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(R-2021-445)  
COR. COPY

RESOLUTION NUMBER R- 313559

DATE OF FINAL PASSAGE MAY 25 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING TENTATIVE MAP NO.  
2324694, 32<sup>ND</sup> & BROADWAY – PROJECT NO. 637438  
[MMRP].

WHEREAS, 32<sup>nd</sup> & BROADWAY, LLC, a Limited liability company, Subdivider, and  
COFFEY ENGINEERING INC., Engineer, submitted an application to the City of San Diego for  
a Tentative Map No. 2324694 for a residential project known as 32<sup>nd</sup> & Broadway to construct  
38 residential condominiums, including 34 market-rate and four units affordable to moderate  
income (100% Area Median Income) households and associated site improvements. The project  
site is located at the northeast corner of Broadway and 32<sup>nd</sup> Street, north of State Route 94  
(APNs 539-563-0600, 539-563-0700, and 539-563-1000), in the RM-1-1 Zone, within the  
Greater Golden Hill Community Plan area. The project site is legally described as: as Lots 25  
through 36, Block 124 of Choate's Addition, in the City of San Diego, County of San Diego,  
State of California, According to Map thereof No. 167, filed in the Office of the County  
Recorder of San Diego County, November 20, 1886, and Fractional Lot 25, Block 124, E.W.  
Morse's Subdivision, According to Map Thereof No. 547, Filed in the Office of the County  
Recorded of San Diego County on December 30, 1871; and

WHEREAS, the Map proposes the Subdivision of a 1.21-acre site into one (1) lot for  
38 residential condominium units; 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 38; and

WHEREAS, on March 4, 2021, the Planning Commission of the City of San Diego considered Tentative Map No. 2324694, and pursuant to Resolution No. 5131-PC voted to recommend City Council approval of the map; 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 May 25, 2021, the City Council of the City of San Diego considered Tentative Map No. 2324694 and pursuant to San Diego Municipal Code (SDMC) section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2324694 and SDMC section 125.0440:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.** The proposed 32<sup>nd</sup> & Broadway project proposes to vacate an unimproved portion of Broadway public right-of-way (PROW) and subdivide a 1.21-acre property into one lot for the construction of 38 residential condominiums, including 34 market rate and four moderate income affordable units, landscaping, and associated onsite and off-site improvements. The 38 residential condominiums will be contained within six, three-story buildings totaling approximately 68,538 square feet in

Gross Floor Area (GFA), and include 14 one-bedroom units, 8 two-bedroom units, and 16 three-bedroom units ranging in size from 866 square-feet to 1,635 square-feet of habitable area, each with a one- or two-car garage. The project requests one development incentive in accordance with the provisions of the Affordable Housing Regulations for deviation to structure height. The project also requests deviations from the required side setback, floor area ratio (FAR), angled building envelope plane, retaining wall heights within front, rear, and side yards in pursuant to SDMC section 143.0920.

The Golden Hill Community Plan (GHCP) designates the site for residential development at a density range between 10 and 15 dwelling units/acre (du/ac). The Residential-Low Medium land use designation is intended for both single-family and multifamily housing. The GHCP also provides an increased density development option within the neighborhood east of 32<sup>nd</sup> Street that allows up to 29 du/ac. The project proposes to subdivide the 1.21-acre site and utilize the Affordable Housing Regulations for development of 38 attached dwelling units consistent with GHCP land use and zoning regulations.

The proposed project is consistent with the goals and policies of the General Plan and the GHCP. Overall, the project will advance the General Plan City of Villages Strategy by providing housing utilizing the maximum density range specified by the GHCP and paying its proportional fair-share of public facilities costs through payment of a Development Impact Fee (DIF) for new residential development.

The General Plan's Housing Element promotes the use of affordable housing/density bonus programs to achieve projected residential housing needs over a broader range of income levels than typical of market rate housing projects. The project proposes to utilize the density bonus program within the Affordable Housing Regulations to provide additional housing units, including four housing units affordable to moderate income households. Maximizing housing within this vacant infill development site furthers General Plan and GHCP goals and policies related to the provision of housing.

The GHCP contains policies that identify the need for a park to serve the adjacent neighborhood which can be addressed. The GHCP's Recreation Element identifies the project site, portions of the unimproved PROW, and the adjacent vacant parcels as part of a 3.81-acre neighborhood park. The proposed development removes a 1.21-acre area, including the PROW vacation, from consideration for future acquisition of a park site. A development previously approved within a vacant one-acre site to the north also reduces the available park acreage. The option to use the site for a neighborhood park requires acquisition of the site by the City. Currently, there is no identified funding source available for acquisition and development of this park. The Golden Hill Impact Fee Study lists public facilities needed to implement the GHCP and identifies funding sources, including a DIF. Currently, the majority of DIF funds are allocated to other projects and it is unknown when sufficient DIF funds will become available. The project proposes to construct housing according to community plan land use. The project will pay required DIF fees which include a Parks and Recreation component.

The segment of Broadway proposed to be vacated is not part of the GHCP's classified streets network and is not identified on the Mobility Element's Planned Street Classification map (Figure 3-5). The proposed street vacation will not affect the following types of facilities identified as part of the GHCP's mobility network: Pedestrian Routes, Existing or Planned Bicycle Network, and Planned Transit Facilities, because routes for these facilities are not mapped within this portion of Broadway. Unimproved local streets may be considered for a PROW vacation if needs for public access infrastructure are addressed, including feasibility of construction (refer to separate PROW vacation findings). The project proposes to incorporate the vacated PROW into the total site area for the construction of housing.

The proposed project would make mobility improvements that implement goals and policies of the GHCP. The project will construct the unimproved 32<sup>nd</sup> Street PROW to provide public vehicle and pedestrian access to the project site and construct a cul-de-sac turn-around with driveway for utility maintenance access and access to the abutting parcel to the south. The new sidewalks will be designed to replicate a traditional historic scoring pattern specified by the GHCP.

The GHCP's Urban Design Element policies pertaining to development within canyons, hillsides and open space apply to this site. The grade elevation of the site descends approximately 40 feet between the northwest corner and the southeast corner of the site. Proposed grading will create flat development pads for the four building plans and balance cut and fill within the site. Internal driveways generally flow with the sloping topography and buildings will be stepped in specific areas to incorporate the natural drop of the slope. Building volumes incorporate variations in rooflines and wall planes that transition with the flow of the slope. Buildings facades will incorporate neutral, muted and primarily earth-tone colors reflecting the nearby 32<sup>nd</sup> Street Canyon area.

The Urban Design Element recommends street facing yards and building facades incorporate landscape and architectural features to provide design detail, variety and visual interest along the street facing edge. The residences would orient to 32<sup>nd</sup> Street by providing a combination of street-facing balconies and windows. Landscaping within the street yard along 32<sup>nd</sup> Street will include a variety of trees, shrubs and accent plants to provide visual interest at the pedestrian level. The project will provide a total of 1,188 square feet of common open space configured in two separate landscaped areas, including an amenity area for pets which meets a community plan requirement for projects with more than 20 units. Based on the above, 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 proposed 32<sup>nd</sup> & Broadway project proposes to vacate an unimproved portion of Broadway PROW and subdivide a 1.21-acre property into one lot for the construction of 38 residential condominiums, including 34 market rate and four moderate income affordable units, landscaping, and associated onsite and off-site

improvements. The 38 residential condominiums will be contained within six, three-story buildings totaling approximately 68,538 square feet in Gross Floor Area (GFA), and include 14 one-bedroom units, 8 two-bedroom units, and 16 three-bedroom units ranging in size from 866 square-feet to 1,635 square-feet of habitable area, each with a one- or two-car garage.

The project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed as development incentives in accordance with the Affordable Housing Regulations, and through the Neighborhood Development Permit process pursuant to SDMC section 143.0920. The project includes one development incentive and four deviations. The project is requesting an incentive to allow structure heights between 30 to 45 feet, where the maximum height limit in the RM-1-1 Zone is 30 feet. The height incentive is supported because the project is consistent with the community plan policies, is designed to address the physical environment and topographic constraints, and would not adversely impact the public's health and safety. Furthermore, the development incentives request is consistent with the intent of the State's Density Bonus Law and there is no substantial evidence pursuant to the SDMC or State law to deny the applicant's request for the incentive.

The project also requests four deviations: 1) to allow a 1.30 Floor Area Ratio (FAR) (68,538 square feet), where a maximum 0.75 FAR is permitted; 2) to allow a five-foot side setback from the south property line, where 50 percent of the length of the building requires a setback of 14.2 feet (10 percent of the lot width); 3) to allow buildings without the required angled building envelope plane; and 4) to allow retaining wall height up to 9.5 feet within the front yard and up to 8.8 feet within side and rear yards, where two, three-foot and two, six-foot walls are allowed, respectively. The requested deviations are supported due to site topographical constraints, and to allow the project maximize density with an affordable housing component, maintain the architectural character of the project, and comply with American with Disabilities Act requirement.

The project would benefit the community by providing additional market rate and affordable housing opportunities in the Greater Golden Hill Community. The requested incentive and deviations are necessary to allow the 38 proposed units in accordance with State density bonus law, the City's Affordable Housing Regulations, and the Affordable Housing, In-fill Projects, and Sustainable Buildings Development Regulations, given the site size and constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the Land Development Code and San Diego Municipal Code.

The project also proposes improvements to 32<sup>nd</sup> Street with curb, gutter, a five-foot wide non-contiguous sidewalk on the eastern side of the street, and construction of a cul-de-sac at its southern terminus. Construction of a retaining wall exceeding three feet in height on the west side of 32<sup>nd</sup> Street within the City PROW is necessary to hold back the existing sloping terrain for the construction of 32<sup>nd</sup> Street improvements and the cul-de-sac and allowed with the approval of a Site Development Permit (SDP). Based on the above, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the LDC.

**3. The site is physically suitable for the type and density of development.** The 1.21-acre project site is an unimproved property located at the northeast corner of Broadway and 32<sup>nd</sup> Street, north of State Route 94 (SR-94), in the RM-1-1 (Residential-Multiple Unit) Zone within the Greater Golden Hill Community Planning area. The GHCP designates the site for residential development at a density range between 10 and 15 du/ac. The Residential-Low Medium land use designation is intended for both single-family and multifamily housing. The GHCP also provides an increased density development option within the neighborhood east of 32<sup>nd</sup> Street that would allow up to 29 du/ac or a total of 36 dwelling units on the site for a density bonus project. The project proposes 11 percent of the 36 base units affordable to moderate income households at 100% Area Median Income (AMI), which allows for a housing density bonus of six percent, or three additional dwelling units, for a total of 39 dwelling units allowed on the site. The project is requesting a density bonus in accordance with State Density Bonus Law and the Affordable Housing Regulations to allow the development of 38 of those 39 dwelling units consistent with GHCP land use and zoning regulations. The project site is located in an urbanized area and developed area with water, sewer, fire, police, public schools, parks, and other services already provided.

Project implementation would include grading consisting of balanced earthwork, with cuts of approximately 9.2 feet in the northwest portion of the site, and fills up to 11 feet at the central and southern portion of the site to adapt the sloping site to the development. Internal driveways would generally flow with the sloping topography and buildings would be stepped in specific areas to incorporate the natural drop of the slope. Building volumes would also incorporate variations in rooflines and wall planes that transition with the flow of the slope. According to a geotechnical investigation report prepared for the project by NOVA Services, Inc., the site is suitable for the proposed development provided the geotechnical recommendations are incorporated into project design. 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.** The project site is not located within or adjacent to a Multi-Habitat Planning Area (MHPA), open space or conserved land. Per Cadre Environmental's Biological Resources Report (11/3/2020), the majority of the site contains disturbed ruderal/urban/ornamental vegetation communities. There are two patches of disturbed Diegan coastal sage scrub vegetation within the Broadway PROW (off-site impact area) and ruderal invasive species. A total of 0.23 acre of disturbed coastal sage scrub will be directly impacted as a result of the project implementation, which will be mitigated through applicant's contribution to the City of San Diego's Habitat Acquisition Fund. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and 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 improvements to 32<sup>nd</sup> Street with curb, gutter, a five-foot wide non-contiguous sidewalk on the eastern side of the street, and construction of a cul-de-sac at its southern terminus. As a result of these improvements, both pedestrian and vehicular circulation will be improved, and public safety will be enhanced for the community.

Furthermore, the proposed development is consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. 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 necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors.

**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 vacate an unimproved 0.47-acre (20,348 square-foot), 65-foot wide, portion of Broadway from 32<sup>nd</sup> Street to the project's eastern boundary. The Broadway PROW was dedicated as an 80-foot wide PROW, identified as "D Street", per Map No. 167 recorded November 20, 1886 for circulation, access, and public services purposes. The segment of Broadway proposed to be vacated is not part of the GHCP's classified streets network and is not identified on the Mobility Element's Planned Street Classification map.

The southern 15-foot wide portion of Broadway PROW, and portion of 32<sup>nd</sup> Street between Broadway and State Route 94 (SR-94), were vacated per Resolution No. 223097 adopted by the City Council on March 20, 1979. Topography and subsequent construction of SR-94 has impacted the full improvement of the PROW between 32<sup>nd</sup> and 33<sup>rd</sup> Streets to current City standards. The portion of Broadway PROW to the southeast of the project would remain in place for the easterly owners' access and future redevelopment of their properties. Of the 65-foot width of Broadway between 32<sup>nd</sup> Street and project's eastern boundary proposed to be vacated, 40 feet measured from the centerline to the north would revert to the underlying fee owners 32<sup>nd</sup> & Broadway LLC. and Benny C. Anderson (Assessor Parcel Numbers (APNs) 539-563-06, 539-563-07, 539-563-10). A 25-foot wide portion from the Broadway centerline to the south would revert to Gregg A. and Kimberly A. Rudenberg, the underlying fee owners of APN 533-564-02.

The vacation would result in the addition of approximately 10,395 square feet to the 42,322 square-foot project site, for a total area of 52,717 square feet, which will be developed with dwelling units, and a driveway for access to existing water, sewer, and storm drain facilities. Existing and future public and private water, sewer, storm drain, dry utilities and access will be preserved by an approximately 0.24-acre easement for water and sewer purposes, and a 0.037-acre (approximately 1,600 square-foot) utility easement reservation for San Diego Gas and Electric (SDG&E) and Cox Communications as shown on Drawing Nos. 41836-B-2 and 41836-B-3.

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 proposed subdivision provides each residential unit with the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. **The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.** The proposed project would subdivide a 1.21-acre parcel into a single lot to provide a residential condominium development. Balanced needs for public facilities were taken into consideration with the development of the Greater Golden Hill Community Plan and the projected build-out with the applied zone designations. The project is requesting a density bonus in accordance with State Density Bonus Law and the Affordable Housing Regulations to allow the development of 38 residential condominiums, including four units affordable to moderate income households at 100% AMI, consistent with the GHCP land use and zoning regulations. The project site is not located within or adjacent to a MHPA, open space or conserved land. The majority of the site contains disturbed ruderal/urban/ornamental vegetation communities. There are two patches of disturbed Diegan coastal sage scrub vegetation within the Broadway PROW (off-site impact area) and ruderal invasive species. A total of 0.23 acre of disturbed coastal sage scrub will be directly impacted as a result of the project implementation, which will be mitigated through applicant's contribution to the City of San Diego's Habitat Acquisition Fund. The project site is located in an urbanized and developed area with water, sewer, fire, police, public schools, parks, and other services already provided. The project includes public improvements including the construction of 32<sup>nd</sup> Street with curb, gutter, and sidewalk, and a cul-de-sac.

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine 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 and found that the addition of 38 residential condominiums, including four moderate income units, is consistent with the housing needs anticipated for the Greater Golden Hill Community Planning area.

BE IT FURTHER RESOLVED, 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, Tentative Map No. 2324694, hereby granted to 32<sup>nd</sup> & Broadway, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By       /s/Lauren N. Hendrickson        
Lauren N. Hendrickson  
Deputy City Attorney

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Attachment: Tentative Map Conditions

CITY COUNCIL  
CONDITIONS FOR TENTATIVE MAP NO. 2324694,  
32<sup>nd</sup> & BROADWAY – PROJECT NO. 637438 [MMRP].  
ADOPTED BY RESOLUTION NO. R-313559 ON 05/25/2021

**GENERAL**

1. This Tentative Map will expire on 05/25/2024.
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 expiration of the Tentative Map, a Final Map to consolidate the existing lots into one lot and subdivide the properties into thirty-eight (38) residential condominium units shall be recorded in the Office of the San Diego County Recorder.
4. 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 and supply proof prior to the recordation of the Final Map.
5. Prior to recordation of the Final Map, a certified copy of the approved City Council resolution to vacate a portion of Broadway shall be recorded at the San Diego County Recorder's Office.
6. The Tentative Map shall conform to the provisions of Neighborhood Development Permit No. 2324693 and Site Development Permit No. 2471596.
7. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

8. Prior to the recordation of the Final Map, the Subdivider shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing

units in compliance with the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 143.0301 et seq.).

**ENGINEERING**

9. The following will be conditions of the Tentative Map Resolution that the Subdivider will need to satisfy/assure before the Final Map is recorded.
10. The Subdivider shall assure, by permit and bond, dedicate and improve 32<sup>nd</sup> Street adjacent to the Site, as shown on approved Exhibit "A", per current City Standards, satisfactory to the City Engineer.
11. The Subdivider shall assure, by permit and bond, to construct a 26-foot wide driveway per current City Standards, adjacent to the site on 32<sup>nd</sup> Street, satisfactory to the City Engineer.
12. The Subdivider shall assure, by permit and bond, to construct curb and gutter per current City Standards, adjacent to the site on 32<sup>nd</sup> Street, satisfactory to the City Engineer.
13. The Subdivider shall assure, by permit and bond, to construct sidewalk with current City Standard sidewalk, adjacent to the site on 32<sup>nd</sup> Street, satisfactory to the City Engineer.
14. The Subdivider shall assure, by permit and bond, to construct curb ramp at the alley entrance, per Exhibit "A", with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Tile, satisfactory to the City Engineer.
15. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private storm drain systems and connections and proposed private improvements of any kind, including retaining walls, street trees and landscaping to be installed within the Public Right-of-Way.
16. 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.
17. The Subdivider shall incorporate any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
18. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City and Caltrans Engineer.
19. The Subdivider shall grant to the City of San Diego a 15-foot Drainage Easement, per City of San Diego Drainage Design Manual, satisfactory to the City Engineer.
20. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

21. 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.
22. 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.
23. 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.
24. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
25. 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.
26. 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 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**

27. Prior to the recordation of the Final 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 Final Map. The street names shall be submitted to BDR-Street Name Coordinator for approval and published on the Final Map.
28. 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.

29. 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.

30. 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.

31. "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].

32. "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."

#### **WATER & WASTEWATER**

33. Prior to recording the Final Map, the Subdivider shall grant adequate sewer and water easements, including vehicular access to each appurtenance for all public sewer and water facilities that are not located within a fully improved public rights-of-way, satisfactory to the Public Utilities Director. Easements shall be located within single lots, when possible, and not split longitudinally.

34. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Public Utilities Director and 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 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 Tentative Map, may protest the imposition within ninety days of the approval of this 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 MAY 25 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 MAY 25 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 *Richard Rivera*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 313559