



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: October 22, 2021 REPORT NO. HO-21-049

HEARING DATE: November 3, 2021

SUBJECT: SCRIPPS MESA APARTMENTS MAP WAIVER - Process Three Decision

PROJECT NUMBER: [678857](#)

OWNER: San Diego Unified School District

LEASEE / APPLICANT: Scripps MRU Owner, L.P

SUMMARY

Issue(s): Should the Hearing Officer approve a Tentative Map Waiver for the creation of eight commercial condominium units at 10380 Spring Canyon Road in Miramar Ranch North Community Plan area?

Staff Recommendation:

1. APPROVE a resolution certifying that the Hearing Officer of the City of San Diego, as a Responsible Agency, has review and considered the information contained in the Final Environmental Impact Report (SCH No. 2017011008) for the Scripps Mesa Joint Occupancy Project that was prepared and certified by the San Diego Unified School District, as Lead Agency, and adopted Findings pursuant to the California Environmental Quality Act in approving actions related to Tentative Map Waiver No. 2543896.
2. APPROVE Tentative Map Waiver No. 2543896.

Community Planning Group Recommendation: On September 7, 2021, the Miramar Ranch North Planning Committee voted 3-6-0 to recommend denial of the proposed project without conditions.

Environmental Review: On June 19, 2018, the San Diego Unified School District, as the Lead Agency, certified a Final Environmental Impact Report (SCH No. 2017011008) for the Scripps Mesa Joint Occupancy Project and adopted the Mitigation, Monitoring and Reporting Program. The Tentative Map Waiver for the current proposal, Scripps Mesa Apartment Map Waiver was reviewed by the City of San Diego (City) as a Responsible Agency. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15096, the City, as a Responsible Agency, considered the Final Environmental Impact Report (SCH No.

201711008). City staff determined that the Tentative Map Waiver was in accordance with CEQA Guidelines Section 15162 (a): 1) No substantial changes are proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, that shows any of the circumstances described in CEQA Guidelines 15162(3)(A) - (D). Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document. All of the impacts were adequately addressed and disclosed in the previously certified EIR.

BACKGROUND

The Scripps Mesa Apartment Map Waiver Project (Project) is located at 10380 Spring Canyon Road on a 6.69-acre site (Attachments 1-3), at the southeast corner of Scripps Poway Parkway and Spring Canyon Road, in the CV-1-1 Zone, Airport Land Use Compatibility Overlay Zone (ALUC), Airport Influence Area (AIA) Overlay Zone (Review Area 2), and Residential Tandem Parking Overlay Zone within the Miramar Ranch North Community Plan. The project site is zoned CV-1-1 and is intended to accommodate visitor-serving and residential uses. The CV-1-1 Zone is a commercial visitor zone that permits a maximum density of 1 dwelling unit for each 1,500 square feet of lot area. The site is within an urban, developed commercial neighborhood, surrounded by a park, commercial, and single- and multi-family development on all sides. The site is an existing school site owned by San Diego Unified School District.

DISCUSSION

Previous Approval:

The Scripps Mesa Joint Occupancy Project was approved through a public hearing process by the San Diego Unified School District on June 19, 2018. For the purposes of CEQA, the school district is the Lead Agency. The San Diego Unified School District approved the relocation of the existing school and the construction of a mixed-use project consisting of 264 for-rent residential apartment units consisting of affordable rental housing and market rate rental housing, approximately 2,000 square feet of commercial uses, a four-story parking structure, and approximately 4,000 square feet of institutional uses. The 264 for-rent apartment units consist of 195 pre-density bonus apartment units and 69 density bonus apartment units (a 35% density bonus), in accordance with the City of San Diego Municipal Code (SDMC) Section 143.0720, Affordable Housing Regulations.

Project Description:

The proposed Project will subdivide the previously approved Scripps Mesa Joint Occupancy Project through a Tentative Map Waiver per SDMC Section 125.0120(b)(1) to create eight commercial

condominium units on a previously mapped single parcel. A Tentative Map Waiver requires a Process Three, Hearing Officer decision, with rights to appeal to the Planning Commission.

The proposed subdivision is utilized for financing and financial ownership purposes to divide the site into eight commercial condominium units. The eight commercial condominium units are proposed to consist of:

- Three residential use commercial condominium units:
 - One for market rate apartment dwelling units (212 apartment dwelling units).
 - Two for apartment dwelling units rented to qualified very low-income tenants (52 apartment dwelling units).
- Two retail use commercial condominium units subdividing approximately 2,000 square feet of retail space.
- One commercial condominium unit for the apartment amenities, such as the pool and clubhouse.
- One commercial condominium unit for the San Diego Unified makerspace/community facility, including parking spaces and landscaping.
- One commercial condominium unit for the parking garage.

The Project proposes the reservation of 20% of the total residential dwellings units for rent to very low-income households with incomes that do not exceed 50% of area median income pursuant to the recorded affordable housing Regulatory Agreement and Declaration of Restrictive Covenants with the San Diego Housing Authority. The exact mix of commercial condominium units is anticipated to change depending on the requirements of lenders and the affordable housing financing requirements. Although the mix of commercial condominium units may change, the Tentative Map Waiver has been conditioned so that the number of commercial condominium units shall not exceed 8 commercial condominium units.

The Project will reserve 20% of the apartments units for very low-income households and the Project, therefore, qualifies for a density bonus pursuant to the City's Affordable Housing Regulations, which authorize the Project to increase density by up to 50% and authorizes up to five incentives (SDMC Sections 143.0720 and 143.0740). As incentives, this Project allows deviations to the ground floor restrictions for both building and parking and to the side yard setback during the construction permit phase. The proposed Project will include 195 pre-density bonus apartment units and 69 density bonus apartment units (35% density bonus), for a total of 264 apartment units in accordance with the SDMC Section 143.0720, Housing Regulations).

On September 7, 2021, the Miramar Ranch North Planning Committee voted 3-6-0 to deny the Project. According to the Community Planning Committee Distribution Form (Information Bulletin 620), "Since the beginning of this project, the MRNPC has repeatedly requested the applicant to conduct public input session/workshop for this project. To no avail, we asked the developer to consider mitigating for its proposed significant impacts to public [facilities] & infrastructures associated with this."

Conclusion:

City staff reviewed the request for a Tentative Map Waiver and found the Project to be in conformance with the applicable sections of the SDMC with evidence provided to support the required findings. Therefore, staff recommends the Hearing Officer approve a resolution certifying that the City of San Diego, as a Responsible Agency, has reviewed and considered the information contained in the Final Environmental Impact Report (SCH, No. 2017111008) for the Scripps Mesa Joint Occupancy Project that was prepared and certified by the San Diego Unified School District, as Lead Agency, and adopting Findings pursuant to CEQA in approving actions related to Tentative Map Waiver No. 2543896, and approve Tentative Map Waiver No. 2543896.

ALTERNATIVES

1. Approve the Environmental Resolution and approve Tentative Map Waiver No. 2543896, with modifications.
2. Do not approve the Environmental Resolution and deny Tentative Map Waiver No. 2543896, if the findings required to approve the project cannot be affirmed.

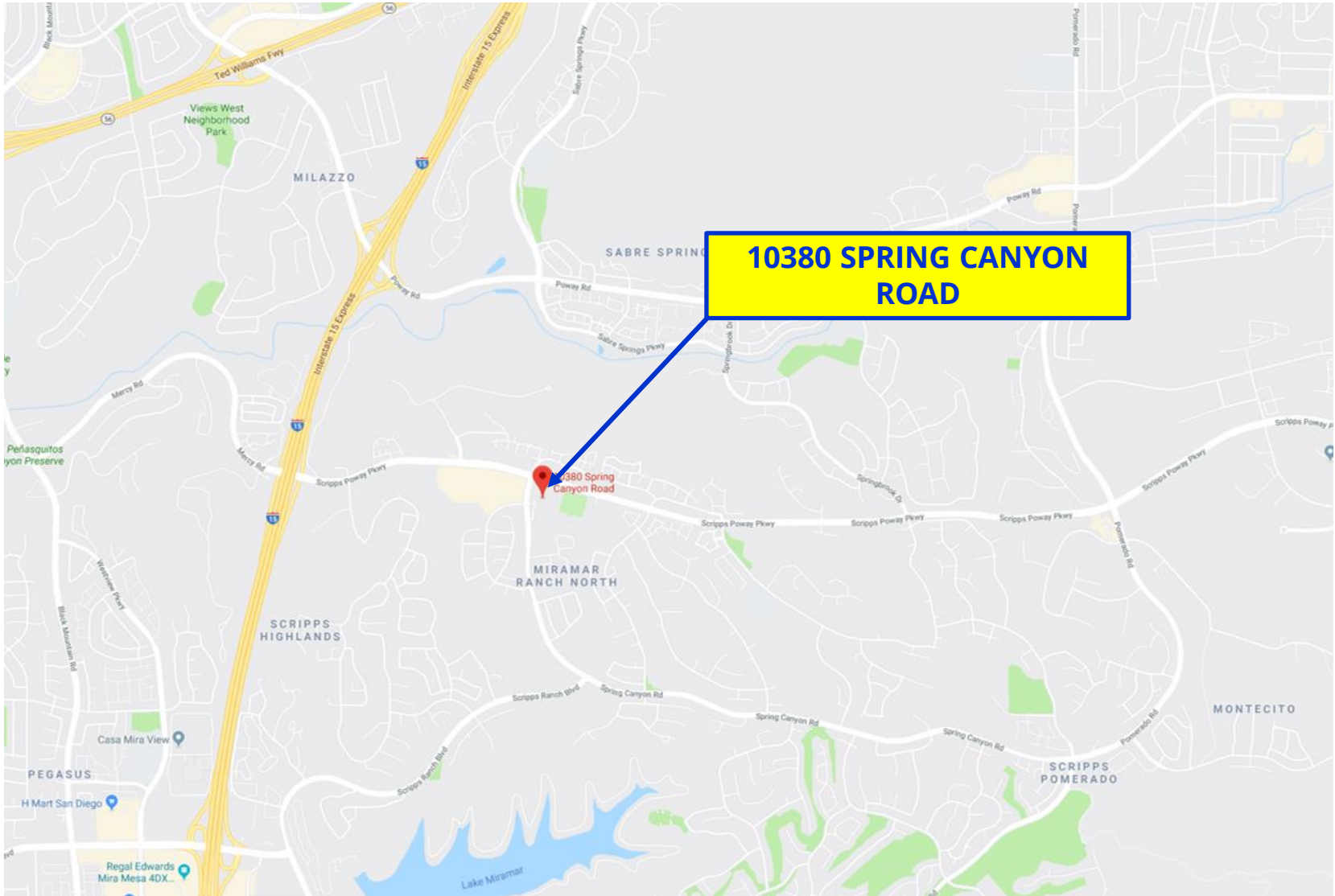
Respectfully submitted,

Oscar Galvez III

Oscar Galvez III
Development Project Manager

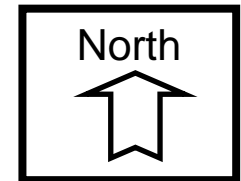
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Tentative Map Waiver Resolution
5. Draft Tentative Map Waiver Conditions
6. Draft Environmental Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Tentative Map Waiver Exhibit



Project Location Map

SCRIPPS MESA APTS. MAP WAIVER - 10380 SPRING CANYON ROAD
PROJECT NO. 678857



Legend

PLANNING AREA BOUNDARY
MUNICIPAL BOUNDARY

VERY LOW RESIDENTIAL
0-3 DU/NET ACRE

LOW RESIDENTIAL
3-6 DU/NET ACRE

LOW-MEDIUM RESIDENTIAL
6-9 DU/NET ACRE

MEDIUM RESIDENTIAL
9-12 DU/NET ACRE

MODERATE INCOME
9-12 DU/NET ACRE

MEDIUM HIGH RESIDENTIAL
12-24 DU/NET ACRE

INDUSTRIAL/BUSINESS

COMMERCIAL DEVELOPMENT

ELEMETARY SCHOOL

JUNIOR HIGH SCHOOL

OTHER PUBLIC OR COMMUNITY FACILITY

ACTIVE AND PASSIVE USE PARKS

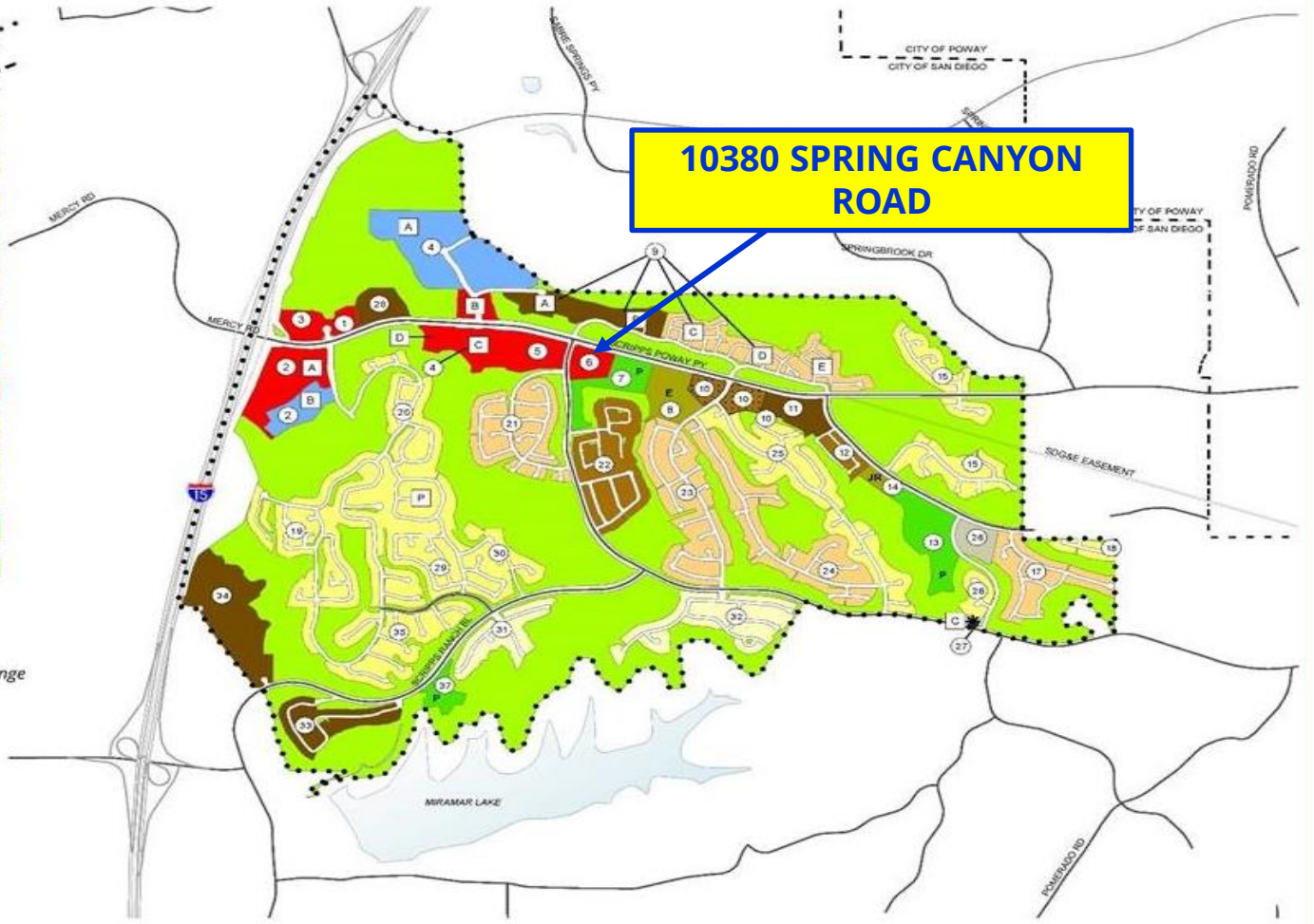
OPEN SPACE

FIRE STATION



NOTES:

Alignment of roads shown may change during final design.



10380 SPRING CANYON ROAD



Land Use Plan

4

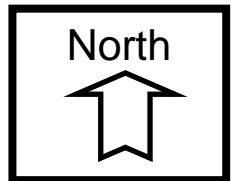
Miramar Ranch North Community Plan

FIGURE

Land Use Map



**SCRIPPS MESA APTS. MAP WAIVER - 10380 SPRING CANYON ROAD
PROJECT NO. 678857**

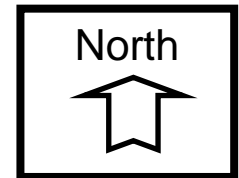


ATTACHMENT 2



Aerial Photo

SCRIPPS MESA APTS. MAP WAIVER 10380 SPRING CANYON ROAD.
PROJECT NO. 678857



RESOLUTION NO. _____
DATE OF FINAL PASSAGE NOVEMBER 3, 2021

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND
APPROVING THE MAP WAIVER NO. 2543896 FOR SCRIPPS MESA
APARTMENTS MAP WAIVER – PROJECT NO. 678857 (MMRP)

WHEREAS, San Diego Unified School District and Scripps MRU Owner, L.P, a California Limited Partnership, Owner/Subdivider, submitted an application with the City of San Diego for Tentative Map Waiver No. 2543896 to waive the requirement for a Tentative Map for the creation of a maximum of 8 commercial condominium units. The project site is located at the southeast corner of Scripps Poway Parkway and Spring Canyon Road at 10380 Spring Canyon Road, in the CV-1-1 (Commercial-Visitor) Zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar), and Residential Tandem Parking Overlay Zone (RTPOZ), in the Miramar Ranch North Community Plan. The property is legally described as Lot 6 of Scripps Ranch North Unit No. 2 Map No. 12788, in the City of San Diego (City), County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, on February 28, 1991 as File No. 91-0087425, as corrected by Certificate of Correction recorded December 5, 1995 as File No. 1995-0551053 of Official Records; and

WHEREAS, the Tentative Map Waiver proposes the subdivision of a 6.69-acre site into one (1) lot for the creation of eight (8) commercial condominium units as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act; and

WHEREAS, the Scripps Mesa Apartments Map Waiver Project (Project) is proposed to consist of 264 for-rent residential apartment units and will include affordable rental housing and market rate rental housing, retail/commercial (approximately 2,000 square feet), a four-story parking structure, and approximately 4,000 square feet for institutional uses, planned for construction for which certificates of occupancy have not been issued; and

WHEREAS, on November 3, 2021, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 2543896, and pursuant to sections 125.0123 and 125.0440 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 2543896.

Findings for a Map Waiver – San Diego Municipal Code Section 125.0123

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

The Project proposes the creation of a maximum of eight commercial condominium units. The site is located at 10380 Spring Canyon Road in the in the CV-1-1 (Commercial-Visitor) Zone within the Miramar Ranch North Community Plan area.

The Project is located within the Miramar Ranch North Community Plan area and the Project site is designated as Commercial Development within the Miramar Ranch North Community Plan. No changes are proposed to the existing land use designations or zone for the project site. The subdivision of land for residential and commercial development complies with the policies, goals, and objectives of the applicable land use plan and underlying zone by promoting a variety of housing types, sizes, prices, and ownership mechanisms in the community. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The Project proposes the creation of a maximum of eight commercial condominium units. The 6.69-acre site is located at 10380 Spring Canyon Road in the CV-1-1 (Commercial-Visitor) Zone within the Miramar Ranch North Community Plan area. The CV-1-1 Zone accommodates mixed-use development and is intended to accommodate a diverse array of uses, including residential, retail, and commercial. The proposed subdivision is consistent with the development regulations of the underlying zone, including building height, minimum lot width, minimum lot area, minimum street frontage, minimum lot depth, and maximum floor area ratio.

The CV-1-1 Zone allows a density of 1 dwelling unit per 1,500 square feet of lot area. The Project will reserve 20% of the apartments units for very low-income households and the Project, therefore, qualifies for a density bonus pursuant to the City's Affordable Housing Regulations, which authorize the Project to increase density by up to 50% and authorizes up to five incentives (SDMC Sections 143.0720 and 143.0740). As incentives, this Project allows deviations to the ground floor restrictions for both building and parking and to the side yard setback during the construction permit phase. The proposed Project will include 195 pre-density bonus apartment units and 69 density bonus apartment units (35% density bonus), for a total of 264 apartment units in accordance with the SDMC Section 143.0720, Housing Regulations). Beyond the allowed incentive deviations, no additional deviations are requested with this Project. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

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

The Project site is a flat, previously developed and graded site. The Project site is located in an urbanized area served by existing roads, utilities, schools, and emergency services. The subdivision does not facilitate additional development beyond that which has already been approved. The previously approved development was previously found to be physically suitable for the site, and the creation of eight commercial condominium units on a previously approved site does not change any of the physical characteristics of that approval. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project site was previously graded and is an in-fill site. The Project site does not contain and is not adjacent to any fish or wildlife habitats, environmentally sensitive lands, or Multiple Habitat Planning Area lands, and no sensitive resources in the form of flora or fauna exist on the site. The design of the subdivision and proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The Project complies with the SDMC and the Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approval relevant to public improvements and paying applicable fees.

The Project will provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with applicable construction standards and codes. All structures will be reviewed by professional staff for compliance with all relevant and applicable building,

electrical, mechanical, and fire codes to assure the structures will meet or exceed the current regulations and the standards for public improvements to the satisfaction of the City Engineer.

The Project's environmental effects are addressed in the Scripps Mesa Joint Occupancy Project Final Environmental Impact Report certified by the San Diego Unified School District as lead agency. The City of San Diego acting as responsible agency has reviewed and independently considered the Final Environmental Impact Report, considered the environmental effects of the Project as shown in the Final Environmental Impact Report, and determined that implementation of the mitigation measures will ensure that the Project's impacts are less than significant.

For these reasons, the design of the subdivision and the type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with the easements acquired by the public at large for access through or use of property within the proposed subdivision.

All public easements existing on the property will be maintained, and the proposed subdivision will not conflict with these easements. Therefore, the design of the subdivision and proposed Tentative Map Waiver, and the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

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

The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. The creation of eight commercial condominium units will not impede or inhibit any future passive or natural heating or cooling opportunities. With the design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement, and selection of plant material provide to the extent feasible, for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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

The Miramar Ranch North Community Plan and the CV-1-1 (Commercial-Visitor) Zone provide for mixed-use and residential development on the Project site. Environmentally sensitive lands are not present on the site. Existing infrastructure including improved streets, schools, businesses, and shopping in the surrounding area supports the proposed development.

ATTACHMENT 4

The Project will reserve 20% of the apartment units for very low-income households and will develop a total of 264 apartment units. The Project will, therefore, contribute to the City's affordable housing needs and overall housing needs.

The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed subdivision will not adversely impact the housing needs of the Miramar Ranch North Community Plan area.

The above findings are supported by the minutes, maps, and exhibits, and the Scripps Mesa Joint Occupancy Project Final Environmental Impact Report and Mitigation Monitoring Reporting Program, all of which are incorporated herein by reference.

BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map Waiver No. 2543896, is hereby granted to the San Diego Unified School District and Scripps MRU Owner, L.P, a California Limited Partnership, Owner/Subdivider, subject to the attached conditions which are made a part of this resolution by this reference.

By _____

Oscar Galvez III
Development Project Manager

ATTACHMENT: Tentative Map Waiver Conditions

ATTACHMENT 5

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 2543896
SCRIPPS MESA APARTMENTS MAP WAIVER - PROJECT NO. 678857MMRP
ADOPTED BY RESOLUTION NO. _____ ON NOVEMBER 3, 2021

GENERAL

1. This Map Waiver will expire November 17, 2024.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Tentative Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the COC.
5. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
6. The Certificate of Compliance shall conform to the provisions of the Scripps Mesa Joint Occupancy Project, satisfactory to the City Engineer.
7. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

8. The Subdivider shall assure, by permit and bond, the construction of all previously approved public improvements per Drawing No. 41682-D, satisfactory to the City Engineer.

ATTACHMENT 5

MAPPING

9. Prior to the recordation of the Certificate of Compliance, all conditions in the Tentative Map Waiver Resolution of Approval must be satisfied.
10. Prior to the issuance of a Certificate of Compliance, the City will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monument was missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 11004543

RESOLUTION NO. _____
DATE OF FINAL PASSAGE NOVEMBER 3, 2021

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT FINDINGS FOR SCRIPPS MESA APARTMENTS MAP WAIVER – PROJECT NO. 678857 (MMRP)

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Chapter 3, Division 6, Title 14; Article 6, sections 15070 to 15075), San Diego Unified School District (SDUSD), as the lead agency for the Scripps Mesa Joint Occupancy Project (the Project), prepared an Environmental Impact Report (SCH No. 2017011008) which documents, describes, discloses, and analyzes the environmental impacts of the Project; and

WHEREAS, the City, is the responsible agency for the Project as provided in CEQA section 21069; and

WHEREAS, on June 19, 2018, SDUSD certified the final Environmental Impact Report; and

WHEREAS, on June 19, 2018, the SDUSD adopted Findings of Fact as required by CEQA, together with a Mitigation Monitoring and Reporting program and also approved the implementation of the Project; and

WHEREAS, on April 19, 2021, Janay Kruger submitted a Tentative Map Waiver (Project No. 678857) for the Scripps Mesa Apartments Map Waiver Project to the Development Services Department for approval of minor technical changes or additions to the Project; and

WHEREAS, prior to taking discretionary actions for approval of the submitted Scripps Mesa Apartments Map Waiver Project, including the financing, construction and any other approvals to implement the Project by the City as a responsible agency under CEQA, the Hearing Officer desires to make certain findings pursuant to CEQA Guidelines 15091 and 15096; NOW, THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, as follows:

1. The City has reviewed and considered the information contained in the Final EIR relevant to the City's approval of discretionary actions within the City's jurisdiction necessary for the Project as described in the Final EIR.
2. The City has reviewed and considered the CEQA Findings and the Hearing Officer hereby determines and concludes all of the following:
 - a. In certifying the Final EIR, SDUSD has already identified, analyzed, disclosed and adopted the mitigation measures for the Project;
 - b. The Hearing Officer has reviewed and considered the Final EIR together with the related CEQA Findings and determines that the information and analyses contained in the Final EIR, together with the related CEQA Findings, are adequate for the City's use as a responsible agency and for the City's consideration of discretionary actions to implement the Scripps Mesa Apartments Map Waiver Project;
 - c. The City's approvals of discretionary actions to implement the Scripps Mesa Apartments Map Waiver are within the scope of the activities described and evaluated in the Final EIR;
 - d. The City has not identified a feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment; and
 - e. Since the Final EIR was certified, there have been no substantial changes to the Project and no substantial changes in Project circumstances that


would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

3. The City, as a responsible agency under CEQA, hereby adopts SDUSD's CEQA Findings for the Final EIR for the Project as its own findings under CEQA to the fullest possible extent that the CEQA Findings are relevant to the City's decision to approve discretionary actions to implement the Scripps Mesa Apartments Map Waiver Project.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the San Diego County Board of Supervisors following the City's approval of any discretionary action related to the Project.

APPROVED: DEPUTY CITY ATTORNEY

By: _____
Noah J Braizer, Deputy City Attorney

Page 3		City of San Diego · Information Bulletin 620		May 2020
		City of San Diego Development Services		Community Planning Committee Distribution Form
Project Name: Scripps Mesa Apartments			Project Number: 678857	
Community: Miramar Ranch North				
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>				
<input type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input checked="" type="checkbox"/> Vote to Deny				
# of Members Yes 3		# of Members No 6		# of Members Abstain
Conditions or Recommendations: Since the beginning of this project, the MRNPC has repeatedly requested the applicant to conduct public input session/workshop for this project. To no avail, we asked the developer to consider mitigating for its proposed significant impacts to public facilities & infrastructures associated with this				
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) N/A				
NAME: Michelle Abella-Shon				
TITLE: Chair			DATE: September 07, 2021	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>				

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h2 style="margin: 0;">Ownership Disclosure Statement</h2>	FORM DS-318 October 2017
Approval Type: Check appropriate box for type of approval(s) requested: <input type="checkbox"/> Neighborhood Use Permit <input type="checkbox"/> Coastal Development Permit <input type="checkbox"/> Neighborhood Development Permit <input type="checkbox"/> Site Development Permit <input type="checkbox"/> Planned Development Permit <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Tentative Map <input type="checkbox"/> Vesting Tentative Map <input checked="" type="checkbox"/> Map Walver <input type="checkbox"/> Land Use Plan Amendment <input type="checkbox"/> Other _____			
Project Title: <u>Scrpps Mesa Apartments Map Walver</u> Project No. For City Use Only: _____ Project Address: <u>10380 Spring Canyon Road, San Diego, California</u>			
Specify Form of Ownership/Legal Status (please check): <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability -or- <input type="checkbox"/> General - What State? _____ Corporate Identification No. _____ <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Individual			
<p>By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.</p>			
Property Owner			
Name of Individual: <u>Scrpps MRU Owner, L.P.</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Successor Agency Street Address: <u>7727 Merschel Avenue</u> City: <u>San Diego</u> State: <u>CA</u> Zip: <u>92037</u> Phone No.: <u>(858) 551-4390</u> Fax No.: _____ Email: <u>skruer@monarchgroup.com</u> Signature: <u>[Signature]</u> Date: _____ Additional pages Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Applicant			
Name of Individual: <u>Janay Kruger</u> <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Successor Agency Street Address: <u>4660 La Jolla Village Dr., Ste 1080</u> City: <u>San Diego</u> State: <u>CA</u> Zip: <u>92122</u> Phone No.: <u>(619) 917-4067</u> Fax No.: _____ Email: <u>Janay.Kruger@msn.com</u> Signature: <u>[Signature]</u> Date: <u>5/11/21</u> Additional pages Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Financially Interested Persons			
Name of Individual: _____ <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Successor Agency Street Address: _____ City: _____ State: _____ Zip: _____ Phone No.: _____ Fax No.: _____ Email: _____ Signature: _____ Date: _____ Additional pages Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No			

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 Upon request, this information is available in alternative formats for persons with disabilities.

Scripps MRU Owner, L.P.
a California limited partnership

By: Monarch Essex Scripps GP, LLC
a Delaware limited liability company
its Administrative General Partner

By: Monarch Essex Scripps, LLC,
a Delaware limited liability company
its sole member

By: Essex Scripps, LLC
a Delaware limited liability company
its member

By: Essex Portfolio, L.P.,
a California limited partnership
its sole member

By: Essex Property Trust, Inc.,
a Maryland corporation
its General Partner

Essex Property Trust is a publicly traded corporation with the following officers:

Michael Schall, President & CEO
John Burkart, Senior Executive Vice President & COO
Angela Kleiman, Executive Vice President & CFO
Adam Berry, Executive Vice President & CIO
Patrick Klein, Executive Vice President & CTO

By: Monarch Scripps Mesa, LLC
a California limited liability company
its member

Monarch Scripps Mesa, LLC has the following managers:

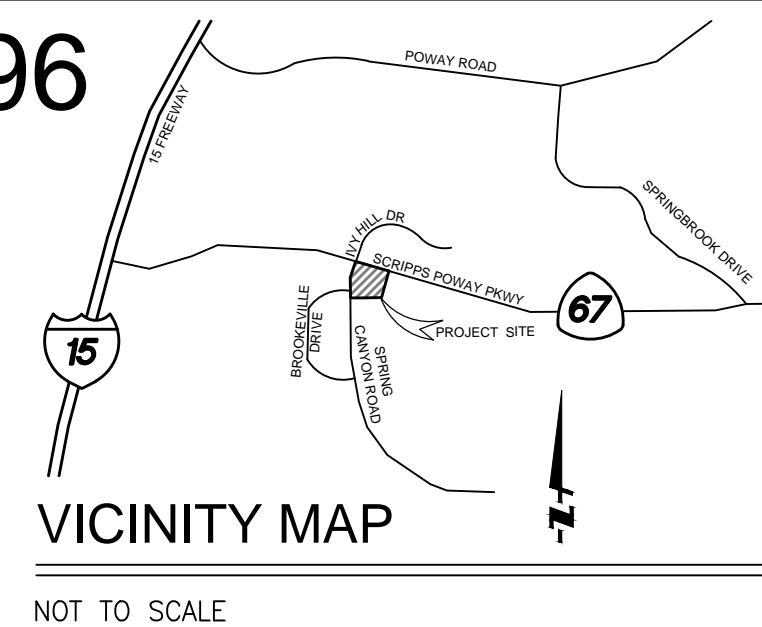
Rodney F. Stone
Ryan E. Stone
William P. Kruer
George T. Kruer
Sarah J. Kruer Jager

By: AOF LA MGP LLC
A California limited liability company
its Managing General Partner

By: AOF/Pacific Affordable Housing Corp,
a California nonprofit public benefit corporation
its Sole Member and Manager

TENTATIVE MAP WAIVER NO. 2543896

SCRIPPS MESA



TM WAIVER

THIS IS A REQUEST FOR A WAIVER OF A TENTATIVE MAP.

COMMERCIAL CONDOMINIUM NOTE

THIS IS A MAP OF A COMMERCIAL CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OR 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF COMMERCIAL CONDOMINIUM UNITS IS 8.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
LOT 6 OF SCRIPPS RANCH NORTH UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12788, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 28, 1991, AS CORRECTED BY CERTIFICATE OF CORRECTION RECORDED DECEMBER 5, 1995 AS FILE NO. 1995-0551053 OF OFFICIAL RECORDS.
APN: 319-460-17

ASSESSORS PARCEL NUMBER

319-460-17 NO. OF EXISTING AND PROPOSED LOTS = ONE (1)

SITE ADDRESS

10380 SPRING CANYON ROAD, SAN DIEGO CA 92123

ZONING / OVERLAYS

EXISTING ZONE: CV-1-1 AIRPORT INFLUENCE AREA (AIA) AREA#2
PROPOSED ZONE: CV-1-1 FIRE BRUSH ZONES 300' BUFFER
FIRE HAZARD SEVERITY ZONE
RESIDENTIAL TANDEM PARKING

SITE AREA + NO. OF UNITS

GROSS AREA = 6,694 AC (291,588 SF), MAX NO. RESIDENTIAL APARTMENT UNITS = 264

MINIMUM SETBACKS

FRONT: 10 FEET MINIMUM
SIDE: 10 FEET MINIMUM
STREET SIDE: 10 FEET

BUILDINGS & PARKING RATE

1 BEDROOM	90
2 BEDROOM	143
3 BEDROOM	31
TOTAL RESIDENTIAL APARTMENT UNITS	=264

RESIDENTIAL PARKING RATE:
1 BEDROOM: 90 X 1.0 = 89
2 BEDROOM: 143 X 1.3 = 186
3 BEDROOM: 31 X 1.75 = 55
REQUIRED RESIDENTIAL PARKING: =331
PROVIDED RESIDENTIAL PARKING:
SURFACE (LEASING): 15
PARKING STRUCTURE (5 LEVEL): 451
TOTAL RESIDENTIAL PARKING PROVIDED= 466

COMMERCIAL PARKING RATE:
COMMUNITY CENTER: 4,000SF X (7 SPACES/1,000SF) = 28
COMMERCIAL SPACE: 2,000SF X (6 SPACES/1,000SF) = 12
COMMERCIAL PARKING REQUIRED/PROVIDED = 40

OWNERSHIP

A LEASEHOLD TITLE INTEREST IN THE SUBJECT PROPERTY WILL BE HELD BY: SCRIPPS MRU OWNER, L.P. A CALIFORNIA LIMITED PARTNERSHIP. FEE TITLE INTEREST IS CURRENTLY HELD BY SAN DIEGO UNIFIED SCHOOL DISTRICT, A SCHOOL DISTRICT ORGANIZED UNDER THE EDUCATION CODE OF THE STATE OF CALIFORNIA.

BY: _____
NAME: _____

TITLE REPORT

PREPARED BY: CHICAGO TITLE COMPANY ORDER NO. 00122934-004-RM1-CFU
701 B STREET, SUITE 1120 TRANSMITTAL DATED: JUNE 26, 2020
SAN DIEGO, CA 92101

EASEMENTS

- ⑦ AN EASEMENT, WITH VARIABLE WIDTH, FOR LANDSCAPING RESTRICTIONS AS DELINEATED AND DESIGNATED ON MAP NO. 12788.
- ⑧ A BUILDING RESTRICTED EASEMENT ACROSS ALL OF LOT C AS SHOWN ON MAP NO. 12788.
- ⑪ AN EASEMENT, 5.00 FEET WIDE, FOR UNDERGROUND COMMUNICATION FACILITIES GRANTED TO PACIFIC BELL PER DOC. REC. JAN. 15, 1992, AS DOC. NO. 1992-0021973 O.R.
- ⑥ INDICATES PLOTTED EASEMENT

BASIS OF BEARING

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 6 (EPOCH 1991.35) GRID BEARING BETWEEN STATIONS "SV 5" AND "SV 2" AS SHOWN ON RECORD OF SURVEY NO. 17738, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER MARCH 7, 2003.

I.E. N 82°54'46" W

REFERENCE DRAWINGS

- CITY OF SAN DIEGO DRAWING NUMBERS:
30935-D SPRING CANYON RD IMPROVEMENTS
28021-D SCRIPPS POWAY PRKY RECLAIMED WATER PLANS
25481-D SCRIPPS RANCH UNIT NO. 3 IMPROVEMENTS
25511-D BROOKVILLE DR IMPROVEMENTS
25500-D SCRIPPS RANCH UNIT NO. 2 GRADING PLAN
25098-D SPRING CANYON RD IMPROVEMENTS
25074-D SCRIPPS NORTH PRKY IMPROVEMENTS

DIVISION OF STATE ARCHITECTS DRAWING NUMBERS:
04-102702 ELLEN BROWNING SCRIPPS SCHOOL
04-106693 ELLEN BROWNING SCRIPPS SCHOOL

UTILITY NOTE

ALL EXISTING UTILITIES ARE UNDERGROUND. ALL PROPOSED UTILITIES SERVING THE SUBDIVISION SHALL BE UNDERGROUNDED WITH THE APPROPRIATE PERMITS.

LEGEND

ITEM	SYMBOL
PROPERTY BOUNDARY/TMW BOUNDARY	---
RIGHT OF WAY	---
STREET CENTERLINE	---
EASEMENT	---

PROPOSED IMPROVEMENTS

ITEM	SYMBOL
BUILDING FOOTPRINT	▭
6" CURB & GUTTER	▬
STORM DRAIN	SD
DOMESTIC WATER LINE	DW
FIRE WATER LINE	FW
SEWER LINE	SS
SEWER MANHOLE	SSO
SEWER CLEANOUT	SSO
SEWER SERVICE	SS (S)
WATER SERVICE	DW (W)
FIRE SERVICE	FW (F)
RECLAIMED IRRIGATION SERVICE	RW (I)
BACKFLOW PREVENTER	□
WATER METER	⊗
GATE VALVE	⊗
FIRE HYDRANT	FW (H)
FIRE PIV & FDC	FW (P)
STORM DRAIN STRUCTURE	▭
STORM DRAIN CISTERN	▭
PROPRIETARY BIOFILTRATION UNIT	▭
TRAFFIC SIGNAL	⊗
CURB RAMP	▭

EXISTING IMPROVEMENTS

ITEM	SYMBOL
EXISTING FIRE HYDRANT	⊗
EXISTING FENCE	X X X X
EXISTING STREET LIGHT	⊗
EXISTING LAMP	⊗
EXISTING SEWER MAIN	SS
EXISTING STORM DRAIN	SD
EXISTING DOMESTIC WATER MAIN	DW
RECYCLED WATER MAIN	RW
EXISTING BACKFLOW PREVENTOR	□
EXISTING WATER METER	⊗
EXISTING TRAFFIC SIGNAL	⊗

COORDINATE INDEX

CCS '83: 1920-6299
L.C.: 280-1739

BENCHMARK

THE BENCHMARK USED FOR THIS SURVEY IS THE CITY OF SAN DIEGO BRASS PLUG IN THE TOP OF A STORM DRAIN INLET AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SPRING CANYON ROAD AND NORTH BROOKVILLE DRIVE.

ELEV. = 622.381' MSL (NGVD 29)

MAP LEGEND

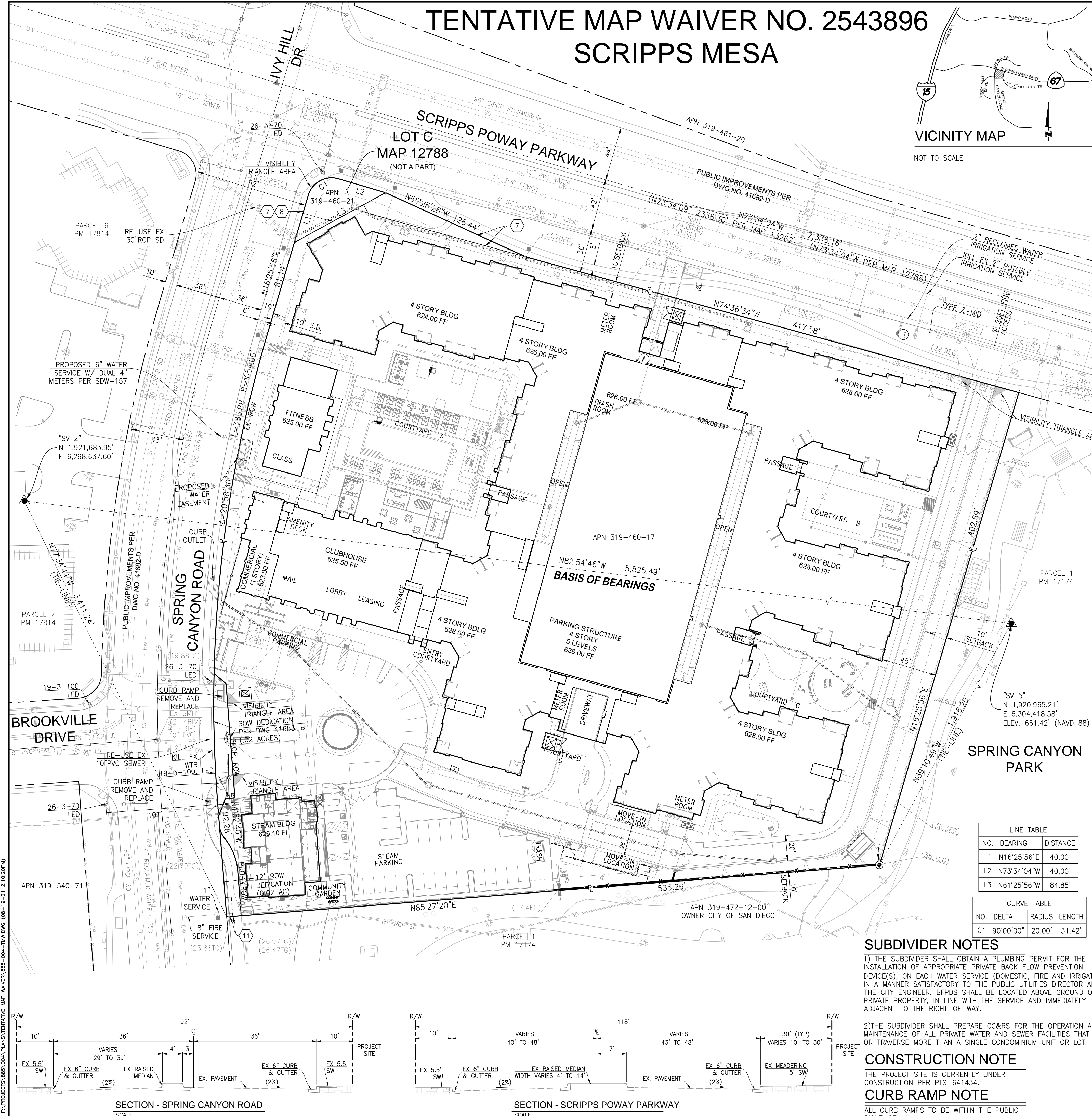
- INDICATES FOUND 2" IRON PIPE W/BRASS DISC STAMPED "LS 4324" PER MAP 12788
- ▲ INDICATES FOUND 1ST ORDER CONTROL MONUMENT PER ROS 17738 BEING A 2.5" BRASS CAP IN STORM DRAIN INLETS, STAMPED "SDCWA CONTROL POINT LS 6641"
- IP INDICATES IRON PIPE

SEWER

PRIOR TO CONNECTING TO ANY EXISTING SEWER LATERAL, THE LATERAL SHALL BE INSPECTED USING A CLOSED-CIRCUIT TELEVISION (CCTV) BY A CALIFORNIA LICENSED PLUMBING CONTRACTOR TO VERIFY THE LATERAL IS IN GOOD WORKING CONDITION AND FREE OF ALL DEBRIS.

FUSCO ENGINEERING
6390 Greenwich Drive, Suite 170
San Diego, California 92122
tel 858.554.1500 fax 858.597.0335
www.fuscoec.com

DESCRIPTION	BY	DATE	I.O. NO.	N/A
			PTS NO.	678857
			T.M. WAIVER NO.	2543896
				1920-6299
				NAD83 COORDINATES
				280-1739
				LAMBERT COORDINATES



SUBDIVIDER NOTES

- 1) THE SUBDIVIDER SHALL OBTAIN 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 PUBLIC UTILITIES DIRECTOR AND THE CITY ENGINEER. BFPDS SHALL BE LOCATED ABOVE GROUND ON PRIVATE PROPERTY, IN LINE WITH THE SERVICE AND IMMEDIATELY ADJACENT TO THE RIGHT-OF-WAY.
- 2) THE SUBDIVIDER SHALL PREPARE CC&RS FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.

CONSTRUCTION NOTE

THE PROJECT SITE IS CURRENTLY UNDER CONSTRUCTION PER PTS-641434.

CURB RAMP NOTE

ALL CURB RAMP TO BE WITHIN THE PUBLIC RIGHT-OF-WAY.

EX: PROJECTS/885/04/04/TENTATIVE MAP WAIVER 885-004-TM.DWG (08-19-21 2:10:20PM)