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RESOLUTION NUMBER R- **314562**

DATE OF FINAL PASSAGE **JAN 09 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP
NO. 2416742 WITH AN EASEMENT VACATION FOR PASEO
MONTRIL - PROJECT NO. 658273.

WHEREAS, Tri Point Homes, a California Corporation, Subdivider, and Henry H. Peng, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map (Vesting Tentative Map No. 2416742) and a public easement vacation (Easement Vacation No. 2513171) for the subdivision of a 15.20-acre-site into two lots, for a residential lot for the creation of 55 multi-family residential condominium units and an open space lot; and for the vacation of an existing public sewer easement, known as Paseo Montril (Project); and

WHEREAS, the Project site is located at the east end of Paseo Montril, west of Interstate 15, and east of Rancho Peñasquitos Boulevard; and is legally described as that portion of Rancho Los Peñasquitos, in the City of San Diego, County of San Diego, State of California, according to map thereof accompanying the patent of said ranch recorded in the office of the County Recorder of San Diego County in book 2, page 385 of patents, described as follows: Beginning at the most easterly corner of Lot 371 of Peñasquitos View Unit No. 3, according to Map No. 6859; thence along the easterly boundary thereof north 23°55'06" west 778.86 feet to a point on the southerly boundary of Peñasquitos View Unit No. 1, according to Map No. 6654; thence along the southerly boundary thereof north 66°04'54" east 275.16 feet; thence north 12°38'22" west 400.00 feet; thence north 77°21'38" east 640.00 feet to the southeast corner thereof, said point also being an angle point in the southwest boundary of Lot 11 of Sun Ridge Vista Unit No. 1, according to Map No. 11924; thence along the boundary of said Lot 11, south 60°26'12" east 288.59 feet to the most southerly corner thereof, said point also being on the

northwest line of Interstate 15 (XI-SD-15) as described in the Lis Pendens recorded January 17, 1964 as instrument No. 10305, and the amended Lis Pendens recorded August 03, 1965 as Instrument No. 139001, both of official records; thence along said line south 25°19'51" west 534.85 feet, more or less, to an angle point thereon; thence south 39°12'51" west 534.40 feet; thence south 14°08'26" west 283.79 feet; thence south 66°11'51" west 95.91 feet to the point of beginning. Except therefrom all that portion described as follows: beginning at the intersection of the northeasterly line of Lot 371 of Peñasquitos View Unit No. 3, according to Map No. 6859 filed in the office of the County Recorder, with that course on the northwesterly line of State Highway XI-SD-395 described in Parcel 2A as "north 66°11'50" east, 253.03 feet" in final order of condemnation recorded June 26, 1967 as Instrument No. 92316 of official records; thence along the northwesterly and westerly line of said State Highway the following numbered courses: (1) north 66°11'50" east 95.91 feet; thence (2) north 14°08'26" east 283.77 feet; thence (3) north 39°12'22" east, 211.24 feet; thence (4) leaving said state highway northwesterly line south 71°35'16" west, 195.73 feet; thence (5) south 15°36'46" west, 294.70 feet; thence (6) south 65°20'54" west, 86.83 feet to said northeasterly line of Lot 371 of Peñasquitos View Unit No. 3; thence (7) along said northeasterly line south 23°55'06" east, 108.15 feet to the point of beginning; and

WHEREAS, the Map proposes the Subdivision of a 15.2-acre-site into two lots consisting of a 4.9-acre Residential lot for 55 condominium dwelling units and a 10.3-acre Open Space lot; 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 (Municipal Code or SDMC) 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 55; and

WHEREAS, on November 3, 2022, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 2416742 and Easement Vacation No. 2513171, and pursuant to Resolution No. 5218-PC, the Planning Commission voted to recommend the San Diego City Council (City Council) approval of the Map and Easement Vacation; and

WHEREAS, on January 9, 2023, the City Council considered Vesting Tentative Map No. 2416742 and Easement Vacation No. 2513171, and pursuant to Municipal Code sections 125.0440 and 125.1040; and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; 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 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 2416742:

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

The project would subdivide the existing 15.20-acre site into two lots: a 4.90-acre residential lot (Lot 1) for 55 condominiums (including six affordable dwelling units consisting of two on-site affordable dwelling units and four off-site dwelling units) and a 10.30-acre open-space lot (Lot 2). The open-space lot would be for the preservation of open space, whereas no public access would be permitted. The 15.20-acre project site located at the east end of Paseo Montrail, west of interstate 15, and east of Rancho Peñasquitos Boulevard. The site is located in the RM-2-5 and RS-1-14 Base zones and within the following overlay zones (OZ): Airport Influence Area for Marine Corps Air Station Miramar (MCAS-Miramar), Airport Land Use Compatibility Plan (ALUCP) OZ for MCAS-Miramar, Environmentally Sensitive Lands (ESL) for sensitive biological resources (uplands and wetlands) and steep hillsides, Very High Fire Hazard Severity Zone (VHFHSZ) and Fire Brush Management Zone within the Rancho Peñasquitos Community Plan area. Additionally, the site is located within the Views Neighborhood and designated as Open Space land use within the Rancho Peñasquitos Community Plan and designated as Park, Open Space and Recreation land use within the City of San Diego's General Plan (General Plan).

The Project would have a residential density of 11.2 dwelling units per acre (du/ac) which is in conformance with the density regulation of the proposed RM-1-1 zoning designation which permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area which would permit a maximum of 71 dwelling units for the proposed residential lot (Lot 1). The proposed 55 dwelling units fall within this RM-1-1 density range and would be consistent with the proposed Medium-Low Residential density designation of the Rancho Peñasquitos Community Plan.

The General Plan designates the Project site for Park, Open Space and Recreation uses and the Rancho Peñasquitos Community Plan designates the Project site as Open Space. The Project includes a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and an Amendment to the Rancho Peñasquitos Community Plan to redesignate a portion of the site from "Open Space" to "Residential (Medium-Low Density)" to allow for multi-family residential use. The Project also proposes to rezone a portion of the site, proposed as Lot 1, that is RS-1-14 (Residential-Single Unit) and RM-2-5 (Residential-Multiple Unit) to RM-1-1 (Residential-Multiple Unit); and a portion of the site, proposed as Lot 2, that is RM-2-5 (Residential-Multiple Unit) to OC-1-1 (Open Space - Conservation).

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Residential Element as it would allow development in an area where a high level of activity already exists, the proposed development is compact, efficient and an environmentally sensitive pattern of development, the proposed development includes

the preservation and protection of natural landforms and open space, the proposed development is creative and flexible in its site planning to maximize the preservation of open space and hillside areas. The Project is consistent with the City of San Diego General Plan by developing a project which respects existing neighborhood character, preserves open space systems and the natural environment, and targets new growth into compact development. The proposed Project would implement the General Plan's Urban Design Element guidelines by developing a project that is compatible to the existing scale, bulk, architectural styles, and landscaping of existing neighborhood while maintaining the topographic relief of the existing terrain and concentrating development in the least sensitive areas. Additionally, the proposed buildings are carefully sited and designed to preserve views while utilizing high-quality architectural and landscape designs to enhance the community aesthetically while achieving functional requirements.

The City of Villages strategy includes a commitment to creating and maintaining economically and socially diverse communities, which can be achieved by providing a mix of housing types that are suitable for households of various income levels. The General Plan's Housing Element identifies policies to help the City meet the regional housing needs allocation (RHNA) targets including designating land for a variety of residential densities to meet housing needs for a variety of household sizes, allowing residential densities that exceed the ranges defined in the General Plan and community plans for projects using State density bonus provisions (including senior housing and affordable housing) and City housing incentive programs, and encouraging location- and resource-efficient development whereby housing is located near employment, shopping, schools, recreation, transit, and walking/bicycling infrastructure. The Project proposes a condominium development which would increase the mix of housing types for the area. Additionally, the Project proposes a rezone which would maximize the development density for the residential development portion of the site while preserving a portion of the site for open space while developing in an area with shopping, schools, connections to transit and to existing pedestrian and biking infrastructure.

The proposed development would assist in meeting the City's housing goals including the provision of affordable housing, whereas the Project includes the provision of 10-percent of the dwelling units (six dwelling units) as affordable housing to be included on-site (two dwelling units) and off-site (four dwelling units) at the Del Mar Highlands Estates project site. The two for-sale on-site condominium units shall be restricted to median income households at 100-percent of area median income (AMI) and the four off-site rental units shall be rent restricted to low-income households at 60-percent of area median income (AMI) for a period of not less than 55-years. The Project will contribute to the diversity of the region by providing different aesthetically pleasing housing options at varying price points. The range in housing, including on-site affordable housing, will provide community members with an opportunity to live close to where they work. The property is located in close proximity to employment centers in Scripps Ranch, Carmel Mountain, Rancho Bernardo and Carmel Valley. The proposed Project meets the goals and follows the principles outlined in the City of San Diego's planning and community planning documents. The Project will be designed to preserve open space and cluster development to maintain the character of hillside and canyon areas and would not impact MHPA lands. Therefore, the proposed subdivision, with the

approval of the Rezone, General Plan amendment and Community Plan amendment, and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The Project is described in finding (1) above, incorporated by reference herein and will comply with the development regulations of the Land Development Code (LDC) with exception to the requested deviations for standard side yard setback, front yard setback, structure height limitation, retaining wall height and development encroachment into steep hillsides to achieve the maximum development area.

The Project requests the following deviations:

- Deviations from SDMC Section 131.0443, Table 131-04G for the RM-1-1 zoning designation as follows:
 - A deviation from the standard side yard setback, where the required minimum standard side yard setback is eight feet or 10-percent of the premise width, whichever is greater, whereas the proposed standard side yard setback would be 10-feet.
 - A deviation from the minimum front yard setback, where the required minimum setback is 15-feet, whereas the minimum front yard setback would be reduced to 11-feet.
 - A deviation from the standard front yard setback, where the required standard setback is 20-feet, whereas the standard front yard setback would be reduced to 19-feet.
 - A deviation from the structure height limitation, where the structure height limitation is 30-feet, whereas the structure height limitation would be increased to 40-feet.
- A deviation from SDMC Section 143.0142(a)(2), where the maximum development area in steep hillsides is limited to 25-percent, whereas the maximum development area would be increased to 27.3 percent.
- A deviation from SDMC Section 142.0340(e), where the maximum retaining wall height outside of the required yard is 12-feet, whereas the maximum retaining wall height would be increased to 26-feet.

The reduced setbacks, development encroachment into steep hillsides, and increased retaining wall height allows the proposed development to meet the Rancho Peñasquitos Community Plan design guideline objectives by providing a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while meeting

conservation goals for environmentally sensitive lands and maximizing the health, safety and welfare of the community. Additionally, the Project is consistent with the policies of the Rancho Peñasquitos Community Plan by providing a harmonious community appearance by using a compatible variety of architectural styles, colors, building heights, lot sizes, setbacks, landscaping and street furniture; using creative and flexible site planning to maximize the preservation of open space and hillside areas; and proposing density of new residential development based on the capacity of the land for development consistent with the objective of preserving the character of the hillside and canyon areas.

Without the requested deviations, the regulations would eliminate much of the development footprint and the Project would not be able to maximize the number of the residential units. The proposed deviations would allow for a Project design that is consistent with the goals and policies of the Community Plan and maximizes the development potential versus a Project that if designed in strict conformance with the development regulations of the applicable zone would limit the site layout and reduce the density of development. The Project will contribute to the housing mix of the community that will improve the opportunities for homeownership.

Each of the requested deviations have been reviewed as they relate to the proposed Project and the impact to the surrounding neighborhood. The requested deviations are appropriate and will result in a project that efficiently utilizes the subject property and provides housing for a diverse and mixed population, housing near major transit stops and stations, and develop resource-efficient development located near employment, shopping, schools, recreation, and walking/bicycling infrastructure, in conformance with the goals and policies of the Rancho Peñasquitos Community Plan and the General Plan's Housing Element. Therefore, with the requested deviations, the proposed subdivision would comply with the applicable zoning and development regulations of the LDC, including any allowable deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location.

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

The Project is described in findings (1) and (2) above, incorporated by reference herein. The Project would be consistent with the proposed residential zoning and the proposed General Plan and Community Plan amendments for residential development. The Project site is located approximately 800 feet from existing public transit stops and in close proximity to the Sabre Springs & Peñasquitos Transit Station, providing community members with public transit access to employment and commercial centers. Additionally, a Park and Ride site is located approximately a quarter-mile from the Project site. The proximity to alternate means of transportation would contribute to the shift from vehicular transportation which would help achieve carbon cutting measures defined in the City of San Diego's progressive Climate Action Plan. As mentioned above, the Project proposes a total of 55 dwelling units within five separate buildings on the proposed 4.90-acre residential lot, which would result in approximately 11.2 du/ac. The proposed bulk and scale would be similar to the surrounding 3-story apartment complexes.

On-site elevations range from approximately 580-feet above mean sea level (AMSL) along the western portion of the Project site to approximately 445-feet AMSL along the eastern portion of the Project site. Steep hillsides are present within the Project site, and the Project is requesting a deviation from SDMC Section 143.0142(a)(2) to exceed the 25-percent maximum development area within steep hillsides and proposes to develop on 27.3-percent of the steep hillsides within the Project site. In addition, grading of the Project site would result in 22-feet of fill slopes, 49-feet of cut slopes, and would require a total cut amount of 59,500 cubic yards of soil. The manufactured slopes would be constructed at a 2:1 slope ratio.

The Project design includes mass terracing of natural slopes with cut or fill slopes in order to prepare flat pads for the construction of structures. The proposed grading of the Project site is designed to retain the majority of the site as open space, reduce the overall grading footprint, and integrate the proposed buildings into the hillside. This would allow for a stepped down development plan for the buildings and internal parking lots and driveways. Of the 15.20-acre Project site, approximately 3.27-acres are proposed for development, and steep hillside encroachment is proposed within approximately 11.3-percent (1.71-acres) of the existing 11.17-acres of steep hillside areas (slopes of 25-percent or greater) on the Project site. The Project site currently consists of a southeast-facing slope with sheet flows in a southerly to southeasterly direction over the moderate to steeply sloping natural hillside. There are two ridges within the Project site which create three drainage flow patterns across the site. While the Project would exceed the City's significance thresholds for landform alterations, the Project meets one of the three conditions provided in the City's significance guidelines and thus, the landform alteration impact would not be considered significant. The Project design would ultimately preserve 11.60-acres (10.30-acres within Lot 2 and 1.30-acres within Lot 1) as open space within a covenant of easement (COE) and would focus the development area closest to the adjacent existing homes to the west and commercial area to the south.

Per the Geotechnical Investigation prepared for the Project site, no soils or geologic conditions were encountered that would preclude the development of the Project site as proposed with incorporation of the recommendations outlined in the geotechnical investigation. Further, a mandatory geotechnical report will be prepared in accordance with the City's "Guidelines for Geotechnical Reports" and will be reviewed by the Geology Section of the Development Services Department prior to the issuance of any construction permit. The report must adequately demonstrate the Project's compliance with the California Building Code (CBC) and any applicable geologic hazards regulations.

The Drainage Report prepared for the Project concluded that development would result in an overall increase in impervious area and site runoff, but peak flows after detention would be at or below the existing condition peak flow at the Project outfall. No fires have recently occurred at the Project site. Flooding as a result of runoff or drainage changes under post-fire conditions would not expose people or structures to significant risk considering this.

Development of the 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. A Stormwater Quality Management Plan (SWQMP) that includes storm water construction best management practices (BMPs), ongoing permanent BMP maintenance, on-site biofiltration and hydromodification features, has been developed to maintain natural drainage features and minimize potential impacts to storm drain facilities. Any short-term erosion and sedimentation impacts associated with project development would be addressed through conformance with applicable elements of the City's storm water program and related National Pollutant Discharge Elimination System (NPDES) standards. Additionally, the Project would implement an approved SWPPP and related plans, and BMPs, including appropriate measures, to address erosion and sedimentation.

The Project site is located within the Very High Fire Hazard Severity Zone (VHFHSZ) and Fire Brush Management Zone. Brush Management is required for premises with structures that are within 100 feet of any highly flammable area of native or naturalized vegetation. The Project would implement the City's Brush Management Regulations found in Section 142.0412 of the Land Development Code, which establishes a means of providing fire safety in the landscape. Fire hazard conditions currently exist in the open space area to the north, east, and south of the Project site. The Project would include brush management zones which reduce fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation. Brush management Zone One is the area adjacent to the structure and shall be the least flammable. It shall consist of pavement and permanently irrigated ornamental planting and trees canopies no closer than 10-feet from the habitable structure. Brush management Zone One shall not be allowed on the Project's slopes with a gradient greater than 4:1. Brush management Zone Two is the area between Zone One and any area of native or naturalized vegetation and would consist of thinned, native, or naturalized non-irrigated vegetation. As shown on the landscape development plan, the development cannot provide the full defensible space required, and therefore, is subject to alternative compliance measures. Alternative compliance measures for Buildings 1, 2, and 3 are required due to the reduced brush management Zone Two. Alternative compliance measures proposed for these buildings would include a combination masonry block/1-hour fire rated wall or a six-foot high masonry block wall. Maintenance of brush management zones shall include the removal of invasive species. Management and maintenance of brush management zones will be the responsibility of the developer/applicant and shall be completed in accordance with San Diego Municipal Code (SDMC).

The Project site lies outside of the City's Multi-Habitat Planning Area (MHPA), and therefore, is not required to document compliance with the Multiple Specific Conservation Program (MSCP) Land Use Adjacency Guidelines. The nearest MHPA occurs approximately 0.08 miles (440 feet) from the Project area but is separated from

the Project area by Interstate 15 (I-15). Implementation of the Project would result in direct permanent impacts to 4.48-acres, including 3.24-acres of Tier II Diegan coastal sage scrub, 0.03-acres of Tier IV eucalyptus woodland, 0.93-acres of Tier IV urban/developed, and 0.28-acres of Tier IV disturbed habitat. A total of 9.91-acres of Diegan coastal sage scrub would remain on site following Project implementation. The Project would preserve 4.86-acres of the remaining 9.91-acres of Tier II habitat on-site to mitigate for the Project's direct impacts to Tier II Diegan coastal sage scrub and sensitive species habitat for coastal California gnatcatcher, western bluebird, orange-throated whiptail, and Blainville's horned lizard. In accordance with the City's Environmentally Sensitive Lands (ESL) regulations, the owner/permittee shall be required to convey a COE to be recorded against the title in over the remaining ESL areas on the site that are outside the allowable development area. The Project would also comply with the species Area Specific Management Directives (ASMD) developed for certain MSCP covered species as a condition of coverage in the MSCP. Overall, the Project is consistent with the City's MSCP guidelines and will include mitigation measures to address any significant impacts.

The Project will integrate into the existing community by maintaining the aesthetic appeal of the Rancho Peñasquitos region while preserving a significant amount of open space located within the Project site in conformance with the goals and policies of the General Plan and Community Plan. 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 is described in findings (1), (2), and (3) above, incorporated by reference herein and has been designed to minimize alterations to natural landforms. Development footprint has been located to minimize erosion, flood and fire hazards. The entire Project is consistent with the City's adopted MSCP and is not located within or adjacent to the MHPA.

Environmental Impact Report (EIR) No. 658273/SCH No. 2021030038, which incorporates associated technical studies, has been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The EIR determined that the Project would result in potentially significant impacts to Land Use, Transportation/Circulation, Air Quality, Biological Resources, Greenhouse Gas Emissions, and Noise. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP) would mitigate impacts to Air Quality, Biological Resources and Noise to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unavoidable impacts to Land Use, Transportation/Circulation and Greenhouse Gas Emissions, as described in the EIR.

The Project would preserve 4.86-acres of the remaining 9.91-acres of Tier II habitat on-site to mitigate for the Project's direct impacts to coastal Tier II Diegan coastal sage

scrub and sensitive species habitat for coastal California gnatcatcher, western bluebird, orange-throated whiptail, and Blainville's horned lizard. In accordance with the City's Environmentally Sensitive Lands (ESL) regulations, the owner/permittee shall be required to convey a COE to be recorded against the title over the remaining ESL areas on the site that are outside the allowable development area. The Project would also comply with the species Area Specific Management Directives (ASMD) developed for certain MSCP covered species as a condition of coverage in the MSCP. Overall, the Project is consistent with the City's MSCP guidelines and will include mitigation measures to address any significant impacts. Therefore, 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.

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

The Project is described in findings (1), (2), (3) and (4) above, incorporated by reference herein. The General Plan designates the Project site for Park, Open Space and Recreation uses and the Rancho Peñasquitos Community Plan designates the Project site as Open Space. The Project includes a General Plan amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and an amendment to the Rancho Peñasquitos Community Plan to redesignate a portion of the from "Open Space" to "Residential (Medium-Low Density)" to allow for multi-family residential use. The Project also proposes to rezone a portion of the site, proposed as Lot 1, that is RS-1-14 (Residential-Single Unit) and RM-2-5 (Residential-Multiple Unit) to RM-1-1 (Residential-Multiple Unit); and a portion of the site, proposed as Lot 2, that is RM-2-5 (Residential-Multiple Unit) to OC-1-1 (Open Space - Conservation). The Project site is located within Review Area II of the Airport Influence Area for MCAS-Miramar and the ALUCP OZ for MCAS-Miramar. The Project would not conflict with the ALUCP and would not result in airport safety hazards for people residing or working in the Project area.

As identified in finding (4) above, the EIR determined that the Project would result in potentially significant impacts to Land Use, Transportation/Circulation, Air Quality, Biological Resources, Greenhouse Gas Emissions, and Noise. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP) would mitigate impacts to Air Quality, Biological Resources and Noise to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the Project with significant and unavoidable impacts to Land Use, Transportation/Circulation and Greenhouse Gas Emissions, as described in the EIR.

The EIR identified impacts to Land Use as it relates to the Project's inconsistency with the City's Climate Action Plan (CAP) related to impacts from Greenhouse Gas (GHG) Emissions. While the Project would incorporate mitigation and CAP measures including Vehicle Miles Traveled (VMT) reduction measures, the Project would continue to generate more emissions than assumed in the CAP, the CAP utilizes the San Diego Association of Governments (SANDAG) growth assumptions to determine the expected

City build out GHG emissions. The site is designated as Open Space in the General Plan and the Community Plan therefore, the CAP assumed no development would occur at the site. To meet the assumptions in the CAP, the Project would have to obtain net zero or negative GHG emissions. Therefore, the land use impact and GHG impacts would be significant and unavoidable. Additionally, the Project would have transportation impact because the Project location in census tract 170.18 is above the 85th percentile mean VMT per Capita for the region. Even with implementation of transportation mitigation measures, the Project is unable to reduce VMT impacts to less than a significant level, and the Project's contribution to traffic/VMT in the surrounding area, in addition to that of the projects in the surrounding area would be cumulatively significant.

A public water study (PWS) was prepared for the Project was prepared to evaluate if sufficient water supplies would be available to meet the projected water demands of the Project and the demand of existing and other planned uses. The Project would connect to existing and new public water mains adjacent to the site and within the surrounding roadways, and no additional improvements would be needed to serve the Project.

Development of the 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. A Stormwater Quality Management Plan (SWQMP) that includes storm water construction best management practices (BMPs), ongoing permanent BMP maintenance, on-site biofiltration and hydromodification features, has been developed to maintain natural drainage features and minimize potential impacts to storm drain facilities. Any short-term erosion and sedimentation impacts associated with project development would be addressed through conformance with applicable elements of the City's storm water program and related National Pollutant Discharge Elimination System (NPDES) standards. Additionally, the Project would implement an approved SWPPP and related plans, and BMPs, including appropriate measures, to address erosion and sedimentation.

The Project site is within a Very High Fire Hazard Severity Zone (VHFHSZ) within the Local Responsibility Area (CAL FIRE 2009). All projects proposed within the urban/wildland interface are required to meet minimum fire fuel modification and/or clearing requirements in addition to meeting the standards of the various fire codes in effect at the time of building permit issuance. Brush Management is required for premises with structures that are within 100 feet of any highly flammable area of native or naturalized vegetation. The Project would implement the City's Brush Management Regulations found in Section 142.0412 of the Land Development Code, which establishes a means of providing fire safety in the landscape. Fire hazard conditions currently exist in the open space area to the north, east, and south of the Project site. The Project would include brush management zones which reduce fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation. Brush management Zone One is the area adjacent to

the structure and shall be the least flammable. It shall consist of pavement and permanently irrigated ornamental planting and trees canopies no closer than 10-feet from the habitable structure. Brush management Zone One shall not be allowed on the Project's slopes with a gradient greater than 4:1. Brush management Zone Two is the area between Zone One and any area of native or naturalized vegetation and would consist of thinned, native, or naturalized non-irrigated vegetation. As shown on the landscape development plan, the development cannot provide the full defensible space required, and therefore, is subject to alternative compliance measures. Alternative compliance measures for Buildings 1, 2, and 3 are required due to the reduced brush management Zone Two. Alternative compliance measures proposed for these buildings would include a combination masonry block/1-hour fire rated wall or a six-foot high masonry block wall. Maintenance of brush management zones shall include the removal of invasive species. Management and maintenance of brush management zones will be the responsibility of the Paseo Montril HOA and shall be completed in accordance with San Diego Municipal Code.

The Project would introduce 55 dwelling units to the Project area, resulting in an increase in population base within the Rancho Peñasquitos community and fire/police protection service area, thereby increasing the demand for fire/police protection and emergency services within the service area. Cumulative projects including this Project are required to offset the increase in demand caused by their respective project. Thus, the cumulative impacts related to fire and police service would not be cumulatively considerable.

The Tentative Map for the proposed Project was reviewed by City Staff and determined to be in compliance with the SDMC and California Government Code Section 66400 et. seq. (Subdivision Map) Act. The Project must satisfy conditions of approval of Vesting Tentative Map No. 2416742, Site Development Permit No. 2416738 and Neighborhood Development Permit No. 2513173 to achieve compliance with the regulations of the SDMC. Conditions to the Vesting Tentative Map include various conditions and referenced exhibits of approval relevant to achieving compliance with applicable regulations of the SDMC in effect for this Project. Such conditions 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. Permit requirements include submitting an updated geotechnical report that addresses the construction plans; assuring by permit and bond plans for the revegetation and hydro-seeding of all disturbed lands and required brush management; obtaining an Encroachment Maintenance Removal Agreement (EMRA) for all private storm drain systems and connections, landscape and irrigation located in the public right-of-way; assuring by permit and bond the design and construction of all required public water and sewer facilities; and installation of private back flow prevention devices. Prior to issuance of any building permit, grading permit, and public improvement permit, for the proposed Project, the plans shall be reviewed by City staff to ensure 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 would be enforced through building inspections completed by the City's building inspectors. Therefore, the design of the subdivision or

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 proposed Project is described in findings (1), (2), (3), (4) and (5) above, incorporated by reference herein. The Project site currently has an existing sewer easement which was granted to the City of San Diego per Grant Deed recorded on April 2, 1986, as DOC. NO. 86-127174 of Official Records, for a sewer pipeline, and the pipeline serving the site is constructed and operational. The sewer easement is located on the southwestern portion of the Project site, adjacent to the Paseo Montril cul-de-sac, as shown on the Tentative Map exhibit. The proposed development will remove the existing sewer line within the sewer easement, therefore, there is no longer a need for the easement. A private sewer line will replace and reroute the sewer facilities for the proposed Project site as a condition of the development of the Project. No portion of the easement vacation is within the public right-of-way and removing the encumbrance will benefit the underlying parcel. The easement vacation will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. Additionally, a public street easement also exists on the site for the cul-de-sac which shall remain in place. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The Project is described in findings (1), (2), (3), (4), (5) and (6) above, incorporated by reference herein. The design of the Project has taken into account the best use of the land to minimize grading and provide for greater housing opportunities in the Rancho Peñasquitos area. Design guidelines have been developed for the future construction of the multi-residential dwelling units and include features that do not impede or inhibit any future passive or natural heating and cooling opportunities. The proposed site design takes into consideration the pattern of prevailing winds and the utilization of natural sunlight within the proposed buildings for passive and natural heating/cooling opportunities. Proposed landscaping would include canopy trees, ornamental trees and landscaping throughout the Project which would minimize heat gain, provide for an attractive landscape environment, provide solar protection of pavement areas to encourage pedestrian activities and utilize natural cooling opportunities. The Project will comply with the California Energy Code (Title 24) and California Green Building Standards Code (CALGreen), as part of the Project's conditions of approval. To meet these requirements, all new development within the Project site would include energy-efficient lighting, appliances, and windows; cool roofs; and other design features that would reduce energy demand, water and resource consumption, and environmental waste. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The Project is described in findings (1), (2), (3), (4), (5), (6) and (7) above, incorporated by reference herein. Based on a review of the City's strategic housing and community planning goals, the proposed Project would best serve the community as a residential project while preserving open space. The Project will provide 55 multi-family dwelling units that will help to meet the need for moderate-income housing by providing condominium dwelling units which provides a natural entry level opportunity for home ownership. Additionally, the Project includes 10-percent affordable housing as a condition of the Project, the affordable dwelling units would consist of two dwelling units provided on-site and four dwelling units provided off-site at Del Mar Highlands Estates project site. The two for-sale on-site condominium units shall be restricted to median income households at 100-percent of area median income (AMI) and the four off-site rental units shall be rent restricted to low-income households at 60-percent of area median income (AMI) for a period of not less than 55-years.

The San Diego Housing Commission has begun to address the need for additional housing in their San Diego Housing Production Objectives 2018-2028 report. The report states that the City of San Diego has the housing potential to fulfill its 10-year housing need if all of its capacity sources, including rezoning to increase density around transit hubs and the re-development of underutilized parcels of land, are fully utilized (San Diego Housing Production Objectives 2018 – 2028, Page 10). The Project would aid in closing the gap in rising housing demand in the San Diego and assist in meeting the regional housing needs allocation. Therefore, the decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that portions of Sewer Easement, located within the Project boundaries as shown in Vesting Tentative Map No. 2416742, 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 to vacate an existing City of San Diego sewer easement within the 15.2-acre Project site located at the east end of Paseo Montrail, west of interstate 15, and east of Rancho Peñasquitos Boulevard. The sewer easement was granted to the City

of San Diego per Grant Deed recorded on April 2, 1986, as DOC. NO. 86-127174 of Official Records, for a sewer pipeline, and the pipeline serving the site is constructed and operational. The sewer easement is located on the southwestern portion of the Project site, adjacent to the Paseo Montril cul-de-sac, as shown on the Tentative Map exhibit.

The Project would subdivide the existing 15.20-acre site into two lots: a 4.90-acre residential lot (Lot 1) for 55 condominiums (including six affordable dwelling units consisting of two on-site affordable dwelling units and four off-site dwelling units) and a 10.30-acre open-space lot (Lot 2). The open-space lot would be for the preservation of open space, whereas no public access would be permitted. The sewer easement does not serve or encumber other parcels of land in proximity to the easement. The proposed development will remove the existing sewer line within the sewer easement, therefore, there is no longer a need for the easement. A private sewer line will replace and reroute the sewer facilities for the proposed Project site as a condition of the development of the Project. No portion of the easement vacation is within the public right-of-way and removing the encumbrance will provide benefit to the underlying parcel. The easement vacation will be vacated by omission on the Final Map in accordance with the Subdivision Map Act. Therefore, there is no present or prospective public use for the easement, either for facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

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))

The Project and easement vacations are described in finding (9) above, incorporated by reference herein. The Project is consistent with the intent of the General Plan and Rancho Peñasquitos Community Plan's goals and policies of focusing growth close to activity centers and linked to the regional transit system. The Project would increase housing capacity and provide a varied housing type and a land use compatible with the existing residential neighborhood that is compact, provides connection to the existing pedestrian and bicycle infrastructure and is accessible to the regional transit system located within the community.

The public will benefit through the improved use of the land that is facilitated by the easement vacation. The proposed easement vacation would allow for the construction of 55 multi-family dwelling units, including affordable units and recreational amenities. With the construction of a new private sewer system, the existing sewer line and associated easement over the property will no longer be necessary. The proposed development would assist in meeting the City's housing goals including the provision of affordable housing, whereas the Project includes the provision of 10-percent of the dwelling units as affordable housing to be included on-site and at an off-site location. Additionally, the proposed Project is in close proximity to existing transit and infrastructure, which is consistent with the goals and policies of the City of San Diego General Plan (General Plan) and the Rancho Peñasquitos Community Plan. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

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

The proposed easement vacation is described in finding (9) above, incorporated by reference herein. The General Plan designates the Project site for Park, Open Space and Recreation uses. The Rancho Peñasquitos Community Plan designates the Project site as Open Space. The proposed subdivision will include a General Plan amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and an amendment to the Rancho Peñasquitos Community Plan to redesignate a portion of the from "Open Space" to "Residential (Medium-Low Density)" to allow for multi-family residential use. The Project also proposes to rezone a portion of the site, proposed as Lot 1, that is RS-1-14 (Residential-Single Unit) and RM-2-5 (Residential-Multiple Unit) to RM-1-1 (Residential-Multiple Unit); and a portion of the site, proposed as Lot 2, that is RM-2-5 (Residential-Multiple Unit) to OC-1-1 (Open Space – Conservation).

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Residential Element as it would allow development in an area where a high level of activity already exists, the proposed development is compact, efficient and an environmentally sensitive pattern of development, the proposed development includes the preservation and protection of natural landforms and open space, the proposed development is creative and flexible in its site planning to maximize the preservation of open space and hillside areas. The Project is consistent with the City of San Diego General Plan by developing a project which respects the existing neighborhood character, preserves open space systems and the natural environment, and targets new growth into compact development. The Project would implement the General Plan's Urban Design Element guidelines by developing a project that is compatible to the existing scale, bulk, architectural styles, and landscaping of existing neighborhood while maintaining the topographic relief of the existing terrain and concentrating development in the least sensitive areas. Additionally, the proposed buildings are carefully sited and designed to preserve views while utilizing high-quality architectural and landscape designs to enhance the community aesthetically while achieving functional requirements.

The City of Villages strategy includes a commitment to creating and maintaining economically and socially diverse communities, which can be achieved by providing a mix of housing types that are suitable for households of various income levels. The General Plan's Housing Element identifies policies to help the City meet the regional housing needs allocation (RHNA) targets including designating land for a variety of residential densities to meet housing needs for a variety of household sizes, allowing residential densities that exceed the ranges defined in the General Plan and community plans for projects using State density bonus provisions (including senior housing and affordable housing) and City housing incentive programs, and encouraging location- and resource-efficient development whereby housing is located near employment, shopping, schools, recreation, transit, and walking/bicycling infrastructure. The Project proposes a condominium development which would increase the mix of housing types for the area. Additionally, the Project proposes a rezone which would maximize the development density for the residential development portion of the site while preserving a portion of

the site for open space while developing in an area with shopping, schools, connections to transit and to existing pedestrian and biking infrastructure.

The proposed easement vacation would allow for the construction of 55 multi-family dwelling units, including affordable units and recreational amenities. The Project would assist in meeting the City's housing goals including the provision of affordable housing, whereas the Project includes the provision of 10-percent of the dwelling units (six dwelling units) as affordable housing to be included on-site (two dwelling units) and off-site (four dwelling units) at the Del Mar Highlands Estates project site. The two for-sale on-site condominium units shall be restricted to median income households at 100-percent of area median income (AMI) and the four off-site rental units shall be rent restricted to low-income households at 60-percent of area median income (AMI) for a period of not less than 55-years. Therefore, the proposed easement vacation would not adversely affect the General Plan and the Rancho Peñasquitos Community Plan, or the goals and policies contained therein.

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))

The proposed easement vacation is described in finding (9) above, incorporated by reference herein. With the construction of a new private sewer system, the existing sewer line and associated easement over the property will no longer be necessary. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

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. 2416742 and the easement vacation, is approved, and hereby granted to TRI POINTE HOMES, a California Corporation, Subdivider, subject to the attached conditions which are made a part of this resolution by this reference, contingent upon final passage of Resolution No. **R314560** approving amendments to the General Plan and Rancho Peñasquitos Community Plan and Ordinance No. O- **21608** rezoning portions of the Project site to the RM-1-1 (Lot 1) and OC-1-1 (Lot 2) zones.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:nsf:cm
December 15, 2022
December 30, 2022 COR. COPY
Or.Dept: DSD
Doc. No. 3167476_2

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 2416742
PASEO MONTRIL - PROJECT NO. 658273
ADOPTED BY RESOLUTION NO. R314562 ON JAN 09 2023

GENERAL

1. This Vesting Tentative Map will expire on JAN 09 2026.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated \$34.00 compliance fee to avoid delaying the recordation of the Final Map.

4. The Vesting Tentative Map shall conform to the provisions and conditions of Site Development Permit No. 2416738 and Neighborhood Development Permit No. 2513173.
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 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 provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and

approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with approval of the Project, the Owner/Permittee shall secure by a deed of trust for this Project site and the Del Mar Highlands Estates project site the provision of six affordable units, including two on-site affordable dwelling units and four off-site affordable dwelling units to be located within the Del Mar Highlands Estates project. The two for-sale on-site condominium units shall be restricted to median income households at 100-percent of area median income (AMI) and the four off-site rental units shall be rent restricted to low-income households at 60-percent of area median income (AMI) for a period of not less than 55-years. If providing units at an off-site location, the project shall comply with Section VII of the Inclusionary Housing Procedures Manual.

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision in accordance with the requirements of the SDMC, satisfactory to the City Engineer.
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. 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.
10. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
11. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
12. 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.
13. 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.
14. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

15. 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.
16. 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.
17. 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.

GEOLOGY

18. Prior to the issuance of any construction permits, the Subdivider shall submit a geotechnical investigation report or update letter 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, and satisfactory to the City Engineer.
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, satisfactory to the City Engineer.

LANDSCAPE/BRUSH MANAGEMENT

20. Prior to recordation of the Final/Parcel Map, the Owner/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 Section 142.0412 of the Land Development Code."

MAPPING

21. 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 Final Map.

22. 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.
23. 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.

24. 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.
25. The Final 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.
26. "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].
27. "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."

28. Prior to the expiration of the tentative map, if approved, a Final Map to subdivide the properties into 2 lots. (Lot 1 with 55 residential condominium units, Lot 2 a Multi-Habitat Planning Area open space lot), shall be recorded at the County Recorder's office.

PLANNING

29. Prior to the recordation of the Final Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources and Steep Hillside, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

WASTEWATER AND WATER

30. Prior to the recordation of the Final Map, the Subdivider is required to vacate the existing public sewer easement shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and the City Engineer.

INFORMATION:

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

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

Internal Order No. 24007662

Passed by the Council of The City of San Diego on JAN 09 2023, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Kent Lee	<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 09 2023.

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **314562**