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Eye all 44

25 ft  
 Pointer: 32°48'35.34" N 117°08'38.37" W elev. 404 ft



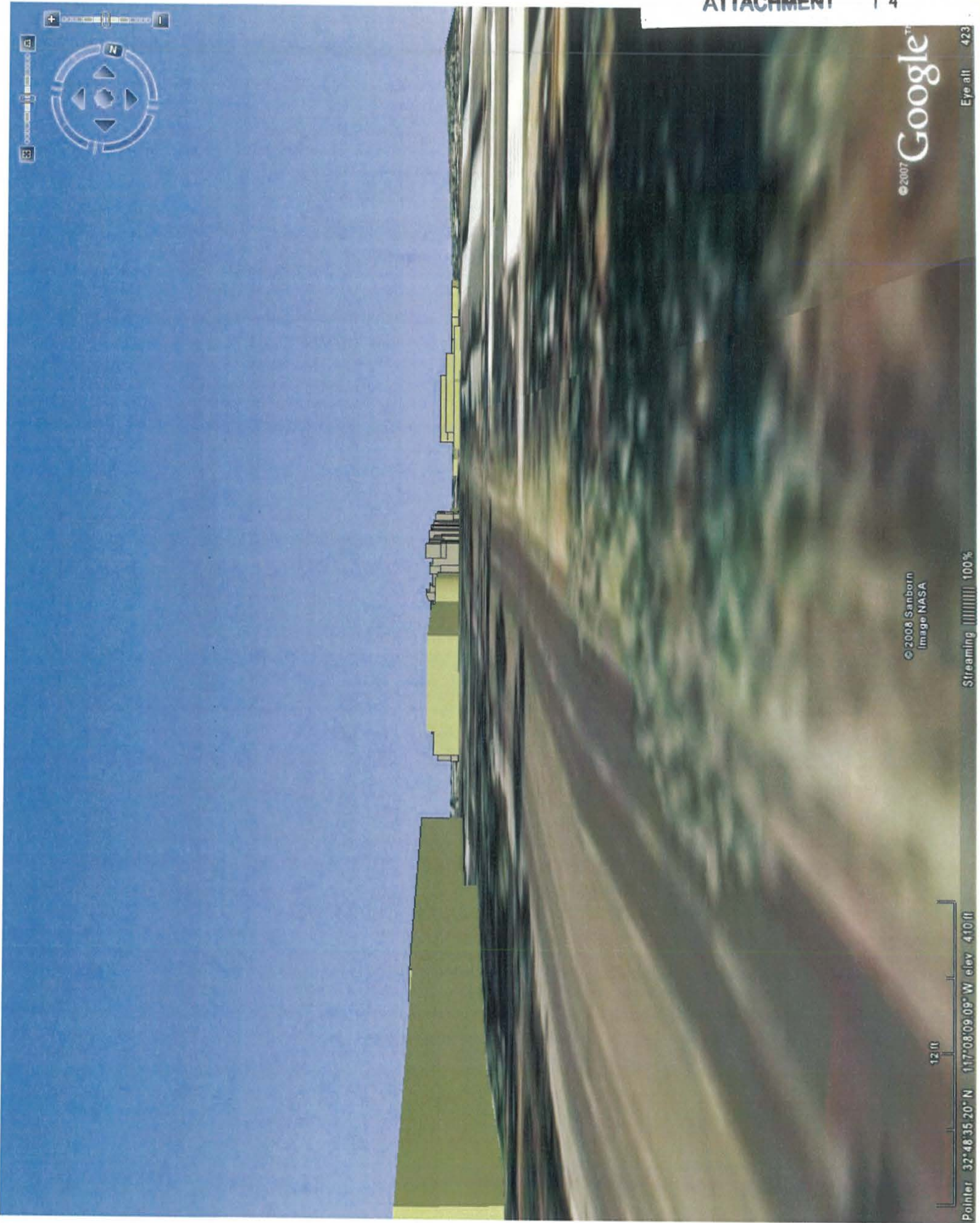
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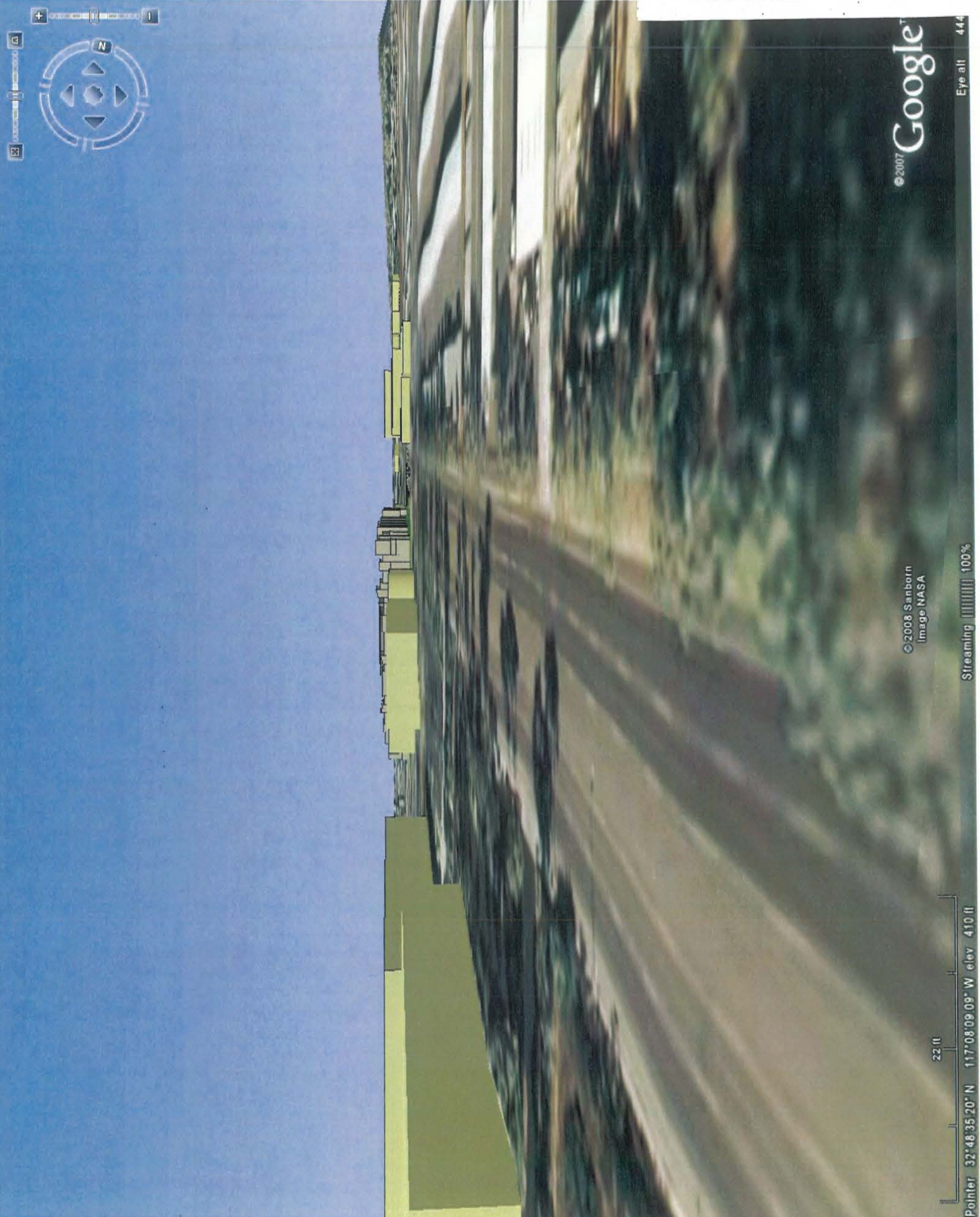
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12 ft  
 Pointer 32°48'35.20" N 117°08'09.09" W elev 410 ft





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### Planning Commission Initiation Issues

The General/Community Plan Amendment was initiated by the Planning Commission on April 20, 2006. At the meeting, several issues were identified for future analysis. Planning Commission issues and staff responses are outlined below.

*1. Issue: The impact of the proposed changes to Montgomery Field Airport Land Use Compatibility Plan on a land use change for the site.*

The project site is located outside of the adopted Airport Influence Area (AIA) of Montgomery Field. Therefore, Airport Land Use Commission (ALUC) has confirmed that a consistency determination with the ALUCP is not required. A new ALUCP for Montgomery Field is in process and could be adopted by the ALUC at the end of this year or early next year. Since the permit application for the proposed project was deemed complete by the City prior to adoption of the new ALUCP, the project would not be subject to the new plan. However, based on the current draft ALUCP maps and compatibility criteria, the project would be considered compatible for aircraft noise and safety. The project was also submitted to the Federal Aviation Administration (FAA) for their review. The FAA concluded the proposed structure would not exceed obstruction standards and would not be a hazard to air navigation. A No Hazard to Air Navigation Determination was issued by the FAA on November 15, 2007.

*2. Issue: The impact of the proposed development on surrounding industrial users.*

According to the City of San Diego General Plan, Economic Prosperity Element, Figure EP-1: Kearny Mesa, the subject property is designated as "Other Industrial Land," not Prime Industrial Land. Since the proposed project is not in close proximity to Prime Industrial lands, there should be no impact to the most significant industrial users in the area. The majority of land uses along Aero Drive are non-industrial, commercial, retail establishments, or institutional facilities. The site and the properties abutting Aero Drive between Kearny Villa and Ruffin Road, except the library site, are designated for industrial/warehouse/office land uses; however, the site abuts residential along the southern boundary of the property. As identified in the West Aero Drive Land Use Study, the majority of the businesses are not traditional industrial uses and some existing industrial buildings have converted to other uses. This issue is fully analyzed in the Collocation/Conversion Suitability Factors provided in Attachment ?.

*3. Issue: The potential for including other properties with the West Aero Drive Study area for redesignation without adding an unnecessary burden to the applicant.*

The applicant agreed to update the West Aero Drive Land Use Study (Attachment ?) as part of their project processing. The Study provides a thorough analysis of area conditions and trends which can be utilized as a basis for future community plan amendments and discretionary projects in the area. The study concludes that many properties will redevelop in the short term due to existing conjoined ownership patterns, parcel patterns, and obsolete buildings being utilized for other than their intended purpose. The vision section of the study recommends potential future land uses and concludes that institutional uses are most likely to locate in the western area and additional multifamily uses may locate to the eastern portion of Aero Drive west of the

library. In the center of the study area, a transition area of mixed uses consisting of multi-family residential, office, and some retail is recommended. Actual redesignations of land uses could occur incrementally as these properties redevelop.

*4. Issue: An analysis of the appropriate residential density and land use designation for the subject property:*

See response to #5.

*5. Issue: Staff should further define what type of mixed uses will be proposed for the site as well as for the overall area.*

The project proposes a primarily residential development with 412 dwelling units. In addition, 5,190 square-feet of ancillary retail space would be incorporated into the project. The retail space could accommodate small retail establishments such as a coffee shop with outside seating, sundry store, restaurant, or community service providers. Small commercial retail uses not currently permitted by the RM-3-9 zone would be permitted as part of the approved plans. The commercial space would primarily serve the residents within the proposed project, but could also serve office tenants in the immediate area.

Because the original plan amendment initiation request was for a mixed-use project and the current proposal represents a residential project (with ancillary commercial uses), city staff requested that the applicant provide a market analysis for various mixed-use, commercial/office, and residential development scenarios (See Attachment ?). The overall conclusions of the *Palladium Project Market Feasibility Study* (Attachment ?) state that the site is not suitable for retail commercial development due to lack of access to the site, weak economic and demographic conditions, poor regional access, and that the development of office or retail yields land values that are not financially feasible for the site due to expected market rents. The study further concluded that the applicant's proposal is the only feasible redevelopment scenario for the site because scenarios with greater retail will require a retail anchor thereby reducing the amount of residential development for the site.

Economic Development staff provided comments on the study (Attachment ?) stating that weak economic conditions and the existence of a truncated market area could impede the development of a grocery-anchored retail project. However, there is market support for some mix of retail establishments in addition to the residential units which could include convenience retailers, fast food, other restaurants, and service sector establishments. The mix of retail uses could capture the existing sales leakage in the area.

As a residential proposal, the project maximizes unit yield via the request for a high-density residential designation (45-74 du/ac). Because there are single-family residential uses adjacent to the site, a medium density (30-44 du/ac) would have posed fewer compatibility issues than the current request. As previously stated, these issues were addressed through a variety of design solutions. However, the applicant states that a lower density project is not financially feasible and although the financial feasibility of various development scenarios is addressed in the study, the feasibility of any specific

project at any given time is subject to a myriad of factors including project phasing and changing market conditions.

Potential development scenarios for the entire area are provided in the West Aero Drive Land Uses Study as stated in issue #3 above.

*6. Issue: Incorporation of an affordable housing component one-site, in order to satisfy the City's Inclusionary Housing Ordinance.*

The project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27 criteria for the Affordable/In-Fill Housing Expedite Program by providing 10% or 42 units of affordable housing on-site. The proposed rental units would be restricted through an agreement with the Housing Commission. The remaining 370 market rate units as well as the 42 restricted units would be providing much needed work force housing in the Kearny Mesa area.

*7. Issue: Incorporation of a variety of residential unit types within the project.*

The project proposes 412 stacked-flat distributed between several unit types. The unit types range in size from 670 to 1,350 square feet. There would be 211 one bedroom units (5 types) 189 two bedroom units (six types) and 12 loft units (4 types). Many units would have balconies and those on the ground floor of the south side would have patios that open to courtyards.

*8. Issue: Creation of a new neighborhood to ensure integrated site design, building orientation and architecture which will be compatible with surrounding development and will encourage pedestrian activity and transit usage:*

The area surrounding the project site includes a variety of land uses and architectural types. The project design includes three architectural types which are intended to integrate with the surrounding community and add interest and diversity to the site. The project's building placement along Aero Drive is consistent with other buildings along Aero Drive. With single-family homes adjacent to the southern boundary of the project site, an additional setback would be provided along that boundary. In addition, the architecture adjacent to the southern property line would include 2, 3 and 4 story elements to reduce the scale of the building. The 2 and 3 story elements of the building would observe a minimum fifty-foot setback, and the units would be oriented east-west to strengthen the privacy of the neighbors. The 4 story element of the building would vary from a minimum setback of seventy-five feet and would orient east-west. Building facades have been designed to provide vertical and horizontal relief using color, materials and architectural styles in order to reduce the apparent scale of the building.

The Urban Design, Streetscape and Streetyard Guidelines for Aero Drive proposed as part of the Community Plan Amendment (Attachment ?) provide for more pedestrian-scale design and amenities along the six-lane major roadway. The enhancement of the corridor includes facilities and amenities in the public right-of-way which include canopy and accent street trees, pedestrian-scaled lighting and additional pedestrian-scaled landscaping both within the public right-of-way and transitioning to project streetyard and entries. A gateway pedestrian plaza is recommended on the corner of Aero Drive and

Kearny Villa Road. Finally, minimum ten-foot-wide sidewalks are recommended along Aero Drive to accentuate the pedestrian connections between the properties. Two rows of street trees, one row in tree grates partially extended into the sidewalk, would enhance the pedestrian experience.

The project itself, as currently designed, only provides pedestrian connections through the site for the project residents due to security issues. The project includes ten-foot wide non-contiguous sidewalks with a five-foot landscaped parkway with landscaping along Sandrock Road and Aero Drive to promote pedestrian activity. The project also includes several connections from the building to the street as well as dwelling units facing the street. On the southern side of the property, neighbors to the south have indicated a desire to limit activity to protect their privacy. Therefore, pedestrian access would be limited to residents and focused on passive courtyards. The site is in close proximity to two bus stops and Aero Drive is designated as a Class 2 Bikeway and as such, a five-foot-wide bike path is provided on Aero Drive.

*9. Issue: Vehicular, pedestrian and bicycle access into and within the subject property, in particular, maximizing walkability and establishing pedestrian linkages to and from the site to surrounding development:*

See response to #8.

*10. Issue: Pedestrian connections on-site and within the community to reduce the overall need for auto dependence:*

See response to #8.

*11. Issue: Analyze the potential for improved pedestrian connections on the site as well as through the West Aero Drive Study area.*

See response to #8.

*12. Issue: Traffic impacts resulting from the proposed development along with any associated improvements.*

A "Traffic Impact Analysis for The Palladium at Aero" (July 9, 2008) was prepared for the project by Urban Systems Associates, Inc. The report indicated that the street segments and intersections within the project study area with and without the project, including segments of Aero Drive and Sandrock Road, currently and in the near term (2030) will operate at acceptable levels of service. As part of the project, a signalized main driveway approximately 600 feet west of Sandrock Road would be constructed, the eastbound left turn lane on Aero Drive at the Sandrock Road intersection would be lengthened, the Aero Drive/Sandrock Road intersection would be modified to remove the eastbound free right turn island and provide a separate right turn only lane of approximately 550 feet in length, and a street reservation or right of way dedication would be provided to accommodate a third eastbound lane along the Aero Drive project frontage.

*13. Issue: Availability of public services and facilities to support increases in residential intensity. This would include an analysis of adequate school, park, and library facilities, as well as fire and police services to serve the proposed land use changes.*

Public facilities and services are available to serve the project. A full discussion regarding the availability of public services and facilities is provided in the West Aero Drive Land Use Study pages 2 through 6 (Attachment X). As of April 29, 2008 the potential student generation from the project is expected to be between 19 and 35 (K-12) students. Project students would attend Angier and Wegeforth Elementary Schools located ½ mile from the project site, William Taft Middle School one mile from the site and Kearny High School 1.5 miles from the project site. The San Diego Unified School District has indicated that payment of school fees pursuant to SB 50 will be required and adequate school facilities will be available to serve the students generated by this project.

The project site is located in close proximity to existing neighborhood parks in the Serra Mesa Community. Prior to issuance of any building permits, the applicant would make a contribution of \$4,503,050 in lieu of the park portion of the Kearny Mesa Development Impact Fee to satisfy the project's 2.03 acre population-based park requirement.

The Serra Mesa-Kearny Mesa Branch Library is located just east of the project site at 9005 Aero Drive. It has served residents from both communities since it opened in December 2006. In addition, the applicant will be required to contribute \$137 per dwelling unit and \$137 per every 1,000 square feet of non-residential development as their fair share contribution toward Fire services in the Kearny Mesa community. The nearest police station is just east of the project site at 9225 Aero Drive. Response times are indicated in the environmental document and the project would be adequately served by public services and facilities.

*14. Issue: Evaluation of site constraints related to hazardous materials.*

There are no site constraints related to hazardous materials. The Mitigated Negative Declaration provides detailed information regarding the clean-up of potential hazardous materials adjacent to this site. In addition, an adequate distance separation of 1,000 feet is provided between the presence of an aviation gasoline dispensing facility on Montgomery Field and future residents of the project. Please refer to the West Aero Drive Land Use Study (Attachment 9), and the Collocation/Conversion Suitability Factors, Separation of Uses (Attachment 11) for further information.



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**From:** Buzz Gibbs [mailto:kearnymesaplanninggroup@yahoo.com]  
**Sent:** Friday, September 19, 2008 2:51 PM  
**To:** Fisher, John  
**Subject:** RE: Palladium at Aero, PTS#148904

The vote was 7-1-1 in favor of the project. I will send you a letter with comments in a few days. Buzz

--- On **Fri, 9/19/08, Fisher, John** <[JSFisher@san Diego.gov](mailto:JSFisher@san Diego.gov)> wrote:

From: Fisher, John <[JSFisher@san Diego.gov](mailto:JSFisher@san Diego.gov)>  
Subject: RE: Palladium at Aero, PTS#148904  
To: "Buzz Gibbs" <[kearnymesaplanninggroup@yahoo.com](mailto:kearnymesaplanninggroup@yahoo.com)>  
Date: Friday, September 19, 2008, 1:24 PM

Buzz,

I was informed the Kearny Mesa Planning Group voted on the project at your recent meeting on Wednesday Sept. 17<sup>th</sup>. Did the group in fact take action to take a vote? If so, what was the vote? Was it to recommend approval or denial?

When might I be able to get the minutes for the meeting?

Thank you,

jF

John S. Fisher, RLA

Development Project Manager

Development Services Department

City of San Diego

(619) 446-5231

[jsfisher@san Diego.gov](mailto:jsfisher@san Diego.gov)

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

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## Serra Mesa Planning Group

A Recognized San Diego City Planning Group - Serving the Citizens of Serra Mesa

Post Office Box 23315 San Diego, CA 92123

September 29, 2008

Mr. John Fisher  
Project Management Division  
City of San Diego  
Development Services Department  
1222 First Ave, MS 302  
San Diego, CA 92101

RE: Project No 148904, Palladium At Aero

Dear Mr. Fisher:

On September 18, 2008, the Serra Mesa Planning Group vote 10-1-0 against the project noted above as presently proposed. The reasons for this are:

1. Bulk and scale out of proportion to surrounding residential area. It's simply too big, the corner most visible from the major intersection of Sandrock and Aero requiring an exception to the already lofty height limit of 60 feet.
2. Grossly inadequate parking provided. Despite exceeding City requirements by a small amount, and considering the mix of one and two-bedroom units at 50-50, it's felt through experience 725 spaces for the 412 units is not nearly enough, and will cause tenants to park on city streets.
3. The project setback from Aero Drive is just 30 feet, 35% less than what the code calls for, 46.5 feet.

Should you have any questions, please call me at (858) 361-8462.

Thank you for your consideration.

Sincerely,



Doug Wescott  
Chair

cc: Kristen Byrne, Vice President, MNA Consulting



San Diego, CA 92101  
(619) 446-5210

## Committee Distribution Form Part 2

Project Name : <b>PALLADIUM AT AERO</b>		Project Number 148904	Distribution Date 7/10/08
Project Scope : Kearny Mesa JO#43-0248. ** AFFORDABLE HOUSING EXPEDITE ** (PROCESS 5) Community Plan Amendment, Site Development Permit, Vesting Tentative Map, Rezone from IP-2-1 to RM-4-10 & Public Right of Way Vacation to vacate a portion of the s/w corner of Aero/Sandrock to construct 420 residential units and 5,100 sq ft commercial space on a 7.69 acre site at 8655 Aero Drive within the Kearny Mesa Community Plan. FAA Part 77. Council District 6. Notice Cards=3.			
Project Location 8655 Aero Drive			
Applicant Name: Brian Hanson		Applicant Phone No. (858) 751-0633	
Related Projects			
Project Manager John Fisher	Phone Number (619) 446-5231	Fax Number (619) 446-5245	E-mail Address JSFisher@sandiego.gov
Community Plan SERRA MESA	Council District		
Existing Zone	Proposed Zone	Building Height <i>63'</i>	Number of Stories <i>6</i> FAR
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes <i>10</i>	Members No <i>1</i>	Members Abstain <i>0</i>
Agenda Date: <i>September 18, 2008</i>	<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued
CONDITIONS: <i>see attached page</i>			
NAME <i>Doug Westcott</i>	TITLE <i>Chair, Serra Mesa Planning Group</i>		
SIGNATURE <i>Doug Westcott</i>	DATE <i>Sept. 29, 2008</i>		
<p><i>Attach Additional Pages If Necessary.</i> Please Return Within 30 Days of Distribution of Project Plans To:</p> <p style="text-align: center;">Project Management Division City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101</p>			

Printed on recycled paper. This information is available in alternative formats for persons with disabilities.  
To request this document in alternative format, call (619) 446-5446 or (800) 735-2929 (TT).  
Be sure to see us on the WorldWide Web at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services)

CITY COUNCIL RESOLUTION NO. – RESO NO.  
VESTING TENTATIVE MAP NO. 524641 and PUBLIC RIGHT-OF-WAY  
VACATION NO. 524640  
**PALADIUM AT AERO - PROJECT NO. 148904**  
**DRAFT**

WHEREAS, WESTCORE SANDROCK, LLC, Subdivider/Subdivider, and C. John Eardensohn, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 524641, including the waiver of the requirement to underground existing overhead utilities and Public Right-of-way Vacation No. 524640, for a subdivision to create one lot for the development and construction 412 residential dwelling units and approximately 5,190 square feet of retail commercial space. The project site is located at 8655 Aero Drive legally described as Lots 3, 4 and 5 of Research Park Subdivision Addition, according to Map thereof No. 6386, filed June 12, 1969 within the in the RM-3-9 Zone (formerly IP-2-1 Zone) of the Kearny Mesa Community Plan; and

WHEREAS, This subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act. Lot 1 has 412 residential units and 4 commercial units; and

WHEREAS, A Mitigated Negative Declaration, LDR No. 148904, has been prepared for the project in accordance with State of California Environmental Quality Act Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce to a level of insignificance, any potential impacts identified by the environmental review process; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 412; and

WHEREAS, on DATE, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 524641, including the waiver of the requirement to underground existing overhead utilities and Public Right-of-Way Vacation No 524640, and pursuant to Resolution No. PLANNING COMM. RESOLUTION NUMBER-PC voted to INSERT EITHER "recommend City Council approval of the map" OR "approved/denied the map"; and

WHEREAS, on HEARING DATE, the Council of the City of San Diego considered Vesting Tentative Map, No. 524641, including the waiver of the requirement to underground existing overhead utilities and Public Right-of-way Vacation No. 524640 and pursuant to 125.0440 and 125.0430 of the Municipal Code of the City of San Diego

and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Council of the City of San Diego having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map, No. 524641, including the waiver of the requirement to underground existing overhead utilities and Public Right-of-way Vacation No. 524640:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
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 (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

9. The property contains a right-of-way which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.
10. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion to underground would involve either a substantial investment in temporary facilities: cable; poles; temporary re-circuiting; et cetera, or a significant amount of work considered off-site to the development which is financing the conversion.
11. That said 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 Council of the City of San Diego, Vesting Tentative Map, No. 524641 and Public Right-of-way Vacation No. 524640, is hereby granted to WESTCORE SANDROCK, LLC, Subdivider.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Aero Drive and Sandrock Road, located within the project boundaries as shown in Vesting Tentative Map No. 524641, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained/overruled, and Vesting Tentative Map No. 524641 and Public Right-of-way Vacation No. 524640 is granted to WESTCORE SANDROCK, LLC, subject to the conditions attached hereto and made a part hereof.

#### **GENERAL**

1. This Tentative Map will expire [INSERT DATE - 3 YEARS FROM DECISION DATE].
2. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition

4. The Final Map shall conform to the provisions of Site Development Permit No. 524637.
5. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Subdivider of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Subdivider shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Subdivider shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Subdivider regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by Subdivider.

#### **AFFORDABLE HOUSING**

6. Prior to recording a Final Map, the Subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

#### **ENGINEERING**

7. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to recording the Final Map.
8. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The Final Map shall comply with the provisions of Site Development Permit No. 524637.

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 the 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. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
13. "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."
14. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. 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.

## **SEWER**

15. The Subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes is 20 feet. The easements shall be located within single lots.



16. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
17. The Subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re- designed.
18. Sewer lateral connections shall be made in accordance with Table 2-6 Of the City of San Diego sewer design guide.
19. The Subdivider shall comply with all the comments required by the accepted sewer study.

#### **WATER**

20. The Subdivider shall install fire hydrants, if required, at locations satisfactory to the Fire/Rescue Department, the Director of Public Utilities and the City Engineer.
21. If the Subdivider makes any request for new water facilities (including services or fire hydrants), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
22. The Subdivider shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.
23. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map may require modification to comply with standards.
24. It is the sole responsibility of the Subdivider for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Subdivider shall reconstruct any damaged public water facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

### **PARK AND RECREATION**

25. Prior to recording a final map, based upon a build-out of 412 units, the Subdivider shall provide the equivalent of 2.03 acres of population-based park for Palladium at Aero.
26. Prior to recording a final map, the Subdivider shall enter into a Park Development Agreement for the design, construction, and reimbursement for the population-based park requirements of the project.

### **GEOLOGY**

27. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

### **PLANNING**

28. Prior to recording a Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

### **TRANSPORTATION**

29. Prior to recording of the final map, the Subdivider shall dedicate 14 feet of project frontage along Aero Drive, satisfactory to the City Engineer.
30. Prior to recording of the final map, the Subdivider shall dedicate 0-5 feet of project frontage along Sandrock Road, satisfactory to the City Engineer.
31. Prior to recording of the final map, the Subdivider shall assure, by permit and bond, the construction of a signalized intersection on Aero Drive at the project driveway, with a 160 foot westbound left turn lane, two through westbound lanes, a left turn eastbound lane, two through and one through/right turn eastbound lanes, with one inbound and two outbound lanes for the south leg, a 4 foot raised median and appropriate pedestrian ramps at all four corners of the intersection, satisfactory to the City Engineer.
32. Prior to recording of the final map, the Subdivider shall assure, by permit and bond, the construction of an additional eastbound travel lane along the project frontage along Aero Drive, including curbs, gutter and non-contiguous sidewalks, closing all unused driveways, installing a R3-7 (Right Lane Must Turn Right) east of the 12 foot driveway and installing driveways consistent with Regional Standards drawing SDG-114 with bollards at the fire lane adjacent to the west property line of the project and a 12 foot wide driveway at the exit only lane with

a R3-1 sign facing towards the eastbound traffic and two R5-1 signs facing towards any southbound traffic satisfactory to the City Engineer.

33. Prior to recording of the final map, the Subdivider shall assure, by permit and bond, the removal of the existing eastbound free right turn lane and construction of an additional standard eastbound right turn lane at the Aero Drive/Sandrock Road intersection, including curbs, gutters, sidewalks, signal modifications and appropriate pedestrian ramps at all four corners of the intersection, satisfactory to the City Engineer.
34. Prior to recording of the final map, the Subdivider shall assure, by permit and bond, the improvement of the project frontage along Sandrock Road, with curb, gutter and sidewalks, install one driveway consistent with Regional Standards drawing SDG-114 serving the fire lane and close all unused driveways satisfactory to the City Engineer.

**INFORMATION:**

- The approval of this Vesting Tentative Map by the 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 Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then 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 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the

Project No. 148904  
TM No. 524641  
INSERT APPROVAL DATE

Attachment 18

required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON HEARING DATE [IN CAPS].

APPROVED: NAME, City Attorney

By \_\_\_\_\_  
NAME  
Deputy City Attorney

ATTY/SEC. INITIALS  
DATE  
R- INSERT  
Reviewed by John S. Fisher

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, Westcore Sandrock, LLC, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit [SDP] No. 524637 to subdivide and develop 412 apartment units and approximately 5,190 square feet of retail development known as the Palladium at Aero project, located at 8655 Aero Drive. The project site is legally described as Lots 3, 4 and 5 of Research Park Subdivision Addition, according to Map thereof No. 6386, filed June 12, 1969, in the Kearny Mesa Community Plan area, in the IP-2-1 Zone which is proposed to be rezoned to the RM-3-9 Zone; and

WHEREAS, on INSERT DATE, the Planning Commission of the City of San Diego considered SDP No. 524637, and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to INSERT EITHER "recommend City Council approval of the permit" OR "approved/denied the permit"; and

WHEREAS, the matter was set for public hearing on DATE, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP No. 524637:

**Site Development Permit - §126.0504**

**A. Findings for all Site Development Permits**

- 1. The proposed development will not adversely affect the applicable land use plan.** The Palladium at Aero project will develop 7.69 acres within the Kearny Mesa community with 412 multiple family dwelling units and approximately 5,190 square feet

of commercial development. The proposed uses on the site will be consistent with the Kearny Mesa Community Plan, with the concurrent approval of the rezone and community plan amendment associated with the permit. The proposed 412 dwelling unit project implements the Land Use Plan by developing a High density development consistent with the RM-3-9 Zone and Kearny Mesa Community Plan Land use designation of High Residential within the density range of 45 to 74 dwelling units per acre. The project also includes a commercial element of 5,190 square-feet consistent with the accessory uses allowed by the RM 3-9 zone. The project will assist in the preservation and enhancement of the Kearny Mesa community as an employment center by removing outdated and functionally obsolete buildings and developing a feasible and marketable residential development which will provide affordable and workforce housing consistent with the zone and land use plan. The project will also pay its fair share fees for fire services and park facilities.

Being determined the project is consistent with the General Plan and Kearny Mesa Community Plan, the proposed development will not adversely affect the General Plan and Kearny Mesa Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The Palladium at Aero project will develop 7.69 acres within the Kearny Mesa community with 412 multiple family dwelling units and approximately 5,190 square feet of retail development. The proposed development requires a Site Development Permit and will contribute its fair share cost towards construction of improvements in the Kearny Mesa community and also make contributions to the Serra Mesa community. The proposed development will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity; and will provide a geotechnical report in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports for the review and approval by the City Engineer. All structures constructed on the 7.69 acre property will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. The project will also pay its fair share fees for fire services and park facilities. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The Palladium at Aero project will develop 7.69 acres within the Kearny Mesa community with 412 multiple family dwelling units and approximately 5,190 square feet of retail development. The proposed development complies with the regulations of the RM-3-9 Zone and site-specific development regulations for the Palladium at Aero parcels, as allowed through the approval of three deviations with a Site Development Permit. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 524637. Development of the property

will meet all requirements of all relevant regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

**M. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings**

**1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.** With the approval and construction of proposed project for 412 apartment units, forty-two apartment units, or ten percent of the total dwelling units provided, would be set aside as affordable to persons earning no more than sixty-five percent of the average median income through the imposition of conditions of approval and an affordable housing agreement between the owner and the San Diego Housing Commission. In addition to the 370 apartment units available for rent at market rates, the forty-two apartments restricted through the agreement with the Housing Commission will add to the availability of affordable work-force housing in the community and in the City at large. The affordability of work-force housing is a critical issue affecting the long-term health of the local and regional economy. The addition of forty-two new housing units at terms and prices affordable to those persons within the economic range of sixty-five percent average median income will assist the City to remain economically healthy and vibrant. Further, the addition of the remaining 370 apartment units rented at market rates will also assist in achieving the goal of economic health and provide much needed housing at a time when the City Council has declared there to be a housing crisis.

**2. The development will not be inconsistent with the purpose of the underlying zone.** The proposed project will be consistent with the purpose of the RM-3-9 Zone which allows for residential development at the proposed density, building height, parking ratio, site improvements and landscaping together with the approximately 5,190 square feet of commercial retail space as an accessory use. The deviations required to approve the architectural and site design for the proposed project will result in a better design by allowing for additional architectural features, site design and an alternative to trees on the top level of a parking garage to create a positive effect in the neighborhood, community and City at large. The deviations which allow an alternative to the tree spacing requirement on the top level of a parking structure roof deck and the minimum street side yard setback will be superior than by meeting the exact requirement of the zoning regulations, see Finding M.3 below.

**3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project will include

three deviations; 1) to allow the building's northeast tower corner to exceed the maximum height of the RM-3-9 Zone; 2) to allow an alternative to landscape requirements the planting of trees on the roof deck of the parking structure in the vehicle use area; and 3) to allow the building to observe a street side setback along Aero Drive less than required by the RM-3-9 Zone. The RM-3-9 Zone allows a maximum height of sixty feet. The northeast corner of the building will be sixty-three feet one inch. The deviation to allow an increase to the building height in a specific and limited location will add visual interest to the structure and improve the esthetics of the neighborhood. The tower element in this location will provide visual relief and architectural interest. The deviation on the parking structure is to allow the construction of shade tent structures for all parking spaces located on the top deck of the parking structure rather than providing trees in raised containers to meet the tree distribution in parking lots required by the City-wide Landscape Regulations. The purpose of providing trees within parking lots is to shade the pavement and thereby reduce the heat island effect of large expanses of pavement and to improve the aesthetics of parking lots by including living trees. Shade tent structures will provide a superior quantity of shading on the parking structure deck when compared to living trees in this location. Trees installed in containers on the top deck of the parking structure will not attain a height and or breadth capable of providing an equivalent amount of shade as will be permanently provided by shade tent structures. The shade tent structures will also reduce the water consumption necessary to support the project. The RM-3-9 Zone requires a street side yard setback along Aero Drive of ten percent of the lot width or a minimum of forty-six feet six inches. The project will provide a minimum of thirty feet. The street side yard setback along Aero Drive is consistent with other existing buildings on Aero Drive at a minimum setback of thirty feet. In addition, a significant portion of the building will be setback substantially more than forty-six feet six inches. The project is required to provide a third east-bound travel lane on Aero Drive and increase the curb to property line distance from the existing ten feet to fifteen feet. These project requirements create the need for a set back deviation. In addition, the project will observe a fifty foot rear yard setback on the southern property line which is forty-five feet above the minimum required by the RM-3-9 Zone. This increase of rear yard setback will serve as a physical and visual buffer from the adjacent single-family homes. The setback deviation along Aero Drive will inject additional visual and pedestrian interest to the streetscape and results in a shift of the building further to the north of the existing single-family neighbors. The RM-3-9 Zone requires a front yard setback along Sandrock Road of twenty feet for fifty percent of the building face and the remainder of the building may be setback at ten feet. The project proposes a twenty foot front yard setback along forty-nine percent of the frontage and less than twenty feet for the remaining fifty-one percent of the frontage. The setback deviation along Sandrock Road would increase the visual interest of the streetscape and results in greater articulation of the building on the site.

In addition to the 370 apartment units available for rent at market rates, the forty-two apartments restricted through the agreement with the Housing Commission will add to the availability of affordable work-force housing in the community and in the City at large. The affordability of work-force housing is a critical issue affecting the long-term health of the local and regional economy. The addition of forty-two new housing units at terms and prices affordable to those persons within the economic range of sixty-five percent



average median income will assist the City to remain healthy and vibrant economically. Further, the addition of the remaining 370 apartment units rented at market rates will also assist in achieving the goal of economic health. As a result of the approved deviations and other design features of the project, the proposed project will conform to the overall policies, regulations and purpose and intent of the Site Development regulations. The design will result in a more desirable project for the City and the community than would be realized through the strict application of the RM-3-9 Zone development regulations at this location.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 524637 is granted to Westcore Sandrock, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By \_\_\_\_\_  
NAME  
Deputy City Attorney

ATTY/SEC. INITIALS  
DATE  
Or.Dept:Clerk  
R-INSERT  
Form=permitr.frm(61203wct)  
Reviewed by John S. Fisher

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 430078

Site Development Permit No. 524637  
**PALLADIUM AT AERO – PTS#148904 [MMRP]**  
City Council

This Site Development Permit No. 524637 is granted by the Council of the City of San Diego to WESTCORE SANDROCK, LLC, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504, 1519.0202. The 7.69 acre site is located at 8655 Aero Drive within the RM-3-9 Zone (formerly IP-2-1 Zone) of the Kearny Mesa Community Plan. The project site is legally described as Lots 3, 4 and 5 of Research Park Subdivision Addition, according to Map thereof No. 6386, filed June 12, 1969.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide and develop 412 apartment units and 5,190 square feet of retail development for eating and drinking establishments, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. The subdivision and development of 412 apartment units and approximately 5,190 square feet of retail development as accessory uses to the primary use;
- b. The project is approved with three deviations; 1) to allow the building's northeast tower corner to exceed the maximum height of the RM-3-9 Zone at sixty-three feet one inch; 2) to allow the construction of shade tent structures for all parking spaces located on the top deck of the parking structure rather than providing trees in raised containers to meet the tree distribution in parking lots required by the City-wide Landscape Regulations; and 3) to allow a minimum street side yard setback of thirty feet along Aero Drive.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;

- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 148904 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 148904, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

**Health and Public Safety  
Public Utilities (Waste Management)**

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**AFFORDABLE HOUSING REQUIREMENTS:**

15. Prior to issuance of the first residential building permit, the Owner/Permittee shall enter into an Agreement with the San Diego Housing Commission to ensure compliance with the affordable housing requirements of the Inclusionary Housing Ordinance and Procedures Manual.

**ENGINEERING REQUIREMENTS:**

16. Prior to the building occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1, Grading Regulations, of the San Diego Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

19. The Site Development Permit shall comply with the conditions of the Vesting Tentative Map No. 524641.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of existing curb and gutter with City Standard curb and gutter, adjacent to the site on Aero Drive and Sandrock Road, satisfactory to the City Engineer.

21. The drainage system proposed for this development is private and subject to approval by the City Engineer.

22. All driveways and curb openings shall comply with City Standard Drawings G-14B, G-16 and SDG-100.

23. Prior to building occupancy, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for enhanced pavement and curb outlets.
24. Prior to the issuance of a building permit the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
25. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
26. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
27. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
28. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of non-contiguous sidewalk adjacent to the site on Aero Drive and Sandrock Road, satisfactory to the City Engineer.
29. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Account Number and Drawing Number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
30. Prior to building permit issuance, the Owner/Permittee shall dedicate additional right-of-way as needed to achieve a to 15-foot parkway on Sandrock Road along the subdivision's frontage, satisfactory to the City Engineer.
31. Prior to building permit issuance, the Owner/Permittee shall dedicate 14 feet along the subdivision's frontage on Aero Drive, to the satisfaction of the City Engineer.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the installation of a 250-Watt high-pressure sodium (HPS) street light along the property frontage on Sandrock Road, and the relocation and upgrading of the existing street lights to 250 HPS on the Aero Drive frontage, to conform to the City's Street Design Manual to the satisfaction of the City Engineer.

33. In the event that the existing street light poles, luminaires and appurtenances cannot be satisfactorily relocated, as determined in the sole discretion of the City Engineer, new street lights may be required and shall be the responsibility of the Owner/Permittee.

34. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the installation of City Standard curb ramps, along the project frontage at the corner of Aero Drive and Sandrock Road, satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

35. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall indicate an area equal to forty square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

36. Prior to issuance of any construction permits for any buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A."

37. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

38. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

39. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

40. If any required landscape, including existing or new plantings, hardscape, landscape features, or other landscape improvements, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall be responsible to repair and/or replace any landscape in kind and equivalent size per the approved

documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

**PARK AND RECREATION REQUIREMENTS:**

41. Prior to issuance of any building permits, the Owner/Permittee shall make a contribution of \$4,503,050 in lieu of the park portion of the Kearny Mesa Development Impact Fee to satisfy the project's 2.03 acre population-based park requirement.

**PLANNING/DESIGN REQUIREMENTS:**

42. No fewer than 763 parking spaces (742 required) shall be permanently maintained on the site within the approximate location shown on the project's Exhibit "A", which includes 14 disabled accessible spaces (10 required) per CBC Chapter 11A, Section 1118A. Additionally, a minimum of 48 motorcycle (41 required) and 196 bicycle spaces (185 required) shall be provided on site. Additionally, a minimum of three (3) Off-street Loading spaces shall be provided on site. Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

43. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

44. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

45. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

46. Prior to the issuance of any building permits, the Owner/Permittee shall submit construction plans indicating a fence of wood construction immediately adjacent to the southerly property line and shall not construct a six foot high wall at the top of the slope, satisfactory to the Development Services Department. The fence to be located on the property line shall be nine feet high with six feet of solid wood and three feet of wood with 50% open.

47. Prior to the issuance of any building permits, the Owner/Permittee shall submit construction plans indicating construction of the twenty-six foot wide emergency access lane on the south side of the project with a minimum of 75% grasscrete or equivalent planted with turf and maintained at no higher than two inches, satisfactory to the Development Services and Fire Departments.

48. Prior the issuance of any building permits, the Owner/Permittee shall submit constructions plans indicating all first floor patios include open fencing if the fence is over four feet high.



49. Prior to issuance of any building permits, the Owner/Permittee shall provide a valid “Determination of No Hazard to Air Navigation” issued by the Federal Aviation Administration (FAA).

**WASTEWATER REQUIREMENTS:**

50. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

51. All proposed on-site sewer facilities shall be private.

52. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the Owner/Permittee obtaining a Maintenance and Encroachment Maintenance and Removal Agreement.

53. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

54. All proposed private sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

55. The Owner/Permittee shall install a water service or services, including backflow prevention devices, outside of any driveway or drive aisle, and remove any existing unused water services within the Aero Drive right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

56. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permits for the installation of appropriate private back flow prevention devices on all proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Cross Connection Control Group, the Director of Public Utilities and the City Engineer.

57. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including water meters, services and backflow prevention devices, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

58. All on-site water facilities shall be private including domestic, fire and irrigation systems.

59. The Owner/Permittee shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.

60. The Owner/Permittee agrees to design and construct all proposed public water facilities, including fire hydrants, in accordance with established criteria in the most current edition of the

City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

61. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

**GEOLOGY REQUIREMENTS:**

62. Prior to the issuance of any construction permits, the Owner/Permittee shall provide additional geotechnical information for the review and approval of the City Geologist, satisfactory to the City Geologist and Development Services Department.

**FIRE REQUIREMENTS:**

63. Prior to the issuance of any building permits, the Owner/Permittee shall pay the fire portion of the Development Impact Fee at a rate of \$137 per dwelling unit and \$137 per every 1,000 square feet of non residential development. This fee is assessed as the fair share contribution toward Fire services in the Kearny Mesa community.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Council of the City of San Diego on [date and resolution number] .

Permit Type/PTS Approval No.: SDP No. 524637  
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Kelly Broughton  
Director  
Development Services

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1180 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

WESTCORE SANDROCK, LLC, a Delaware  
limited liability company  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

WESTCORE SANDROCK, LLC, a Delaware  
limited liability company  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

(O-INSERT~)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 9.32 ACRES LOCATED AT 8655 AERO DRIVE, WITHIN THE KEARNY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE IP-2-1 ZONE INTO THE RM-3-9 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; AND REPEALING ORDINANCE NO. O-18478 (NEW SERIES), ADOPTED APRIL 7, 1998, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 9.32 acres located at 8655 Aero Drive, and legally described as Lots 3, 4 and 5 of Research Park Subdivision Addition, according to Map thereof No. 6386, filed June 12, 1969, in the Kearny Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4268, filed in the office of the City Clerk as Document No. OO-\_\_\_\_\_, are rezoned from the IP-2-1 Zone into the RM-3-9 Zone, as the zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-18478 (New Series) adopted April 7, 1998, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

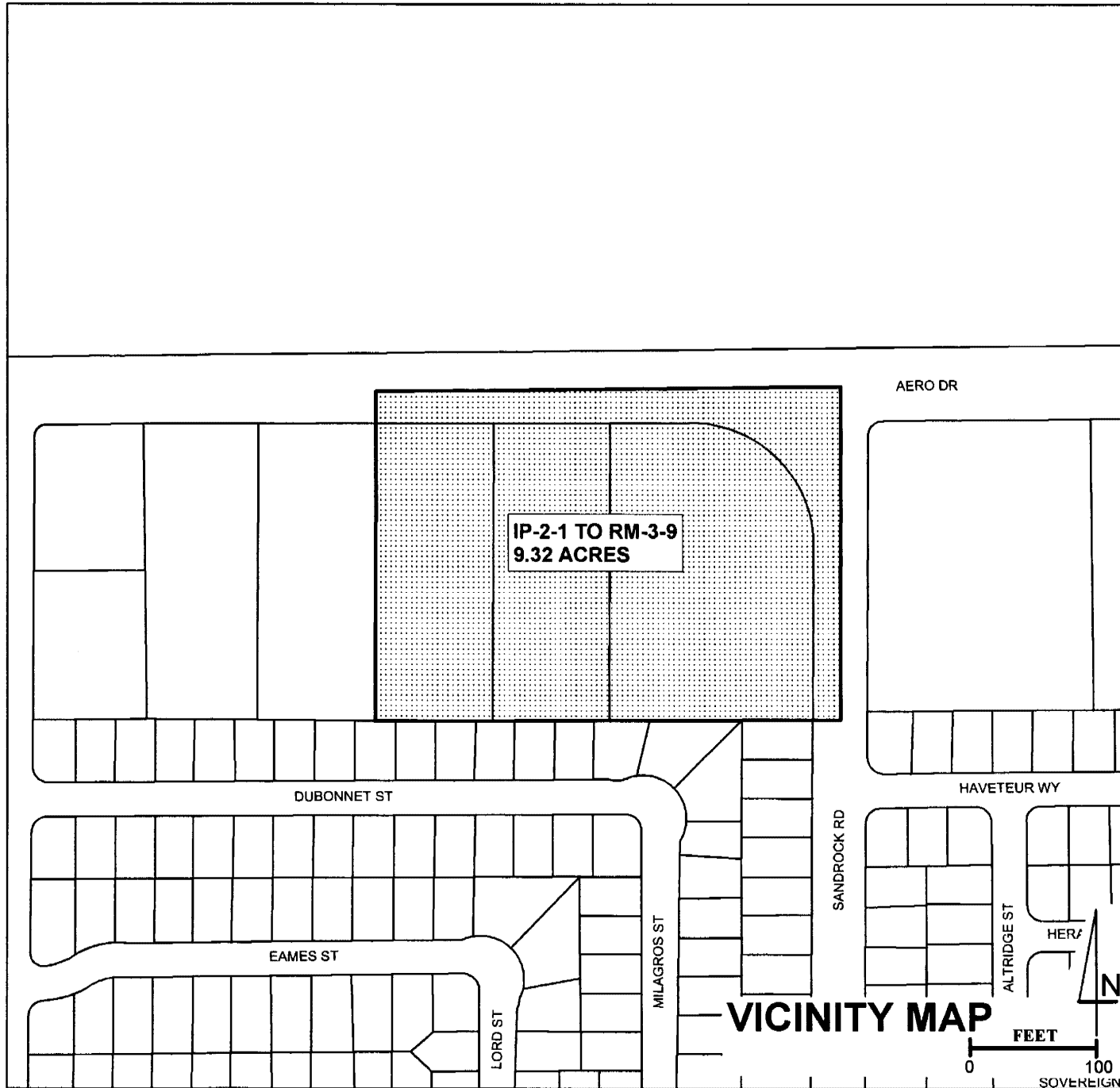
APPROVED: MICHAEL AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley Edwards  
Deputy City Attorney

Initials~  
Date~  
Or.Dept: INSERT~  
Case No.148904  
O-INSERT~  
Form=inloto.frm(61203wct)



CITY OF SAN DIEGO • DEVELOPMENT SERVICES  
**PROPOSED REZONING**



<b>LOT 3,4 &amp;5, OF RESEARCH PARK SUB ADDITION, MAP NO. 6368</b>		<b>CASE NO. PTS 148904</b>
ORDINANCE NO. _____	<b>REQUEST RM-3-9</b>	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD. _____	<b>PLANNING COMM. RECOMMENDATION</b>	
ZONING SUBJ. TO _____	<b>CITY COUNCIL ACTION</b>	<b>B- 4268</b>
BEFORE DATE _____		APN: 421-050-10, 07 & 08
EFF. DATE ZONING _____		(226-1740) 8-24-08 ldj
MAP NAME AND NO. _____		

**Palladium at Aero – Project Plans**

(available under separate cover)



City of San Diego  
 Development Services  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

# Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment •  Other RZ & Street Vacation

**Project Title** **Project No. For City Use Only**

PALLADIUM AT AERO

**Project Address:**

SW corner of Aero Drive and Sandrock Road, San Diego CA 92123

APN: 421-050-07, 08 & 10

**Part I - To be completed when property is held by Individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached**  Yes  No

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:



<b>Project Title:</b> PALLADIUM AT AERO	<b>Project No. (For City Use Only)</b>
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**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

Corporation  
  Limited Liability -or-  General) What State? DE  
 Corporate Identification No. 20-2094888  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**    Yes    No

Corporate/Partnership Name (type or print):  
WESTCORE SANDROCK, LLC

Owner  
  Tenant/Lessee


Street Address:  
4445 EASTGATE MALL

City/State/Zip:  
SAN DIEGO, CA 92121

Phone No: (858) 625-4100      Fax No: (858) 678-0060

Name of Corporate Officer/Partner (type or print):  
DON AUKENY

Title (type or print):  
AUTHORIZED SIGNATORY OF MANAGING MEMBER

Signature:       Date: 1/16/08

Corporate/Partnership Name (type or print):

Owner  
  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:      Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :      Date:

Corporate/Partnership Name (type or print):

Owner  
  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:      Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :      Date:

Corporate/Partnership Name (type or print):

Owner  
  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:      Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :      Date:

Corporate/Partnership Name (type or print):

Owner  
  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:      Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :      Date:

Corporate/Partnership Name (type or print):

Owner  
  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:      Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :      Date:

## Officers / Managers (Westcore Sandrock LLC)

Property Owner: Westcore Sandrock, LLC

Owned by:

- Westcore Sandrock Investors, LLC (Managing Member)  
4445 Eastgate Mall, Suite 210  
San Diego, CA 92121  
Managing Member: MRB Manager, LLC (Marc R. Brutton, Managing Member)  
Authorized Signatories: Marc Brutton, Don Ankeny, Manni Malhotra
  
- Wermers Properties Sandrock, LLC (Member)  
5120 Shoreham Pl, Suite 150  
San Diego, CA 92122  
Managing Member: Tom Wermers

DEVELOPMENT SERVICES  
**Project Chronology**  
**Palladium at Aero - PTS# 148904**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
<b>01/30/08</b>	<b>First Submittal</b>	<b>Project Deemed Complete</b>		
03/15/08	First Assessment Letter		31 days	
07/10/08	Second Submittal			85 days
07/30/08	Second Review Complete		14 days	
09/03/08	Third Submittal			25 days
09/17/08	Third Review Complete		10 days	
09/17/08	Issues Complete		0 days	
10/16/08	Public Hearing		21 days	
<b>TOTAL STAFF TIME</b>			<b>76 days</b>	
<b>TOTAL APPLICANT TIME</b>				<b>110 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to Planning Commission	<b>6 months and 6 days</b>	

<b>PROJECT DATA SHEET</b>		
<b>PROJECT NAME:</b>	<b>Palladium at Aero – Project 148904</b>	
<b>PROJECT DESCRIPTION:</b>	<b>Demolition of existing warehouse buildings and construction of 412 residential units, and approximately 5,190 square feet of commercial retail space.</b>	
<b>COMMUNITY PLAN AREA:</b>	<b>Kearny Mesa</b>	
<b>DISCRETIONARY ACTIONS:</b>	<b>Rezone, General and Community Plan Amendment, Site Development Permit, and Vesting Tentative Map.</b>	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	<b>High Density Residential (45-74 du/ac)</b>	
<b>ZONING INFORMATION:</b>		
<b>ZONE: RM-3-9</b>		
<b>HEIGHT LIMIT: 60 feet</b>		
<b>LOT SIZE: 7,000 square feet</b>		
<b>FLOOR AREA RATIO: 2.70</b>		
<b>FRONT SETBACK: 20'0" standard, 10'0" minimum</b>		
<b>SIDE SETBACK: 46'6", 10 % of width</b>		
<b>STREETSIDE SETBACK: 46'6", 10% of width</b>		
<b>REAR SETBACK: 5'0"</b>		
<b>PARKING: 744 parking spaces required, 753 parking spaces proposed.</b>		
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	<b>Airport &amp; Unzoned</b>	<b>Montgomery Field Airport</b>
<b>SOUTH:</b>	<b>Low Density Residential &amp; RS-1-7</b>	<b>Single Dwellings</b>
<b>EAST:</b>	<b>Industrial &amp; IP-2-1</b>	<b>Commercial Office</b>
<b>WEST:</b>	<b>Industrial &amp; IP-2-1.</b>	<b>Commercial Office/Warehouse</b>
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	<ol style="list-style-type: none"> <li>1. Deviation from LDC Section 131.0431(e) to allow maximum structure height of 63'1" where 60'0" is allowed in the RM-3-9 Zone.</li> <li>2. Deviation from LDC Section 131.0431(e) to allow a street side setback of 30'0" where 46'6" is</li> </ol>	

	<p>required.</p> <p><b>3. Deviation from LDC Section 142.0406(a) and Table 142-04D to allow vehicular use area to be shaded with tent shade structures in lieu of trees where one tree is required within 30 feet of each parking space.</b></p>
<p><b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b></p>	<p><b>The Kearny Mesa Planning Group voted, on September 17, 2008, 7:1:1 to approve the proposed actions. The Serra Mesa Community Planning Group voted, on September 18, 2008, 10:1:0 to deny the proposed actions.</b></p>