

RESOLUTION NUMBER R- 313306

DATE OF FINAL PASSAGE NOV 10 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE PARCEL
MAP NO. 2411304, PUBLIC RIGHT-OF-WAY VACATION
NO. 2464871, AND EASEMENT VACATION NO. 2413763
FOR THE COSTA VERDE REVITALIZATION PROJECT –
PROJECT NO. 477943.

WHEREAS, Regency Center, L.P., a Florida limited partnership, Subdivider, and Kimley-Horn and Associates, Inc. Civil Engineer/Surveyor, submitted an application to the City of San Diego for Vesting Tentative Parcel Map (Map), Public Right-of Way Vacation, and Easement Vacation to subdivide an approximately 13.9-acre site with two (2) existing lots into four (4) lots for the reconfiguration and expansion of an existing 178,000-square-foot commercial shopping center to include a 200-room hotel, 360,000 square feet of Research & Development, and 40,000 square feet of Office use for the Costa Verde Revitalization project (project). The project site is located at the northwest corner of Nobel Drive and Genesee Avenue in the University Community planning area and Costa Verde Specific Plan, and is zoned RS-1-14 zone. The property is legally described as; Lots 13 – 14 inclusive of Costa Verde, City of San Diego, County of San Diego, State of California, According to Map thereof No. 12045, filed in the office of the County Recorder of San Diego County, April 18, 1988; and

WHEREAS, the Map proposes the subdivision of two existing lots (Parcel 1-1.00 acre and Parcel 2-12.230 acres) and vacated right-of-way into four lots (Parcel 1-2.024 acres, Parcel 2-5.149 acres, Parcel 3-5.850 acres and Parcel 4-0.902 acres); and

WHEREAS, the Public Right-of-Way Vacation would allow for Esplanade Court, a cul-de-sac and main entry to the project to become private, and the Easement Vacation would allow

for the privatization of existing public utilities. The area of Esplanade Court to be vacated totals 0.698 acres, which would increase the total site area from approximately 13.2 to approximately 13.9 acres; 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 September 24, 2020 the Planning Commission of the City of San Diego considered Vesting Tentative Parcel Map No. 2411304, Public Right-of-Way No. 2413763, and Easement Vacation No. 2413763, and pursuant to Resolution No. 5108-PC the Planning Commission voted to recommend that the Council of the City of San Diego (City Council) approve the Vesting Tentative Parcel Map, Public Right-of-Way Vacation, and Easement Vacation with recommendations; 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 November 10, 2020, the City Council considered Vesting Tentative Parcel Map No. 2411304, Public Right-of-Way Vacation No. 2464871, and Easement Vacation No. 2413763, and pursuant to San Diego Municipal Code section(s) 125.0540 (Approval Requirements for a Parcel Map), 125.0530 (Decision Process for a Parcel Map), 125.0440 (Findings for a Tentative Map), 125.0941 (Findings for Public Right-of-Way Vacation Approval), 125.1040 (Findings for Public Service Easement and Other Easement Vacations), 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 Vesting Tentative Parcel Map No. 2411304, Public Right-of-Way Vacation No. 2464871, and Easement Vacation No. 2413763:

TENTATIVE MAP-SAN DIEGO MUNICIPAL CODE SECTION (SDMC) 125.0440

(a) The proposed subdivision and its design or improvement is consistent with the policies, goals, and objectives of the applicable land use plan. The Costa Verde Center Vesting Tentative Parcel Map proposes to subdivide a 13.925-acre property (including vacated Public Right-of-Way) from two to four parcels. Approval of the request also allows for the potential future sale of commercial condominiums and maintenance of common areas within the project.

The subdivision would accommodate the reconfiguration and expansion of an existing commercial center in conformance with the policy goals contained in adopted long-range planning documents.

The project site is located in the University Community Plan and Costa Verde Specific Plan, which designates the site for Community Commercial and Neighborhood Commercial Use. The Project proposes General Plan, Community Plan, and Specific Plan amendments to add: (1) 360,000 square feet (SF) of Research & Development and 40,000 SF of Office uses; (2) re-designate approximately one acre from Neighborhood/Community Commercial to Visitor Commercial to allow a 200-room hotel; and (3) adopt incidental technical implementing amendments to address permitted uses, design standards and policies.

The original Costa Verde Specific Plan implemented many of the Smart Growth concepts that decades later became the cornerstone of the Strategic Framework Element of the General Plan. The project focuses growth in a pedestrian-friendly, mixed-use activity center that is linked to the regional transit system. The proposed project represents an update of the fundamental underlying concepts of the currently adopted specific plan and that reflects current conditions including: (1) the soon to be opened Mid-Coast Trolley Terminus Station immediately next to the site above Genesee Ave.; (2) the growing demand in the technology/bio-technology service sectors for clustered employment spaces; (3) the need for a new hotel in a region that currently only contains limited visitor accommodations; and (4) the opportunity to benefit the neighborhood by offering new goods and services during a changing retailing environment.

These proposed amendments would concurrently take place through the project approval process, which would result in future development being consistent with the revised land use designations.

Table 5.1-1 of the Costa Verde Center Revitalization Environmental Impact Report (Project No. 477943/SCH No. 201607103) provides a consistency evaluation of the project with the various elements of the City of San Diego General Plan, the University Community Plan and the Costa Verde Specific Plan demonstrating the subdivision is consistent with the policies, goals and objectives contained in these documents.

(b) 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 is governed by several long-range planning documents (the General Plan, University Community Plan and Costa Verde Specific Plan), the Land Development Code, several implementing discretionary permits (Planned Development Permit, Site Development Permit, Neighborhood Use Permit), a Vesting Tentative Parcel Map, Public Right-of-Way Vacation, and Easement Vacation.

The Costa Verde Specific Plan has regulatory controls and development guidelines for the site and surrounding residential community, beginning with the earliest site approvals in 1986. The existing mixed-used community could not have been achieved in strict conformance with the existing base zone which is intended for single-family homes.

The existing base zone for the site (Residential-Single Unit Zone, RS-1-14) and overlay zones (Airport Land Use Compatibility Overlay Zone, the Community Plan Implementation Overlay Zone (CPIOZ-A), the Parking Impact Overlay Zone and the Residential Tandem Parking Overlay Zone) are part of the Land Development Code. These regulations are further supplemented by the Costa Verde Specific Plan which allows for a more tailored approach to the proposed Project.

The Specific Plan notes that “Should any inconsistency arise between the development regulations of the base zone or the general regulations of the Municipal Code and the development guidelines of the Costa Verde Specific Plan and/or any implementing Planned Development Permit, the guidelines of the Specific Plan and/or Planned Development Permits shall govern over those of the base zone, the General Regulations of the Municipal Code (Chapter 14) or Land Development Procedures (Chapter 11).”

A Planned Development Permit is required to implement the development standards contained in the proposed CVSP amendment. The Project has been reviewed by City Staff for conformance with the Land Development Code including the Landscape Regulations and Parking Regulations and complies with both portions of the Municipal Code. Implementation of the design standards of the Specific Plan are subject to conformance with the CPIOZ-A. As the project would conform to the applicable policies and standards of the CVSP (as amended) and Municipal Code, no variances or deviations from the Land Development Code are required. As amended, the Specific Plan provides design guidelines which can be implemented by a Planned Development Permit, without any deviations.

(c) The site is physically suitable for the type and density of development.

The entirety of the approximately 13.925-acre site is developed with an approximately 178,000 square foot shopping center. The site layout is designed with the majority of shops built in a linear fashion along the western edge of the project site. Associated parking and multiple stand-alone buildings can be found to the east and south of the main shops.

Topography on the site ranges from approximately 335 feet above mean sea level (AMSL) at the southeastern corner of the project site (with the majority of the southern portion of the site at approximately 350 feet AMSL) to approximately 365 feet AMSL at the northwestern corner. There are no natural steep slopes within the project site, and the existing topographical changes are incorporated into the current development. Physical constraints such as steep slopes or natural vegetation or habitats do not exist on the fully developed site.

Local access to the project site is provided by Genesee Avenue, Nobel Drive, Costa Verde Boulevard, and Esplanade Court. Genesee Avenue and Nobel Drive are both classified as six-lane major roadways with raised or fixed medians. Costa Verde Boulevard and Esplanade Court are both four-lane local roadways with raised or fixed medians. Five entrances provide access to the internal roadways and parking areas in the existing center, including two on Esplanade Court, one on Genesee Avenue, one on Nobel Drive, and one on Costa Verde Boulevard.

Vehicular access to the Project would be available from Genesee Avenue, Nobel Drive, Costa Verde Boulevard, and Esplanade Court. The main project access would be provided from an entry at the signalized intersection of Genesee Avenue and Esplanade Court. Esplanade Court would become a private drive and be widened to include two inbound lanes and four outbound lanes. In the center of the road, ramps would provide access to and from the parking structure. Vehicular access will be readily available for the type and density of development envisioned by the project.

Pedestrian circulation would be provided throughout the site by a network of sidewalks, pathways, plazas, and public spaces. These pedestrian facilities would provide connections between the proposed uses within the project, and would connect to existing sidewalks along Genesee Avenue, Nobel Drive, Costa Verde Boulevard, Las Palmas Square, and Esplanade Court. Access to the Trolley Station under construction above Genesee Avenue would be provided with stairs, elevators, and pedestrian bridges. This, in turn, would provide an additional pedestrian connection to the Westfield UTC regional shopping center and UTC Transit Station across Genesee Avenue. Pedestrian connections to Las Palmas Square and the existing adjacent pocket park to the west of the site would also be provided, to enhance connectivity of residences to the west with the Costa Verde Center, Trolley Station, and UTC Transit Station. Sidewalks along Genesee Avenue and Nobel Drive would be improved to urban parkway configurations, with a 12-foot wide sidewalk, tree grates, and 2 feet of private landscaping within the parkway. Benches would also be provided along Genesee Avenue to enhance pedestrian comfort. High-visibility crosswalk striping would be included at the intersection of Genesee Avenue and Esplanade Court. These project-implemented improvements will improve pedestrian access within the Central Subarea of the University Community Plan and link to the new trolley station above Genesee Ave.

The site is in a highly urbanized area of the City marked by high-density residential development, a regional mall and high-rise commercial development. Immediately surrounding existing land uses include a high-rise continuing care retirement community and high-rise multi-family residential uses to the west, multi-family residential uses to the south all along Nobel Drive, the Westfield UTC regional shopping center to the east, and surface parking and the Monte Verde residential project under construction to the north. Further north across La Jolla Village Drive are high-rise office buildings and hotels, and more multi-family residential uses. Nearby institutional uses include the UCSD campus and medical center to the northwest of the site, and La Jolla Country Day School and multiple churches and synagogues to the north. A San Diego Police Department (SDPD) substation and City park are also located to the north. While the project is proposing an expansion of the existing development, including a 200-room hotel, 360,000 sq. ft. of Research & Development and 40,000 sq. ft. of commercial/office, the intensity of the proposed development is consistent with the existing uses and intensity of the Central Subarea of the University Community Planning Area. All public facilities and services are available and have the capacity to serve the project.

The existing approximately 13.3-acre shopping center reflects the type of automobile-centric development that was common in the 1980's. Portions of the site could be characterized as under-utilized as they contain large expanses of surface parking. The site's physical conditions do not present any type of constraints (topography, biological resources, access, public facilities and services or incompatibility with adjacent uses) that would preclude the type or density of land uses that are being proposed.

(d) 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. Approval of the Vesting Tentative Parcel Map would create two new parcels which would allow for commercial condominium ownership on one lot and joint maintenance of common areas. The developed project site is located in an urban in-fill area and does not contain, nor is adjacent to, any sensitive environmental resources, Multiple Habitat Planning Area (MHPA) Lands, Environmentally Sensitive Lands or existing fish or wildlife habitats. The closest MHPA land is located approximately 1,350 feet to the south, within a small canyon that connects with Rose Canyon.

The Costa Verde Revitalization Environmental Impact Report (Project No. 477943/SCH. No. 2016071031) has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented with this project to mitigate impacts related to Transportation/Circulation and Noise. A Statement of Overriding Considerations has been adopted for Transportation/Circulation impacts that cannot be mitigated below a level of significance.

(e) The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. The proposed project will not be detrimental to public health, safety and welfare in that the permit controlling the grading and future development of the site contains specific conditions addressing compliance with the City's

codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Prior to issuance of any grading permits for the proposed project, the plans will be reviewed for compliance with all conditions of approval.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and other regulations governing construction, continued operation and health/life/safety requirements apply to this project. The project has been conditioned to construct public improvements including new City Standard curbs, gutters, new water meters, new water lateral, new back flow preventers and sidewalks, enhanced crosswalks. As such, the design of the subdivision and related improvements will not be detrimental to the public, health, safety and welfare of the community

(f) 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 Vesting Tentative Parcel Map includes Esplanade Court, an existing five-lane divided public right-of-way cul-de-sac, which is to be vacated and privatized. To allow continued access for the public from Genesee Ave and Brooke Court, 24-foot general, utility and emergency vehicle access easements will be dedicated for the improved Esplanade Court.

In conjunction with the trolley station infrastructure, minor portions of an existing Genesee Ave easement will be adjusted by the San Diego Association of Governments (SANDAG) based on their final design. The design of the subdivision will accommodate SANDAG improvements facilitating public access to the new trolley station.

(g) The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. The site's linear characteristic integrates the proposed buildings' north/south orientation to minimize excessive exposure to southern heat gain. Project design including building mass, street design and open space has considered the potential impacts for solar access to major areas of the site as well as surrounding uses.

The development proposes to take advantage of the local climate utilizing site specific analysis to identify sustainable design opportunities. Glazing, window to wall ratio, thermal barriers, skylights and exterior shading solutions will be evaluated to maximize energy performance through a preliminary Life Cycle Analysis performance model during Design Development.

A number of landscape treatments utilized in the project also take advantage of cooling opportunities. The project will provide canopy trees on-site and along Genesee Ave, Costa Verde Boulevard, and Nobel Drive. A portion of the existing trees to be removed are Palms which offer less shade than the replacement species that will be implemented by the project. Compliance with the City's current requirements for landscaping in Vehicular Use Areas and the use of green screens by the adjacent senior community will offer shaded cooling areas.

Future development of the site must comply with all applicable building and zoning reviews and requirements, including setbacks, building materials, site orientation, architectural treatments, and landscaping to allow for future passive or natural heating and cooling opportunities.

(h) 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. Costa Verde Center is governed by two long-range planning documents. The approximately 13.9-acre shopping center is situated within the University Community Plan (UCP) and is a portion of the larger 54-acre Costa Verde Specific Plan. The original 1986 specific plan was an early advocate for employing complimentary land uses. The proposed planning program was described in the specific plan as, “An urbanized mixture of residential, commercial and professional office uses is provided by this project, located in the high intensity core or the University Community.” The mix of residential and commercial uses envisioned by the two plans has developed over the last several decades on neighboring properties within the planning area. The uses proposed for the project are consistent with approval of community plan amendment requests to re-designate an approximately 1.0-acre site to Visitor Commercial and modify the Land Use and Intensity Table. The project upholds the original vision for Costa Verde in a contemporary context. The program updates an aging shopping center, adds a new hotel in an underserved market, and provides space for the employment of technology workers immediately next to a transit station.

As requested by the Planning Commission during the Community Plan Amendment Initiation, the applicant studied the potential for providing residential units by including 120 mixed-use residential units in a project submittal. While the feasibility study indicated a market existed for the proposed dwelling units, other factors were present, including input from neighbors, the number of dwelling units that already exist within the Costa Verde Specific Plan and the immediate surrounding area (see next paragraph). During public outreach, the community and particularly immediate neighbors voiced opposition to additional residential use as part of this proposed project.

The adopted community plan does not permit residential use within the shopping center instead designating High Density Residential on the neighboring property in the Costa Verde Specific Plan. In September 2007, a community plan amendment re-designated the adjacent site within the specific plan from Visitor Commercial to High Density Residential. Over 70% of the land area in the Costa Verde Specific Plan is devoted to high-rise residential use, allowing a maximum total of 2,740 dwelling units. The vast majority of the residential units in the specific plan have been built with a portion currently being constructed. The area surrounding the shopping center represents one of the densest residential areas in the City of San Diego outside of downtown. Approximately 18,000 dwelling units are within a 1-mile radius of the Costa Verde Shopping Center. It is not anticipated that every project can or should include residential land uses to address regional housing needs. The proposed project, viewed as part of the University Community Plan and Costa Verde Specific Plan, fulfills the region’s goals to balance residential and employment uses near transit.

PUBLIC RIGHT-OF-WAY VACATION-SDMC SECTION 125.0941

(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 Esplanade Court public right-of-way, consisting of approximately 30,425 square feet, was granted to the City of San Diego and dedicated for street purposes per Document No. RR-268818, dated July 13, 1987. Esplanade Court is a cul-de-sac that provides access to the parking, circulation, and shopping areas of the Costa Verde Center, a retail shopping center. The existing public right-of-way provides one of the primary means of access to the Costa Verde Center and also connects to a private easement which provides access to the 8875 Towers at Costa Verde, an adjacent multi-family residential development. The existing private easement is not the only access point for the 8875 Towers as the development has frontage on Costa Verde Boulevard.

The Esplanade Court public right-of-way would be replaced by a private easement providing access to both the Costa Verde Center and the 8875 Towers. This private easement would not only continue to provide access from Genesee Avenue to the Costa Verde shopping center, but also will also run in favor of the adjacent residential development off of Brooke Court. Brooke Court is also accessed from Costa Verde Boulevard, a public street. 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. Vacation of the public right-of-way and subsequent dedication of a private easement will allow for more creative and beneficial uses of the property including enhanced landscaping and maintenance, a superior pedestrian experience, improved paving, signage, and aesthetics while maintaining public and emergency access.

Furthermore, the City of San Diego and the County of San Diego will benefit from the increase of property value by increasing the area of privately-owned land subject to property tax and the incremental increase to the tax base. With the tax revenue increase, the general public will benefit by the vacation of the existing right-of-way through the increase of available public funds. The public will benefit from the reduction of liability to the City of San Diego from land it controls. The City will also be relieved of landscape and street maintenance responsibilities, and the general public will benefit from the associated savings.

(c) The vacation does not adversely affect any applicable land use plan. Esplanade Court is not listed on the General Plan Land Use and Street System Map, nor is it featured in the University City Community Plan as a feature of the Recommended Street Network. Neither of these plans will be negatively impacted by the vacation of the public right-of-way.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The Esplanade Court public right-of-way was granted to the City of San Diego and dedicated for street purposes per Document No.

RR-268818, dated July 13, 1987. While the public right-of-way simply consists of a cul-de-sac, it does provide access to the Costa Verde Center and the 8875 Towers. However, this right-of-way would be replaced by a private easement that would provide access to both sites on the existing Esplanade Court location. Therefore, the public facility for which the public right-of-way was originally acquired would not be detrimentally affected by the vacation.

EASEMENT VACATION – SDMC 125.1040

(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 existing easement to be vacated is located within an existing public right-of-way that is also proposed to be vacated. The water and sewer easement were acquired for public utilities within a right-of-way to serve the property that is owned by the entity to which the vacation would be granted. The utilities within the vacation serve the existing shopping center. There is no present or prospective public use for the easement proposed to be vacated, and the public would also cease to be responsible for maintenance of the water and sewer services as the easement vacation would privatize existing utilities within the current public right-of-way and become privately owned and maintained.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation. The area of the easement vacation is within an existing public street that is also proposed to be vacated. The City of San Diego is responsible for the maintenance of public street and utilities. The privatization of utilities within the easement will benefit the public because the public will no longer bear the cost to maintain the utilities that serve the Costa Verde Center. In addition, as privately- owned property, the land would be subject to property taxes that benefit the public.

(c) The vacation is consistent with any applicable land use plan. The proposed vacation will allow for the private ownership and maintenance of water and sewer utilities. The vacation of the easement is consistent with the existing land use plan, as the vacation itself does not result in any revisions to that plan. In addition, there are companion items to this easement vacation that propose amendments to both the University Community Plan and the Costa Verde Specific Plan to allow the expansion and modification of the existing shopping center. The modifications include development within the area of the easement vacation, and vacation of the easement would allow for redevelopment of the project site consistent with the proposed land use plan amendments.

(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 easement for water and sewer exists to serve the existing shopping center. The privatization of those utilities will eliminate the need for that easement, as the City would no longer be providing maintenance for those utilities. Therefore, the purpose for which the easement exists is no longer required.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, the Esplanade Court Public Right-of-Way easement, and the water and sewer easements located within the project boundaries shall be vacated, contingent upon the recordation of the approved Vesting Tentative Parcel Map for the project.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Parcel Map No. 2411304, Public Right-of-Way Vacation No. 2464871, and Easement Vacation No. 2413763 are hereby granted to Regency Center, L.P., a Florida limited partnership subject to the attached conditions which are made a part of the resolution by reference, and contingent upon final passage of Resolution No. R-313307 approving amendments to the General Plan, University Community Plan, and Costa Verde Specific Plan.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LHS:als
10/22/2020
11/10/2020 Cor. Copy
Or.Dept:DSD
Doc. No.: 2495641_2

Attachment: Vesting Tentative Parcel Map, Public Right-of-Way Vacation, and Easement Vacation Conditions

CITY COUNCIL
CONDITIONS FOR TENTATIVE MAP NO. 2411304, PUBLIC RIGHT-OF-WAY
VACATION NO. 2464871, AND EASEMENT VACATION NO. 2413763

COSTA VERDE REVITALIZATION – PROJECT NO.
477943 [MMRP]
ADOPTED BY RESOLUTION NO. R **31330** ON **NOV 10 2020**

GENERAL

1. This Vesting Tentative Map will expire November 25, 2023.
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 Parcel Map, unless otherwise noted.
3. Prior to the Tentative Map 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 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.
5. The Tentative Map shall conform to the provisions of Site Development Permit No. 2413426, Planned Development Permit No. 1677936, and Neighborhood Development Permit No. 2411303.
6. 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.

AIRPORT

7. Prior to recordation of the Parcel Map, the Subdivider shall provide a valid “Determination of No Hazard to Air Navigation” issued by the Federal Aviation Administration [FAA].

ENGINEERING

8. The following will be conditions of the Tentative Map Resolution that the subdivider will need to satisfy/assure before the Final Map is recorded.
9. The Subdivider shall assure, by permit and bond, the dedication of additional Right-of-Way to provide a 14-foot curb-to-property-line distance, adjacent to the site on Nobel Drive and Genesee Avenue, satisfactory to the City Engineer.
10. The Subdivider shall assure by permit and bond the construction of a new City standard 26 ft driveway, adjacent to the site on Nobel Drive, satisfactory to the City Engineer.
11. The Subdivider shall assure by permit and bond the construction of a new City standard 30 ft driveway, adjacent to the site on Genesee Avenue, satisfactory to the City Engineer.
12. The Subdivider shall assure by permit and bond the construction of a new City standard 24 ft driveway, adjacent to the site on Genesee Avenue, satisfactory to the City Engineer.
13. The Subdivider shall assure by permit and bond to reconstruct the existing curb with City Standard curb and gutter, adjacent to the site on Nobel Drive and Genesee Avenue, satisfactory to City Engineer.
14. The Subdivider shall assure by permit and bond the replacement of the existing sidewalk with current City Standard 12 ft sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Nobel Drive and Genesee Avenue, satisfactory to the City Engineer.
15. The Subdivider shall assure, by permit and bond, to reconstruct existing curb ramp, per exhibit 'A', with current City Standard directional curb ramps Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Tile, satisfactory to the City Engineer.
16. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for all enhanced pavers, street trees, landscape and irrigation located in the City's right-of-way, satisfactory to the City Engineer.
17. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
18. The Subdivider shall privatize public storm drain pipes on Esplanade Court, satisfactory to the City Engineer.
19. 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.

20. The project proposes to export 198,014 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
21. The Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
22. The Subdivider shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
23. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
24. 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.
25. 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.
26. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
27. 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.
28. Conformance with the "General Conditions for Vesting Tentative 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

29. "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].
30. "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."
31. The 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.
32. This project proposes the subdivision of 13.9 acres of property into four Parcels and the vacation of Esplanade Court. The proposed Parcel 3 will be subdivided into 20 commercial condominium units and thus requires a Tentative Map which may be approved, conditionally approved, or denied in accordance with Process 5 pursuant to the City of San Diego Land Development Code section 125.0430.
33. Prior to the recordation of the Parcel 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.
34. 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 and supply proof prior to the recordation of the Parcel Map.
35. Prior to the recordation of the Parcel Map, all private streets and drives shall be shown with bearings and distances along the centerline and width of the streets shown on a non-title sheet on the Parcel Map. The street names shall be submitted to BDR-Street Name Coordinator for approval and published on the Parcel Map.

36. The Parcel 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.
37. All survey monuments shall be set prior to the recordation of the Parcel 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 Parcel Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
38. The easements show on the Tentative Map exhibit will be vacated pursuant to Section 66445(j) of the Subdivision Map Act.

WATER & WASTEWATER

39. Prior to the vacation of any public ROW or public easement being approved by the City and recorded with the County, all work within the public ROW that is required to privatize or relocate the water main associated with the ROW or easement vacation shall be complete to the satisfaction of the Public Utilities Director and the City Engineer.

GEOLOGY

40. 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 by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by

filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Passed by the Council of The City of San Diego on NOV 10 2020, 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 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"/>
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 NOV 10 2020.

(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 *Atty Ready*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313306