing types, townhomes smaller-lot single-family homes, and other types of housing that are affordable in nature."

Additionally, the project would be consistent with Community Plan Policy 2.3-1 to "maintain lands for commercial development within Otay Mesa to serve the demands of the residential and employment communities." The project would retain a portion of the site as commercial use for future development of a 45,000 square foot shopping center.

Based upon a review of the City's strategic housing and community planning goals, as well as the General Plan Land Use Element (specifically Policy LU-D.13), the site would best serve the Northwest District and support the land use plan as residential and commercial use rather than commercial only. The City of Villages strategy encourages development that increases housing supply and diversity within compact, mixed-use activity centers that are integrated into the larger community. The project would add residential use within a portion of a site previously planned exclusively for commercial use focusing growth within a mixed-use activity center that would be pedestrian-friendly and in proximity to the public transit. As a residential and commercial development, the project would increase the housing supply within the community as a whole and also within proximity to a future planned commercial center and would thus promote the General Plan's City of Villages strategy.

The General Plan provides noise compatibility standards for interior and exterior noise that apply to the residential and commercial development components. The residential component would be affected by offsite vehicle traffic noise within the General Plan's thresholds for both interior and exterior noise. The project would be designed to incorporate sound transmission reduction measures demonstrating that building structures will attenuate both interior and exterior noise to be within the General Plan noise compatibility standards in accordance with Addendum No. 605191 and the Mitigation, Monitoring, and Reporting Program to Program Environmental Impact Report No. 30330/304032 /SCH No. 2004651076.

Community Plan Policy 4.1-8 states: "minimize exposure of residential uses from noise, traffic and air quality impacts associated with SR-905 and truck routes through: the orientation of buildings and site planning, the design of buildings, landscape treatments, and distance separation." Although the project would place residential units within close proximity to a freeway, thereby potentially subjecting the occupants to air quality emissions impacts above the

applicable City thresholds, the project includes design measures such as HVAC units with air filters capable of filtering particles ranging from 1.0 to 10.0 ppm in size by more than 90 percent as identified in the project's Air Quality Analysis (Recon Environmental, Inc, September 17, 2018) ensuring impacts associated with potential exposure to air quality emissions would not result in significant impacts to the residents of the project site.

The project would comply with Community Plan Update (CPU) Policy 8.1-3, which calls for the planning of development to minimize grading as it relates to natural features of the CPU area. The project would minimize grading to the extent needed to build the proposed structures and grading would not affect any surrounding natural features.

In regard to General Plan policies, the project would comply with policies UD-A.6 and UD-8.1 by creating a street frontage along Otay Mesa Road that includes a sidewalk and landscaped area to provide visual appeal and an enhanced pedestrian experience, while constructing a multi-use townhome complex adjacent to future commercial area. 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. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated to affordable housing (Lot 2) and 45,000 square feet of retail space (Lot 1). Three deviations are being requested as part of the project design and the following outlines the deviations and justifications:

Street side yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, street side yard setback, to allow a 10-foot street side yard setback where minimum street side yard setback is 10 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for residential dwelling units located along Street "A" and Street "B" which proposes street lengths of approximately 240 feet from Otay Mesa Road. The project site has a width of over 800 feet, which would require a minimum street side setback of 80 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing affordable housing, pedestrian-level activity and transitions between residential and commercial areas. An 80-foot side yard setback would eliminate much of the development footprint preventing the development from maximizing the number of the residential units.

Side yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, side yard setback, to allow a 10-foot street side yard setback where minimum side yard setback is 5 feet or 10 percent of the premise's width, whichever is greater. The deviation is being requested for the residential dwellings located along the western and eastern property lines. The project site has a width of over 800 feet, requiring a minimum side setback of 80 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing affordable housing, pedestrian-level activity and transitions between residential and commercial areas. An 80-foot side yard setback would eliminate much of development footprint preventing the development from maximizing the number of the residential units.

Front yard setback: A deviation to SDMC Section 131.0443, Table 131.04G, front yard setback, to allow a 10-foot setback along Otay Mesa Road, where minimum 15 feet and 20 feet is required. The project is proposing a front yard setback of 10 feet along Otay Mesa Road. There are two proposed cul-de-sac streets off Otay Mesa Road that will provide driveway access to the proposed development. With the deviation, the project will be able to maximize its developable area and allow for an adequate parkway inclusive of noncontiguous sidewalks, rear yard landscaping for dwelling units adjacent to Otay Mesa Road, and pedestrian access and building articulation.

The above three deviations have been analyzed by staff and determined to be consistent with the goals and recommendations of the General Plan, the Otay Mesa Community Plan, and the purpose and intent of the CC-1-3 and RM-2-5 zones. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed project provides a mixed residential/commercial development in accordance with development standards of the RM-2-5 zone, the CC-1-3 zone, and the Otay Mesa Community Plan. The proposed development will assist in providing affordable housing units and market-rate housing opportunities in a transit-friendly area near commercial centers. Therefore, 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.

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

The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums, ten percent of which will be affordable (Lot 2), and 45,000 square feet of retail space (Lot 1). The 14.6-acre site is located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road, just north of State Route (SR) 905 within CC-1-3 zone of the Northwest District of the Otay Mesa Community Planning area.

The site has been previously mass graded and developed in accordance with Vested Tentative Map No. 86-1032 and is currently relatively flat. The site is bounded by SR-905 to the north, Caliente Avenue to the west, a vacant site to the east, and Otay Mesa Road to the north. Access to the site will be from Otay Mesa Road from two new public streets into the development. The proposed Community Plan Amendment and rezone, to redesignate Community Commercial-Residential Prohibited (CC-1-3) to Residential Medium (RM-2-5) will allow a residential density of 15 to 29 du/ac and up to 267 dwellings. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Addendum No. 605191 to Program Environmental Impact Report (PEIR) No. 30330/304032 /SCH No. 2004651076 prepared for the Otay Mesa Community Plan update, has been prepared in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and

Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance.

Although the project site is located outside of and not adjacent to an MHPA, the project does contain burrowing owl habitat. A Western Burrowing Owl Non-Breeding Survey (Burrowing Owl Survey) was completed for the project by RECON Environmental, Inc. (RECON 2018). As detailed therein, the project site does contain habitat that is suitable for burrowing owl burrows, and a burrow complex comprised of seven burrows was observed within a portion of the site. No burrowing owls were detected within the project site during the nonbreeding season survey, however, there is a moderate potential for this species to occur within the western portion of the project site, as the habitat is less dense and suitable burrows are present. Consistent with the 2013 Program EIR, the project would include mitigation measures as anticipated under the mitigation framework. The project would include mitigation measure BIO-1, which requires site-specific biological surveys to determine the potential for sensitive species, along with the provision for the proposal for site-specific mitigation, if necessary, to reduce impacts to sensitive species or habitats. Compliance with the 2013 PEIR mitigation framework related to burrowing owls would ensure that the project would not conflict with environmentally sensitive lands per SDMC Section 143.0101 as it pertains to biological resources. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. The proposed project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of new streets and driveways, has been designed to conform with the City of San Diego's codes, policies, and regulations 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 within the site and within the community. Conditions of approval address driveway, public improvements, new street lights, new center medians, 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.

Addendum No. 605191 to PEIR No. 30330/304032/SCH No. 2004651076 prepared for the Otay Mesa Community Plan update, has been prepared in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance.

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 in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, Neighborhood Development Permit No. 2192974, and Vesting Tentative Map No. 2152396 relating to public improvements, grading, and construction in accordance with the San Diego Municipal Code for the project site. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all public improvement and grading requirements, and the Subdivider will be required to obtain construction permits. Therefore, 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. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums, with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). The project proposes to vacate two slope easements. The easements are located entirely within the site boundary and do not serve or encumber other parcels of land in proximity to the easement. The slope easements were acquired in fee as part of the Otay Mesa Road widening-temporary State Route (SR)-905 project when the parcel was vacant and undeveloped. With the development of SR-905, the existing slope easements are not required. The easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. The easement vacation will not impact the proposed development or any of the surrounding properties. 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 design of the project has taken into account the best use of the land to minimize grading and provide for greater housing opportunities in the Otay Mesa area. Design guidelines through a Master Planned Development Permit have been developed for the future construction of the residential dwelling units and adjacent commercial center and includes features that do not impede or inhabit any future passive or natural heating and cooling opportunities. The side and rear setbacks will allow for the passage of wind and penetration of sunlight between buildings. Proposed landscaping including canopy trees, palms and ornamental trees throughout the project will minimize heat gain and provide and attractive landscape environment. 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

project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). The 14.6-acre site is located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road, just north of State Route 905 within CC-1-3 zone of the Northwest District of the Otay Mesa community planning area and is currently designated Community Commercial-Residential Restricted within the Otay Mesa Community Plan. The proposed project includes a Community Plan Amendment to re-designate the site from Community Commercial-Residential Prohibited to Residential Medium and a rezone from CC-1-3 to RM-2-5 for Lot 2 only, totaling 9.2-acres. Lot 1, totaling approximately 4.49-acres, will remain Community Commercial-Residential Prohibited (CC-1-3) and 0.91-acres will become new public right-of-way.

With the proposed development of 171-267 residential condominium units, there would be a gain of up to 267 for-sale units. The applicant has chosen the option of providing up to 27 market rate residential dwelling units as affordable dwelling units on site. The project is within a mile from retail services and sales, including existing and future shopping and essential services. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

B. That portions of Otay Mesa Road public right-of-way and adjacent slope easements, located within the project boundaries as shown in Vesting Tentative Map No. 2152396, 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. Slope Easements Findings

a. There is no present or prospective public 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. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). The project proposes to vacate two slope easements. The remnant easements are located entirely within the site boundary and do not serve or encumber other parcels of land in proximity to the easement. The slope easements were acquired in fee as part of the Otay Mesa Road widening-temporary State Route (SR)-905 project when the parcel was vacant and undeveloped. With the development of SR-905, the existing slope easements are not required. The easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. Therefore, there is no present or prospective public 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.

b. The public will benefit from the action through improved utilization of the land made available by the vacation. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). Additionally, the project proposes to vacate two slope easements located adjacent to Otay Mesa Road.

The easement vacation would unencumber the site and provide housing and employment opportunity to the community. The overall 14.6-acre project site would be fine graded in preparation for the construction of the project. The remnant vacated easements will be utilized for the construction of the mixed-use development. Both Otay Mesa Road and Caliente Avenue will be improved with new curb, gutter, sidewalk, in accordance with the Otay Mesa Community Plan street classification of a six-lane prime arterial designation. Additionally, the project will include a raised median along Otay Mesa Road and right turn pockets into the new public roads leading into the development. Therefore, the public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

c. The vacation is consistent with any applicable land use plan. As outlined in Vested Tentative Map Finding No. 1 listed above, the vacation is consistent with any applicable land use plan.

d. 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. The project proposes to vacate two slope easements adjacent to Otay Mesa Road. The remnant easements are located entirely within the site boundary and do not serve or encumber other parcels of land in proximity to the easement. The slope easements were acquired in fee as part of the Otay Mesa Road widening-temporary State Route (SR)-905 project when the parcel was vacant and undeveloped. With the development of SR-905 completed, the existing slope easements are no longer required. The easements will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. 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.

2. Public right-of-way (PROW) Vacation Findings

a. There is no present or prospective public use for the public right-of-way either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). Additionally, the project proposes to vacate a narrow unimproved portion of Otay Mesa Road (PROW Vacation). The PROW Vacation consists of portions of land that are no longer needed since Otay Mesa Road has already been improved to its ultimate alignment and six-lane primary arterial classification. The PROW Vacation will be effected by omission on the Final Map in accordance with the Subdivision Map Act. Therefore, there is no present or prospective public

use for the public right-of-way either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

b. The public will benefit from the action through improved use of the land made available by the vacation. The project proposes the subdivision of an existing parcel into two lots and the construction of 171-267 residential condominiums with ten percent of the units dedicated as affordable (Lot 2) and 45,000 square feet of retail space (Lot 1). Additionally, the project proposes to vacate a narrow unimproved portion of Otay Mesa Road.

The proposed PROW Vacation consists of portions of land that are no longer needed since Otay Mesa Road has already been improved to its ultimate alignment of a six-lane prime arterial classification. The vacation would aid in the development of the mixed-use development by allowing additional housing and a commercial development to the community. The proposed project will help enhance and revitalize the surrounding neighborhood character by providing development on a vacant lot. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

c. The vacation does not adversely affect any applicable land use plan. As outlined in Vested Tentative Map Finding No. 1 listed above, the vacation is consistent with any applicable land use plan.

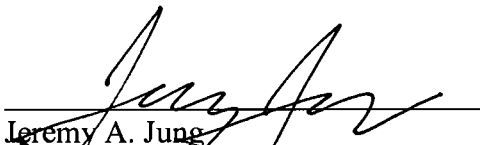
d. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The proposed PROW vacation is an effort to utilize excess public right-of-way. Otay Mesa Road is classified as a six-lane primary arterial. The road has already been improved to its ultimate alignment and six-lane configuration. The excess public right-of-way is not necessary for any contemplated future public roadway improvements. Therefore, the public facility or purpose for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

C. That based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 2152396, Public Right-of-Way Vacation No. 2152395 and Easement Vacation No. 2261533, are hereby approved and granted to PARDEE HOMES, a California Corporation, subject to the attached conditions which are made a part of this resolution by this

reference, contingent upon final passage of Resolution No. R- 312500 approving amendments to the General Plan and Otay Mesa Community Plan and Ordinance

No. O- 21081 rezoning a portion of the project site.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney

JAJ:als
05/16/2019
Or.Dept:DSD
Doc. No.: 2007559

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 2152396
PUBLIC RIGHT OF WAY VACATION NO. 2152395
EASEMENT VACATION NO. 2261533
CAL TERRACES PA61- PROJECT NO. 605191

ADOPTED BY RESOLUTION NO. R- 312501 ON JUN 04 2019

GENERAL

1. This Vesting Tentative Map will expire on _____.
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. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated \$34.00 compliance fee to avoid delaying the recordation of the Final Map.
4. The Vesting Tentative Map shall conform to the provisions of Master Planned Development Permit No. 2265103, Site Development Permit No. 2152399, and Neighborhood Development Permit No. 2192974.
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 Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. 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, in a manner satisfactory to the City Engineer.
10. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install new street lights, per approved Exhibit "A," adjacent to the site on Caliente Road, Otay Mesa Road, Street A and Street B, in a manner satisfactory to the City Engineer.
11. 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

12. "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].
13. "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."
14. 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.
15. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495. All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

16. The Vesting Tentative 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

17. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
18. Prior to the issuance of any construction permit, the Subdivider shall assure, by permit and bond the design and construction of an 12" public water main within Street "B" as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.
19. The Subdivider shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

LANDSCAPE/BRUSH MANAGEMENT

20. Prior to issuance of any grading permit, the Subdivider shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
21. Prior to issuance of any public improvement permit, the Subdivider shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities.

Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24007824

Passed by the Council of The City of San Diego on JUN 04 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 04 2019.

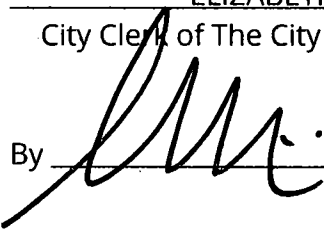
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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

Resolution Number R- 312501