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9/14/21RESOLUTION NUMBER R- 313708DATE OF FINAL PASSAGE SEP 14 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.
2366422 WITH AN EASEMENT VACATION FOR
THE TRAILS AT CARMEL MOUNTAIN RANCH -
PROJECT NO. 652519.

WHEREAS, NUWI CMR, LLC, a Delaware Limited Liability Company, Subdivider, submitted an application to the City of San Diego for Vesting Tentative Map No. 2366422 with an Easement Vacation for the subdivision and redevelopment of the existing 164.5-acre, Carmel Mountain Ranch Country Club and associated closed 18-hole golf course site into nine lots for 1,200 residential condominiums units, 34 open space lots, three public park lots, and two commercial lots, known as the Trails at Carmel Mountain Ranch (Project); and

WHEREAS, the Project site is located at 14050 Carmel Ridge Road and is legally described as Parcel 1 of Parcel Map No. 15309, Parcels 1 and 2 of Parcel Map No. 15726, Parcel 1 of Parcel Map No. 15727, Parcels 1 and 2 of Parcel Map No. 15758, Parcel 4 of Parcel Map No. 15862, Parcels 1 and 2 of Parcel Map No. 16314, Parcels 1 and 2 of Parcel Map No. 16337, Parcel 1 of Parcel Map No. 16479, Parcels 1, 2, and 3 of Parcel Map No. 16647, Parcel 1 of Parcel Map 16893, Parcel 1 of Parcel Map No. 16770, Parcel 7 of Parcel Map No. 14678, Lot 4 of Carmel Mountain Ranch Unit No. 15 according to Map thereof No. 11681, Lot 101 of Carmel Mountain Ranch Unit No. 2 according to Map thereof No. 11321, Lot A of Carmel Mountain Ranch Unit No. 5A according to Map thereof No. 11527, Lot A of Carmel Mountain Ranch Unit No. 16 According to Map thereof No. 11906, Lot 11 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, and Lot 12 of Carmel Mountain Ranch Unit 19 according to Map thereof No. 13061, in the City of San Diego, County of San Diego, State of California in

the Carmel Mountain Ranch Community Plan area. The Project site is also in the AR-1-1, RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7 Base Zones, which are proposed to be rezoned to the AR-1-1, OP-1-1, RM-1-1, RM-1-3, RM-2-4, RM-2-5, RM-2-6, RM-3-7, and the CC-2-1 Zones, and within the Airport Land Use Compatibility Overlay Zone for Marine Corps Air Station (MCAS) Miramar, the Airport Influence Area for MCAS Miramar (Review Area 2), Very High Fire Hazard Severity Zone, Residential Tandem Parking Overlay Zone, Parking Standards Transit Priority Area, and Transit Priority Area; and

WHEREAS, the Map proposes the Subdivision of a 164.5-acre site into nine condominium lots (for up to 1,200 residential condominium units), 37 Open Space lots (including three parks) and two Commercial lots; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 1,200; and

WHEREAS, on August 5, 2021, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 2366422 with an Easement Vacation, and pursuant to Resolution No. 5153-PC, the Planning Commission voted to recommend the City Council of the City of San Diego (City Council) approve 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on September 14, 2021, the City Council considered Vesting Tentative Map No. 2366422 with an Easement Vacation, and pursuant to San Diego 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; 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. 2366422:

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 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the project site for Park, Open Space and Recreation uses. The Carmel Mountain Ranch Community Plan (Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5

(Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project is consistent with the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, and others), with a mix of for-sale and rental products to serve a diverse population and household size.

The Project would implement the General Plan's Land Use and Mobility Elements and the Community Plan's Housing and Transportation Elements. To comply with the General Plan's goals of permitting higher intensity horizontal mixed-use development on underutilized infill sites, the Project has been designed to provide opportunities for quality, new, market rate and deed restricted housing to meet the needs of current and future City residents on vacant land centrally located near existing major employment centers, retail opportunities, recreational amenities, schools, the Carmel Mountain Ranch Library and the Metropolitan Transit System (MTS) Sabre Springs/Peñasquitos Transit Station.

The Project site is located within a Transit Priority Area (TPA) due to its proximity to the Sabre Springs/Peñasquitos Transit Station, which is located approximately 0.5 miles south of the Project site. The Sabre Springs/Peñasquitos Transit Station qualifies as a Major Transit Stop because it hosts Rapid 235 and 290, which provides high-frequency service down the Interstate 15 freeway (I-15) from the Escondido Transit Center to Downtown San Diego. To encourage transit options and reduce and/or remove single-occupant vehicle trips from peak-hour traffic, the Project would provide a Transportation Demand Management (TDM) plan as a benefit to future residents and the community. As a result, the Project specifically implements the General Plan's Mobility goals and policies.

By integrating public gathering spaces and civic uses into the overall design, the Project complies with the General Plan's Land Use, Mobility and Recreation Elements, as well as the Community Plan's Parks and Open Space and Transportation Elements. To allow for new recreational opportunities, the Project includes picnic pavilions, playgrounds, tot-lots, and trails for walking and biking. The multi-use trail system, which has been designed to take advantage of the site's existing topography, would circulate throughout the Project site to provide mobility and recreational opportunities for pedestrians and bicyclists.

Trails would connect to sidewalks along the proposed on-site roadways and along existing adjacent residential streets to maximize access and connectivity. Additionally, a trail staging area would provide bike racks, a trail map and rules kiosk, bike station, picnic tables, and shade areas. Trails would range from five to eight feet in width and all trails would be publicly accessible. The Project also includes a community art gallery/studio that would include a café/restaurant/banquet area and dining space. One watchkeeper quarters is also proposed.

To ensure compliance with the General Plan's Environmental Justice Element and the Community Plan's Parks and Open Space Element, 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 rooftop photovoltaic solar panels; energy-efficient lighting, appliances

and windows; cool roofs; and other design features that would reduce energy demand, water and resource consumption, and environmental waste, and would generate renewable energy on site. In addition, the Project design calls for new tree plantings to provide shade, reduce heat island effect, increase pedestrian usability and provide protection for pavement and natural cooling opportunities.

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Housing Element as it allows a variety of architectural styles across the neighborhoods, while ensuring consistency is established in each planning neighborhood to help define a sense of place. Toward that end, the Trails at Carmel Mountain Ranch Design Guidelines (Design Guidelines) have been developed to provide a framework for future project implementation. As infill development, the Project would include a minimum 50-foot buffer zone, which may include open space and landscaped areas, to ensure the Project integrates fully with the existing, surrounding homes. Architectural articulation would also be used to provide visual relief from new buildings facing existing residential developments.

Portions of the Project site are located within the Very High Fire Hazard Severity Zone (VHFHSZ). To comply with the General Plan's Urban Design and Recreation Element and the Community Plan's Parks and Open Space and Community Environment, Conservation and Design Elements, the Project includes brush management zones and fuel modification area vegetation management as determined by the San Diego Fire Rescue Department and pursuant to the Project-specific Brush Management Plan. The Project will use drought-tolerant, naturalized landscaping to replace the dead and dying vegetation associated with the vacant golf course and reduce water usage for irrigation; complies with all applicable local, regional, state, and federal requirements related to fire safety, emergency access, and evacuation plans; and incorporates building materials, setbacks, water supply, hydrants, fire-flow, and defensible space suitable for development in fire hazard areas.

New trees would be planted on the Project site in accordance with the Project-specific Design Guidelines and existing trees would be retained where feasible. The Project will reduce the use of pesticides, herbicides, and synthetic fertilizers for pest management and maximize pervious surfaces wherever feasible, and has been designed to include on-site biofiltration and hydromodification features to reduce stormwater runoff. All potential biological impacts would be mitigated to ensure the Project complies with the General Plan's Urban Design and Conservation Elements and the Community Plan's Environment, Conservation and Design Element.

The Project's potential short-term construction and long-term operational impact on nearby noise-sensitive land uses would be mitigated to ensure compliance with the General Plan's Noise Element. Likewise, any potential cultural resource and Tribal Cultural Resource (TCR) impacts will be mitigated to ensure consistency with the Historic Preservation Element. The Project will have a potentially significant impact to the existing levels of public utilities in the area and will provide a fair-share contribution for reconfiguration/retrofit of the Carmel Mountain High Water Pump Station thus reducing the impacts to public utilities to less than significant. No other potentially significant impacts to public utilities were identified. Therefore, the Project will not require other new public utilities as any utilities needed to serve the Project would be connected to existing infrastructure. The Project will have impacts to Public Services

and Facilities (Libraries) that are significant and unavoidable. The Project will provide an ad-hoc fee to be utilized by the City's Library Department to address library facilities needs associated with increased population in the community. Although no capital improvement program exists to redevelop the library site and no fee program has been established to fund such a Project, the payment of the ad-hoc fee will ensure a fair share contribution is provided with the Project as a dedicated funding source to be used solely for improvements to the Carmel Mountain Ranch Library. Although the Project would increase demand for recreational areas or uses in the community, the Project satisfies its General Plan population-based park and recreation requirements with the provision of 7.87-acres of public use neighborhood parks onsite and impacts to Parks and Recreation Facilities would be less than significant. All other impacts to Public Services and Facilities would be less than significant.

Finally, the Project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant - Community Plan Amendment (CPA) in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal." The Project would include 15 percent of the total dwelling units constructed as deed-restricted units to low-income households with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community. Therefore, with the adoption of the General Plan amendment, Community Plan amendment and Rezone, the proposed subdivision and its design or improvement are consistent with the policies, goals and objectives of the applicable land use plan.

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27 acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and a Community Plan Amendment to re-designate the site

from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project complies with the Land Development Code (LDC) floor area ratio, parking, landscaping requirements, and all other development standards except in four instances. The following deviations are requested to allow for the development of a more desirable Project:

Proposed Deviations		
Development Regulation	Required/Allowed	Proposed
Structure Height Deviations		
SDMC 131.0431 for structure height in the RM-1-1, RM-1-3, RM 2-4, RM 2-5, RM 2-6 and RM 3-7 lots	<u>30 feet</u> (RM 1-1 and RM 1-3) <u>40 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)	<u>37 feet</u> (RM 1-1 and RM 1-3) <u>48 feet</u> (RM 2-4, RM 2-5, RM 2-6, RM 3-7)
Minimum Lot Dimensions Deviations		
SDMC Section 131.0331 for minimum lot area, minimum lot width, minimum lot depth and minimum street frontage in the AR-1-1 Zone	Min. Lot Area 10 acres Min. Lot Width 200 feet Min. Lot Depth 200 feet Min. Street Frontage 200 feet	Minimum Lot Area 0.1 acres Minimum lot width 50 feet Minimum Lot Depth 50 feet Minimum Street Frontage 50 feet
Minimum Street Frontage Deviation		
SDMC Section 131.0531 for CC-2-1 lots	Minimum Street Frontage 50'	Minimum street frontage will be 0'
Minimum Setback Deviations		
SDMC § 131.0431 for Min. Side and Standard Side Setbacks; and Min. Rear Setbacks for the RM 1-1, RM 1-3, RM 2-4, RM 2-5, RM 2-6 and RM 3-7 lots	Min. Side Setback 5 feet Standard Side Setback 8 feet (RM 1-1 and RM 1-3) Min. Side Setback 5 feet (RM 2-4, RM 2-5, RM 2-6, RM 3-7) Min. Rear Setback 15 feet (RM 1-1, RM 1-3, RM 2-4,	Min. Side Setback 0 feet Standard Side Setback 0 feet (RM 1-1 and RM 1-3) Min. Side Setback 0 feet (RM 2-4, RM 2-5, RM 2-6, RM 3-7) Min. Rear Setback 0 feet (RM 1-1, RM 1-3, RM 2-4,

	RM 2-5, RM 2-6)	RM 2-5, RM 2-6)
	Min. Rear Setback 5 feet (RM 3-7)	Min. Rear Setback 0 feet (RM 3-7)

Structure Height Deviation: The Project was designed to maximize density and facilitate clustering to ensure that portions of the site could be preserved as open space. As a result, residential zones with low overall density were selected. However, to ensure that the Project would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale, rental, and age-restricted market-rate and affordable product in compliance with the General Plan and Community Plan, the structure height deviation is required to allow a greater building height.

Minimum Lot Dimensions Deviation: Some undeveloped property onsite will be included in open space lots that will act as buffer between the new infill residential development and the surrounding community. These open space lots do not comply with the minimum lot dimension requirements of the AR-1-1 zone. Therefore, the requested deviation is therefore necessary to allow the Project, which has been designed to comply with the General Plan's Urban Design Element and the Community Plan's Housing Element and subject to the Design Guidelines and the parameters of the Master Planned Development Permit and Site Development Permit, to fully integrate with the existing residential uses. The open space buffer lots, which will be a minimum of 50 feet wide, will be subject to a Condition of Approval which prohibits structures from being erected within any open space buffer lot.

Minimum Street Frontage Deviation: Unit 17, Lot 2 includes a community art center. The parcel does not front on a public street, so the requested deviation is necessary to allow vehicular access from a private driveway in Unit 17, Lot 1 and pedestrian access from the nearest public street, Highland Ranch Road. The community art center presents a new public gathering space that will be unique to the Carmel Mountain Ranch community in furtherance of the General Plan's Land Use and Recreation Elements, as well as the Community Plan's Parks and Open Space Element.

Minimum Side and Rear Setback Deviations: The Project proposes the establishment of a 50-foot buffer through the provision of an AR-1-1 zoned lot and easement that would prohibit RM-zoned development closer than 50-feet of the existing, adjoining, single-family residential properties. Minimum side, standard side, and rear setbacks for the RM-1-1, RM-1-3, RM-2-4, RM-2-5, RM-2-6 and RM-3-7 zones shall be established per the table above and per Vesting Tentative Map No. 2366422 and Master Planned Development Permit No. 2366508. The provision of the 50-foot buffer will establish separation between new development and existing residential properties that exceed the established setback requirements of the underlying zones RM-1-1, RM-1-3, RM-2-4, RM-2-5, RM-2-6 and RM-3-7 zones. The setback deviations, in conjunction with the establishment of the 50-foot buffer lots, are necessary to establish and maintain separation from the existing residential properties, as well as provide physical transitions and neighborhood landscape treatments that are consistent with the existing neighborhood. The treatment of the buffer lots will reinforce natural environments and features with landscaping that will blend the visual effects of the new planned development, consistent

with the General Plan's Urban Design Element, the Community Plan's Housing Element, the Design Guidelines, and the Master Planned Development Permit.

Collectively, these deviations allow for a development that will service a diverse and mixed population and household size in compliance with the General Plan and Community Plan's Housing Elements. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and a Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed dramatically since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

The former golf fairways wind through existing neighborhoods. Approximately 42 percent of the site would be graded with 1,017,150 cubic yards of balanced cut and fill. The maximum height of cut is 25 feet, with maximum slope ratio of 2:1. Elevations range from 548 feet (in Unit 4 near I-15) to 810 feet above sea level (in Unit 9 near the former Clubhouse). Topographically, the Project site consists of gently to moderately sloping terrain. The Project site is underlain by surficial deposits such as golf course fill, topsoil, alluvium and colluvium, and weathered bedrock. The Project site is not located on any known, potentially active, or inactive fault traces, or Seismic Hazard Zones, as demonstrated in the Geotechnical Investigation prepared for the site. Additionally, 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, and the potential for liquefaction at the site is considered to be negligible due to the dense formational material encountered and the lack of shallow groundwater. Therefore, the Project site is physically suitable for the development 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 and any applicable geologic hazards regulations.

The Project site lies outside of the City's Multi-Habitat Planning Area (MHPA). However, the Project site is within the City Multiple Specific Conservation Program (MSCP) Subarea Plan and includes designated environmentally sensitive lands (ESL) in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity. Area Specific Management Directives (ASMD) were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the Project area. All ASMD for those species will be adhered to and the Project will comply with the ASMD for MSCP covered species with a potential to occur within the Project site. 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 would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

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The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

Environmental Impact Report (EIR) No. 652519/SCH No. 2020039006, 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 Biological Resources, Historical Resources, Noise, Tribal Cultural Resources, and Public Utilities. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP) would mitigate these impacts 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 unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

The Project site lies outside of the City's MHPA. However, the Project site is within the City MSCP Subarea Plan and includes designated ESL in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the Project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity. ASMD were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the project area. All ASMD for those species will be adhered to and the Project will comply with the ASMD for MSCP covered species with a potential to occur within

the Project site. 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 would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and a Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project site is primarily characterized by disturbed fallow land left over from the previous golf course use. The hydrology and vegetation composition of the site have changed dramatically since golf course operations ceased. A majority of the site experiences overgrowth of weeds and existing plant materials. The site is subject to a number of previous and ongoing anthropogenic disturbances that include pedestrian use, domestic pet use (i.e. dogs and cats), invasive species, and regular night lighting and noise. Surrounding land uses include residential and commercial development in all directions. The site is surrounded by existing, residential development and is served by existing streets, utilities, and public services.

The Project site lies outside of the City's MHPA. However, the Project site is within the City MSCP Subarea Plan and includes designated ESL in the form of biological resources for sensitive habitat and plant species. In accordance with General Plan Conservation Element Policy CE-B.1, the Project has been designed to ensure that no development is proposed in any ESL locations on site. ESL locations on site will be subject to a Covenant of Easement to

prohibit future development and to limit on site activity. ASMD were developed for certain MSCP covered species as a condition of coverage in the MSCP. The conditions for coverage in the City's MSCP Subarea Plan have been reviewed in conjunction with the species which have a potential to occur within the Project area. All ASMD for those species will be adhered to and the project will comply with the ASMD for MSCP covered species with a potential to occur within the Project site.

EIR No. 652519/SCH No. 2020039006, which incorporates associated technical studies, has been prepared for the Project in accordance with State CEQA Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources, and Public Utilities. Implementation of the MMRP would mitigate these impacts 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 unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

A Water Supply Assessment (WSA) Report for the Project was prepared to evaluate if sufficient water supplies would be available to meet the projected water demands of the Project. The WSA concluded that current and future water supplies to serve the projected demands of the Project, as well as the actions necessary to develop these supplies, have been identified in the water resource planning documents of the City's Public Utilities Department, the County Water Authority (SDCWA), and the Metropolitan Water District (MWD).

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 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 permit includes specific requirements to ensure compliance with the regulations of the LDC that have been adopted to protect the public health, safety, and welfare. 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 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.

The Tentative Map for the Project was reviewed 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. 2366422, Site Development Permit No. 2366425 and Master Planned Development Permit No. 2366508 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. Prior to issuance of any building 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 Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and a Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6

(Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

No public access easements exist on the Project site. All existing street rights-of way and utility easements are accommodated by the Project design, except for a water easement acquired by the City in 1991. The water line was constructed, but its development only required the use of a portion of the easement. There is no present or prospective public use for the easement, either for the water line for which it was originally acquired or for any other public use of a like nature that can be anticipated. The Project includes the vacation of the unused portion of the water easement to accommodate construction of the Project. Therefore, the design of the subdivision or the type of improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0 acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and a Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project has been sited and designed to provide natural light and air flow to the structures through the use of setbacks, varied heights and the implementation of a 50-foot buffer from existing development, which allows for passive and natural heating/cooling and solar photovoltaic system 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 rooftop photovoltaic solar panels; energy-efficient lighting, appliances and windows; cool roofs; and other design features that would reduce energy demand, water and resource consumption, and environmental waste, and would generate renewable energy on site. In addition, the Project design calls for new tree plantings to provide shade, reduce heat island effect, increase pedestrian usability and provide protection for pavement and natural 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 Project would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan) designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to re-designate portions of the Project site to Residential and Commercial Employment, Retail and Services and a Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project implements the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale and rental product to serve a diverse and mixed population and household size. The Project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant – CPA in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal." The project would include 15 percent of the total dwelling units constructed as deed-restricted units to low income households

with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community.

EIR No. 652519/SCH No. 2020039006, which incorporates associated technical studies, has been prepared for the Project in accordance with State CEQA Guidelines. The EIR determined that the project would result in potentially significant impacts to Biological Resources, Historical Resources, Noise, Tribal Cultural Resources, and Public Utilities. Implementation of the MMRP would mitigate these impacts 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 unmitigable impacts to Transportation/Circulation and Public Services and Facilities (Libraries), as described in the EIR.

Currently, the Carmel Mountain Ranch Library does not satisfy the General Plan's policy recommendation that every branch library be at least 15,000 square feet and thus a public services and facilities deficiency exists today. Although the population increase associated with the Project would exacerbate the current need for a larger library in the Carmel Mountain Ranch community and the Project would result in a significant and unavoidable impact to Public Services and Facilities (Libraries), the Project applicant would provide an ad-hoc fee, to be utilized by the City's Public Library Department for a future project or expansion of the Carmel Mountain Ranch Library. The fee will be imposed through a condition of approval of the Project and require a proportionate contribution to be provided prior to the issuance of construction permits, to ensure a dedicated funding source is established solely for improvements to the Carmel Mountain Ranch Library. All other appropriate public services (including fire, police, medical, schools, and public parks), as well as necessary utilities such as electricity, water, and sewer will be available for the proposed Project.

Furthermore, the Project implements the City's General Plan policies that encourage the development of residential units near transit and employment opportunities, thereby capturing automobile trips and allowing for increased pedestrian activity, bicycle and transit activity. By locating up to 1,200 new market rate and deed restricted housing in a TPA on a vacant infill golf course site surrounded by existing major employment centers, retail opportunities, recreational amenities, schools, the Carmel Mountain Ranch Library and the nearby Sabre Springs/Peñasquitos Station, the Project implements the City's General Plan policies. 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 the water easement, located within the Project boundary as shown on Vesting Tentative Map No. 2366422, 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 would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

Improvements to surrounding public infrastructure and roadways would be implemented as part of the Project, including establishing right-of-way and utility easements throughout the Project site.

The portion of the water easement to be vacated is located on the central-eastern portion of the Project site, adjacent to Carmel Ridge Road, as shown on the Tentative Map exhibit. The easement was acquired by the City in 1991 and the water lines serving the site are constructed and operational. The unused portion of the water easement is proposed to be vacated to accommodate construction of the Project. The portion of the water easement to be vacated does not contain any existing or proposed water facilities nor is it required or planned for any future public use.

The Project scope includes widening of the remaining, developed, 15-foot-wide water easement to 24 feet to accommodate the proposed development. Therefore, the easements required to provide water service to the site are incorporated in the Project design. Therefore, there is no present or prospective public use for the easement, either for the water line 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 would subdivide the existing 164.5-acre site into nine condominiums lots, 34 open space lots, three public park lots, and two commercial lots for the redevelopment of the Carmel Mountain Ranch Country Club and associated closed 18-hole golf course through the development of a series of infill neighborhoods with a variety of housing options and interrelated open space, recreation, and trail amenities in the community of Carmel Mountain Ranch.

The Project shall include up to a total of 1,200 multi-family homes, two commercial lots, and a mix of open space and recreational uses. Residential land uses would range in density from 12.9 to 37.4 dwelling units per acre, over approximately 52.94-acres, with approximately 0.27-acres set aside for commercial uses. Open space uses would be composed of approximately 111.0-acres, which includes approximately five miles of privately-owned and publicly-accessible trails and 7.87-acres of publicly-accessible parkland.

The Project is consistent with the intent of the General Plan of focusing growth close to activity centers and linked to the regional transit system. The Project would increase housing capacity and provide a range of housing types (market rate and affordable) with a land use plan compatible with the existing residential neighborhood. The Project site has been identified in the City's Housing Element for the potential location of new housing and implements the Housing Element goals of providing affordable housing onsite; creating a compact and walkable neighborhood that is accessible by transit; and increasing housing choices within the community. Therefore, the public would 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 General Plan designates the Project site for Park, Open Space and Recreation uses. The Community Plan designates the Project site as Private Recreation Golf Course. Creation of the new subdivision will include a General Plan Amendment to redesignate portions of the Project site from "Park, Open Space and Recreation" to "Residential" and "Commercial Employment, Retail and Services" and a Community Plan Amendment to re-designate the site from Private Recreation-Golf Course to Low-Medium Residential, Medium Residential, Community Commercial, Open Space, and Open Space-Parks, as well as a Rezone which would change the Project site's zoning to the AR-1-1 (Agricultural-Residential) zone, OP-1-1 (Open Space-Park) zone, RM-1-1 (Residential-Multiple Unit) zone, RM-1-3 (Residential-Multiple Unit) zone, RM-2-4 (Residential-Multiple) zone, RM-2-5 (Residential-Multiple) zone, RM-2-6 (Residential-Multiple) zone, RM-3-7 (Residential-Multiple Unit) zone, and the CC-2-1 (Commercial-Community) zone.

The Project implements the General Plan's City of Villages strategy as it would include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale and rental product to serve a diverse and mixed population and household size. The Project has been designed to comply with the General Plan's Housing Element. The 6th Cycle Housing Element, which identified the site as Vacant – CPA in Process, determined the site's net potential unit value at 1,200 dwelling units. Moreover, the central objective of the Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal." The Project would include 15 percent of the total dwelling units constructed as deed-restricted units to low-income households with rents that do not exceed 30 percent of 60 percent of the Area Median Income (AMI) for a period of 55 years, consistent with the General Plan and Community Plan's Housing Element goals and policies in this community.

The Project is consistent with the General Plan's Urban Design Element and the Community Plan's Housing Element as it would allow a variety of architectural styles across the neighborhoods, while ensuring consistency is established in each planning neighborhood to help define a sense of place. Toward that end, the Project-specific Design Guidelines have been developed to provide a framework for future project implementation. As infill development, the Project would include a minimum 50-foot buffer zone, which may include open space and landscaped areas, to ensure the Project integrates fully with the surrounding homes. Architectural articulation would also be used to provide visual relief from new buildings facing existing residential developments.

The vacation of the unused portion of the existing onsite water easement would facilitate the provision of housing consistent with the proposed General Plan and Community Plan land use designations. Therefore, the vacation is consistent with any applicable land use plan.

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

As outlined in Finding 9 above, improvements to surrounding public infrastructure and roadways would be implemented as part of the Project. The portion of the water easement to be vacated is located on the central-eastern portion of the Project site, adjacent to Carmel Ridge Road, as shown on the Tentative Map exhibit. The easement was acquired by the City in 1991, and the water lines serving the site are constructed and operational. The portion of the water easement to be vacated does not contain any existing or proposed water facilities nor is it required or planned for any future public use.

The Project scope includes widening of the remaining 15-foot-wide water easement to 24 feet to accommodate the proposed development. Easements required to provide water service to the site are incorporated in the Project design.

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. 2366422 and the easement vacation, is approved, and hereby granted to NUWI CMR, LLC, a Delaware Limited Liability Company, Subdivider, subject to the attached conditions, which are made a part of this resolution by this reference, and

contingent upon final passage of Resolution No. R- 313706 approving amendments to
the General Plan and Carmel Mountain Ranch Community Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

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

LHS:nja
08/12/2021
Or. Dept: DSD
Doc. No.: 2735689

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL

CONDITIONS FOR VESTING TENTATIVE MAP NO. 2366422
TRAILS AT CARMEL MOUNTAIN RANCH – PROJECT NO. 652519

ADOPTED BY RESOLUTION NO. R-313708 ON SEP 14 2021

GENERAL

1. This Vesting Tentative Map No. 2366422 will expire September 14, 2024.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Vesting Tentative Map shall conform to the provisions of Site Development Permit No. 2366425 and Master Planned Development Permit No. 2366508.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

6. Prior to issuance of any construction permit for a building, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of SDMC 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 the SDMC. The Agreement will specify that in exchange for the City's approval of the Project, the

Owner/Permittee shall provide 15 percent of the total units built, with rents of no more than 30 percent of 60 percent of Area Median Income (AMI) for no fewer than 55 years.

ENGINEERING

7. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
8. The Subdivider shall install new streetlights per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18 throughout the project as shown on approved Exhibit "A".
9. 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.
10. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
11. 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.
12. 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.

MAPPING

13. Prior to the recordation of each 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.
14. Prior to the recordation of each 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.

15. Each 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 each Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

16. 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.

17. Each 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.

PUBLIC UTILITIES

18. Prior to the recordation of the Final Map, the Subdivider is required to develop and record all public water easements as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and City Engineer.
19. Prior to the recordation of the Final Map, the Subdivider is required to vacate all public water easements as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and City Engineer.

GEOLOGY

20. Prior to the issuance of each construction permit (either grading or building permit), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the issuance of any construction permit.

LANDSCAPE

21. Prior to recordation of the Final 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 Plan Sheet to identify the hatched areas: Indicates fire hazard zone(s) per Section 142.0412 of the City of San Diego Land Development Code.

PARKS AND RECREATION

22. The Parks and Recreation Department shall review all Final Maps associated with this project prior to recordation to ensure substantial conformance with the parks and trail facilities as shown on the approved Exhibit "A".
23. Prior to recordation of each Final Map for a Unit containing trails, the Subdivider shall submit for a Process One, Substantial Conformance Review of all trail plans with Recreation Easements for review and compliance with current California Building Code (CBC) accessibility standards to the satisfaction of the City Engineer.
24. Prior to recordation of the Final Maps for Unit 7, Unit 13 and unit 16, the Subdivider shall include an Irrevocable Offer of Dedication (IOD) over each Neighborhood Park site on Unit 7 Lot 1, Unit 13 Lot 1, or Unit 16 Lot 2 as shown on the approved Exhibit "A," to the satisfaction of the City Engineer.
25. Prior to recordation of a Final Map for which a trail segment is to be provided as shown on the approved Exhibit "A", the Subdivider shall provide a Recreation Easement over the approximately 5 miles of privately owned and privately maintained trails on Units 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17 as shown on the approved Exhibit "A" to the satisfaction of the City Engineer.
26. Prior to recordation of the Final Map, the Subdivider shall enter into a fully executed Park Development Agreement (PDA) and Park Maintenance Agreement with the City or comply with any Park Development Standard Terms and Conditions that may be adopted to the satisfaction of the Parks and Recreation Director for the design, construction and long-term maintenance of the Neighborhood Parks.

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).

Passed by the Council of The City of San Diego on SEP 14 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 type="checkbox"/>	<input checked="" 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 SEP 14 2021.

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

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313708