

RESOLUTION NUMBER R- 313738

DATE OF FINAL PASSAGE OCT. 05 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING TENTATIVE MAP NO. 2542691
TIJUANA CROSS BORDER AMENDMENT PROJECT NO
597523 [MMRP].

WHEREAS, OTAY-TIJUANA VENTURE, LLC, Subdivider, submitted an application to the City of San Diego for Tentative Map No. 2542691 for the Tijuana Cross Border Amendment Project, to vacate existing public streets Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and remove them from the Otay Mesa Community Plan Mobility Element, create a new lot for those streets as private drives with one-way circulation, and move allowable Retail Sales and Commercial Services uses from lots 1 and 2 to lots 17 and 18. The project site is located at 2745 Otay Pacific Drive, in the IBT-1-1 Zone within the Otay Mesa Community Plan. The project site is legally described as Lots 1 through 30 of Otay Business Park Map No. 15548; and

WHEREAS, the Map proposes the vacation of existing public streets Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and the creation of one (1) lot, Lot "A," to allow those streets to operate as private streets serving Lots 1 through 30 of Otay Business Park Map No. 15548; and

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

WHEREAS, on May 13, 2021, the Planning Commission of the City of San Diego considered Tentative Map No. 2542691, and pursuant to Resolution No. 5141-PC, the Planning Commission voted to recommend 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on October 5, 2021, the City Council of the City of San Diego considered Tentative Map No. 2542691 and pursuant to San Diego Municipal Code (SDMC) sections 125.0440, 125.0901 *et seq*, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2542691 and SDMC 125.0440 and 125.0901:

TENTATIVE MAP FINDINGS

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

The Tijuana Cross Border Amendment Project (Project) consists of minor modifications to the Otay-Tijuana Cross Border Facility project; Project No. 169652, previously approved by the City Council on January 10, 2012 to construct a U.S. Customs and Immigration Processing Facility ("cross border facility"), industrial office/warehouse uses, commercial uses, and hotel uses within the Otay Mesa Community Plan (Community Plan).

The approval allowed for the phased development of a 95,000 square-foot, two-level cross border facility, a 772,000 square-foot, four-level parking structure to provide approximately 2,239 parking spaces, and up to 402,000 square feet of industrial use, 34,000 square feet of specialty retail use, 340 hotel rooms, a 12-pump gas station with convenience market and car wash, and 6,000 square feet of restaurant use on the 63.8-acre project site.

The Project site has been previously graded in accordance with Project No. 169652 and is currently being developed with the Otay-Tijuana Cross Border Facility Development Project. The Cross-Border Xpress (CBX) Facility has been constructed in the southwest corner of the Project site on Lot 8 and has been operational since 2015. Surface parking to serve the CBX Facility has been constructed north and east of the Facility on Lots 1-7, Lot 9, and Lot 10. A permanent parking lot is constructed on Lot 9 (northeast of the terminal). East and west of the terminal, on Lot 8, is permanent parking. Lots 12-16 and 19-30 are also currently in use as temporary parking. Lots 11, 17, and 18 have been graded but are not yet developed. Public water mains, sewer mains, and storm drains occur along Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and currently serve the CBX Facility. The Community Plan designates the CBX property as "Institutional" which allows for the existing permitted development of a private airport terminal and supporting commercial uses.

The Project proposes a General Plan/Community Plan Amendment and subdivision to vacate existing public streets; Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and remove them from the Otay Mesa Community Plan Mobility Element; create a new lot for those vacated portions of streets as private drives with one-way circulation; and move allowable Retail Sales and Commercial Services uses from lots 1 and 2 to lots 17 and 18 at 2745 Otay Pacific Drive, in the IBT-1-1 Zone. The project will establish a public storm drain easement with recordation of the Project's Final Map.

The proposed subdivision with public right-of-way vacations includes a General Plan/Community Plan Amendment (CPA) to remove the three improved streets from the community plan's classified streets network:

- Otay Pacific Drive which is classified as a 4-lane major road;
- Otay Pacific Place which is classified as a 4-lane collector street; and
- Las Californias Drive which is classified as a 2-lane collector street.

The right-of-way vacations and removal of these three streets from the streets network does not adversely affect Community Plan goals and policies related to circulation, access, and public services for the Cross-Border Facility. Streets within the Community Plan's classified network are intended to provide connectivity throughout the community as well as maintain regional access. The specific street classifications are also intended to support traffic volumes for public streets at levels of service evaluated in the Environmental Impact Report for the Community Plan. These three streets do not provide through access to adjacent properties or connectivity to other areas of the community. The streets are located entirely within property owned by the applicant and provide internal circulation to the development from Siempre Viva Road. Vehicular, bicycle, and pedestrian access to the site will be maintained, and the private

drives will remain open to the public. Private facilities are not included within the Community Plan's classified roadway network.

Facilitating operation of the CBX Facility is supported by General Plan and OMCP policies related to economic prosperity, specifically international business and trade. The Community Plan specifically identifies the Cross-Border Facility to provide secure and convenient access to air travelers using Mexico's Rodriguez International Airport as an alternative to existing Ports of Entry. Land uses in this portion of the community are also intended to promote international business and trade. Facilitating operation of the CBX development supports international business and trade.

The Project also proposes to change two of the six development lots where Retail Sales and Commercial Services uses are permitted from Lots 1 and 2 to Lots 17 and 18. This proposed land use change is requested due to the proposed change to one-way circulation. The development also requires a deviation from the Land Development Code requirement for lots to have a minimum of frontage on a public street. This is required because internal circulation will now be private. Therefore, the Permit herein is conditioned to require a Reciprocal Access Agreement to be recorded on all of the lots to assure vehicular access to all lots with frontage on the three streets proposed for the vacation.

The Project does not change the mix of land uses within the previously approved project site, and it does not fundamentally alter the previously approved project. Based on the above, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The Project proposes a General Plan/Community Plan Amendment, Tentative Map with Public ROW Vacation, and an Amendment to Planned Development Permit No. 609801 to vacate existing public streets Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and remove them from the Otay Mesa Community Plan Mobility Element, create a new lot for those streets as private drives with one-way circulation, move allowable Retail Sales and Commercial Services uses from lots 1 and 2 to lots 17 and 18, and establish a public storm drain easement at 2745 Otay Pacific Drive, in the IBT-1-1 zone.

The Project complies with the regulations of the Land Development Code (LDC), as applicable, including the Planned Development Permit Regulations, the Tentative Map Regulations, and the Public Right of Way Vacation Regulations, as well as the development criteria specified in the original Planned Development Permit No. 609801 and Site Development Permit No. 896755, except as herein amended by this permit. Specifically, the Project addresses all applicable zoning regulations, except where deviations are allowed herein pursuant to SDMC Section 126.0602(b)(1).

One deviation is requested, which is to allow lots 2-17 and 20-29 to have no frontage on a public street, where at least 100 feet is required in the IBT-1-1 zone per SDMC 131.0631. The requested deviation is minor in scope, and is in support of privatizing internal circulation, which is appropriate for facilities of this type. The frontage deviation is supported because the Project is consistent with community plan policies, would facilitate the CBX Project's operational needs, and would not adversely impact the public's health and safety. The existing streets will remain roadways and be converted to a private lettered lot owned and maintained by CBX. A declaration of easement will allow for vehicular access to all existing private lots that will be losing their public street frontage. Easements for public utilities and access have been reserved on the CBX property. Further, there will be no decrease in access to public serving uses as public access easements will be recorded to ensure that every lot will retain public access.

As a private driveway, the use of roadway will be controlled by the Permittee, which is warranted for a facility of the development's type. The maintenance of the driveway and any liability arising from its operation are obligations of the Permittee. The project would benefit the community by removing streets from City legal and maintenance responsibilities, while still providing appropriate amenities, multimodal circulation, and access to the CBX facility, benefiting the Otay Mesa community and the San Diego region as a whole. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the Land Development Code and San Diego Municipal Code. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the LDC.

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

The project site has been previously graded in accordance with VTM No. 609579 and is currently being developed with the Otay-Tijuana Cross Border Facility Development Project. The Cross-Border Xpress (CBX) Facility has been constructed in the southwest corner of the project site on Lot 8 and has been operational since 2015. Surface parking to serve the CBX Facility has been constructed north and east of the Facility on Lots 1-7, Lot 9, and Lot 10. A permanent parking lot is constructed on Lot 9 (northeast of the terminal). East and west of the terminal, on Lot 8, is permanent parking. Lots 12-16 and 19-30 are also currently in use as temporary parking. Lots 11, 17, and 18 have been graded but are not yet developed. Public water mains, sewer mains, and storm drains occur along Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and currently serve the CBX Facility.

There will be no material changes to the previously approved VTM No. 609579 other than the restriping of Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive for one-way circulation. This change was evaluated by City Staff and determined to be safe provided that the conditions herein and in Planned Development Permit 2324693 are implemented. 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 proposes a Public ROW vacation of three streets, Otay Pacific Drive, Otay Pacific Place, and Las Californias Road, without any proposed construction. As a result of the Public ROW vacation, a new lot is being created; therefore, a Tentative Map is required to be processed. The physical development of the project site was addressed as a part of the previously approved project per Environmental Impact Report No. 169653 (SCH No. 2010121014). The site has already been mass graded, and all projects roadways paved and currently in use.

Addendum No. 597523 to Environmental Impact Report No. 169653 (SCH No. 2010121014) has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. This Addendum supplements information provided in the Otay-Tijuana Cross Border Facility Development Project EIR (Project No. 169653 / SCH No. 2010121014) and includes subsequent analysis to demonstrate that any potential environmental impacts associated with the proposed Tijuana Cross Border Amendment project are consistent with or less than the impacts disclosed in the previously certified Otay-Tijuana Cross Border Facility Development Project EIR. The analysis includes the environmental issues analyzed in detail in the Otay-Tijuana Cross Border Facility Development Project EIR, as well as project-specific analysis pursuant to CEQA. The analysis in this document evaluates the adequacy of the Otay-Tijuana Cross Border Facility Development Project EIR relative to the project, documents that the proposed Tijuana Cross Border Amendment project would not cause new or more severe significant impacts than those identified in the 2012 Otay-Tijuana Cross Border Facility Development Project EIR. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

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

The physical development of the project site was addressed as a part of the previously approved project per Environmental Impact Report No. 169653 (SCH No. 2010121014) and is consistent with the relevant City of San Diego codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The site has already been mass graded, and all projects roadways paved and currently in use. The proposed vacation of internal public roadways and their operation as private, one-way streets was also evaluated by City Staff according to accepted engineering practices and determined to be safe provided that the conditions herein and in Planned Development Permit 2324693 are implemented.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Additionally, as demonstrated by the Transportation Impact Analysis prepared with the proposed project, converting the three streets to one-way traffic is expected to result in improved Levels of Service (LOS) at the intersections of Siempre Viva Rd. & Otay Pacific Drive and Siempre Viva Rd. & Las Californias Drive. Therefore, all of the lots currently served by the three streets proposed for vacation not be detrimentally affected by the vacation. The right-of-way vacation has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development and continued use of the development proposed for this site contain conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Therefore, the design of the subdivision or the type of improvement will 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 vacation of public streets Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive and their restriping for one-way circulation does not conflict with any such easement. The vacated streets serve property that is currently under one unified ownership, and the granting of private access easements and general utility and access easements will provide the necessary alternative access over lots within this subdivision. Public access to all internal lots, including the Cross-Border Terminal facility, will be maintained via internal, private roadways. As a private development, the use of roadway will be controlled by the Permittee, which is warranted for a facility of the development's type. The maintenance of internal roadways and any liability arising from their operation are obligations of the Permittee. Easements granted are substantially equivalent to the ones previously acquired by the public.

The three streets proposed for vacation, Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive, were originally dedicated via the final subdivision map for circulation, access and public services for multiple industrial properties prior to the development of the CBX facility, a privately funded and operated facility. Easements for public utilities and access have been reserved on the CBX property and a declaration of easement is being made which allows for vehicular access to all existing private lots that will be losing their public street frontage. Additionally, as demonstrated by the Transportation Impact Analysis prepared with the proposed project, converting the three streets to one-way traffic is expected to result in improved Levels of Service (LOS) at the intersections of Siempre Viva Rd. & Otay Pacific Drive and Siempre Viva Rd. & Las Californias Drive. 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 design of the proposed subdivision provides each future commercial or industrial development therein with the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent

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

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

With the approval of the project's General Plan/Community Plan Amendment, the project would be consistent with the policies and goals of the Otay Mesa Community Plan. The Community Plan identifies land uses and intensities which will be supportive of each other and result in the buildout of a harmonious community. In addition, the environmental analysis completed for the project did not identify any significant environmental impacts on public services and the available fiscal and environmental resources which could not be mitigated to a level of less than significant.

The project proposes a Public ROW vacation of three streets, Otay Pacific Drive, Otay Pacific Place, and Las Californias Road, without any proposed development or housing. As a result of the right of way vacation, a new lot is being created therefore a Tentative Map is required to be processed. 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.

PUBLIC RIGHT OF WAY VACATION FINDINGS

(a) There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

The three streets proposed for vacation, Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive, provide access to the Cross Border facility and are located entirely within property owned by the facility (i.e., no other property owners front these three streets and no other properties depend on these streets for access). When the property was originally subdivided, the planned land use and zoning was for "Industrial" development. When the three streets were dedicated via the final subdivision map, the property was undeveloped, and the rights-of-way were intended to serve multiple industrial properties.

CBX acquired the subdivided property and subsequently obtained City Council approval for a Community Plan Amendment that allows the property to be used for a privately funded airport terminal along with ancillary uses, including a hotel, gas station, restaurant and car rentals. Being solely contained within property owned by CBX, these three streets are no longer needed as public streets as was intended when the project was originally configured. Instead, these streets serve as private driveways for the current development. Therefore, there is no present or prospective use of the existing public rights-of way, either for the facilities which for which it was originally acquired or for any other public use.

(b) The public will benefit from the action through improved use of the land made available by the vacation.

The streets proposed for vacation, Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive, are contained within a private development. The CBX development will ensure all necessary utility and public access rights are preserved despite the vacation. The vacation will cause approximately 5.2 acres of land to revert to private ownership and, thereby, become private property subject to property taxes. Additionally, this reversion will reduce City liability and maintenance responsibilities related to approximately 1,400 lineal feet of public street. The public will benefit through increased revenue to the City through property taxes paid on improvements. The public will also benefit from the action through improved utilization of the CBX development as the owners of the property retain the ability develop in response to market demands. Therefore, the public will benefit from the action through the improved use of the land made available by the vacation.

(c) The vacation does not adversely affect any applicable land use plan.

The Otay Mesa Community Plan, as amended, designates the CBX property, including the public right-of-way, as Institutional to allow the private airport terminal with supportive commercial uses. The vacation of the public rights-of-way will facilitate the fullest and highest use of the property as designated by the Otay Mesa Community Plan. The proposed vacation affects three streets within the CBX property that do not provide access to any adjacent properties. Therefore, the proposed vacation of the three streets is consistent with the policies and goals of the adopted Otay Mesa Community Plan and will not adversely affect the applicable land use plan.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The three streets proposed to be vacated, Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive, were originally dedicated via the final subdivision map for circulation, access and public services for multiple industrial properties prior to the development of the CBX facility, a privately funded and operated facility. An easement(s) for public utilities and access have been reserved on the CBX property and will not be impacted by the vacation of the three streets. CBX is the only existing use served by these streets, and there is no other use of a like nature for these specific rights-of-way which can be reasonably anticipated. The purpose for which the rights-of-way were originally acquired no longer exists. Therefore, the public facility for which the public rights-of-way were originally acquired will not be detrimentally affected by the vacation.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 2542691 is hereby granted to OTAY-TIJUANA VENTURE, LLC, subject to the attached conditions which are made a part of this resolution by this reference and contingent upon final passage of R-2022-87 approving amendments to the General Plan/Otay Mesa Community Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

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

SCE:sc
09/16/2021
Or.Dept:DSD
Doc. No.: 2761707

ATTACHMENT: Tentative Map Conditions
Internal Order No. 24008268

CITY COUNCIL
CONDITIONS FOR TENTATIVE MAP NO. 2542691
TIJUANA CROSS BORDER AMENDMENT PROJECT NO 597523 [MMRP]
ADOPTED BY RESOLUTION NO. R313738 ON OCT. 05 2021

GENERAL

1. This Tentative Map will expire October 5, 2024.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the expiration of the Tentative Map, a Final Map to consolidate and subdivide the lots within the Tentative Map boundary into 31 (thirty-one) lots shall be recorded with the County Recorder's office.
4. 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. Prior to recordation of the Final Map, a certified copy of the approved City Council resolution to vacate a portion of Broadway shall be recorded at the San Diego County Recorder's Office.
5. The Tentative Map shall conform to the provisions of Planned Development Permit No. 2324693.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

TRANSPORTATION

7. Prior to recordation of any Final Map, Owner/Permittee shall provide 12 foot-wide Irrevocable of Dedication (IOD) along the project frontage on Siempre Viva Road, satisfactory to the City Engineer.

ENGINEERING

8. The Subdivider shall provide drainage easements as shown in Exhibit "A", adjacent to the site on Otay Pacific Drive and Las Californias Drive, satisfactory to the City Engineer.
9. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for all private storm drain lines connecting to the public storm drain systems, satisfactory to the City Engineer.
10. The Subdivider shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of drainage entering into the property from the Right-of-Way, satisfactory to the City Engineer.
11. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

12. The proposed public right of way and Irrevocable Offer of Dedication vacations shown on the Tentative Map exhibit will be vacated pursuant to section 66434(g) of the Subdivision Map Act. The vacation of Las Californias Drive, Otay Pacific Drive, Otay Pacific Place and the IODs will be vacated upon recordation of the Final Map.
13. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

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

14. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.

15. The Final Map shall:
- a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.
16. "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].
17. "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."

PUBLIC UTILITIES

18. Prior to recording the Final Map, the Subdivider shall record an easement for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, place, operate, inspect, maintain, repair, replace and remove such underground communication facilities (including ingress thereto and egress therefrom) consisting of wires, cables, conduits, pipes, manholes, handholes, service boxes, aboveground markers, risers, service pedestals, underground and aboveground switches, fuses, terminals, terminal equipment cabinets, transformers with associated concrete pads, associated electrical conductors, necessary fixtures and appurtenances.
19. Prior to recording the Final Map, the Subdivider shall record an easement for San Diego Gas and Electric (SDG&E) as it may from time to time require to construct, place, operate, inspect, maintain, repair, replace and remove electrical or natural gas transmission facilities (including ingress thereto and egress therefrom) consisting of wires, cables, conduits, pipes, manholes, handholes, service boxes, aboveground markers, risers, service pedestals, underground and aboveground switches, fuses, terminals, terminal equipment cabinets, transformers with associated concrete pads, associated electrical conductors, necessary fixtures and appurtenances.
20. Improvement Plans shall show and call out all water and sewer utilities to be privatized along Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive. Also, there shall be no abandonment of water and sewer utilities along the proposed privatized streets.

21. A reciprocal access easement agreement across Lot "A" in favor of the property owners to assure vehicular access for Lots 1-30 shall be granted per recordation of the Final Map

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Passed by the Council of The City of San Diego on OCT 05 2021, by the following vote:

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

Date of final passage OCT 05 2021.

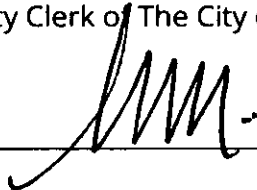
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 313738