

RESOLUTION NUMBER R- 313409

DATE OF FINAL PASSAGE JAN 12 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING VESTING TENTATIVE MAP  
NO. 2383726 AND EASEMENT VACATION NO. 2386907  
FOR THE PACIFIC HIGHLANDS RANCH (PHR) UNIT 22B  
AMENDMENT-PROJECT NO. 655758

WHEREAS, PARDEE HOMES, a California corporation, Owner and Subdivider, and CIVIL SENSE, INC., Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 2383726) and easement vacation (Easement Vacation No. 2386907) for the Pacific Highlands Ranch (PHR) Unit 22B Amendment project (Project). The 19.67-acre project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road (APN 305-021-4500 and APN 305-022-0600) in the AR-1-1 (Agricultural-Residential) and RS-1-14 (Residential-Single Unit) Zones within the Pacific Highlands Ranch Subarea Plan area. In addition, the Project site is located within the City's Multi-Habitat Planning Area (MHPA) and the Multiple Species Conservation Program (MSCP) Subarea. The Project site is legally described as: Lots 1 through 76 and Lots A through I of Pacific Highlands Ranch Unit 22B, in the City of San Diego, County of San Diego, State of California, according to Map thereof No.16367, filed in the Office of the County Recorder of said County, September 12, 2019; and

WHEREAS, the Map proposes the Subdivision of a 19.67-acre site into ninety-one (91) lots (81-Residential, 8-HOA/Park, 1-Open Space, 1-Private Driveway); and

WHEREAS, the Project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act, California Government Code Sections 66490 and 66491(b)-(f) and San Diego Municipal Code Section 144.0220; and

WHEREAS, on October 8, 2020, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 2383726 and Easement Vacation No. 2386907, and pursuant to Resolution No. 5110-PC, voted to recommend approval of the map by the City Council of the City of San Diego (Council); and

WHEREAS, under San Diego Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the 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 JAN 12 2021, the Council considered Vesting Tentative Map No. 2383726 and Easement Vacation No. 2386907, and pursuant to San Diego Municipal Code Sections 125.0440 and 125.1040, and Subdivision Map Act, California Government Code 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 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 Map No. 2383726:

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

The Pacific Highlands Ranch (PHR) Unit 22B Amendment project (Project) proposes to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The 19.67-acre Project site is located at Rancho Santa Fe Farms

Road and Carmel Valley Road in the AR-1-1 and RS-1-14 Zones within the PHR Subarea Plan area. The RS-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 dwelling units per acre (du/ac), which would allow a density of 39-98 residential units. One additional low-income dwelling unit will be built (20-percent of five additional dwelling units) at an off-site location at Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

On September 21, 2004, the San Diego City Council (Council) approved PHR Units 17-22A (Project No. 2692), which included Street Vacation No. 126273, Vesting Tentative Map (VTM) No. 4653, Planned Development Permit (PDP) No. 4651 and Site Development Permit (SDP) No. 4652. The PHR Units 17-22A project site allows for the construction of 676 single-family dwelling units, a private community recreational center, 60 affordable housing units within PHR Unit 22A or the Village at the PHR (Village), as well as dedication of an approximately 11.01-acre elementary school site (portions of PHR Unit 22) and dedication of approximately 42.22-acres of open space inside the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA), and dedication of approximately 14.02 acres of urban amenity open space. A portion of PHR Unit 22 allows for 21 units and an additional 55 residential units would be allowed on the school site area as an optional use if the site is not purchased by the Solana Beach School District and an additional ten (10) affordable housing units in PHR Unit 22A or the Village, which is identified as optional site for PHR Unit 22 within approved VTM No. 4653.

The Solana Beach School District did not utilize their option to purchase portions of PHR Unit 22 for a school site. Therefore, on September 12, 2019, Map No. 16367 was recorded utilizing the optional site for a total of 76 single-family dwelling unit lots (21 existing dwelling units plus 55 additional dwelling units). In addition, the title of PHR Unit 22 was changed to PHR Unit 22B to make it distinguishable from PHR Unit 22A (the affordable housing units' site).

The PHR Subarea Plan, on page 107, states as a goal to "provide and economically and socially diverse community through varied housing styles, tenancy types, and unit prices." In this vein, the affordable units will contribute to a variety of housing types in the community. The community plan also states on page 97, that for Low-density Residential that "these neighborhoods will provide a housing product within the traditional single-family dwelling market." Densities are intended to range from 2-5 du/ac. This current proposal states that the density will be in the range of 2-5 du/ac, which would be consistent with the community plan goals. The community plan on page 27, Section 2.2.2 D, Low-Density Residential, recommends for this area for single-family dwelling units. The proposed Project is consistent with the previously approved 76 single family dwelling unit neighborhood and by adding an additional five single-family dwelling units fulfills the community plan goals. Furthermore, the proposed Project is consistent with the General Plan adopted in 2008 in that it concentrates development in already approved and planned neighborhoods, and protects the remaining lands as open space, per UD-4 which recommends to build a "compact, efficient and environmentally sensitive pattern of land development." Therefore, for these reasons, the proposed subdivision, and its

design and improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The Project proposes to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The 19.67-acre Project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road in the AR-1-1 and RS-1-14 Zones within the PHR Subarea Plan area. The R S-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 du/ac, which would allow a density of 39-98 residential units. One additional low-income dwelling unit will be built (20-percent of five additional dwelling units) at an off-site location at Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

The Project proposes a deviation from San Diego Municipal Code (SDMC) Section 131.0431(b) and Table 131-04D, to reduce the front yard setbacks to 10 feet for lots with a side-loaded garage and 18 feet for lots with a front-loaded garage; where a 15 feet (Minimum) and 20 feet (Standard) front yard setback is required. This deviation is intended to allow PHR Unit 22B to be consistent with the other subdivision within PHR Units 17-22A where the front setbacks are 10 feet pursuant to the previously approved PDP No. 4651/SDP No. 4652. The deviation is minor and will not adversely affect the land use plan, adjacent properties or persons working or living in the area.

The Project proposes a deviation from SDMC Section 131.0431(b) and Table 131-04D, to reduce the street frontage to a minimum of 20 feet for lots with constricted frontage, where 50 feet (or 30 feet on curving street) is required for Lots 12-16, 45-47, and 57-62. This deviation is intended to allow PHR Unit 228 to be consistent with PHR Units 17-22A for the reduced street frontage to achieve the Subarea Plan density and increase width of driveway percentage to lot frontage for shared driveways and lots with constricted frontage. The deviation was previously approved with PDP No. 4651/SDP No. 4652.

Other than the requested front yard setback and street frontage deviations, the Project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Land Development Code (LDC).

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

The Project site is bordered by existing residential development to the west and east with the Gonzales Canyon Urban Amenity open space to the north and Carmel Valley Road to the

south. In addition, the Project site is located in a developed area currently served by existing public services and utilities. Elevations within the Project site range from 272 feet above mean sea level in the northwest corner to 325 feet above mean sea level at the southeast corner. The site was mass-graded in conjunction with the grading and development of PHR Units 17–22 Subarea (PDP No. 4651/SDP No. 4652/VTM No. 4653). In addition, grading for the previously approved map for the PHR Unit 22B site for 76 single-family dwelling unit lots (Map No. 16367) is nearly complete and the area of disturbance would remain unchanged.

Master Environmental Impact Report (MEIR) Findings to MEIR No. 96-7918/SCH No. 97111077 has been prepared for the Project in accordance with California Environmental Quality Act (CEQA) guidelines Section 15177. 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 MEIR, no new additional mitigation or alternatives are required, and the Project is within the scope of the MEIR.

Although the site has been previously graded, there is a potential for the Project to have indirect impacts on nesting bird species in the adjacent Gonzales Canyon urban amenity habitat due to noise levels generated during Project grading. Indirect impacts may also result from excess lighting. Direct and indirect impacts to nesting birds may be significant without mitigation measures. A Mitigation Monitoring and Report Program (MMRP) would be implemented to reduce any indirect impacts to nesting birds to below a level of significance.

Additionally, the Project site is adjacent to the Gonzales Canyon Urban Amenity open space that is within the MHPA is to the north but does not contain any jurisdictional waters or wetlands. Further, the site is immediately restricted by residential development and Carmel Valley Road to the south, and ultimately restricted by residential development and State Route (SR)-56 to the south. The Project site does not contain a major movement corridor for wildlife species. Thus, development of the Project site would not result in any impacts to biological resources beyond those identified in the original MEIR and is physically suitable for the type and density of the proposed development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The Project site is bordered by existing residential development to the west and east with the Gonzales Canyon Urban Amenity open space to the north and Carmel Valley Road to the south. In addition, the Project site is located in a developed area currently served by existing public services and utilities. Elevations within the Project site range from 272 feet above mean sea level in the northwest corner to 325 feet above mean sea level at the southeast corner. The site was mass-graded in conjunction with the grading and development of PHR Units 17–22 Subarea (PDP No. 4651/SDP No. 4652/VTM No. 4653). In addition, grading for the previously approved map for the PHR Unit 22B site for 76 single-family dwelling unit lots (Map No. 16367) is nearly complete and the area of disturbance would remain unchanged.

MEIR Findings to MEIR No. 96-7918/SCH No. 97111077 has been prepared for the Project in accordance with CEQA guidelines Section 15177. 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 MEIR, no new additional mitigation or alternatives are required, and the Project is within the scope of the MEIR.

The Project site is adjacent to the Gonzales Canyon Urban Amenity open space that is within the MHPA is to the north but does not contain any jurisdictional waters or wetlands. Further, the site is immediately restricted by residential development and Carmel Valley Road to the south, and ultimately restricted by residential development and SR-56 to the south. The Project site does not contain a major movement corridor for wildlife species or fish habitat. Thus, development of the Project site would not result in any impacts to biological resources beyond those identified in the original MEIR.

Although the site has been previously graded, there is a potential for the Project to have indirect impacts on nesting bird species in the adjacent Gonzales Canyon urban amenity habitat due to noise levels generated during Project grading. Indirect impacts may also result from excess lighting. Direct and indirect impacts to nesting birds may be significant without mitigation measures. A Mitigation Monitoring and Report Program (MMRP) would be implemented to reduce any indirect impacts to nesting birds to below a level of significance. Therefore, the design of the subdivision and the proposed improvements would not likely cause substantial environmental damage or substantially and avoidably injure any fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.**

The Project proposes to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The 19.67-acre Project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road in the AR-1-1 and RS-1-14 Zones within the PHR Subarea Plan area. The RS-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 du/ac, which would allow a density of 39-98 residential units. One additional low-income dwelling unit will be built (20-percent of five additional dwelling units) at an off-site location at Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

MEIR Findings to MEIR No. 96-7918/SCH No. 97111077 has been prepared for the Project in accordance with CEQA guidelines Section 15177. 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 MEIR, no new additional mitigation or alternatives are required, and the Project is within the scope of the MEIR.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC 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 Vesting Tentative Map No. 2383726 and Easement Vacation No. 2386907, and other regulations and guidelines pertaining to the subject property per the SDMC for the Project site. Prior to issuance of any building permit for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/ permittee will be required to obtain a grading and public improvement permit. Therefore, the design of the subdivision and the type of improvement would 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 to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The existing pedestrian access easement on the northern portion of the site, adjacent and within the Gonzales Canyon urban amenity open space, shall remain. Therefore, design of the subdivision and the type of improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and SDMC Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The proposed Project establishes appropriate setbacks and distances between buildings to allow for passive natural heating and cooling opportunities. The physical layout of the buildings onsite allows for the passage of air between buildings. The landscape philosophy of the Project focuses on a harmonious and aesthetically pleasing residential community which utilizes naturalized and native vegetation to blend in with the surrounding open space areas. Therefore, the proposed subdivision has been designed to allow 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.**

On September 21, 2004, the San Diego City Council (Council) approved PHR Units 17-22A (Project No. 2692), that allowed for the construction of 676 single-family dwelling units, which 60 affordable housing units would be located within PHR Unit 22A or the Village at the

PHR (Village). An additional 55 residential units would be allowed on the school site as an optional use if the site is not purchased by the Solana Beach School District and an additional ten (10) affordable housing units in PHR Unit 22A or the Village, which is identified as optional site for PHR Unit 22 within approved Exhibit A for VTM No. 4653.

The Solana Beach School District did not utilize their option to purchase portions of PHR Unit 22 for a school site. Therefore, on September 12, 2019, PHR Unit 22B Map No. 16367 was recorded utilizing the optional site for a total of 76 single-family dwelling unit lots. The affordable housing units required for PHR Units 17-22A have been met and constructed with the Pacific Highlands Ranch Subarea Plan area. Therefore, the Affordable Housing Condition within the PHR 22B Permit only includes the requirement for one additional affordable housing unit, which is 20-percent of five additional dwelling units. This unit will be constructed at an off-site location in the Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

BE IT FURTHER RESOLVED, that portions of building restrictive easement, open space easement, and sight visibility easement, located within the project boundaries as shown Vesting Tentative Map No. 2383726, 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.

**9. 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. (San Diego Municipal Code § 125.1040(a)).**

The Project proposes the vacation of a building restrictive easement over all of Lot A and C, and a vacation of an open space easement over all of Lot B. Both easements were dedicated as part of the PHR 22B Map No. 16367 for the 76 single-family dwelling unit lots. Several of the adjacent lots are proposed to be reconfigured as part of the Project; therefore, the legal description for the boundaries of the easements have changed and a new building restrictive easement and open space easement would be dedicated are part of the Final Map. In addition, because of the reconfiguration of the subdivision and internal private driveways, the original sight visibility easement on Lot 64, dedicated as part of the PHR 22B Map No. 16367, is no longer needed. The Project proposes the vacation of this sight visibility easement.

As part of the PHR 22B Map No. 16367, the access rights were relinquished along Rancho Santa Fe Farms Road. The Project proposes a landscaped Emergency Fire Access from Private Driveway A to Rancho Santa Fe Farms Road between Lots 51 and 52. This would require a revestment of a portion of the access rights along Rancho Santa Fe Farms Road to allow for the Emergency Fire Access.



**10. The public will benefit from the action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b)).**

As outlined in Finding 9 above, the building restrictive easement and open space easement would be rededicated as part of the Final Map once the legal description for the boundaries of the easements are finalized. Because of the reconfiguration of the subdivision and internal private driveways, the original sight visibility easement on Lot 64 is no longer needed.

The revestment of a portion of the access rights along Rancho Santa Fe Farms Road to allow for the Emergency Fire Access, would allow for great fire access to the Project and if needed, to the adjacent community.

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

The Project is consistent with the goals and policies of the General Plan and PHR Subarea Plan. The Project proposes an additional five single-family dwelling units as a PDP/SDP/VTM amendment and easement vacation to the previously approved PDP No. 4651/SDP No. 4652/VTM No. 4653. The Project proposes a total of 81 dwelling units to be built in PHR Unit 22B, previously designated for an elementary school. The subject parcel is located on 19.67 acres and is designated for low density residential 2-5 du/ac and is zoned AR-1-1 and RS-1-14. The RS-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 du/ac, which would allow a density of 39-98 residential units.

As outlined in Finding 9 above, the building restrictive easement and open space easement would be rededicated as part of the Final Map once the legal description for the boundaries of the easements are finalized. Because of the reconfiguration of the subdivision and internal private driveways, the original sight visibility easement on Lot 64 is no longer needed. The revestment of a portion of the access rights along Rancho Santa Fe Farms Road to allow for the Emergency Fire Access, would allow for great fire access to the Project and if needed, to the adjacent community. Therefore, the vacations are consistent with any applicable land use plan.

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

As outlined in Finding 9 above, the building restrictive easement and open space easement would be rededicated as part of the Final Map once the legal description for the boundaries of the easements are finalized. Because of the reconfiguration of the subdivision and internal private driveways, the original sight visibility easement on Lot 64 is no longer needed. Therefore, the public facility or purpose for which the easements were originally acquired would not be detrimentally affected by the vacation since the building restrictive easement and open space easement would be rededicated, and the purpose for which the sight visibility easement was acquired no longer exists. Furthermore, the revestment of a portion of the access rights along Rancho Santa Fe Farms Road to allow for the Emergency Fire Access, would allow for great fire access to the Project and if needed, to the adjacent community.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 2383726 and Easement Vacation No. 2386907 are hereby granted to PARDEE HOMES, a California corporation, Owner and Subdivider, and CIVIL SENSE, INC., Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer  
Shannon C. Eckmeyer  
Deputy City Attorney

SE:sc  
11/19/2020  
Or.Dept: READ  
CC No. N/A  
Doc. No.: 2531829  
Attachments: Exhibit A-Vesting Tentative and EVA Map Conditions

Exhibit A  
City Council  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 2383726 AND EASEMENT  
VACATION NO. 2386907, PACIFIC HIGHLANDS RANCH (PHR) UNIT 22B  
AMENDMENT -PROJECT NO. 655758 [MMRP]

ADOPTED BY RESOLUTION NO. R-313409 ON JAN 12 2021

**GENERAL**

1. This Vesting Tentative Map No. 2383726 will expire on JAN 12 2024.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act Section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Vesting Tentative Map shall conform to the provisions of Planned Development Permit No. 2383727 and Site Development Permit No. 2383728, an amendment to Planned Development Permit No. 4652 and Site Development Permit No. 4651.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

6. Prior to issuance of any building permit associated with this Project, the Subdivider shall enter into a written agreement (Agreement) with the San Diego Housing Commission with respect to the Affordable Housing Project. The Agreement shall be drafted and approved by the San Diego Housing Commission, executed by the Subdivider, recorded against the Affordable Housing Project and secured by a deed of trust, which will incorporate applicable affordability conditions consistent with the Pacific Highlands Ranch Subarea Plan. The Agreement will specify the occupancy and affordability restrictions applicable to the

Affordable Housing Project, including the one (1) affordable unit. The affordable units will be either rental or for-sale properties occupied by families earning no more than sixty-five percent (65%) of the Area Median Income. If rental properties, the rental rates will not exceed 30% of 60% of Area Median Income for no fewer than 55 years from the date of issuance of a certificate of occupancy. If for-sale properties, the sales prices will not exceed affordable housing costs of 60% of Area Median Income.

The timing of the construction and occupancy of the Affordable Housing Project, the Del Mar Highlands Estates transfer site, acceptable to the San Diego Housing Commission, shall be included in the Agreement, provided that such timing shall comply with the following:

- a. Issuance of building permits for the Affordable Housing Project, the Del Mar Highlands Estates transfer site, shall occur on or before the issuance of the 77th building permit on Pacific Highlands Ranch Unit 22B.
- b. Completion of construction of the Affordable Housing Project, the Del Mar Highlands Estates transfer site, shall occur eighteen (18) months after the issuance of building permits for the Affordable Housing Project.
- c. Occupancy of the Affordable Housing Project, the Del Mar Highlands Estates transfer site, shall occur not later than one hundred eighty (180) days after the completion of construction of the Affordable Housing Project.
- d. For a good cause shown to the satisfaction of the President and CEO of the San Diego Housing Commission, or her/his designee, the thresholds and dates referenced herein may be adjusted and/or extended one or more times. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the President and CEO of the San Diego Housing Commission, or her/his designee, in her/his sole discretion.

## **ENGINEERING**

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. Prior to recordation of the Final Map, a building restrictive easement over all of Lot A and C, and an open space easement over all of Lot B shall be dedicated on the map to replace the existing vacated easements due to the reconfiguration of the subdivision lots.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and

covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## **MAPPING**

11. Prior to the expiration of the Vesting Tentative Map, if approved, a Final Map to subdivide the 19.67-acre site into 81 numbered lots and 10 lettered lots shall be recorded with the County Recorder's office.
12. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

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

13. 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.

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:
  - a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (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 shall be shown on the map.

### **PUBLIC UTILITIES DEPARTMENT**

16. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the private sewer laterals encroaching into the Public Right-of-Way.
17. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

### **GEOLOGY**

18. Prior to the issuance of any construction permit (either grading or building), the Subdivider shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
19. The Subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

### **LANDSCAPE/BRUSH MANAGEMENT**

20. Prior to recordation of the Final Map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per §142.0412 of the Land Development Code."

### **PARKS AND RECREATION**

21. The Subdivider shall place a recreation easement over all public trails on private property. All recreation easements shall be maintained by the property owner.
22. The Subdivider shall ensure Parks and Recreation review and approval of the final map prior to recordation.

### **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.).

- All existing easements granted or dedicated to the City that are being shown and proposed on the Vesting Tentative Map Exhibit as to be vacated pursuant to Subdivision Map Act (SMA) requires Process 5 City Council approval.
- 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. 24008498

Passed by the Council of The City of San Diego on JAN 12 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 12 2021.

**(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:

TODD GLORIA  
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-313409