



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: September 11, 2019 REPORT NO. HO-19-084

HEARING DATE: September 18, 2019

SUBJECT: MONARCH MAP WAIVER - Process Three Decision

PROJECT NUMBER: [628927](#)

OWNER: San Diego Unified School District

LEASEE / APPLICANT: Scripps Mesa Apartments, L.P. / Janay Kruger.

SUMMARY

Issue(s): Should the Hearing Officer approve the Tentative Map Waiver for the creation of 8 commercial condominium units at 10380 Spring Canyon Road in Miramar Ranch North Community Planning 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. 2256708.
2. APPROVE Tentative Map Waiver No. 2256708.

Community Planning Group Recommendation: On April 2, 2019, the Miramar Ranch North Planning Committee voted 9-0-0 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, Monarch Map Waiver was reviewed by the City of San Diego (City) as a Responsible Agency. Pursuant to the 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 6.694-acre site is located at 10380 Spring Canyon Road (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), Residential Tandem Parking Overlay Zone, and the Miramar Ranch North Community Plan Area. The project site 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 1500 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. 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 made up of affordable rental housing and market rate rental housing, retail/commercial of approximately 2,000-square-feet, a four-story, five-level parking structure, and a makerspace/community facility of approximately 4,000 square feet. The 264 for-rent apartment units consist of 195 pre-density bonus apartment units and 69 density bonus apartment units (35% density bonus), in accordance with the City of San Diego Municipal Code Affordable Housing Regulations (section 143.0720 of the San Diego Municipal Code).

Project Description:

The proposed project will subdivide the previously approved Scripps Mesa Joint Occupancy Project through a tentative map waiver per Municipal Code Section 125.0120(b)(1) to create a maximum of

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 applicant is proposing the Tentative Map Waiver, for financing and financial ownership purposes, to divide the site into no more than eight commercial condominium units. The eight commercial condominium units consist of:

- 3 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).
- 2 Retail use commercial condominium units subdividing approximately 2,000 square feet of retail space.
- 1 Commercial condominium unit for the apartment amenities, such as the pool and clubhouse.
- 1 Commercial condominium unit for the San Diego Unified makerspace/community facility, including parking spaces and landscaping.
- 1 Commercial condominium unit for the parking garage.

The affordable dwelling units, which will be rented to very low-income households whose incomes do not exceed 50% of area median income, will comprise not less than 20% of the total residential dwelling units in the project. 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.

Conclusion:

Staff has reviewed the request for a Tentative Map Waiver and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code with evidence provided to support the required findings. Therefore, staff recommends the Hearing Officer approve a resolution certifying that the Hearing Officer of 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. 2256708, and approve Tentative Map Waiver No. 2256708.

ALTERNATIVES

1. Approve Tentative Map Waiver No. 2256708, with modifications.

2. Deny Tentative Map Waiver No. 2256708, if the findings required to approve the project cannot be affirmed.

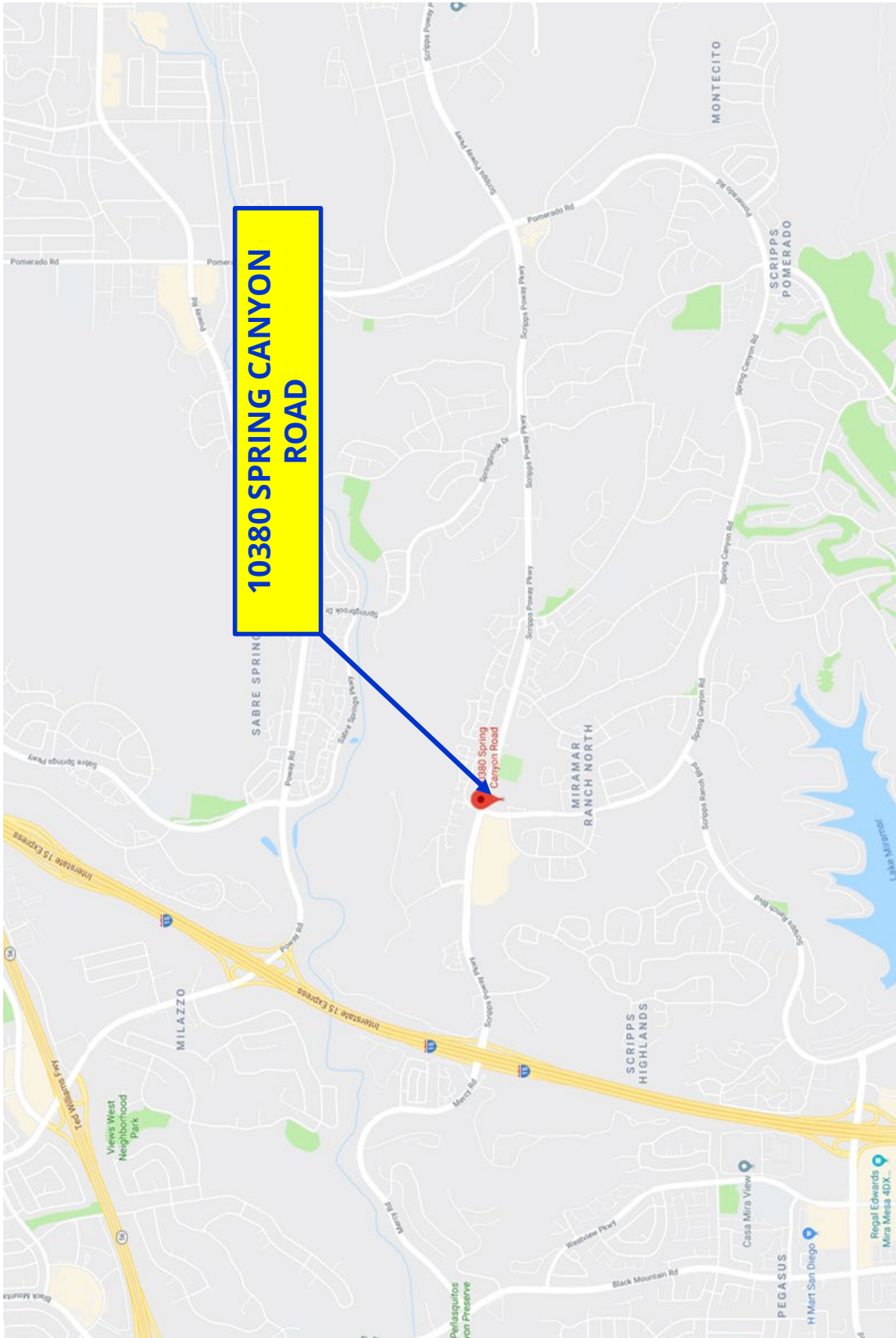
Respectfully submitted,



Glenn R. Gargas, Development Project Manager

Attachments:

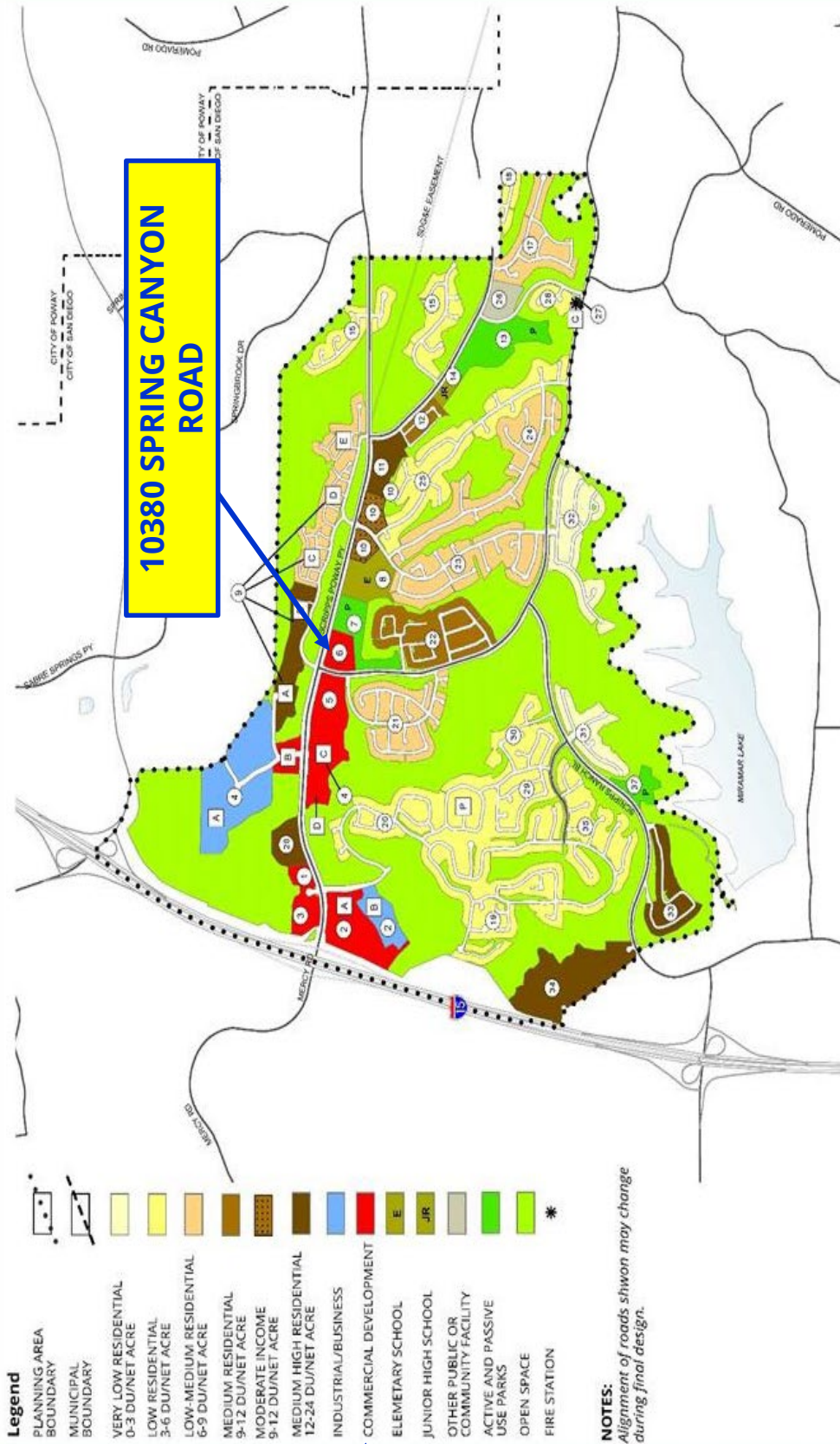
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Tentative Map Waiver Resolution
5. Draft Tentative Map Waiver Conditions
6. Draft Environmental Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Map Exhibit-Tentative Map Waiver



Project Location Map

MONARCH MAP WAIVER - 10380 SPRING CANYON ROAD
PROJECT NO. 628927





Land Use Plan
Miramar Ranch North Community Plan

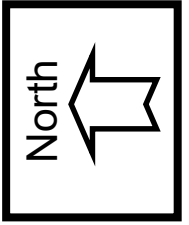
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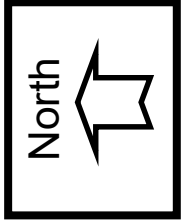
FIGURE

Land Use Map



MONARCH MAP WAIVER – 10380 SPRING CANYON ROAD
PROJECT NO. 628927





Aerial Photo

**MONARCH MAP TENATIVE WAIVER 10380 SPRING CANYON ROAD.
PROJECT NO. 628927**



RESOLUTION NO. _____
DATE OF FINAL PASSAGE SEPTEMBER 18, 2019

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND
APPROVING THE MAP WAIVER NO. 2256708 FOR MONARCH MAP WAIVER –
PROJECT NO. 628927 MMRP

WHEREAS, San Diego Unified School District / Scripps Mesa Apartments, L.P., Subdivider, and Bryan D. Smith of Fuscoe Engineering, Engineer, submitted an application with the City of San Diego for Tentative Map Waiver No. 2256708 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, 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, 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 on one lot for the creation of a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act, consisting of a maximum of 8 commercial condominium units; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the Scripps Mesa Apartments mixed use 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 sf), a four-story parking structure, and a makerspace/community facility (approximately 4,000 sf) for San Diego Unified School District, planned for construction for which certificates of occupancy have not been issued; and

WHEREAS, on September 18, 2019, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 2256708, 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 Map Waiver No. 2256708.

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 8 commercial condominium units. The 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 6.69-acre site is zoned CV-1-1 which allows a density of 1 dwelling unit per 1,500 square feet of lot area. 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 City of San Diego Municipal Code Affordable Housing Regulations (section 143.0720 of the San Diego Municipal Code).

The proposed project is located within the Miramar Ranch North Community Plan area and the project site is designated as Commercial Development on the Land Use Plan attached as Figure 4 to 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.

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 6.69-acre site is zoned CV-1-1 which allows a density of 1 dwelling unit per 1,500 square feet of lot area. The applicant 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 (sections 143.0720 and 143.0740 of the San Diego Municipal Code). As incentives, this project will request deviations to the ground floor restrictions for both building and parking and request a deviation 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 City of San Diego Municipal Code Affordable Housing Regulations (section 143.0720 of the San Diego Municipal Code).

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

The project proposes the creation of a maximum of eight condominium units. The proposed site is a flat, previously developed site. The 6.69-acre site is zoned CV-1-1 which allows a density of 1 dwelling unit per 1,500 square feet of lot area, resulting in 195 dwelling units for this project site (without the density bonus).

Applicant will reserve 20% of the apartments units for very low-income households and will, therefore, qualify for a density bonus of up to 50% pursuant to the City's Affordable Housing Regulations. The proposed Project would 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 City of San Diego Municipal Code Affordable Housing Regulations (section 143.0720 of the San Diego Municipal Code).

The project site is located in an urbanized area served by existing roads, utilities, schools and emergency services. The CV-1-1 (Commercial-Visitor) zone accommodates mixed-use developed intended to accommodate a diverse array of uses, including residential, retail, and commercial. Therefore, the site is physically suitable for the type and density of development.

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

The project proposes the creation of a maximum of eight commercial condominium units. The project site is located at 10380 Spring Canyon Road in the CV-1-1 zone (Commercial-Visitor) zone within the Miramar Ranch North Community Plan area. The site is an existing school site owned by San Diego Unified School District. The 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 has been reviewed and is in compliance with the San Diego Municipal Code and the Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approvals relevant to public improvements and paying applicable fees.

The Subdivider 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.**

Existing public easements exist on the property and the proposed subdivision will not conflict with these easements. All existing public easements will be maintained. 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 a maximum of 8 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.

Applicant 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. 2256708, is hereby granted to the San Diego Unified School

ATTACHMENT 4

District and Scripps Mesa Apartments, 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 _____

Glenn R. Gargas, Development Project Manager

ATTACHMENT: Tentative Map Waiver Conditions

ATTACHMENT 5

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 2256708
MONARCH MAP WAIVER - PROJECT NO. 628927 MMRP
ADOPTED BY RESOLUTION NO. _____ ON SEPTEMBER 18, 2019

GENERAL

1. This Map Waiver will expire October 2, 2022.
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.
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.

AFFORDABLE HOUSING

8. Prior to the recordation of the Certificate of Compliance, the Subdivider shall comply with provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by performing one of the following, at the Subdivider's sole election, as and to the extent permitted by applicable law:

ATTACHMENT 5

- a. Payment to the City of San Diego of the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations; or
- b. Provide 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") approved by the City Council of the City of San Diego, demonstrating that the Subdivider is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.1303 (f) because the Subdivider 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 ("development incentives") and because the Subdivider is voluntarily restricting rental units in exchange for such development incentives, as provided for within Part IV of the Procedures Manual; or
- c. Provide 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") approved by the City Council of the City of San Diego, demonstrating that the Subdivider is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.1303 (g) because the Subdivider is voluntarily pursuing and receiving tax credits, multifamily housing bonds, below market interest rate government agency loans, and/or grants to facilitate the construction of the development.

ENGINEERING

- 9. 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. The Owner/Permittee shall provide the additional right-of-way dedication to accommodate the reconstruction of the curb ramps located at the east side of the intersection of Brookville Drive and Spring Canyon Road, adjacent to the site.
- 10. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
- 11. The Owner/Permittee reconstruct the existing curb ramps at the east side of Brookville Drive and Scripps Poway Parkway, with current City standard curb ramps with truncated domes.

ATTACHMENT 5

12. The Owner/Permittee reconstruct the existing curb ramp at the southeast corner of Ivy Hill Drive and Scripps Poway Parkway, with current City standard curb ramp with truncated domes.
13. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
14. The Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
15. The applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
16. 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. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
17. The Subdivider shall ensure that all existing 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.
18. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

19. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

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

WATER

22. Prior to the approval of the water and sewer improvement plans show all existing water appurtenances. Labels should indicate the service size, whether existing or proposed, and the type of service (Domestic, Irrigation, or Fire). For the existing water services, please indicate whether the service is to be remained or to be killed at the main.
23. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
24. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
25. Prior to the approval of the water and sewer improvement plans the existing 8" water service in Scripps Poway Parkway shall be abandoned, and 6" fire service needs to be installed for the proposed fire hydrant.
26. Prior to the approval of the water and sewer improvement plan provide the water demand and the sewer flow generation for the proposed development.

ATTACHMENT 5

27. Prior to the approval of the water and sewer improvement plans provide approved water meter data card.
28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

GEOLOGY

29. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego "Guidelines for Geotechnical Reports" satisfactory to the City Engineer.

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. 12002110

RESOLUTION NUMBER _____

ADOPTED ON SEPTEMBER 18, 2019

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), the 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, on June 19, 2018, the SDUSD duly certified the Final Environmental Impact Report (SCH No. 2018011008) (Final EIR) for the Project; 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 Project; and

WHEREAS, on March 14, 2019, Janay Kruger submitted a Tentative Map Waiver No. 2256708 for the Monarch Map Waiver Project (PTS No. 628927) to the Development Services Department to subdivide the Project;

WHEREAS, the City, with respect to Tentative Map Waiver No. 2256708, is a responsible agency for the Project as provided in CEQA section 21069; and

WHEREAS, prior to taking discretionary actions for approval of Tentative Map Waiver No. 2256708, including the 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 15050, 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 approve Tentative Map Waiver No. 2256708;
 - c. The City's approvals of discretionary actions to approve Tentative Map Waiver No. 2256708 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 approve Tentative Map Waiver No. 2256708.

BE IT FURTHER RESOLVED, that the Development Services Department 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.

By: _____
GLENN R. GARGAS, DEVELOPMENT PROJECT MANAGER

Chapter 2

Findings of Fact

The Final EIR evaluated the potential for the project to result in environmental impacts with respect to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology /soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, Tribal cultural resources, and utilities/service systems. Significant but mitigable impacts were identified for the project with respect to biological resources and noise but. All other resources topics were determined to be less than significant with the implementation of the Proposed Project. Pursuant to the State CEQA Guidelines, the Final EIR also addressed the project's cumulative impacts with respect to several relevant environmental issue areas, as well as growth-inducing impacts.

The District published a draft version of the EIR on January 19, 2018, and submitted the document for a 45-day public review period during which agencies and members of the public submitted to the District comments on the Draft EIR. The public review period ended on March 16, 2018. The District considered all relevant comments in preparation of the Final EIR, and the Final EIR includes responses to the Draft EIR comments. No revisions to the EIR were necessary pursuant to these comments.

Having reviewed and considered the information contained in the Final EIR for the project, related documents, public comments, and the entire environmental record, the San Diego Unified School District's Board of Education makes the following findings pursuant to Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines.

2.1 Project-Level Impacts Determined to be Significant and Unmitigable

Based on the analysis in the Final EIR, implementation of the proposed project would not result in any significant and unmitigable impacts. Therefore, a Statement of Overriding Considerations is not required.

2.2 Project-Level Impacts Determined to be Significant and Mitigable

The project's impacts, as identified in the Final EIR, are listed below and followed by the respective CEQA finding made by the District and a brief explanation of such finding. The District's Facilities Planning and Construction Office, located at 4860 Ruffner Street (Physical Plant Operations Annex Room 5), San Diego 92111, is the custodian of the documents and other material that constitute the entire record and the proceedings upon which the decision is based.

The following discusses significant environmental impacts with respect to biological resources and noise as identified in the Final EIR. Changes or alterations to the project that avoid or lessen these impacts have been adopted by the Board of Education through the following findings and the MMRP, and, after incorporation of the changes or alterations, the following significant impacts will be reduced to less-than-significant levels.

Biological Resources

Impact BIO-1: Removal of trees during the breeding season could result in direct impacts to nesting raptors and migratory birds if nests are present at the time of removal.

Finding: The project includes the following measures that will mitigate the impacts identified above to a less-than-significant level.

BIO-1: Migratory Birds. To the extent feasible, construction activity shall take place outside of the general avian breeding season (February 1 through September 15) to avoid potential direct impacts to birds' nesting trees planned for removal and indirect impacts to nesting birds adjacent to construction activities. If avoidance is not feasible and tree removal is required during the breeding season, the following measures shall be followed:

- a. A nesting bird survey of trees planned for removal within the project area and within 300 feet of construction activities shall be conducted by a qualified avian biologist no more than 1 week prior to commencement of tree removal activities. "A qualified avian biologist" refers to a person with the ability to identify birds present in San Diego County to the species level by sight or sound and who is familiar with the breeding and nesting behaviors of native bird species.
- b. If active nests with eggs or chicks of bird species protected under the MBTA are detected within trees or shrubs planned for removal, the trees will remain in place until it has been determined by the avian biologist that the nest is no longer active. If active nests are detected within 300 feet of physical construction activities, an appropriate buffer shall be determined by the avian biologist and no work shall take place within the buffer until it is determined that the nest is no longer active. Additional visits after the initial survey shall be conducted as necessary to determine that nests are no longer active.

Factual Support and Rationale: The majority of the project site is covered with buildings, asphalt, hard-packed dirt, and landscaped areas including ornamental trees shrubs and grass. Therefore, the project site has limited potential to support sensitive biological resources. However, the Cooper's hawk and other urban-adapted avian species may nest within existing landscaping on and surrounding the project site. Native avian species are afforded protections under the MBTA and Sections 3503 and 3503.5 of the California Fish and Game Code. Together, these regulations prohibit the kill or injuring of raptor and migratory bird individuals or removal their nests during the breeding season. Therefore, potential direct and indirect impacts to nesting raptors and migratory birds are considered significant because the proposed project could result in injury or mortality of individuals (particularly young that are less mobile) or removal of nests during the breeding season. With implementation of **Mitigation Measure BIO-1**, potential impacts to nesting raptors and migratory birds would be less than significant. Implementation of these mitigation measures would be assured because it would be incorporated into the project's MMRP, and the District would verify the implementation of all mitigation measures.

Noise and Vibration

Impact NOI-1: Temporary increase in ambient noise levels at off-site sensitive receivers during project construction would constitute a substantial temporary or periodic increase in ambient noise levels above existing levels at noise sensitive receptors.

Finding: The project includes the following measures, which would mitigate the impacts identified above to a less-than-significant level.

NOI-1: Construction Noise. The following construction equipment techniques shall be implemented by the construction contractor to reduce construction-related noise at nearby noise-sensitive receivers:

- a. The construction contractor shall ensure proper maintenance and working order of construction equipment and vehicles, and all construction equipment shall be equipped with manufacturers-approved mufflers and baffles.

- b. The construction contractor shall endeavor to use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment), when feasible. Noisy equipment shall be switched off when not in use.
- c. Construction activities shall be scheduled to avoid operating several pieces of equipment simultaneously, which causes high noise levels, to the extent feasible.
- d. The construction contractor(s) shall place all stationary construction equipment so that emitted noise is directed away from sensitive receivers nearest the project site.
- e. Temporary noise barriers shall be placed to block the line-of-sight between construction equipment operation and the offsite noise-sensitive receivers including the residential land uses located approximately 400 feet to the north, 350 feet to the south, and 300 feet to the southwest from the proposed project's property line during project construction. Noise barriers can achieve a noise reduction of 5 to 15 dBA at the sources. One of the following two options shall be implemented by the construction contractor in order to reduce construction-related noise at nearby noise-sensitive receivers to a less than significant:
 - i. A temporary noise barrier shall be placed along the entire southern property line of the project site (approximately 503') and approximately 50' to the north from the southwestern corner at a height of 14' with noise blankets capable of achieving sound level reductions of at least 8 dBA to block the line-of-sight between construction equipment operations and the offsite noise-sensitive receivers to the south and southwest, thereby reducing construction noise at noise-sensitive receivers to less than significant.

In addition, a temporary noise barrier shall be placed along the entire northern property line of the project site (approximately 600') at a height of 14' with noise blankets capable of achieving sound level reductions of at least 8 dBA to block the line-of-sight between construction equipment operations and the offsite noise-sensitive receivers to the north, thereby reducing construction noise at noise-sensitive receivers to less than significant; or

 - ii. A temporary 50' X 50' L-shaped noise barrier shall be constructed for each small construction area at a height of 14' with noise blankets capable of achieving sound level reductions of at least 8 dBA to block the line-of-sight between construction equipment operations and the offsite noise-sensitive receivers, thereby reducing construction noise at noise-sensitive receivers to less than significant.

Factual Support and Rationale: Project construction would result in a substantial temporary increase in ambient noise levels above the City's 12-hour Leq standard of 75 dBA at some of the closest receptors; however, with the implementation of **Mitigation Measure NOI-1**, the increase would be reduced to a less than significant impact. In addition, implementation of this mitigation measure would be assured because it would be incorporated into the project's MMRP, and the District would verify the implementation of all mitigation measures.

2.3 Cumulative Impacts Determined to be Significant and Unmitigable

Based on the analysis in the Final EIR, implementation of the proposed project would not result in any significant and unmitigable cumulative impacts. Therefore, a Statement of Overriding Considerations is not required.

2.4 Cumulative Impacts Determined to be Significant and Mitigable

2.5 Effects Found not to be Significant

The District finds, based on the substantial evidence appearing in Chapters 3.0 of the EIR that the following impacts will not be significant: aesthetics, agriculture and forestry resources, air quality, cultural resources, geology /soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic, Tribal cultural resources, and utilities/service systems.

2.6 Findings Regarding Project Alternatives

Section 15126.6(f) of the CEQA Guidelines provides direction on the required alternatives analysis:

The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

An EIR need not consider every conceivable alternative to a project. Rather, the alternatives must be limited to ones that meet the project objectives, are feasible, and would avoid or substantially lessen at least one of the significant environmental effects of the project. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Section 15126.6(b) of the CEQA Guidelines states that an EIR:

...must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or could be more costly.

Section 15126.6(d) of the CEQA Guidelines provides further guidance on the extent of the alternatives analysis required:

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

The EIR must briefly describe the rationale for selection and rejection of alternatives and the information the lead agency relied on when making the selection. It also should identify any alternatives considered but rejected as infeasible by the lead agency during the scoping process and briefly explain the reasons for the exclusion. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects.

Section 15126.6(e) (1) of the CEQA Guidelines also requires that the No Project Alternative be addressed in this analysis. The purpose of evaluating the No Project Alternative is to allow decision-makers to compare the potential consequences of the project with the consequences that would occur without implementation of the project.

Finally, an EIR must identify the environmentally superior alternative. The No Project Alternative may be the environmentally superior alternative. CEQA Guidelines (Section 15126.6(e) (2)) require that if the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among other alternatives.

2.7 Alternatives Considered But Rejected

CEQA requires that an EIR briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote and speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126.6(f)).

2.7.1 Alternative Site Location

The Alternative Site Location alternative considers whether it would be feasible to relocate the proposed project to a different location within the District's service area. Alternative sites were considered during the initial conceptual phase of the project. There were five District-owned properties that development teams analyzed for a proposed joint occupancy project. The five properties included the Fremont/Ballard Center, the Scripps Mesa Conference Center, the Transportation Services Center, the Barnard Asian Pacific Language Academy, and the Revere Center.

The District received development proposals for three of the properties, including the project site (Scripps Mesa Conference Center), the Fremont/Ballard Center, and the Revere Center locations. No development proposals were received for the Transportation Services Center or the Barnard Asian Pacific Language Academy; therefore, these properties have been rejected as potential alternative site locations. The Fremont/Ballard Center would require a zone change to accommodate the a residential mixed use project similar to the proposed project, as the current site is zoned as Old Town San Diego Planned District: Public Property Parking A. Therefore, this alternative site location was rejected as a feasible site as the proposed use would not be compatible with the governing zoning designations. The Revere Center location is located adjacent to single-family residential homes and an open space canyon. Therefore, this alternative

location site was rejected due to the potential environmental constraints compared to the proposed project, including direct noise and air quality impacts to adjacent sensitive receptors, and indirect impacts to biological resources within the adjacent canyon. Because the proposed project would not cause any significant impacts that are not easily addressed during the construction phase, it is reasonable to conclude that the Revere Center location would cause more environmental impacts when compared to the proposed project.

Thus, because the potential alternative sites would either be in more sensitive locations from an environmental standpoint and/or they would not meet the project objectives as fully as the proposed project, they have been dismissed from further consideration consistent and in accordance with the CEQA Guidelines.

2.7.2 No Project Alternative – Higher Intensity

The No Project Alternative – Higher Intensity alternative represents a scenario where the District would not renew their lease with Innovations Academy, and the charter school would be relocated to an unknown off-site location (as it would under the proposed project). The District would sell the land to be developed by-right, according to the existing underlying General Plan and zoning designations. The project site is zoned as Commercial Visitor CV1-1, with a land use designation of Commercial Employment, Retail & Services. Under this zoning and land use designation, a variety of uses could occur on the project site, including, but not limited to, a higher-density residential project, a hospital and medical office space, or a hotel/convention center. The EIR analysis compares three reasonably foreseeable alternative uses on the project site. These uses could include higher densities or heights compared to the proposed project; however, these uses would be allowed under the existing zoning and land use designation and could reasonably occur if the land is sold by the District. However, these potential scenarios were rejected, as they do not meet the District's primary objective: to meet the Board of Education Vision 2020 goal to have effective long-range fiscal planning and generation of ongoing revenue by maintaining ownership of the property. In addition, the higher-intensity project would likely result in increased impacts related to transportation and traffic, air quality, and utilities.

2.8 Analysis of Alternatives Considered

Alternative 1: The No Project Alternative – Continuation of Existing Use alternative represents a “no build” scenario in which the proposed project would not be constructed or operated. It assumes that the proposed residential units, commercial space, and student makerspace and community center along with other elements of the project would not be implemented and no project components would be constructed. Under the No Project Alternative – Continuation of Existing Use, the District would extend the current lease with Innovations Academy or another charter school on the project site. The existing or new charter school would continue to operate as it does in the existing conditions and there would be no operational changes to the existing uses. Enrollment numbers, programs, and grade levels served would continue in their current capacity.

Alternative 2: The Reduced Development alternative represents a scenario similar to the proposed project, without the affordable units allowed under the City's density bonus regulations. Similar

to the proposed project, this alternative would reach four stories in height and include a 4,000 sf student makerspace and community center building. However, this alternative would include approximately 10,000 sf of commercial space, which is 8,000 sf more than the proposed project. In addition, this alternative would include 195 residential units, which is 47 units less than the proposed project due to the elimination of affordable units. Because of the reduced density, parking would be reduced by approximately 118 parking spaces compared to the proposed project. The overall development footprint on the project site would be generally the same as the proposed project.

2.9 Environmentally Superior Alternative

CEQA requires that an EIR compare alternatives with the proposed project and identify an environmentally superior alternative (CEQA Guidelines Section 15126.6(d)). Alternative 1, the No Project Alternative – Continuation of Existing Use, would be the environmentally superior alternative to the proposed project based on the minimization of physical environmental impacts, with exception of transportation and traffic. However, Alternative 1 does not meet any of the project objectives. In addition, CEQA Guidelines Section 15126.6(e)(2) requires that, if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Therefore, Alternative 2 would be the environmentally superior alternative, as this alternative would result in minor reductions in environmental effects when compared to the proposed project. However, Alternative 2 would not fully meet all of the project objectives. Alternative 2 would not provide affordable housing units to the public, including District teachers and staff. It is important to note that the difference between the alternatives would be negligible, as the significance conclusion would not change for any of the resource areas.

MIRAMAR RANCH NORTH PLANNING COMMITTEE

MRNPC MEETING MINUTES

Tuesday, April 2, 2019

Scripps Ranch Civic Association Community Center

<http://scrippsranch.org/committees/advisory-committees/mrnpc>

Meeting Called to Order at 7:01 P.M.

Members Present: Lorayne Burley (Vice Chair), Beata Piehl (Secretary/Treasurer), Resident Members present: Bill Crooks, Jan Kane, Brenda Ruhl, Tom Meissner, Amy Grady, Mike Heyer, and Claude Braunstein who arrived at 7:20 PM.

Guests (On File): guests signed in and note of contact information was gathered by the Vice Chair for potential new MRNPC members.

Introductions: Board members & guests introduced themselves.

Public Comment (Non-Agenda items): none

Modifications to the Agenda: none

COMMUNICATIONS:

1. **City Councilmember District 5:** Quinton Grounds provided an update on the repair and resurfacing of Scripps Poway Pkwy, which is in the bidding process. Quinton is seeking clarification on the community center lease from the city attorney's office, in relation to the maintenance issues for parking lot, pathway and lights. Parking lot, pathway and lights have been historically a part of the Scripps Ranch Community Center's maintenance budget. Lights were covered with developer funds, not MAD funds. New stop signs were requested by residents and approved by the City of San Diego for Pepperview Terrace, Cypress Valley Drive and Elmstone Court. The following street issues were discussed: manholes on Spring Canyon Road, poor line visibility at night on Scripps Poway Pkwy, portion of Scripps Ranch Blvd – from Affinity Court to Erma Rd - missed several times from repair and resurfacing work by the city crews, coordination of Watermark Project and Scripps Poway Pkwy resurfacing, and possible relocation of to-be-removed trees on Scripps Poway Pkwy.
2. **Federal/State/County/Caltrans/City of SD:** no representatives were present
3. **Scripps Ranch Planning Group (SRPG):** Wally Wulfeck provided an update on the KB Homes proposal. The SRPG voted to recommended denial of the project's initiation. City of San Diego will hold the meeting on the project at 9:00 am April 11th at the City Council's chambers.
4. **Scripps Ranch Civic Association (SRCA):** Wally Wulfeck provided an update on the recognition award ceremony.

PRESENTATIONS/DISCUSSIONS/INFO/ACTION ITEMS:

1. **Update on the 40-acre Renzulli Estates** – Joint Subcommittee Rep – an on-site meeting was announced, which will include a walk around the property on April 6th.
2. **Approval of Draft Response Letter to SSTAC/MTS** – a motion was made by Bill Crooks to approve the draft letter as is for the Chair to sign and send. It was seconded by Claude Braunstein. Motion votes: Abstain: 0, Yeas: 8, Nays: 1 (Amy Grady). Motion passed.



3. **SDUSD Mixed-Use Development Report (EIR)** – (TM Waiver) – Janay Kruger explained that the waiver was intended to subdivide the affordable rental units from the market-rate rental units for the purpose of obtaining an affordable housing bond financing. The ratio of the affordable units is estimated between 10% and 20%. Janay stated that there was no change to the project plan and no new subdivision. The description in the tentative map waiver was allegedly revised to say, “affordable for rent apartments and market rate for rent apartments.” The MRNPC did not receive the corrected document before the meeting. It was requested that community benefits should be added to the project’s description, as previously discussed. A motion was made by Brenda Ruhl to deny the tentative map waiver and seconded by Amy Grady. Motion votes: Abstain: 0, Yeas: 9, Nays: 0. Motion passed.
4. **MAD Update (Maintenance Assessment District)** – no report at this time.
5. **Election of Slate of Officers: Chair** – Michelle Abella-Shon, **Vice Chair** – Lorayne Burley, and **Secretary/Treasurer** – Beata Piehl. On the floor nominations: none. A motion was made by Bill Crooks to approve the officer slate as presented. It was seconded by Claude Braunstein. Motion votes: Abstain: 0, Yeas: 9, Nays: 0. Motion passed.

CONSENT AGENDA:

March 5, 2018 Meeting minutes are approved by consent.

COMMITTEE REPORTS:

1. **Chair’s Report:** no report
2. **Community Planners Committee (CPC):** Wally Wulfbeck reported on the new community group requirements for updating the City of San Diego with annual report and the election of members and officers within 60 days. The April 23rd CPC meeting will be on CIP. Lorayne Burley provided an update on the mix-use developments and housing affordability.
3. **Public Transportation in Scripps Ranch:** no update at this time.
4. **Public Facilities Financing Plan (PFFP):** no report
5. **YMCA, Open Space, Parks & Recreation:** no report
6. **Round Table:** it was noted that resident member Daniel Shaw is interested in MRNPC membership.

Meeting adjourned at 8:11 P.M.

Next Meeting Date: May 7, 2019.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM
			DS-318
		October 2017	

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☒ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title: Monarch Map Waiver **Project No. For City Use Only:** _____

Project Address: 10380 Spring Canyon Road, San Diego, California

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____

☒ Partnership ☐ Individual

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.

Property Owner

Name of Individual: Scripps Mesa Apartments, L.P. ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency

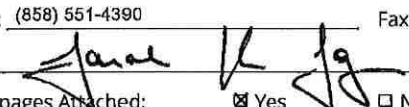
Street Address: 7727 Herschel Avenue

City: San Diego State: CA Zip: 92037

Phone No.: (858) 551-4390

Fax No.: _____

Email: skruer@monarchgroup.com

Signature: 

Date: 8/26/19

Additional pages Attached: ☒ Yes ☐ No

Applicant

Name of Individual: Janay Kruger ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 4660 La Jolla Village Drive,

City: San Diego State: CA Zip: 92122

Phone No.: (858) 454-4326

Fax No.: (858) 551-4388

Email: janay.kruger@man.com

Signature: 

Date: 8/26/19

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Ownership Disclosure Statement, Form DS-318
Project Name: Monarch Map Waiver
Attachment: Property Owner, Additional Pages

SCRIPPS MESA APARTMENTS, L.P., a California limited partnership

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

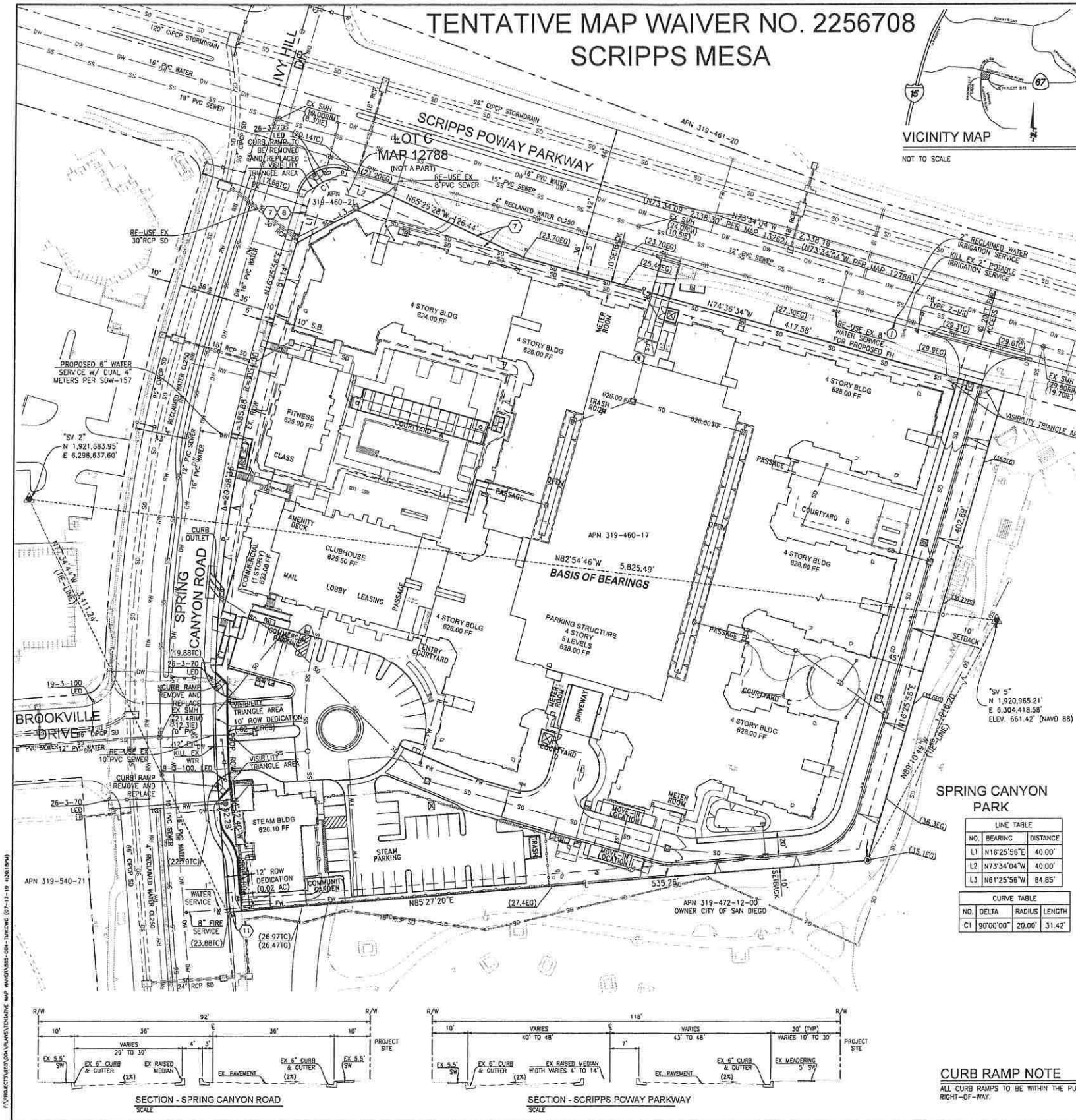
Essex Property Trust is a publicly traded corporation with the
following officers:

Michael Schall, CEO
John Burkart, Senior Executive Vice President
Angela Kleiman, CFO
Adam Berry, Co-CIO

By: MONARCH SCRIPPS MESA, LLC,
a California limited liability company

Monarch Scripps Mesa, LLC has the following managers:

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



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 CML 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 8 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 TANDEN 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 89
2 BEDROOM 145
3 BEDROOM 30
TOTAL RESIDENTIAL APARTMENT UNITS = 264
RESIDENTIAL PARKING RATE:
1 BEDROOM: 89 X 1.0 = 89
2 BEDROOM: 145 X 2.0 = 290
3 BEDROOM: 30 X 2.0 = 60
REQUIRED RESIDENTIAL PARKING = 439
PROVIDED RESIDENTIAL PARKING:
SURFACE (LEASING): 6
PARKING STRUCTURE (5 LEVELS): 460
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 MESA APARTMENTS, 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.

TITLE REPORT
PREPARED BY: CHICAGO TITLE COMPANY
701 B STREET, SUITE 1120
SAN DIEGO, CA 92101
ORDER NO. 00080164-004-RM1-CF2
TRANSMITTAL DATED: DECEMBER 13, 2018

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.
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 PARKWAY IMPROVEMENTS
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 PARK IMPROVEMENTS
DIVISION OF STATE ARCHITECTS, DRAWING NUMBERS:
A# 04-102702 ELLEN BROWNING SCRIPPS SCHOOL
A# 04-106893 ELLEN BROWNING SCRIPPS SCHOOL

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

LEGEND

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

PROPOSED IMPROVEMENTS

ITEM	SYMBOL
BUILDING FOOTPRINT	---
6" CURB & GUTTER	---
STORM DRAIN	---
DOMESTIC WATER LINE	---
FIRE WATER LINE	---
SEWER LINE	---
SEWER MANHOLE	---
SEWER CLEANOUT	---
SEWER SERVICE	---
WATER SERVICE	---
FIRE SERVICE	---
RECLAIMED IRRIGATION SERVICE	---
BACKFLOW PREVENTER	---
WATER METER	---
GATE VALVE	---
FIRE HYDRANT	---
FIRE PV & FDC	---
STORM DRAIN STRUCTURE	---
STORM DRAIN CISTERN	---
PROPRIETARY BIOFILTRATION UNIT	---
TRAFFIC SIGNAL	---
CURB RAMP	---

EXISTING IMPROVEMENTS

ITEM	SYMBOL
EXISTING FIRE HYDRANT	---
EXISTING FENCE	---
EXISTING STREET LIGHT	---
EXISTING LAMP	---
EXISTING SEWER MAIN	---
EXISTING STORM DRAIN	---
EXISTING DOMESTIC WATER MAIN	---
RECYCLED WATER MAIN	---
EXISTING BACKFLOW PREVENTOR	---
EXISTING WATER METER	---
EXISTING TRAFFIC SIGNAL	---

COORDINATE INDEX
CCS '83: 1920-6299
L.C.: 280-1139

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.

FUSCOE ENGINEERING
6330 Greenwich Drive, Suite 170
San Diego, California 92122
tel 858 554 1500 • fax 858 597 0335
www.fuscoe.com

DESCRIPTION	BY	DATE	L.O. NO.	N/A
			PTS NO.	628927
			T.M. WAIVER NO.	2256708
			1920-6299	
			NAD83 COORDINATES	280-1139
			LAUREY COORDINATES	