

DATE ISSUED November 7, 2012 **REPORT NO. PC-12-080**

ATTENTION: **Planning Commission, Agenda of November 15, 2012**

SUBJECT: LA JOLLA CROSSROADS - PROJECT NO. 258190 PROCESS FIVE

REFERENCE: Planning Commission Report No. PC-11-063
(<http://www.sandiego.gov/planning-commission/pcreports/2011/july.shtml>)

OWNER: La Jolla Crossroads 1, LLC (Attachment 20)

APPLICANT: Garden Communities/Dee Snow

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of the construction of a new 309 unit residential condominium project, including 31 affordable housing units, located at 9015 Judicial Drive within the University Community Plan area?

Staff Recommendations:

1. **Recommend Certification of Environmental Impact Report No. 258190 and Adoption of the Mitigation, Monitoring and Reporting Program and the Applicant's Findings of Fact; and**
2. **Recommend Approval of Community Plan Amendment No. 909815, Rezone No. 909814, Site Development Permit No. 919768, Planned Development Permit No. 909766 and Vesting Tentative Map No. 909715.**

Community Planning Group Recommendation: The University Community Planning Group voted 7-6-2 in favor of the proposed project at their meeting on October 9, 2012, with two recommendations (Attachment 19).

Environmental Review: Environmental Impact Report No. 258190 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared which

will reduce, to below a level of significance, potential impacts identified in the environmental review process (Attachment 8). The applicant has provided their project's Findings of Fact within the Final Environmental Impact Report.

Fiscal Impact Statement: None with this action; the costs of processing this project have been paid by the applicant through a deposit account.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project site is designated Scientific Research by the University Community Plan. The proposed project includes a community plan amendment to redesignate the site to High Density Residential (45-75 dwelling units per acre). The proposed project would add 309 multi-family residential units to the University community planning area, which is an increase of 309 units more than would be allowed by the current Scientific Research land use designation. The proposed project would include 31 affordable units consisting of a proportionate mix of one-, two- and three-bedroom units. The affordable housing units would be restricted by an agreement acceptable to the City of San Diego's Housing Commission. The units would be completed and ready for occupancy concurrent with the market rate housing pursuant to the terms of the agreement with the Housing Commission.

BACKGROUND

The La Jolla Crossroads project site is located at 9015 Judicial Drive, at the northeast corner of Judicial Drive and Sydney Court, within the University Community Plan area (Attachment 1). The project site is a roughly trapezoidal parcel of land consisting of Lots 3, 4, 5, and 12 of the La Jolla Crossroads Subdivision Map No. 14475, recorded on October 9, 2002. The project is currently designated Scientific Research (SR) in the University Community Plan and Prime Industrial Lands (PIL) within the City's General Plan, and is currently zoned IP-1-1 (industrial-park) and RS-1-14 (single family residential) (Attachments 2 and 3). This site is also located within the Airport Environs (AEOZ-65-CNEL) Overlay Zone, the Airport Influence (Review Area 1) Overlay Zone, Airport Land Use Compatibility Plan (ALUCP) Noise Contours (60-65 db CNEL) Overlay Zone, the FAA Part 77 Noticing Area, the Community Plan Implementation (CPIOZ - Type A) Overlay Zone and the North University City Facilities Benefit Assessment (FBA) area.

The entire La Jolla Crossroads project includes the adjacent 13.5 acres to the immediate west and the current La Jolla Crossroads project. The original La Jolla Crossroads project is the 13.5 acres to the immediate west and was approved for 1,500 multi-family units, 162,000 square feet of scientific research (SR) space, and total open space area of 10.5 acres approved by the City Council on November 21, 2000 (Attachment 15). Although developed as a separate project, this project would be considered the final phase of the overall La Jolla Crossroads development.

The project site has been previously graded as a part of the original La Jolla Crossroads project, but could not be included as a part of the residential component at that time due to the encumbrances identified in the previous Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar, as amended in September 1992. The purpose of the

ALCUP is to protect the airport from incompatible uses and provide the City of San Diego with criteria that allows for the safe and orderly growth of the area surrounding the airport. The ALUCP identified Lots 3, 4, and 5 of the project site as within the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour, thereby prohibiting residential use. In addition, Lot 12 was located in the Accident Potential Zone (APZ) – Zone B. APZ's are defined as a set of safety-related zones delineated by AICUZ studies for areas beyond the ends of military airport runways. Because residential use was not allowed on the site, the project site was entitled with a maximum of 162,000 square feet of scientific research uses and 405 parking spaces pursuant to Planned Development Permit (PRD/PID/RPO Permit No. 99-0647), approved by the City Council November 21, 2000. This permit was recorded March 22, 2001, as Doc. No. 2001-0167430 and was analyzed by a previous certified EIR (SCH No.99-101055), dated October 26, 2000.

In 2008, the San Diego County Regional Airport Authority, as the Airport Land Use Commission, adopted a revised ALUCP for MCAS Miramar. In the revised ALUCP, both the APZ line and the 65 dB CNEL contour lines were moved outside the project site. As a result, the project site is no longer within the 65 dB noise contour level or APZ – Zone B. Because the project site has remained vacant for just over a decade and the prohibition of residential use has been removed, the applicant is requesting a change in land use to residential to become an extension of the original La Jolla Crossroads project.

On July 14, 2011, the Planning Commission initiated an amendment to the University Community Plan to consider redesignation of the 7.93-acre site from Scientific Research (SR) to High Density Residential (45-75 dwelling units per acre). The original La Jolla Crossroads project could not provide residential uses within this portion of the site as residential uses were incompatible with the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour for Marine Corps Air Station (MCAS) Miramar and Lot 12 was located in the Accident Potential Zone (APZ) – Zone B. Additionally, when the General Plan was adopted in 2008, the project site was designated Prime Industrial Lands (PIL). As such, the current project is proposing a Community Plan Amendment from Scientific Research (SR) to High Density Residential (45-75 dwelling units per acre). Analysis of this request is provided within the Community Plan Analysis section of this report and responses to the Planning Commission Community Plan Amendment Initiation Issues have been provided in Attachment 12.

The project area includes the undeveloped proposed building site for the current La Jolla Crossroads project, which is adjacent and directly west of the original La Jolla Crossroads project site. The project site is vacant and was previously graded as a part of the overall La Jolla Crossroads project. A portion of the site is paved, providing approximately 181 surface parking spaces and is located adjacent to the previously built multi-family residential development, the original La Jolla Crossroads project. There are several easements located throughout the project site that will remain. There is a 20 foot wide sewer easement along the northern portion of the site to remain; an access, drainage and slope easement along the northeastern and central portions of the site to remain; a sewer and drainage easement along the northeastern portion of the site to remain; an electrical easement along the southern property line to remain; and a temporary construction easement along the north property line and northeastern portion of the site to remain. An existing emergency access easement located approximately in the center of the project site will be vacated as part of the proposed development.

DISCUSSION

Project Description:

The proposed project would develop 309 multifamily residential dwelling units, within three (3) six-story residential buildings and two parking garages, totaling approximately 767,329 square feet on a vacant 7.93-acre site. Building 10 would provide 92 units; Building 11 would provide 114 units; and Building 12 would provide 103 units for the total project of 309 residential units. The two parking garages would provide a total of 945 parking spaces, where 628 are required. Garage A would provide 426 parking spaces, 9 accessible parking spaces, 21 motorcycle spaces and 108 bicycle spaces. The above grade parking garage would provide 519 parking spaces, 5 accessible parking spaces, 18 motorcycle spaces and 85 bicycle spaces.

The proposed buildings would be designed to be compatible with the original La Jolla Crossroads development to the west. Of the 309 units, 28 would be studio apartments, 150 would be one-bedroom units, 122 would be two-bedroom units, and 9 would be three-bedroom units. Proposed amenities include a recreation center, a variety of common areas, fenced play areas, two pools, including a kiddie pool, spas, bowling alley and an outdoor living area. Seating areas with tables and chairs, barbeques, and planted pots with self-watering systems would be located throughout the project.

In terms of public art, there would be three sculptures visible from Sydney Court: one at the main access and one each at the north and south edges of the development. Decomposed granite (DG) walking and jogging trails are proposed along the easterly edges of Buildings 10, 11, and 12 connecting to Judicial Drive. Residents of the 309 units would also be entitled to use the amenities afforded to the existing adjacent 1,500 units of the original La Jolla Crossroads, such as pools, the fitness center and day spa, and "The Club," which is equipped with a kid's playroom, seniors lounge, movie theatre, internet lounge and conference room. The 309-unit development would be connected to the 1,500-multifamily-unit project via Sydney Court.

The project will provide a total of 31 on-site affordable housing units consisting of a proportionate mix of one-, two-, and three-bedroom units. The affordable housing units would be restricted by an agreement acceptable to the City of San Diego's Housing Commission. The units would be completed and ready for occupancy concurrent with the market rate housing pursuant to the terms of the agreement with the Housing Commission.

The project site is located in an urban setting, bordered by La Jolla Village Drive to the north, Judicial Drive to the south, and Sydney Court to the east. Interstate 805 (I-805) is approximately 0.19 mile to the east (Attachment 1). The original La Jolla Crossroads residential development is located to the west, Villas of Renaissance is to the south, US Bank is to the north and the Nobel Research Park is located to the south/southeast. Further west of La Jolla Crossroads are La Jolla Gateway office buildings, Congregation Beth Israel of San Diego, and the University Towne Centre (UTC) regional shopping mall. The project site is located within the Central Subarea of the University Community Plan and Subarea 40 of the University Community Plan's Development Intensity Element. The original La Jolla Crossroads residential community is located immediately

west, Villas of Renaissance is to the south, and Nobel Research Park is to the southeast. The project site is situated in a neighborhood setting of similar and compatible uses (multiple-dwelling residential units and commercial uses). In addition, the project site is located in a developed area currently served by existing public services and utilities.

The project site is located within the Airport Influence Area for the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP). Due to the proposed amendment to the University Community Plan, the project information was submitted to the San Diego County Regional Airport Authority (SDCRAA) for a determination of consistency. Part of the project information submitted to SDCRAA was the FAA Determinations of No Hazard to Air Navigation (Attachment 18). The SDCRAA, acting in its capacity as the San Diego County Airport Land Use Commission (ALUC) determined, at their meeting on February 9, 2012, that the proposed development is conditionally consistent with the MCAS Miramar Airport Land Use Compatibility Plan (Attachment 17).

Various discretionary actions are required to implement the proposed project:

- Community Plan Amendment

As part of the project, the applicant is requesting approval of an Amendment to the University Community Plan (UCP) to change the land use designation from Scientific Research to High Density Residential (45-75 dwelling units per acre) and to remove the Prime Industrial land use classification. The amendment would include revisions to maps, tables and text in the University Community Plan to reflect the proposed High Density Residential land use designation (Attachment 10). Additionally, the amendment would shift development intensity and 558 associated vehicle trips from Subarea 47 (“Costa Verde Specific Plan”) to Subarea 40 (project site). The proposed amendment will provide development intensities that are consistent with the original La Jolla Crossroads development to the West, and compatibility with the commercial uses to the North, across La Jolla Village Drive, and the industrial user to the South.

- Rezone

The project site is currently zoned IP-1-1 (Industrial Park) (Lots 3, 4 and 5 of Map No. 14475) and RS-1-14 (Single Family Residential) (Lot 12 of Map No. 14475). The purpose of the Industrial-Park zone is to provide for high quality science and business park development. The single family residential zone is to provide for individual residential units per legal lot. The current zones are not consistent with the original La Jolla Crossroads development to the West. The project is requesting a Rezone from IP-1-1 and RS-1-14 to RM-3-9 (Multi Family Residential) (Attachment 9). The RM-3-9 is a medium density multi-family residential zone, with limited commercial uses, that allows a maximum of 1 dwelling unit per 600 square feet of lot area. The proposed zone would make the project site consistent with the original La Jolla Crossroads development to the West, and is compatible with the commercial uses to the North, across La Jolla Village Drive, and the industrial user to the South.

- Site Development Permit

The project site is proposed to be rezoned to RM-3-9. Pursuant to San Diego Municipal Code (SDMC) Section 126.0502(b)(4), multiple unit residential development that exceeds the number of dwelling units indicated on Table 126-05A on lots which are consolidated or otherwise joined together for the purpose of accommodating the development requires the processing of a Site Development Permit. Table 126-05A allows for 20 dwelling units per lot for the RM-3-9 zone. The project is proposing 309 multifamily residential units within four legal lots that are contiguous; therefore, the project exceeds the maximum of 20 dwelling units per lot (Attachment 5).

- Planned Development Permit (Amendment to PRD/PID/RPO Permit No. 99-0647)

A Planned Development Permit is required to amend the existing entitlement on the property and for the eight proposed deviations for the proposed development. The deviations are for maximum structure height, street frontage, side setbacks, front setbacks and wall height (Attachment 5).

- a. **Maximum structure height deviation:** The first deviation request is for the maximum height proposed within the project. The maximum height proposed within the project varies at several locations at 89 feet above finished grade, where 60 feet is otherwise allowed. The project is being designed as an extension of the existing 1,500 unit La Jolla Crossroads project, located across Sydney Court and west of the project site. The existing 1,500 unit project was approved per the pre-2000 Land Development Code Update and was not subject to a similar height restriction. This deviation will allow for the proposed buildings to blend in with the existing structures and allow for greater flexibility for the roofline design, allow for more articulation of the parapets and turrets above the roofline and provide an opportunity to maximize the amount of open space being provided on the project site. The tops of the proposed buildings will not exceed the height of the existing units.
- b. **Street frontage:** The second deviation request is for street frontage for Lots 2 and 3. The required street frontage within the RM-3-9 zone is 70 feet for each lot. In lieu of providing the required street frontage for Lots 2 and 3, all lots within the proposed development will obtain their access by way of Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the original La Jolla Crossroads 1,500 residential unit development on the west side of Sydney Court.

The third request is for Lot 1 deviating from the required 70 feet of street frontage required for vehicular access. Lot 1 does have physical street frontage on La Jolla Village Drive in excess of the minimum 70 foot requirement; however, access rights to La Jolla Village Drive have been relinquished. Physical vehicular access to Lot 1 will be provided by Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the original La Jolla Crossroads 1,500 residential unit development on the west side of Sydney Court. Additionally, Sydney Court has the capacity to serve the proposed development 309 unit project.

- c. **Side setbacks:** The fourth deviation request is for the street side setback for Lot 1 to allow 69 percent of the proposed building to encroach between 12 feet and 27 feet into the 33 foot required street side setback. The street side for Lot 1 was determined to be Sydney Court. The property line for Lot 1 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As such, the proposed building on Lot 1 will encroach as much as 12 feet to 27 feet into the required 33 foot street side setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

The fifth deviation request is for the front yard setback for Lot 2. The project proposes to allow 89 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback. The side yard for Lot 2 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 2 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 89 percent of the proposed building on Lot 2 will encroach 8 feet into the otherwise required 20 foot front yard setback. An additional 18 percent of the proposed building will encroach as much as 15 feet into the otherwise required 20 foot side setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

- d. **Front setback:** The sixth deviation request is for the front yard setback for Lot 3 to allow 58 percent of the residential building to encroach 8 feet into the otherwise required 20 foot front yard setback and 42 percent of the residential building to encroach 15 feet into the otherwise required 20 foot front yard setback. The front yard for Lot 3 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 3 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 58 percent of the proposed residential building on Lot 3 will encroach as much as 8 feet into the otherwise required 20 foot front yard setback. An additional 42 percent of the proposed residential building will encroach as much as 15 feet into the otherwise required 20 foot side setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

The seventh deviation request is for the front yard setback for Lot 3 for the proposed above grade parking structure on Lot 3 to allow the structure to encroach 8 feet into the otherwise required 20 foot front yard setback. This proposed encroachment into the front yard setback will provide that the proposed parking structure is located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

- Vesting Tentative Map

A Vesting Tentative Map is required to create 309 residential condominium units and to vacate an existing emergency access easement (Attachment 6).

Community Plan Analysis:

The City's General Plan is based on a planning strategy known as the City of Villages. The General Plan aims to redirect development away from undeveloped lands into already urbanized areas and/or areas with conditions allowing the integration of housing, employment, civic, and transit uses. It is a development strategy that mirrors regional planning and smart growth principles intended to preserve remaining open space and natural habitat and focus development within areas that have available public infrastructure. The General Plan includes 10 Elements which include Land Use & Community Planning, Mobility, Urban Design, Economic Prosperity, Public Facilities, Services & Safety, Recreation, Conservation, Noise, and Historic Preservation. The Housing Element is separate companion document which serves as a comprehensive plan to address the City's housing needs. Provided below is an analysis of how the project is compatible with the City's General Plan and University Community Plan. Analysis of the issues identified as part of the initiation of the community plan amendment has been provided as Attachment 12.

Land Use

The Land Use & Community Planning Element contains policy direction for implementing the City of Villages strategy, provides citywide land use policies and designations, and establishes community plans as integral components of the General Plan. The Element includes goals for balanced communities, equitable development, and environmental justice. A goal is to have diverse and balanced communities with a variety of housing. The Element relies on community plans for site-specific land use and density designations and recommendations.

The project site was designated Scientific Research and retained that designation through processing of the original La Jolla Crossroads project. The Scientific Research designation was retained for this area due to influence from MCAS Miramar on the east side of I-805. The previous Airport Land Use Compatibility Plan for MCAS Miramar had identified the project site within the 65 dB Community Noise Equivalent Level (CNEL) contour that prohibited residential use. As such, the applicant requested the Scientific Research land use designation for the area which was a compatible land use within the noise contour. MCAS Miramar has since updated their noise contours with their Air Installations Compatible Use Zones study which shifted the contour level to the east. As a result, the project site is no longer within the 65dB noise contour level and the UCP has been amended to reflect such. Because the project site has remained vacant for just over a decade and the prohibition of residential use has been removed, the applicant is requesting a change in land use to residential to become an extension of the existing La Jolla Crossroads residential project.

The University Community Plan (UCP) organizes the community into four major subareas. The site is located in the Central Subarea, the most urban of the four subareas of the community. The UCP identifies a portion of the Central Subarea as an Urban Node which is characterized by a relatively high density, mixed use core in the area of La Jolla Village Drive and Genesee Avenue (Attachment 13). Activities such as retail, professional office, medium to high density residential and entertainment are currently concentrated within the Urban Node adjacent to the project site. The proposed project includes an amendment to the community plan to designate the site from Scientific Research to High Density Residential (45-75 dwelling units per net acre). High Density Residential development is concentrated in the Central subarea of the community within or adjacent to the area identified as the Urban Node. The proposed amendment would allow additional housing opportunities consistent with the character of existing development in the Central Subarea and the Urban Node.

The Residential Element of the UCP provides several goals for residential development within the community. These goals are intended to increase the consumer's freedom of choice in terms of tenure and type of housing available, assure retention development of housing that is affordable by low- and moderate-income households including students and seniors, conserve and improve the quality of housing and to accommodate the City's and the community's share of the region's growth by designating adequate residential land at appropriate densities and locations.

The proposed project and amendment to the UCP would allow high density residential development to increase housing opportunities for different income levels, including students and seniors, in an area where public services, transit, employment, retail and recreation are all in close proximity to the project site. The inclusion of affordable housing onsite would help achieve the General Plan and UCP goal of creating a diverse and balanced community with a variety of housing. The amendment would create additional residential land to accommodate population growth in the City in an area which did not realize development consistent with the existing Scientific Research land use designation and entitlements due to several constraints. These constraints are discussed on pages 7 and 8 of the La Jolla Crossroads Economic Prosperity Elements Impacts Report, Attachment 14.

Housing

The Housing Element serves as a comprehensive plan with specific measurable goals, policies, and programs to address the City's critical housing needs. The Housing Element has five goals: 1) provision of sufficient housing supply for all income groups, 2) maintain and upgrade the quality and safety of affordable housing stock, 3) minimizing governmental constraints while retaining a quality review process and consumer protection, 4) providing affordable housing opportunities to renters and low/mod homebuyers, and 5) facilitate compliance with applicable federal, state & local laws.

The proposed plan amendment and project would meet the Housing Element's goals by providing additional housing opportunities for all income groups including affordable housing. The developer plans to set-aside 31 of the 309 residential units for low income households earning up to 65% of the Area Median Income. The proposed plan amendment and project were

processed through the City's Affordable Housing Expedite program to ensure timely processing while retaining quality review and ensuring compliance with all applicable federal, state and local laws.

Mobility

The Mobility Element strives to improve mobility through development of a balanced transportation system that addresses walking, bicycling, transit, and roadways in a manner that strengthens the City of Villages land use vision. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design.

The project has been designed to be an extension of the original La Jolla Crossroads project to the west which consists of 1500 for rent residential units. Sidewalks along Sydney Court would be noncontiguous and parkways would include street trees and landscaping to match existing development to the west and ensure a comfortable pedestrian experience. Interior walkways have been designed with a pedestrian orientation and would provide convenient and direct access to buildings within the project site and connections to the original La Jolla Crossroads project. Building design includes articulation with use of varying materials, off-setting planes and colors to help reduce impacts of bulk and scale and create a more pleasant pedestrian experience.

The location of the project is situated where employment, retail, recreation and entertainment are concentrated near easy access to transit which would help promote walking and bicycling as a preferred mode of transportation rather than use of vehicles to make short trips to those uses. The planned extension of the trolley as part of the Mid Coast Extension to the Westfield UTC Shopping Towne transit as well as the full routing of the Super Loop Bus Rapid Transit would also provide increased accessibility to transit for use as an alternate mode of transportation. Managed Lanes projects for both Interstate 5 and 805 and Direct Access Ramps to the community for Bus Rapid Transit would provide an even greater level of accessibility to transit to help reduce vehicle use as a preferred mode of transportation.

Urban Design

The Urban Design Element establishes a set of design principles from which future physical design decisions can be based. Policies call for respecting San Diego's natural topography and distinctive neighborhoods; guiding the development of walkable, transit-oriented communities; providing distinctive public places; and implementing public art.

The UCP's Urban Design Element includes a design objective and recommendations for the Central Subarea to improve the central community's urban form and cohesiveness as new construction activity continues. This would be accomplished through providing setbacks appropriate to the height of structures, transitioning the scale and height of adjacent buildings, siting and designing buildings to maximize solar access, articulating building mass, utilizing building elements, colors and materials that are not disturbing to the eye, and concealing rooftop equipment, trash and storage areas.

The proposed project is consistent with General Plan and UCP urban design goals. The project would be developed on a previously graded site which would not impact the natural

environment. It has been designed as an extension of the original La Jolla Crossroads project through use of similar colors, materials, building articulation, landscaping and pedestrian oriented features to fit seamlessly into the existing character of adjacent development. Parking would be provided below grade for proposed Building 10 and Building 11. Parking for Building 12 would be provided by an above grade, detached five story parking structure adjacent to the building. This parking structure would also contain additional parking spaces to cover the amount of surface parking currently provided on site. The siting and orientation of the buildings would maximize solar access into the project's interior courtyards and would not create any shadow impacts on adjacent development. Landscaping along the eastern boundary of the site would help buffer the residential use from the surface parking lots for the adjacent Scientific Research use. Rooftop equipment would be hidden from public view and trash and storage areas would be provide in the parking areas out of public view.

Economic Prosperity

The Economic Prosperity Element includes policies aimed at supporting an innovative and sustainable local economy, and achieving a rising standard of living for San Diego's workforce.

The General Plan identifies the project area as part of the UTC/Sorrento Mesa Subregional Employment Area. The southerly portion of the UTC area has been developed with a balanced mixture of mid- and high-rise office buildings, multi-family housing, hospitals and institutions, retail, and hospitality uses. The area is currently served by transit and major transit improvements are planned for the area including the Mid Coast Trolley extension and Bus Rapid Transit. The efficient location of high-density employment office uses adjacent to high density multi-family developments with retail services enhances the potential for pedestrian oriented village development. The proposal to add additional high density residential development would support the area as a Subregional Employment Center and a mixed use, pedestrian oriented village.

The project site is identified as Prime Industrial Land (PIL) by the General Plan. It was included as PIL due to it being a vacant site designated for industrial use, zoned for industrial use and having entitlements for 162,000 square feet of Scientific Research use at the time of the General Plan update. The General Plan's Economic Prosperity Element includes several policies for protection of PIL; however, it also acknowledged that change would occur over time and provided criteria to analyze proposals which sought to remove land as PIL. The criteria are provided in General Plan Appendix C, EP-1 and EP-2 (Attachment 15). Included as an issue to analyze through the initiation of the proposed community plan amendment, the applicant was required to evaluate the criteria to support the removal of the project site from being identified as PIL. This analysis has been provided as Appendix C within the Final Environmental Impact Report. Staff has reviewed the analysis and is in support of removing the project site from PIL. Although removal would result in a net loss of PIL and entitled industrial development, there are several community plan amendment proposals which have been initiated by Planning Commission to increase the amount of Scientific Research square footage in the community. These proposals, if approved, would result in a net increase of industrial square footage in areas that are also identified as PIL.

Public Facilities, Services and Safety

The Public Facilities, Services and Safety Element includes policies on the prioritization and provision of public facilities and services, evaluation of new growth, guidelines for implementing a financing strategy, and guidelines for the provision of specific facilities. Policies call for new growth to pay its fair share, with the City and community-at-large responsible for remedying existing facilities deficiencies.

The proposed project has evaluated impacts to public facilities and services as discussed in the Environmental Impact Report, and has identified that no significant impacts to public facilities and services would occur. The project applicant would be required to pay all required Facilities Benefit Assessment fees at the time of building permit issuance to ensure the adequate provision of public services for the proposed project. The project is consistent with the overall purpose stated in the Public Facilities, Services and Safety Element and the applicable policies to implement the goals stated in this element.

Recreation

The Recreation Element establishes a population-based park standard of 2.8 acres of population-based parks to be provided for every 1,000 residents; seeks to acquire, develop, operate/maintain, increase and enhance public recreation opportunities and facilities throughout the City; recognizes that park facilities should take a variety of forms in response to the specific needs and desires of the residents served; and while the City's primary goal is to obtain land for park and recreation facilities, alternative methods of providing recreation facilities need to be available.

The development proposes 309 residential units. Through payment of the per-unit FBA fee to satisfy the population-based park requirements, the project would ensure funds are available for the acquisition and development of additional parklands. Additionally, the project proposes to provide several private recreational facilities throughout the project site including fenced play areas, two swimming pools, bowling alley, waling/jogging trail and numerous picnic areas. The residents of the project would also have access to the original La Jolla Crossroads recreational amenities, such as the Fitness Center, Clubhouse, tot lots and other swimming pool areas.

Conservation and Sustainability

The Conservation Element calls for the City to be a model for sustainable development, to address climate change impacts, and to preserve quality of life in San Diego. Includes policies to: reduce the City's carbon footprint; promote sustainable development; promote clean technology industries; conserve natural resources; protect unique landforms; preserve and manage open space and canyon systems, beaches and watercourses; and prevent and reduce pollution. Sustainable conservation practices will help ensure that future generations will be able to meet their needs and enjoy a high quality environment.

The project site is an infill development located near major employment areas and in close proximity to transit services. In addition to being served by the Super Loop, the project site would provide shuttle services to its residents for access to retail, shopping, recreation and entertainment uses.

Sustainable planning and design techniques that would be implemented by the project include use of low flow toilet and bathroom fixtures, rain shutoff devices for landscaping, irrigation using reclaimed water systems, and flow reducers or shutoff valves. The design and construction of all buildings would include Leadership in Energy and Environmental Design (LEED) – certified or equivalent water conservation measures and Water Sense or Energy Star appliances.

Noise

The Noise Element contains policies addressing compatible land uses and the incorporation of noise abatement measures for new uses to protect people from living and working in an excessive noise environment. It includes a matrix that identifies compatible, conditionally compatible, and incompatible land uses by noise decibel level.

One of the issues to be analyzed as part of the initiation of the community plan amendment was to evaluate noise impacts from the Interstate 805 Freeway and MCAS Miramar. An acoustical Technical report was prepared for the project and is included as Appendix J of the Environmental Impact Report. The report concluded that there may be interior noise impacts greater than what is considered compatible for residential uses (45 dB). As such, the buildings would include design features such as air conditioning and/or mechanical ventilation systems, and sound rated windows to keep interior noise levels below 45 dB.

Historical Resources

The Historic Preservation Element strives to guide the preservation, protection, restoration and rehabilitation of historical and cultural resources so that a clear sense of how the City gained its present form and substance can be maintained.

The project site is vacant and has been graded per the approvals under the original La Jolla Crossroads project. Therefore, the project site does not include any structures of historical significance. Archaeological monitoring was conducted during site grading as required per mitigations measures of the previous La Jolla Crossroads EIR and in compliance with City of San Diego guidelines. No significant cultural resources were identified on the site during the archaeological monitoring. The project would require new grading of the site. However, since significant archaeological resources were not observed on the site during prior grading, re-grading of the site is not anticipated to uncover new undiscovered historic resources.

Environmental Analysis:

An Environmental Impact Report (EIR) has been prepared to analyze the environmental impacts of the proposed La Jolla Crossroads Project. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP) would reduce impacts to a level below significance in the following categories: paleontological resources and noise. The following mitigation measures are included in EIR No. 258190 and summarized here.

Paleontological Resources

Specific mitigation measures would be implemented which would require paleontological monitoring during any grading or earth moving identified in the pre-construction meeting.

Noise

Specific mitigation measures would be implemented which would require verifying the placement of 5-foot-high solid sound barriers around balconies for select multi-dwelling units located on third through fifth floors at Building 10, as depicted in Figure 3, Noise Measurement and Modeling Locations, of approved technical study and Figure 5.4-1, On-site Exterior Noise Modeling of Environmental Impact Report No. 258190 to ensure that exterior noise levels do not exceed 70 dBA CNEL. The 5-foot-high solid sound barriers shall extend along the perimeter of each of the balconies. The materials used in the construction of noise barriers may consist of tempered glass or acrylic plastic and would have a minimum surface density of 1.5 pounds per square foot. The barrier would be designed so there are no openings, cracks, or gaps.

Community Participation:

The applicant, Garden Communities, has met with the University Community Planning Group (UCPG) subcommittee on five (5) separate occasions. These meetings occurred on May 22, 2012; June 18, 2012; July 9, 2012; August 27, 2012; and October 1, 2012. The project was placed on the UCPG agenda as an action item for their meeting on September 11, 2012. By the request of Garden Communities, the item on the September 11th agenda was moved to the October 9th agenda due to the applicant's decision to reduce the overall project scope. The item on the September 11th agenda was discussed by the UCPG but the applicant did not present their project nor was a vote taken on that meeting day. The UCPG voted to recommend approval of the project (309 units) at their meeting on October 9, 2012, by a vote of 7-6-2, with two recommendations (Attachment 19).

The first recommendation was to provide extra soundproofing on the windows facing MCAS. This recommendation has not been incorporated because the project, as currently designed, mitigates all potential noise impacts.

The second recommendation was to set aside a separate community benefit fund targeted to maintenance of the North UC Library and Nobel Park. This recommendation has not been incorporated because the project is currently required to pay its fair share of public facility costs through the community's Facilities Benefit Assessment (FBA) fees .

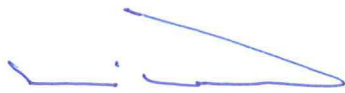
Conclusion:

Staff has determined the proposed La Jolla Crossroads project complies with the applicable sections of the Municipal Code and adopted City Council policies. Staff has determined the required findings would support the decision to approve the proposed project's Community Plan Amendment, Rezone, Site Development Permit, Planned Development Permit and Vesting Tentative Map. An Environmental Impact Report has been prepared for this project and all potential environmental impacts will be mitigated.

ALTERNATIVES:

1. **Recommend** approval of Community Plan Amendment No. 909815, Rezone No. 909814, Site Development Permit No. 919768, Planned Development Permit No. 909766 and Vesting Tentative Map No. 909715, **with modifications.**
2. **Recommend** denial of Community Plan Amendment No. 909815, Rezone No. 909814, Site Development Permit No. 919768, Planned Development Permit No. 909766 and Vesting Tentative Map No. 909715, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Laura C. Black, AICP
Project Manager
Development Services Department



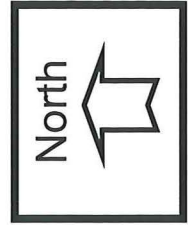
Cecilia Gallardo, AICP
Deputy Director, Advanced Planning and Engineering
Development Services Department

WESTLAKE/LCB

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft SDP/PDP Permit and Resolution
6. Draft VTM Resolution with Findings
7. Draft VTM Conditions
8. Draft Environmental Resolution with MMRP
9. Draft Rezone Ordinance and B Sheet
10. Draft Community Plan Amendment Documents (Community Plan Amendment Resolution, Strikeout/Underline Text, and Revised Graphics)
11. Planning Commission Resolution No. 4714-PC
12. Responses to CPA Initiation Issues

13. Figure 10 from University Community Plan – Urban Node
14. Pages 7 and 8 from La Jolla Crossroads Economic Prosperity Elements Impacts Report – dated June 2012
15. General Plan Appendix C, Figures EP-1 and EP-2
16. Project Plans, including Vesting Tentative Map Exhibit
17. Copy of Permit No. 99-0647, Doc # 2001-0167430, dated March 22, 2001
18. San Diego County Regional Airport Authority Review and Resolution No. 2012-0003
ALUC
19. FAA Determination of No Hazard to Air Navigation
20. Community Planning Group Recommendation
21. Ownership Disclosure Statement
22. Project Chronology

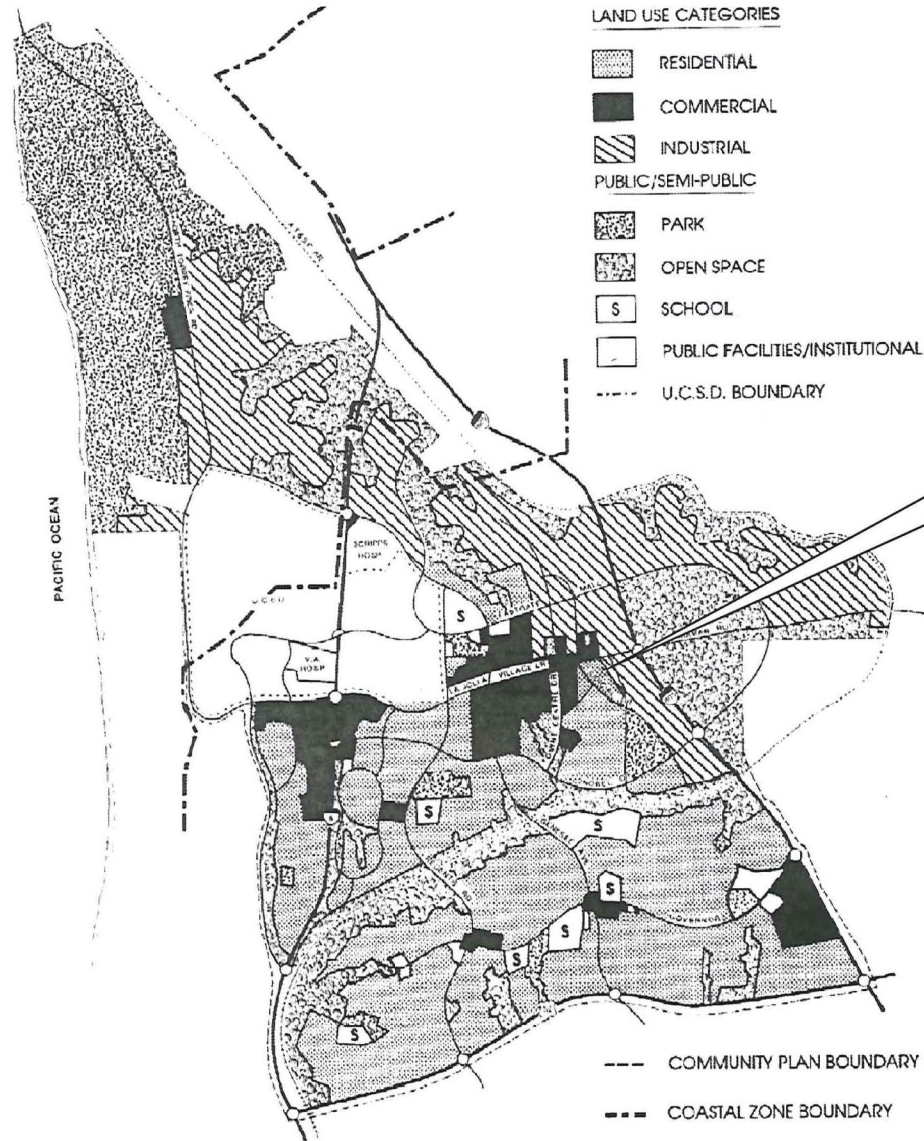


Project Site

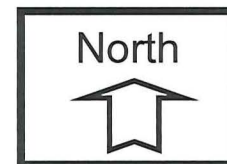
Aerial Photo

LA JOLLA CROSSROADS
PROJECT NO. 258190





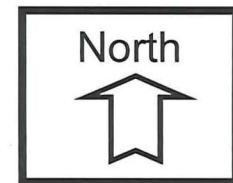
Land Use Map
LA JOLLA CROSSROADS
PROJECT NO. 258190





Project Location Map

LA JOLLA CROSSROADS
PROJECT NO. 258190



PROJECT DATA SHEET

PROJECT NAME:	La Jolla Crossroads
PROJECT DESCRIPTION:	Construction of a 309 multifamily residential dwelling units, within three (3) six-story residential buildings and two parking garages, totaling approximately 767,329 square feet on a vacant 7.93-acre site.
COMMUNITY PLAN AREA:	University
DISCRETIONARY ACTIONS:	General/Community Plan Amendment; Rezone; Site Development Permit, Planned Development Permit; Vesting Tentative Map
COMMUNITY PLAN LAND USE DESIGNATION:	Existing: Industrial – Scientific Research and Development, Prime Industrial Lands Proposed: High Density Residential (45-75 dwelling units per acre).

ZONING INFORMATION:

ZONE: IP-1-1: (An industrial zone to provide for high quality science and business park development) and RS-1-14 (A single family residential zone that permits 1 dwelling unit for 5,000 square-feet of lot area) – Proposed Zone RM-3-9: (A multi-unit residential zone that permits 1 dwelling unit for 600 square-feet of lot area)

HEIGHT LIMIT: No height limit / 35-Foot max. / 60-Foot max. height limit

LOT SIZE: 40,000 sq. ft. min lot size / 5,000 sq. ft. min lot size / 7,000 sq. ft. min lot size

FLOOR AREA RATIO: 2.0 maximum / 0.60 maximum / 2.70 maximum

FRONT SETBACK: 20 foot min. & 25 foot stand. / 15 foot min. / 10 foot min & 20 foot standard

SIDE SETBACK: 15 foot minimum / 4 feet minimum / 10% of lot width

STREETSIDE SETBACK: 20 foot minimum / 10 foot minimum / 10% of lot width

REAR SETBACK: 25 feet / 10 foot minimum / 5 foot minimum

PARKING: 628 parking spaces required / 945 parking spaces provided

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial; IP-1-1 and RS-1-14.	Industrial Park
SOUTH:	Industrial and Residential; IP-1-1 and RM-2-5	Industrial Park and multi-family residential units
EAST:	Industrial; IP-1-1 and RS-1-14.	I-805 Freeway

WEST:	Residential; RM-3-9	Multi-family residential units – original 1,500 unit La Jolla Crossroads project
DEVIATIONS OR VARIANCES REQUESTED:	<ol style="list-style-type: none"> 1. Deviation to allow a Maximum structure height of 89 feet where 60 feet is allowed; 2. Deviation to allow Lots 2 and 3 to provide no street frontage when the zone requires 70 feet street frontage for each lot – each lot will have access via Sydney Court (existing private drive); 3. Deviation for Lot 1 not providing the required 70 feet of street frontage required for vehicular access; 4. Deviation is for street side setback for Lot 1 to allow 69 percent of the proposed building to encroach between 12 feet and 27 feet into the 33 foot required street side setback. 5. Deviation for front yard setback for Lot 2 to allow 89 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback. 6. Deviation for the front yard setback for Lot 3 to allow 58 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback and 42 percent of the building to encroach 15 feet into the otherwise required 20 foot front yard setback. 7. Deviation for the front yard setback for Lot 3 for the proposed above grade parking structure, to allow the structure to encroach 8 feet into the otherwise required 20 foot front yard setback. 	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 9, 2012, the University Community Planning Group voted 7-6-2 to approve this project, with two conditions.	

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002184

SITE DEVELOPMENT PERMIT NO. 919768
 PLANNED DEVELOPMENT PERMIT NO. 909766
LA JOLLA CROSSROADS, PROJECT NO. 258190 MMRP
 AMENDMENT TO PLANNED RESIDENTIAL DEVELOPMENT (PRD)/PLANNED
 INDUSTRIAL DEVELOPMENT (PID)/ RESOURCE PROTECTION ORDINANCE (RPO)
 PERMIT NO. 99-0647
CITY COUNCIL

This Site Development Permit No. 919768 and Planned Development Permit No. 909766, amendment to Planned Residential Development (PRD)/Planned Industrial Development (PID)/Resource Protection Ordinance (RPO) Permit No. 99-0647 is granted by the City Council of the City of San Diego to La Jolla Crossroads 1, LLC, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 7.93-acre site is located at 9015 Judicial Drive in the RS-1-14 and IP-1-1 Zones, the Airport Environs (AEOZ-65-CNEL) Overlay, the Airport Influence (Review Area 1) Overlay, Airport Land Use Compatibility Plan (ALUCP) Noise Contours (60-65 db CNEL) Overlay, the FAA Part 77 Noticing Area Overlay, the Community Plan Implementation (CPIOZ - Type A) Overlay Zone, and the North University City Facilities Benefit Assessment (FBA) within the University Community Plan. The project site is legally described as: Lots 3, 4, 5 and 12 of La Jolla Crossroads, in the City of San Diego, County of San Diego, According to Map No. 14475, files in the office of the County Recorder of San Diego County October 9, 2002; except therefrom those portions of Lots 3 and 12 conveyed to the City of San Diego by deed recorded August 27, 2009, as Instrument No. 2009-0482447.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 309 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2012, on file in the Development Services Department.

The project shall include:

- a. Construction of 309 residential condominium units within 3 buildings and two parking garages, totaling approximately 767,329 square feet;
- b. A deviation for the maximum height of the structures. The project proposes a maximum height of 89 feet where the zone otherwise allows 60 feet maximum;
- c. A deviation for Lots 2 and 3 for not providing street frontage where the zone requires each lot to provide 70 feet of street frontage;
- d. A deviation for Lot 1 for not providing street frontage for vehicular access where the zone requires each lot to provide street frontage for vehicular access;
- e. A deviation for Lot 1 street side setback requirement. The project proposes to allow 69 percent of the building to encroach between 12 feet and 27 feet into the required 33 foot street side setback;
- f. A deviation for Lot 2 front yard setback requirement. The project proposes to allow 89 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback and 18 percent of the building to encroach 15 feet into the otherwise required 20 foot front yard setback;
- g. A deviation for Lot 3 front yard setback requirement for the residential building. The project proposes to allow 58 percent of the building to encroach 8 feet into the otherwise required 20 foot front yard setback and 42 percent of the building to encroach 15 feet into the otherwise required 20 foot front yard setback;
- h. A deviation for Lot 3 front yard setback requirement for the above grade parking structure. Project proposes to allow the southwest corner of the above grade parking structure encroach 8 feet into the required 20 foot front yard setback.
- i. Landscaping (planting, irrigation and landscape related improvements);
- j. Off-street parking; and
- k. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void 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. This permit must be utilized by December 4, 2015.
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. Ordinance No. O-_____ rezoning the site from the existing RS-1-14 and IP-1-1 zones into the RM-3-9 zone is finally passed and becomes effective.
 - b. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - c. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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, relating to the issuance of this permit including, but not limited 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 in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 258190, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 258190, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be

adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

Noise

AFFORDABLE HOUSING REQUIREMENTS:

14. This project is required to set aside 31 units of affordable to families earning 65% of Area Median Income (AMI) for a period of 55 years. The Owner/Permittee has elected to process the project through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program, which program is available to an Owner/Permittee only on a voluntary basis. Accordingly, prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by providing evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ["Procedures Manual"] previously approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(f) because the Owner/Permittee is receiving specific regulatory incentives and/or concessions from a public agency that result in identifiable, financially sufficient, and actual project cost reductions, including but not limited to expedited permit processing provided through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program and/or the approval of a deviation, waiver or reduction of development standards or regulations [collectively referred to as "development incentives"] and because the Owner/Permittee has voluntarily restricted the 31 rental units at 65% of AMI for a period of 55 years in exchange for such development incentives, as provided for within Part IV of the Procedures Manual.

AIRPORT REQUIREMENTS:

15. Prior to issuance of the first residential building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the construction of a City standard curb ramp with truncated domes, at the northeast corner of Sydney Court and Judicial Drive, satisfactory to the City Engineer.

17. Prior to the issuance of the first residential building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of the first residential building permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
19. Prior to the issuance of the first residential building permit, 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, consistent with the approved Water Quality Technical Report, satisfactory to the City Engineer.
20. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
21. Prior to the issuance of the first residential building permit, the Owner/Permittee shall obtain a bonded 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.
22. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
23. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
24. Prior to the issuance of the first residential building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drains, removable art sculpture, landscape and irrigation located within the City's right-of-way and City's easement, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

25. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The

as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

27. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan and Permit Conditions.

28. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection, whichever is earlier.

30. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

31. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15-gallon size or 60-inch box size /15 foot BTH material, respectively. The Development Services Department may authorize adjustment of the size and quantity of replacement material.

32. 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 take into account a 40 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

33. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

34. Complete landscape and irrigation construction documents shall be in substantial conformance with Exhibit 'A', Landscape Development Plan and Permit conditions, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree that is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

35. Prior to issuance of the first residential building permit, complete construction documents consistent with SDMC 142.0560(k)(4), Development and Design Regulations for Parking Facilities: The top floor of parking structure that are open to the sky are subject to the vehicular use area requirements of Landscape Regulations (Chapter 14, Article 2, Division 4), shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A" and the recorded permit on file in the Office of the Development Services Department. In the event that Exhibit 'A' drawings conflict with permit conditions for top floor parking structure, permit conditions shall prevail.

36. Prior to the issuance of the first residential building permit, construction documents shall be submitted that includes one or a combination of the following for the parking structure located adjacent to Building 12:

1. Cover all individual parking spaces open to the sky on the roof with solar panels.
2. Provide one automatically irrigated 24- inch box tree in planter within 30 feet of each individual parking space open to the sky.
3. Provide shade structure, such as a trellis w/baffling, to shade 50% of each parking space open to the sky.

PLANNING/DESIGN REQUIREMENTS:

37. 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.

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

39. 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.

40. Prior to issuance of construction permits, the Owner/Permittee shall include a representative of the Environmental Services Department (ESD) and owner/representative to attend preconstruction meetings to ensure that:

- An appropriate destination for soils has been identified;
- An appropriate destination for concrete and asphalt has been identified;
- Grubbed material is separated and taken to Miramar Landfill Greenery;
- Contract documents have recycling specifications included;
- A solid waste coordinator has been identified;
- An appropriate number of bins are provided onsite with appropriate signage;
- Bins are appropriately used and contamination levels are minimized;

- The Construction and Demolition Debris Diversion Deposit Program deposit has been paid;
- An appropriate diversion rate has been included on the deposit form; and
- Materials are being taken to the appropriate facility.

41. Prior to final inspection or issuance of any Certificate of Occupancy the Owner/Permittee shall contact a representative of the Environmental Services Department to schedule an appointment to:

- Inspect and approve a storage area that has been provided consistent with SDMC Section 142.0805, Storage Ordinance;
- Ensure that a hauler has been retained to provide recyclable materials collection and yard waste collection; and
- Inspect and approve the education materials for building tenants/owners that are required pursuant to the City's Recycling Ordinance.

TRANSPORTATION REQUIREMENTS:

42. No fewer than 945 total off-street parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A" as follows: 426 off-street automobile parking spaces, 9 accessible parking spaces, 21 motorcycle, and 108 bicycle spaces shall be permanently maintained in Garage A, and 519 off-street automobile parking spaces, 5 accessible parking spaces, 18 motorcycle, and 85 bicycle spaces shall be permanently maintained in the above grade parking structure adjacent to Building 12.

43. 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.

44. Prior to the issuance of the first residential building permit, the Owner/Permittee shall dedicate 10 feet along the project's frontage on Judicial Drive at the intersection of Judicial Drive and Sydney Court and construct a right turn lane including a signal modification, satisfactory to the City Engineer.

45. Prior to the issuance of the first residential building permit, the Owner/Permittee shall provide a mutual access easement/shared access easement and a shared parking agreement, satisfactory to the City Engineer.

PUBLIC UTILITIES REQUIREMENTS:

46. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

47. Prior to the issuance of the first residential building permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

48. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer. All irrigation systems must be designed to utilize reclaimed water.

49. Prior to the issuance of the first residential building permit, the Owner/Permittee shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the sewer easement, including but not limited to structures, enhanced paving, or landscaping; No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

50. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

51. Prior to the issuance of the first certificate of occupancy, all public water and sewer facilities, if required shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

52. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on December 4, 2102, and Resolution No. _____.

Site Development Permit No. 919768
Planned Development Permit No. 909766
Approved on December 4, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Laura C. Black, AICP
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**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.**

La Jolla Crossroads 1, LLC
Owner/Permittee

By _____
Stuart Posnock
Manager/Member

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

WHEREAS, La Jolla Crossroads 1, LLC, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit and Planned Development Permit, to amend Planned Residential Development (PRD)/Planned Industrial Development (PID)/Resource Protection Ordinance (RPO) Permit No. 99-0647 to construct 309 residential condominium units within 3 buildings and two parking garages, totaling approximately 767,329 square feet, known as the La Jolla Crossroads project, located at 9015 Judicial Drive, and legally described as Lots 3, 4, 5 and 12 of La Jolla Crossroads, in the City of San Diego, County of San Diego, According to Map No. 14475, files in the office of the County Recorder of San Diego County October 9, 2002; excepting therefrom those portions of Lots 3 and 12 conveyed to the City of San Diego by deed recorded August 27, 2009, as Instrument No. 2009-0482447, in the University Community Plan area, and

WHEREAS, on _____, 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 919768 and Planned Development Permit No. 909766, and pursuant to Resolution No. _____-PC voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, 2012, 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 Site Development Permit No. 919768 and Planned Development Permit No. 909766:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

With the proposed amendment to the General Plan and University Community Plan, the La Jolla Crossroads project is consistent with the requirements of the University Community Plan and will not adversely affect the land use and density designations for the site. The La Jolla Crossroads project is currently designated Scientific Research (SR) within the University Community Plan and Prime Industrial Lands (PIL) within the 2008 adopted General Plan.

The original La Jolla Crossroads project could not provide residential uses within this portion of the site as residential uses were incompatible with the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour for Marine Corps Air Station (MCAS) Miramar and Lot 12 was located in the Accident Potential Zone (APZ) – Zone B. The current project is proposing a Community Plan Amendment from Scientific Research (SR) to High Density Residential (45-75 dwelling units per acre). The project's proposed 309 residential units are consistent in density and intensity with the original La Jolla Crossroads project, which is immediately west of the project site.

With the project's proposed rezone, the project would be consistent with the housing residential element of the University Community Plan. The project will help satisfy a variety of goals of the University Community Plan. The project will increase the supply of both market-rate and affordable housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the project site would not conflict with goals relating to topography and preservation of natural resources because the project site has been

previously graded and is relatively flat. Therefore, the proposed development will not adversely affect the General Plan or the University Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The proposed development is currently served by the necessary sewer and water facilities to serve the occupants of the development. The project will incorporate construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code. The project will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. The project will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. Additionally, the project will comply with all the requirements of the State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and Amended by Order No. 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity.

An Environmental Impact Report (EIR) has been prepared for the project and all areas of potential impacts are mitigated to a level below significance. A Mitigation, Monitoring Reporting Program (MMRP) has been incorporated into the Final EIR with mitigation for Noise and Paleontological Resources. All proposed structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the proposed construction will be monitored and inspected in the field by certified inspectors. Therefore, 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, including any allowable deviations pursuant to the Land Development Code.

The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 919768 and Planned Development Permit No. 909766. The project proposes a total of seven (7) deviations from the Land Development Code. These deviations provide for a more desirable project.

A deviation is being requested for the maximum height of the proposed structures. The maximum height proposed within the project varies at several locations at 89 feet above finished grade, where 60 feet is otherwise allowed. The project is being proposed as an extension of the existing 1,500 unit La Jolla Crossroads

project, located across Sydney Court and west of the project site. The existing 1,500 unit project was approved per the pre-2000 Land Development Code Update and was not subject to a similar height restriction. This deviation will allow for the proposed buildings to blend in with the existing structures and allow for greater flexibility for the roofline design, allow for more articulation of the parapets and turrets above the roofline and provide an opportunity to maximize the amount of open space being provided on the project site. The proposed buildings will not exceed the height of the existing units of the original La Jolla Crossroads project.

A deviation is being requested regarding street frontage for Lots 2 and 3. The required street frontage within the RM-3-9 zone is 70 feet for each lot. In lieu of providing the required street frontage for Lots 2 and 3, all lots within the proposed development will obtain their access by way of Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court.

A deviation is being requested for Lot 1 not providing the required 70 feet street frontage for vehicular access. Lot 1 does have physical street frontage on La Jolla Village Drive in excess of the minimum 70 foot requirement; however, access rights to La Jolla Village Drive have been relinquished. Physical vehicular access to Lot 1 will be provided by Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court. Additionally, Sydney Court has the capacity to serve the proposed development 309 unit project.

A deviation is being requested for the street side setback for Lot 1 to allow 69 percent of the proposed building to encroach between 12 feet to 27 feet into the 33 foot required street side setback. The street side for Lot 1 was determined to be Sydney Court. The property line for Lot 1 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As such, the proposed building on Lot 1 will encroach as much as 12 feet to 27 feet into the required 33 foot street side setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for Lot 2. The project proposes to allow 89 percent of the building to encroach 8 feet to 15 feet into the required 20 foot front yard setback and 18 percent of the building to encroach 15 feet into the 20 foot front yard setback. The front yard for Lot 2 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 2 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of

the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 89 percent of the proposed building on Lot 2 will encroach 8 feet to 15 feet into the required 20 foot front yard setback. An additional 18 percent of the proposed building will encroach 15 feet into the required 20 foot front yard setback. However, even with the proposed encroachment into the street side setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for Lot 3 to allow 58 percent of the building to encroach 8 feet into the required 20 foot front yard setback and 42 percent of the building to encroach 15 feet into the required 20 foot front yard setback. The front yard for Lot 3 has been determined as Sydney Court for setback calculation purposes. The property line for Lot 3 runs down the centerline of Sydney Court, for setback measurement purposes, it has been determined that the setback to be measured from the back of the existing and/or proposed sidewalk on the east side of Sydney Court. As much as 58 percent of the proposed building on Lot 3 will encroach as much as 8 feet into the required 20 foot front yard setback. An additional 42 percent of the proposed building will encroach as much as 15 feet into the required 20 foot front yard setback. However, even with the proposed encroachment into the front yard setback, the proposed building is still located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

A deviation is being requested for the front yard setback for the proposed above grade parking structure on Lot 3 to allow the structure to encroach 8 feet into the required 20 foot front yard setback. This proposed encroachment into the front yard setback will provide that the proposed parking structure is located 2 feet to 3 feet further away from Sydney Court than the existing units located along the west side of Sydney Court.

As a result, the proposed project conforms with the overall policies and regulations of the City of San Diego and represents a desirable project for the site and the University community.

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

With the proposed amendment to the General Plan and University Community Plan, the La Jolla Crossroads project is consistent with the requirements of the University Community Plan and will not adversely affect the land use and density designations for the site. The La Jolla Crossroads project is currently designated

Scientific Research (SR) within the University Community Plan and Prime Industrial Lands (PIL) within the 2008 adopted General Plan.

The original La Jolla Crossroads project could not provide residential uses within this portion of the site as residential uses were incompatible with the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour for Marine Corps Air Station (MCAS) Miramar and Lot 12 was located in the Accident Potential Zone (APZ) – Zone B. The current project is proposing a Community Plan Amendment from Scientific Research (SR) to High Density Residential (45-75 dwelling units per acre). The project's proposed 309 residential units are consistent in density and intensity with the original La Jolla Crossroads project, which is immediately west of the project site.

With the project's proposed rezone, the project would be consistent with the housing residential element of the University Community Plan. The project will help satisfy a variety of goals of the University Community Plan. The project will increase the supply of both market-rate and affordable housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the project site would not conflict with goals relating to topography and preservation of natural resources because the project site has been previously graded and is relatively flat. Therefore, the proposed development will not adversely affect the General Plan or the University Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The proposed development is currently served by the necessary sewer and water facilities to serve the occupants of the development. The project will incorporate construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code. The project will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards. The project will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. Additionally, the project will comply with all the requirements of the State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and Amended by Order No. 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity.

An Environmental Impact Report (EIR) has been prepared for the project and all areas of potential impacts are mitigated to a level below significance. A Mitigation, Monitoring Reporting Program (MMRP) has been incorporated into the Final EIR with mitigation for Noise and Paleontological Resources. All proposed structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing,

mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the proposed construction will be monitored and inspected in the field by certified inspectors. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that 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; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 919768 and Planned Development Permit No. 909766. The project proposes a total of seven (7) deviations from the Land Development Code. These deviations provide for a more desirable project.

A deviation is being requested for the maximum height of the proposed structures. The maximum height proposed within the project varies at several locations at 89 feet above finished grade, where 60 feet is otherwise allowed. The project is being proposed as an extension of the existing 1,500 unit La Jolla Crossroads project, located across Sydney Court and west of the project site. The existing 1,500 unit project was approved per the pre-2000 Land Development Code Update and was not subject to a similar height restriction. This deviation will allow for the proposed buildings to blend in with the existing structures and allow for greater flexibility for the roofline design, allow for more articulation of the parapets and turrets above the roofline and provide an opportunity to maximize the amount of open space being provided on the project site. The proposed buildings will not exceed the height of the existing units of the original La Jolla Crossroads project.

A deviation is being requested regarding street frontage for Lots 2 and 3. The required street frontage within the RM-3-9 zone is 70 feet for each lot. In lieu of providing the required street frontage for Lots 2 and 3, all lots within the proposed development will obtain their access by way of Sydney Court – an existing private driveway that will serve the proposed development. Sydney Court will continue to serve the existing 1,500 unit development on the west side of Sydney Court.

A deviation is being requested for Lot 1 not providing the required 70 feet street frontage for vehicular access. Lot 1 does have physical street frontage on La Jolla Village Drive in excess of the minimum 70 foot requirement; however, access rights to La Jolla Village Drive have been relinquished. Physical vehicular access