



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: July 9, 2020 REPORT NO. PC-20-046

HEARING DATE: July 16, 2020

SUBJECT: 3ROOTS. Process Five Decision

PROJECT NUMBER: [587128](#)

REFERENCE: [Carroll Canyon Master Plan \(CCMP\)](#), December 6, 1994

OWNER/APPLICANT: Mesa Canyon Community Partners LLC; SPIC Mesa LLC and SH Mesa, LLC

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council the approval of an application for a mixed-use development to include 1,800 residential dwelling units, approximately 144,000 square feet of retail and office commercial uses, a Mobility Hub, and a 23-acre community park on a 413-acre site located at 10207 Camino Santa Fe, (east side of Camino Santa Fe) between Flanders Drive and Trade Street in the Mira Mesa Community Planning area?

Staff Recommendations:

1. Recommend the City Council Certify Environmental Impact Report No. 587128/SCH No. 2018041065 and ADOPT the Mitigation, Monitoring and Reporting Program; and ADOPT the Findings and Statement of Overriding Considerations; and
2. Recommend the City Council Approve Community Plan Amendment No. 2069831(CPA);
3. Recommend the City Council Approve Rezone No. 2069822;
4. Recommend the City Council Approve amendments to Chapter 13, Article 2, Division 14 of the San Diego Municipal Code to place a Community Plan Implementation Overlay Zone-B (CPIOZ-B) zoning designation on the property;
5. Recommend the City Council Approve Planned Development Permit No. 2307972 (PDP);
6. Recommend the Council Approve Vesting Tentative Map No. 2308047 and Easement Vacation No. 2069830 (VTM);
7. Recommend the City Council Approve Site Development Permit No. 2069825 (SDP);

8. Recommend the City Council Approve Conditional Use Permit No. 2069820 (CUP); and;
9. Recommend the City Council Approve Neighborhood Development Permit No. 2307977 (NDP).

Community Planning Group Recommendation: On August 18, 2019, the Mira Mesa Community Planning Group voted 15-0-0 to recommend approval of the 3Roots Project as presented (Attachment 20).

Environmental Review: Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065 has been prepared for the 3roots project [Project] in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce some of the potential impacts, to below a level of significance. The applicant has provided Draft Candidate Finding's and Statement of Overriding Consideration to allow the decision maker to adopt the Project with significant unmitigated and unavoidable direct impacts related to Transportation/Traffic Circulation (Attachment 10).

Fiscal Impact Statement: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The Project would provide for development of 1,800 multi-family and single-family residential dwelling units including 10 percent of the units affordable (180 units) to rental households with rents restricted at or below 65 percent of the Area Median Income (AMI). Currently the total number of affordable units produced in Mira Mesa that entered into a deed-restriction with the San Diego Housing Commission is 230 units. The Project would also provide approximately 160,166 square feet of retail and office uses and 256-acres of parks, trails, and open space. The Mira Mesa Community Plan designates the site as Mixed Use and Open Space for future development under a CCMP process. Previous adoption of the CCMP, dated December 6, 1994 allocated 1,800 multi-family residential dwelling units to the Project site. This application includes a Community Plan Amendment (CPA) that would reconfigure adopted land uses to be consistent with the Project's Master Plan Development Permit (MPDP). The CPA and MPDP would provide 1,800 dwelling units in a mixed-use setting consistent with adopted land use plans.

BACKGROUND

The 413-acre site is located at 10207 Camino Santa Fe within the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan area (Attachments 1-3) and the CCMP. Additionally, the site is located within the Airport Influence Area (MCAS-Miramar/Review Area 1), Airport Noise (MCAS-Miramar/60-65 CNEL and 65-70 CNEL) Overlay Zone, FAA Part 77 Notification Area (MCAS-Miramar/495' AMSL), and the Transit Priority Area. The site is bounded by Camino Santa Fe Road to the west, Rattlesnake Canyon and the Parkdale single family residential neighborhood to the north, and an Industrial Park sits above the site to the south. The east side of the Project area is adjacent to an existing segment of Carroll Canyon Road, the

Carroll Canyon Business Park, and an active rock quarry extraction mining site, which is the future site of the Stone Creek Project, Project No. 239006. To the west across Camino Santa Fe is the Fenton Carroll Canyon Technology Center. The site consists of nine irregular parcels bordered to the north, east, and south by slopes extending downward to Camino Santa Fe. The site contains many natural and artificial slopes ranging from approximately 240 feet above Mean Sea Level (MSL) to approximately 400 feet above MSL within the northeastern portion of the site.



Figure 1: Current Grading Reclamation

For the past 60 years, the Project site has been entitled for the mining operation of aggregate, sand and gravel extraction and corporate offices related to mining businesses currently covered by Conditional Use Permit (CUP) No. 89-0585 (Attachment 18). The City adopted a Reclamation Plan for the site, in conjunction with the approval of CUP 89-0585 and certified a Supplemental Environmental Impact Report (EIR) (1990 EIR; DEP No. 89-0585; SCH No. 85121814). These adopted and certified documents addressed impacts of on-site mining and reclamation, including surrounding land uses. The documents identified required re-contouring to stabilize the slopes and prepare land for future development and required the restoration and enhancement of native habitat, including Carroll Canyon Creek. The 1989 CUP included a variety of conditions and mitigation measures. Although active mining operations have ceased, an amended Reclamation Plan and CUP are necessary to address changes to site conditions and to complete regulatory closure of the mined lands. The Project proposes an amendment to the existing Reclamation Plan and CUP to modify the Reclamation Plan boundary, adjust grade elevations to align with the proposed development, revise the originally proposed road networks to match existing infrastructure, and protect sensitive habitat. The site concluded mining activities in 2016, and reclamation of the site has

concluded consistent with the approved reclamation plan and in accordance with the Surface Mining and Reclamation Act. Figure 1 shows the current reclamation activities occurring on the site.

The 3roots Project site is subject to the Citywide General Plan (adopted in 2008), the Mira Mesa Community Plan (1992), and the CCMP (1994), which is the adopted land use plan for the site. The site is designated as Multiple Use, Residential, and Park, Open Space, and Recreation by the General Plan and as Mixed-use and Open Space by the Mira Mesa Community Plan (Community Plan). The Community Plan also provides a framework for future planning and development within Carroll Canyon. The site is part of the CCMP Area which encompasses 1,100-acres centrally located within the Mira Mesa community generally between Interstate 805 on the east and I-15 on the west, and between Mira Mesa Boulevard on the north and Miramar Road on the south. At the time the Mira Mesa Community Plan was adopted in 1992, a large portion of Carroll Canyon, including the Project site, was being used for aggregate, sand, and gravel extraction and processing. The site encompasses approximately 413 acres within Phases II and III of the CCMP and is located at 9255 Camino Santa Fe, near the intersection of Camino Santa Fe and Carroll Canyon Road.

The Community Plan requires a master plan process to establish the reclamation and redevelopment of the mining sites, including restoration plans for Carroll Canyon Creek, suitable land uses, development intensity, development standards and a phasing and implementation program. In 1994, the CCMP was adopted as an amendment to the Community Plan for the property owned at that time by the H.G. Fenton Materials Company. The CCMP provides a land use plan and design guidelines for future development of the site through a Planned Development Permit. At that time, the property was an active mining operation permitted by Conditional Use Permit and was not rezoned or permitted for additional development. An update to the Community Plan is currently in progress and completion is anticipated in 2022; the Project is being reviewed under adopted plans and regulations. The Community Plan update would include the Project as part of the updated Community Plan.

Construction of phase I is mostly completed and includes office/industrial uses and open space within approximately 131 acres west of Camino Santa Fe known as the Fenton Carroll Canyon Technology Center. Sixty-one acres are developed with 600,000 square feet of office and light industrial uses supporting over 3,000 jobs and another 300,000 square feet is entitled but not constructed. The connection of Camino Santa Fe to Miramar Road was also completed as part of this development.

The CCMP also provides a standard for reclamation of the former H.G. Fenton/Hansen Aggregates mining sites following completion of mining operations. The CCMP defines suitable land uses, design guidelines, development standards, and an implementation program. The CCMP provides for a transit-oriented development surrounding a future transit station at the northeast corner of Camino Santa Fe and the future extension of Carroll Canyon Road as well as two industrial/office parks and an open space system centered around a restored Carroll Canyon Creek. An analysis of public facilities needs for 1,800 dwelling units was part of the adoption of the CCMP in 1994.

DISCUSSION

Project Description:

The Project proposes an amendment to CUP No. 89-0585 for the subdivision and development for 1,800 residential units (530 single family residential dwelling units and 1,270 multi-family residential dwelling units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments and a 1.5-acre "Mobility Hub." Additionally, the Project will include 256-acres of parks, trails, and open space along with new roads with curb, gutters, sidewalks; water, sewer, gas and electric utilities; and the restoration of Carroll Canyon Creek. Residential densities will range from five dwelling units per acre to 72 dwelling units per acre in a mix of single-family dwelling units attached, single family residential dwelling units detached, and multi-family residential dwelling units (attached and detached) configurations. Ten percent of the units (180 units) will be designated as affordable for incomes earning up to 65 percent AMI.

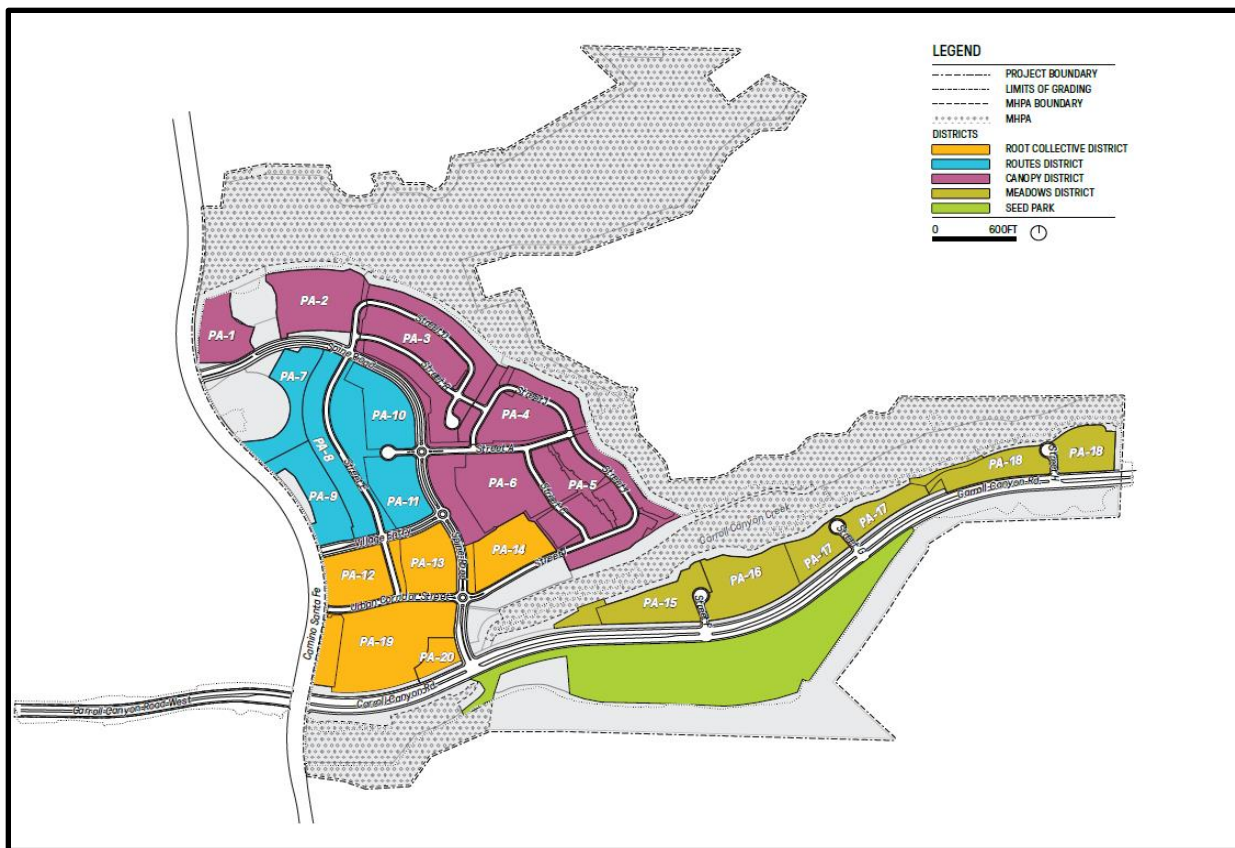


Figure 2: Proposed Project Districts

The MPDP is broken into five sub-districts and 20 different planning areas that have been zoned to achieve the desired densities in each of the sub-districts. The Planning Area zoning and densities are shown in figure 2 and in Figure 1-3 of the MPDP (Attachment 22). The development regulations reflect those in the City of San Diego's Land Development Code unless a deviation is proposed (see Project

Issues below). Below is an overview of each sub-district, for detailed information see the MPDP Attachment 22

Seed Park

South of proposed Carroll Canyon Road, a public 23-acre community park is proposed which will include active sports fields and passive open space areas (figure 3). The area was originally designated in the CCMP as an industrial area but has been changed to allow for the park amenity to increase sports fields in the Mira Mesa Community Plan area. The recreation park program elements were decided by the Mira Mesa community through developer- and City-led General Development Plan (GDP) process in accordance with Council Policy 600-33. In October of 2019, the Parks and Recreation Department approved a design which the developer would build as part of the Project to include soccer, baseball, and a host of organized, active sports as well as passive recreation. Carroll Canyon Road acts as a buffer between the residential Meadows District and the sports fields of Seed Park. Seed Park also reserves a 1.25-acre site for a future public recreation center that could accommodate an approximately 20,000-square-foot facility for the region. Seed Park can be accessed by residents of the Project using an underpass at Carroll Creek to avoid crossing Carroll Canyon Road.



Figure 3: Proposed Public Parks

Meadows District

The area north of Seed Park and north of Carroll Canyon Road will include single-unit attached and detached homes fronting the restored Carroll Canyon Creek (figure 11). These homes preside over a natural environment that hosts hikers and cyclists along a natural trail. The area will include publicly accessible nature trails and bikeways along the creek, and the homes will buffer the creek and trails from Carroll Canyon Road and Seed Park. Density in this area will be between 10 to 34 dwelling units to the acre (figure 4)



Figure 4: Proposed Attached and Detached Single Family Residential Dwelling Units

Root Collective

The Root Collective is the active area of the Project and includes commercial retail, offices, restaurants, arts and entertainment, as well as high density multi-family residential dwelling housing in three to five story apartments, town homes, and stacked flats with densities of 20 to 72 dwelling units per acre (Figure 5). The Root Collective includes a Mobility Hub with ride-share parking spaces, meeting spots for private



Figure 5: Proposed Mixed-Use Core

shuttles and on-demand transportation, bike repair, Amazon lockers, and connections to the future Bus Rapid Transit (BRT) system on Carroll Canyon Road. Place making regulations and design guidelines have been incorporated into the Root Collective to create an active arts and entertainment district that will become the hub for social activity in the community. Section 6.5 of the MPDP (Attachment 22) includes regulations for “pop-up” retail development that will allow for temporary and permanent kiosk style retail, food trucks, farmers markets, and shipping container food service. The Root Collective will include guide locations for public art installations, creative lighting, and interactive community gathering spaces. The intent of the Root Collective is to encourage creativity, collaboration, and community. Ground level retail or live/workspaces are proposed along Street E in Planning Area (PA)-13 (Attachment 22). This frontage includes an increased setback to create a public plaza that welcomes and funnels pedestrians from the northern planning areas into the commercial area of the Root Collective.

Routes District

The Routes District includes attached and detached single family residential dwelling units grouped together into larger clusters at a density of 10 to 34 dwelling units per acre. Each cluster allows homes to



Figure 6: Attached and Detached Single Family Residential Dwelling Units

have a front facing presence, some oriented toward a common area such as a paseo or a park. Access will be provided through common driveways or alleys. The Routes District acts as a transitional neighborhood between the multi-family residential dwelling unit neighborhood of the Root Collective and the single-family residential dwelling unit detached neighborhood of the Canopy District (Figure 6).



Figure 7: Two and Three-Story Town Homes and Single-Family Residential Dwelling Units

Canopy District

North and east of the Root Collective is the Canopy District which includes two and three-story town homes and single-family residential dwelling units at a density of five to 34 dwelling units per acre (Figure 7). The Canopy District is connected by publicly accessible trails and pathways which connect the existing Parkdale neighborhood to the Project. This area features a publicly accessible pocket park overlook at the top of the mesa at the end of Parkdale Avenue which acts as an urban trail head for bike and pedestrian connections throughout the District and directly to the mixed-use Root Collective, creek area, and into Seed Park. The Canopy District creates a buffer between the denser uses in the Root Collective and the existing single-family residential neighborhoods in Mira Mesa to the north and east.

Project Implementation

The design and the regulatory framework of the Project will be implemented through a Master Plan Development Permit processed as a Planned Development Permit (PDP) in accordance with [San Diego Municipal Code Section 143.0480](#) and associated development Permits (Attachment 14) and a Vesting Tentative Map (Attachment 15). The purpose of a PDP is, "to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The intent of the PDP regulations is to accommodate, to the greatest extent possible, a balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits."

The MPDP provides land use regulations and policies for the phased implementation of the project, which is anticipated to occur over a period of four to five years. The MPDP reflects changes in land

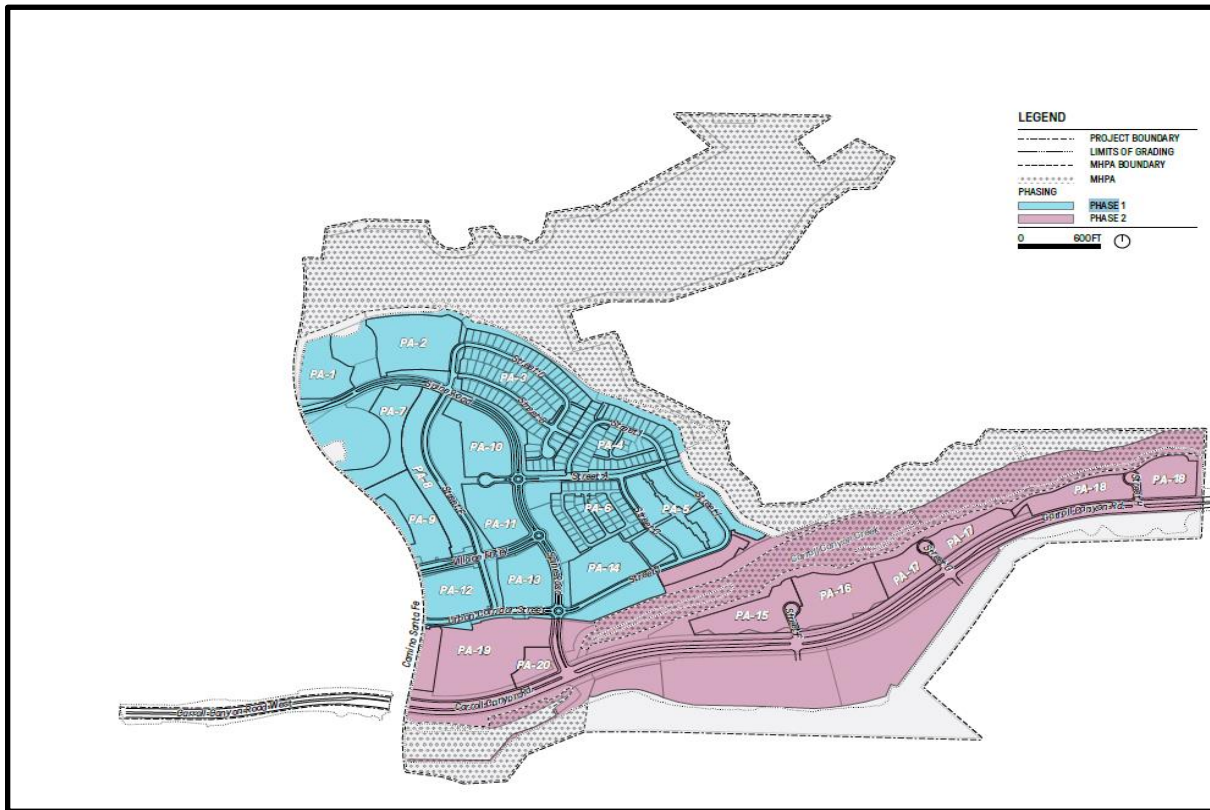


Figure 8: Project Phasing Map

use regulations required by updates to the ALUCP for MCAS Miramar, as well as new land use policies that are part of the City of Villages strategy and the Climate Action Plan.

The Project is proposed to be constructed in two phases (Figure 8). Phase 1 (in blue) constitutes predominately development north of Carroll Canyon Creek. The Project's "Exhibit A" includes architectural elevations and landscape plans that will allow the majority of Phase 1 development to move forward with construction plan reviews. This allows 1,008 of the 1,437 residential units to proceed directly into construction drawings and 429 of the units requiring substantial conformance review for compliance with the MPDP design guidelines. Phase 2 will be completed subject to the design guidelines in Chapter 8 of the MPDP (Attachment 22).

Where the MPDP is silent, the regulations in the Land Development Code (LDC) shall apply. It should be noted that the Exhibit "A" includes extensive civil plans, architectural floor plans and elevations and landscape designs which will allow the review of 1,191 for sale units and 180 affordable housing units to be reviewed in conformance with construction drawings. The MPDP includes design guidelines to facilitate higher density residential and commercial development in the Root Collective where Substantial Conformance Reviews (SCR) will be required to ensure the proposed development meets the requirements of the design guidelines.

Required Approvals

- General Plan Amendment / CCMP Amendment / Mira Mesa Community Plan (MMCP) Amendment – The CCMP and MMCP are being redesignated due to a change in the adopted land use plan. The specific mix of uses is being changed from those of the CCMP to a new land use map being added to the CCMP Area element in accordance with the proposed MMCP.
- Rezone – The Rezone would modify the underlying zoning of the AR-1-1 and IL-2-1 zones into the RX-1-2, RM-2-6, RM-3-9, CC-2-4, OP-1-1, OR-1-1 and OC-1-1 zones (Attachment 16). A Community Plan Implementation Overlay Zone -B (CPIOZ-B) zoning designation is also being placed on the Project site to capture the requirement for discretionary review in case the Project's Master Planned Development Permit expires with the rezones in place. If the Project is sold after the rezone, the CPIOZ would trigger a new PDP rather than allowing build-out to the zone ministerially.
- Master Planned Development Permit processed as a Planned Development Permit: Required in accordance with [SDMC Section 143.0480](#) to incorporate conceptual development criteria for portions of the premises intended for future or phased development (Attachment 14).
- Site Development Permit (SDP): In accordance with [SDMC Section 126.0502](#), an SDP is required as the Project is located in the Airport Land Use Compatibility Overlay Zone (Attachment 14).
- Neighborhood Development Permit (NDP): An NDP is required in accordance with [SDMC Section 126.0402](#) for proposed land development regulation deviations to the Project (see Project Issues below). Additionally, an NDP is required for development where Environmentally Sensitive Lands are present in accordance with [SDMC Section 143.0110](#). The Project includes development in a Special Flood Hazard Area, as well as impacts to wetlands and sensitive species in Carroll Canyon Creek which will be re-contoured and restored on site as part of the Project (Attachment 14).
- Easement Vacations: Public easements for sewer and water utilities throughout the site which were part of the mining operation are being vacated while new easements are being created for utilities and rights-of-way to serve the Project in accordance with [SDMC Section 125.1001\(Attachment 15\)](#).
- Vesting Tentative Map (VTM): The VTM provides subdivision of the property under the City's Municipal Code per [SDMC Section 125.0410](#) and the State Subdivision Map Act. The VTM will also be used to vacate public easements and establish right-of-way and utility easements throughout the Project (Attachment 15).
- Conditional Use Permit (CUP): An amendment to CUP 89-0585 is proposed to bring the final reclamation plan for closure of the aggregate mine in compliance with the grading plan and tentative map of the proposed Project in accordance with [SDMC Section 126.0303](#). The amendment to the existing Reclamation Plan and CUP will also modify the Reclamation Plan boundary to account for areas that were not disturbed during mining, adjust grade elevations to align with the proposed development, revise the originally proposed road network, and protect sensitive habitat (Attachment 15). Additionally, revisions to the previously approved development

permit are proposed and are not in substantial conformance with the approved development permit in accordance with [SDMC Section 126.0114](#).

Community/General Plan Analysis:

Both the Mira Mesa Community Plan (Community Plan) and the CCMP envision the Project site as a mixed-use development centered around future transit. This vision aligns with the General Plan's City of Villages Strategy. The Project would implement the Community Plan's vision of a mixed-use, master-planned development with an interconnected system of parks and open space through approval of a Vesting Tentative Map (VTM), Rezone and various permits including a Master Planned Development Permit (MPDP) while addressing various site constraints. The Project proposes to revise the mix and location of adopted land uses, and therefore requires a land use plan amendment for approval of the VTM and associated permits.

The Project, including the associated land use plan amendments, is consistent with the relevant goals and policies of the General Plan and Community Plan as described below. Overall, the Project would advance the General Plan City of Villages Strategy mainly by providing housing in a mixed-use setting designed to accommodate multiple travel modes (as originally envisioned by the CCMP). The Project would also expand housing choice within Mira Mesa, including provision of affordable units onsite, and address its proportional fair-share of public facilities needs through construction of population-based parks onsite as well as payment of development impact fees.

The proposed Mira Mesa Community Plan Amendment (CPA) would rescind the CCMP and incorporate relevant content into the Community Plan as well as the proposed MPDP. The CPA also constitutes an amendment to the General Plan as the Community Plan and CCMP together provide the more detailed land use designations and community-specific detail required by the General Plan.

Mira Mesa Community Plan:

Community plans are a vital component of the General Plan's Land Use Element because they contain more detailed land use designations and describe the distribution of land uses better than is possible at the citywide document level. Their community-specific detail is also used in review of both public and private development projects and informs the issue of development intensity.

The Community Plan's Land Use Map designates the Project site as Mixed-use and Open Space and the plan also provides a land use framework specific to ownerships within Carroll Canyon (Attachment 3). The land use framework provides for either Transit-Oriented Development or more conventional development scenarios depending on proximity to future transit stops. Either scenario is expected to conserve natural resources as open space by a combination of preservation, enhancement and restoration as needed. This includes restoration of a riparian corridor within Carroll Canyon Creek per the development criteria in the Community Plan. Development is expected to occur under a master plan process.

The Project is consistent with the Community Plan's land use framework by providing an updated Transit-Oriented Development (TOD) that addresses site constraints through a master plan process (a MPDP). The Project would also restore Carroll Canyon Creek and preserve natural areas within Rattlesnake Canyon as open space. The Project would provide population-based parkland in the form of a larger 25.80-acre

community park and a public recreation easement on 10.78 acres of privately-owned and maintained smaller park/plaza areas, rather than the two smaller parks identified in the community plan. Based on a residential population of 6,012, the required population-based park requirement is 16.83 acres of useable park land. The Project would provide a total of 36.58-acres of parkland. This represents a community benefit of 19.75-acres of parkland above the General Plan standard for a Project of this size.

Carroll Canyon Master Plan:

The uses proposed by the Project would be similar to those allowable under the CCMP. The Project would provide 1,800 residential units, an on-site mobility hub, parks, and open space. The Project would also restore habitat values within Carroll Canyon Creek and provide a trail system to create an open space amenity for the Mira Mesa Community.

The Project incorporates design features similar to the TOD envisioned by the CCMP while addressing various site constraints such as a final alignment for Carroll Canyon Road, a profile for the Carroll Canyon Creek floodway, and land use compatibility with MCAS Miramar. Higher residential densities would be located within a core area in proximity to commercial uses and the mobility hub. The proposed circulation system would accommodate all travel modes through an interconnected system of streets, internal pathways and reservation of additional right-of-way for future transit along Carroll Canyon Road. The street system has been designed in a modified grid pattern and will include active building frontages within the core area.

The CCMP provides for a mix of land uses in proximity to a future transit stop and for the restoration of Carroll Canyon Creek and preservation of natural areas within Rattlesnake Canyon (*Figure 8 CCMP*). The land uses are designed as either a TOD or as more conventional office/industrial parks at the periphery. The TOD provides approximately 40 acres suitable for development of a core commercial area to include mainly employment generating uses (such as office and light industrial), retail (a minimum of 10,000 square feet), and residential (a minimum of 100 units). The CCMP also includes a concept plan for a local street system designed in a grid or modified grid pattern that largely replicates the dimensions of downtown blocks. The amendment uses a modified grid pattern that incorporates site terrain and accommodates proposed residential building types. Also, residential uses cannot be permitted within a portion of the core area near the future transit stop due to land use constraints resulting from the Airport Land Use Compatibility Plan for MCAS Miramar.

The CPA would modify the land use mix for the remaining undeveloped portions of the CCMP east of Camino Santa Fe (Phases II and III). The CCMP's detailed land use map would be replaced with a modified land use map added to the CCMP Element of the Community Plan. The proposed modifications would reconfigure land uses within the Project site as well as refine boundaries between land uses based upon a reconfigured street system and more precise project-level mapping. Developable land within the Fenton Carroll Canyon Technology Park would remain industrially designated. The design guidelines for TOD development and restoration of Carroll Canyon Creek would be implemented by the proposed VTM and MPDP.

Project land use modifications and comparisons by acreage with those of the CCMP are depicted in the table below. Specifically, the Phase III Office/Industrial area would be redesignated to Community Park and Medium Density Residential; residential land use would be expanded from 69-acres to 107 acres (and

include a broader range of residential densities); and the mixed-use core area would be reduced from 40-acres to 25-acres. This would largely reduce the area currently allocated to employment uses within the core. The minimum required retail use would be increased from 10,000sf to 160,000sf within 12.6 acres.

Table 3-3 COMPARISON OF 1994 CCMP AND PROJECT LAND USES (acres)		
Land Use Type (Per General Plan)	1994 CCMP Uses Post Completion of CCMP Phase I & 3	Project
Low Residential	N/A	28.1
Low-Medium Residential	N/A	35.6
Medium Residential	43	30.6
Medium-High Residential	26	8.7
High Residential	N/A	4.1
<i>Subtotal Residential</i>	<i>69 acres/1,800 units</i>	<i>107.1 acres/1,800 units</i>
Mixed-Use (Core Area)	8 of 40	25.4
Transit Stop or Station	1.5	1.35 (Mobility Hub)
Office Industrial	52	N/A
Parks	20	38.3
Open Space / Slopes, Basins, Brush Management Zones and Enhanced Landscape	238.6	209.9

Source: Figure 8 of the 1994 Carroll Canyon Master Plan and Figure 2-7 of Project FEIR.

The major effects of these land use modifications would be removal of industrial land, reconfiguration of parkland and open space, replacement of commercial office with retail, and increased residential land area (within the 1,800 total dwelling units previously allocated). Additionally, more housing units would be provided within the mixed-use core and closer to a future transit stop. This increased density within a short walk of the Project's transit interface promotes use of transit as envisioned by the General Plan's City of Villages Strategy discussed below.

Replacement of 52-acres of Office/Industrial land with multifamily residential and a community park would not significantly affect base sector employment as addressed by the General Plan. This area is not identified as Prime Industrial Lands. The designation of 23-acres for construction of an active use community park is also responsive to community needs for more recreation facilities for team sports and is supported by a policy in the community plan "[r]ecreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities."

General Plan:

The General Plan contains a long-range vision and broad range of citywide policies that provide a framework to guide physical development, provide public services, and maintain San Diego's defining

qualities. As projects and future implementation actions are reviewed, they are to be deemed consistent with the General Plan provided they further its goals and policies (or not obstruct their attainment).

Housing Element

The General Plan's Housing Element addresses the City's comprehensive housing needs and promotes the use of affordable housing/density bonus programs to achieve projected residential housing needs over a broader range of income levels.

The Project would further Housing Element goals by providing for future construction of 1,800 units; providing affordable housing onsite; creating a transit-oriented, compact, walkable neighborhood; and increasing housing choice within Mira Mesa by providing a range of unit types and tenures.

Land Use Element

Policy LU-D.13 identifies issues that should be addressed prior to a project decision to include: the level and diversity of community support; appropriate size and boundary for the amendment site; provision of additional benefit to the community; implementation of major General Plan and community plan goals, especially as related to the vision, values, and City of Villages Strategy; and provision of public facilities.

As described above, the Project has been presented at several Mira Mesa Community Planning Board meetings and the Planning Board is in support of the Project with some considerations (Attachment 20). The Project would provide the additional benefits of an increase above required population-based parkland to include a community sports park and would construct affordable housing onsite in place of an in-lieu fee payment. The Project would also underground SDG&E transmission lines resulting in a more attractive frontage along future Carroll Canyon Road. The Project is consistent with the City of Villages Strategy as described below and addresses provision of public facilities as described previously.

City of Villages Strategy

The City of Villages growth strategy is a key component of the General Plan's long-range vision. The strategy calls for future growth to be directed into compact, mixed-use, and walkable villages connected to the regional transit system. The strategy also strives to increase housing supply and diversity as well as to achieve a better balance between jobs and housing at a broad scale. Villages should increase personal transportation choices through a design that is responsive to all travel modes. A key goal is for mixed-use villages to be located throughout the City and connected by high-quality transit.

Circulation infrastructure within this portion of Carroll Canyon is not complete, including the means for provision of public transit. A small portion of the Project site is within a Transit Priority Area associated with existing transit along Mira Mesa Boulevard. The San Diego Association of Governments (SANDAG) has communicated that its Regional Plan will include a bus rapid transit route that would provide regional high frequency service along Carroll Canyon Road with connections to the Miramar Transit Center on Hillery Drive and the Sorrento Valley Coaster Station or Mid-Coast Trolley extension in the adjacent University community if right-of-way is provided for future a center running transit guideway. This action will better align the City's land use planning efforts in Carroll Canyon with provision of future transit. The Project would accommodate future transit by reserving additional right-of-way for future construction of a transit guideway along Carroll Canyon Road. The Project would also construct a mobility hub within the

mixed-use core area to include parking, ride share, bicycle facilities and rider amenities that will support future transit service.

The City of Villages Strategy includes urban design policies that guide desired development form and intensity within villages to accommodate lifestyle choices and respect the distinctive nature of each community planning area. Villages can be achieved through multiple approaches to the type and mix of uses and building intensities. The site's prominent location at a centrally located transition point between land uses lends itself to function as a unique and distinctive, unifying village for Mira Mesa. The Project would provide a mix of land uses, including transit-supportive residential densities. The Project would also provide a core area of retail (including the mobility hub) and higher residential densities interspersed with parks, plazas and active pedestrian linkages intended to provide the activity that fosters social interaction and interest.

Mobility Element

Policy ME-C.2 states "Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system."

The unbuilt segments of Carroll Canyon Road are critical components of the planned transportation network in the Mira Mesa community and would complete a regionally important connection as an alternate to Mira Mesa Boulevard and Miramar Road. The Project would construct a segment of Carroll Canyon Road that would provide traffic flow between Camino Santa Fe and the existing circulation system to the east. However, the FEIR identifies significant impacts to traffic circulation that are not fully mitigated due to multiple factors that preclude full achievement of this policy (see Final Environmental Impact Report Section 5-2, Transportation-Circulations). The full construction of Carroll Canyon Road would require future development projects to construct it east of the Project site and the City to construct it west of the project site.

Project-Related Issues

Deviations- The proposed development includes ten percent affordable housing and qualifies as an Affordable Housing development project pursuant to SDMC Section [143.0915](#). An applicant may request deviations from the applicable development regulations in accordance with a Neighborhood Development Permit, Process Two, provided that the findings in SDMC Section [126.0404\(a\) and \(f\)](#) are made. Table 1, below, is a matrix of the proposed deviations. Additional detail and justification to each deviation may be found in the Development Permit Resolution, Attachment 8 and the MPDP, Attachment 22. Deviations to setbacks have been made throughout the Project to create a greater interface between homes and public areas. Roof decks are counted as private exterior open space, and reductions in exterior open space are provided for homes fronting on open space and park areas. Vehicle use area regulations have been modified to allow for solar shade structures and to bring commercial areas closer to the street interface.

DEVIATIONS SUMMARY			
Table 1			
Deviation Description	Deviation from SDMC	Required	Proposed
1. Setbacks in the RX-1-2 zone	SDMC Section 131.0431, Table 131-04E	Front = 10 feet; Rear = 10 feet	Front = 6 feet; Rear = 5 feet

DEVIATIONS SUMMARY			
Table 1			
Deviation Description	Deviation from SDMC	Required	Proposed
2. Angled building envelope plane in the RX-1-2 zone	SDMC Section 131.0444(c)	Required	no angled building envelope plane is being incorporated
3. Setbacks in the RM-2-6 zone	SDMC Section 131.0431, Table 131-04G	Front = 15/20 feet; Rear = 15 feet; Side = 3 feet	Front = 5 feet; Rear = 5 feet Side = 0' for locations adjacent to common open space, park or landscaped H.O.A. lot
4. Maximum building height in the RM-2-6 zone	SDMC Section 131.0431, Table 131-04G	40 feet is required	45 feet is being proposed for structures of three or more stories
5. 5.60-degree angled plane in the RM-2-6 zone	SDMC Section 131.0444	60-degree angled plane above 30 feet is required	A 60-degree angled plane above 40 feet is provided or not incorporated
6. Private exterior open space in the RM-2-6 zone	SDMC Section 131.0455(b)	Minimum dimension of 6 feet is required; A dimension of 9 feet from private open space to front property line is required	Minimum dimension of 5 feet is being provided; 5-foot separation is provided to the front property line.
7. Vehicular Use Area (VUA) in the RM-2-6 zone	SDMC Section 142.0407(b)	VUA equal to or greater than 6,000 square feet, plant points are calculated within 10 feet of one side of the last parking stall in a row of parking	Providing planting area points within five feet of the edge of the VUA, consistent with the requirements for VUA areas less than 6000 square feet
8. Setbacks in the RM-3-9 zone	SDMC Section 131.0431, Table 131-04G	Front = 10/20 feet; Street Side = 10 feet	Front = 5 feet; Street Side = 5 feet
9. Maximum building height in the RM-3-9 zone	SDMC Section 131.0431, Table 131-04G	60 feet	65 feet

DEVIATIONS SUMMARY			
Table 1			
Deviation Description	Deviation from SDMC	Required	Proposed
10. Private exterior open space in the RM-3-9 zone	SDMC Section 131.0455(c)	Nine feet from the private open space to the front property line	5 feet
11. Architectural projections and encroachments in the RM-3-9 zone	SDMC Section 131.0461	Projection may extend a maximum of six feet into the required yard or 50 percent of the width of the required yard	Architectural projections and encroachments, including eaves and canopies, extending to the property line for up to 60 percent of the length of the street frontage
12. Street yard planting area and point requirements in the RM-3-9 zone	SDMC Section 142.0404	In multifamily residential development, a street yard planting area of 50 percent is required	In Planning Area 12 only, a street yard planting area of 40 percent is being provided due to site constraints where the CNEL precludes residential development.
13. Minimum side, street yard, and rear yard setbacks in the CC-2-4 zone	SDMC Section 131.0531, Table 131-05E	Side = 10 feet St. side = 10 feet Rear = 10 feet	Side = 0 feet St. side = 0 feet Rear = 0 feet
14. Maximum building height in the CC-2-4 zone	SDMC Section 131.0531	45 feet	65 feet
15. Minimum lot coverage in the CC-2-4 zone	SDMC Section 131.0531, Table 131-05E	A minimum lot coverage of 35 percent	15- 35 percent is being proposed
16. Driveways in all residential zones	SDMC Section 142.0560(j)(4)	A minimum 20-foot long driveway	18-foot long driveway is being proposed
17. Driveways in all residential zones where for multiple dwelling unit	SDMC Section 142.0525	When the development does not provide a 20-foot-long driveway, an additional parking	No additional parking space is proposed

DEVIATIONS SUMMARY			
Table 1			
Deviation Description	Deviation from SDMC	Required	Proposed
		space is required	
18. Fence and wall height for art walls	SDMC Section 142.0301	Solid fences are limited to six feet	Art walls are proposed with a maximum height of 20 feet
19. Street Tree Requirements	SDMC Section 142.0409	Street trees are required to be planted between the curb and the abutting property line at a rate of one 24-inch box canopy tree for every 30 linear feet of street frontage excluding curb cuts, and in consideration of tree separation distances from required utilities.	The Project will achieve the required rate of street trees through a combination of trees located in the public parkways and trees within 10-ft of the property line located on HOA open space lots or parks.
20. Private exterior open space in the RM-2-6 zone	SDMC Section 131.0455(c)	A dimension of 9 feet from private open space to front property line is required; minimum dimension of six feet	A 5-foot distance is proposed to the front property line; minimum dimension of five feet
21. Storage Requirements in the RM-3-9 zone	131.0454	240 cf with a minimum 7-foot horizontal dimension required	100 cf and no minimum horizontal dimension proposed.

The Project is located within the noise contours of the Airport Influence Area of MCAS Miramar and is therefore regulated by the Airport Land Use Compatibility Plan (ALUCP) for MCAS Miramar (Figure 9). Much of the Project area is located within the 60 decibel (dB) community noise equivalent level (CNEL) noise contour, while a small portion of the Root Collective sub-district is located within the 65 dB CNEL noise contour. Areas located within the 65 db CNEL may develop with commercial uses but are not allowed to develop with residential uses. The Project received an ALUCP consistency determination from the San Diego Airport Authority serving as the Airport Land Use Commission (ALUC) on November 6, 2018. The MPDP reflects the regulations of both the safety and noise restricted areas of the MCAS Miramar ALUCP. Subsequent to the ALUC determination, City staff determined that CPIOZ-B is required for the Project and that a second consistency determination would be required for the project since the

CPIOZ-B represents an additional zone change. Currently the second consistency determination is being reviewed by the ALUC and expected to be completed prior to the City Council public hearing.

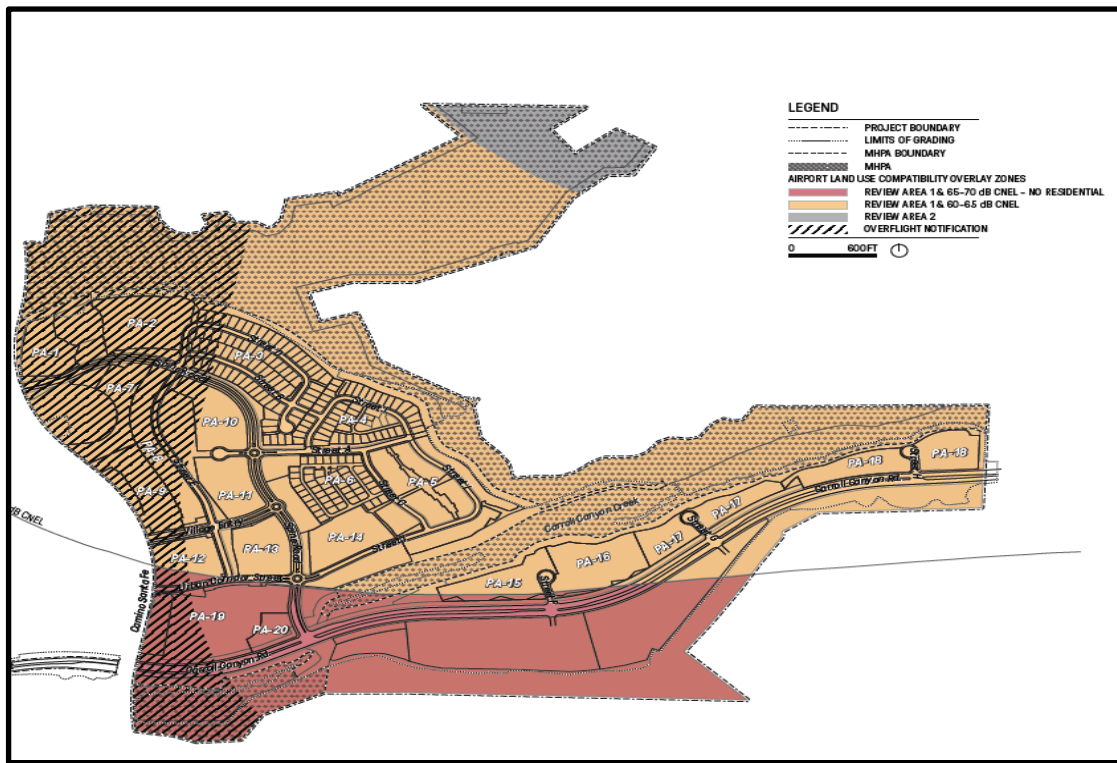


Figure 9: Airport Influence Area of MCAS Miramar

The above deviations have been analyzed by staff and determined to be consistent with the goals and recommendations of the General Plan, the Mira Mesa Community Plan, and the purpose and intent of the RX-2-1, RM-2-8, RM-3-9, CC-2-4, OP-1-1, OR-1-1, and the OC-1-1 zones. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed Project provides a mixed residential/commercial development in accordance with development standards of the RX-2-1, RM-2-8, RM-3-9, CC-2-4, OP-1-1, OR-1-1, and the OC-1-1 zones, and the Mira Mesa Community Plan. The proposed development will assist in providing affordable housing units and market-rate housing opportunities, commercial/retail, passive and outdoor recreation, and a Mobility Hub.

Parks and Open Space

The Project proposes a variety of active and passive open space parks (Figure 10). The CCMP required a total of 20-acres of park space with 10-acres required for active sports fields, and 10-acres as passive parks. The Project will provide 35.1 useable acres of active and passive park space including a 23-acre community park. Table 10-3 of the MPDP provides a summary of the park space in the community which includes neighborhood parks, pocket parks, urban plazas, and linear parks, all of which are connected by trails and paseos and ultimately lead to Seed Park through the underpass at Carroll Creek. Of the 38-acres of parks built by the Project, 23 are publicly owned and operated, and 13 will be owned and operated by the HOA with a public recreation easement overlay for public use. A private parcel with a

private pool and recreation facility will not be publicly accessible. The community park will be constructed during Phase II.

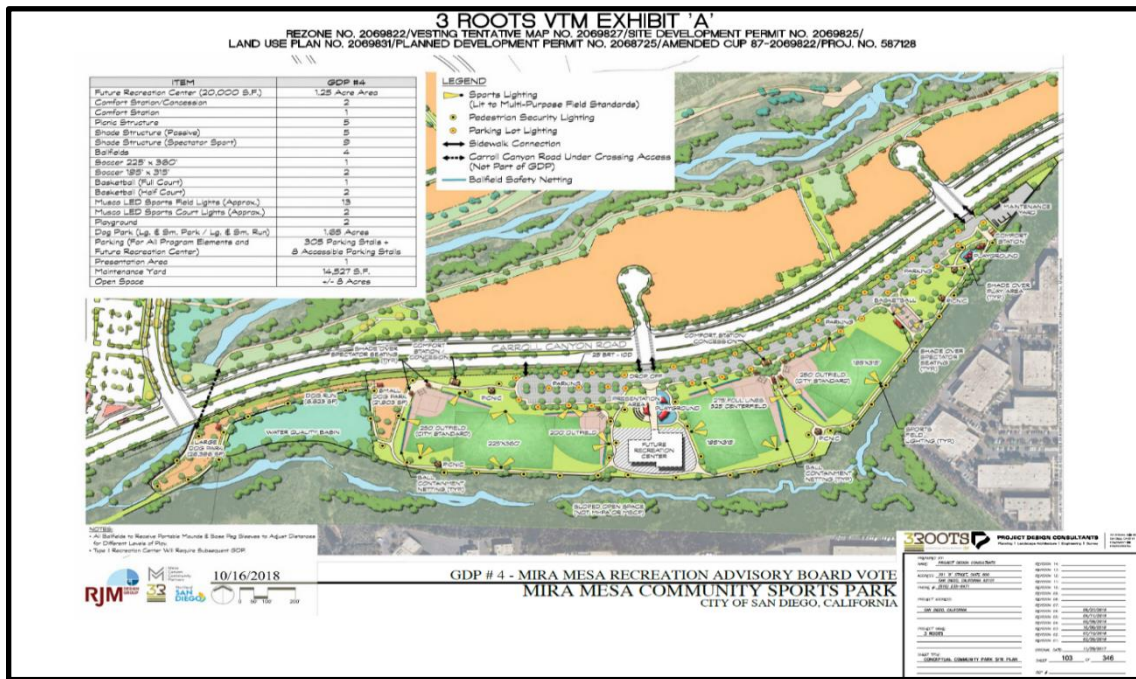


Figure 10: Park Plan

Carroll Canyon Creek

The Project proposes the restoration of Carroll Canyon Creek within the Project's boundary (Figure 11). Currently, most of the on-site creek alignment is located underground in a pipe which diverts flow through the mining area. Under the MPDP, the creek will be exposed to daylight and re-contoured to become a meandering riparian habitat running through the Project. A portion of the restored and enhanced riparian areas will be made part of the City of San Diego Multi-Habitat Planning Area (MHPA).



Figure 11: Restored Carroll Canyon Creek

Buffers will be provided between any new development and trails to protect the creek and surrounding habitat. Improvements to Carroll Canyon Creek will include trails along the creek that connect to other project trails, including activity centers in the Root Collective and Seed Park. A pathway beside the creek will allow residents to continue along the creek as it passes under the Carroll Canyon Road to connect to Seed Park.

Circulation and Mobility

Construction of the extension of Carroll Canyon Road through the Project site as a six-lane Primary Arterial connecting Camino Santa Fe to the west and the constructed portion of Carroll Canyon Road to the east is proposed as part of the Project (Figure 12). This segment of Carroll Canyon Road includes a 10-foot Class 1 buffered bike lane, a trail, five-foot parkways, six east-west lanes (three lanes each direction), and a 25-foot landscaped median. The internal Spine Road extends from Camino Santa Fe at the north end of the Project to Carroll Canyon Road at the south end of the site.

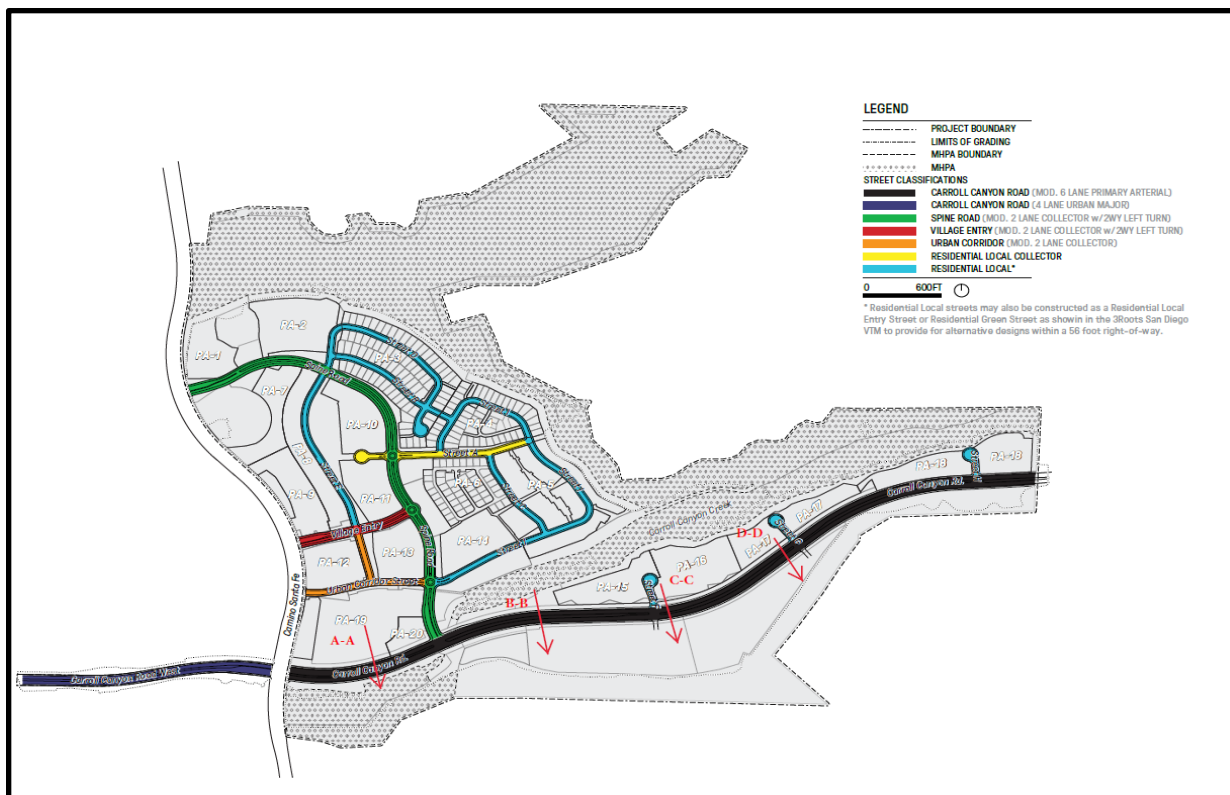


Figure 12: Project Circulation

With one lane in each direction, a raised landscaped median, and buffered bicycle lanes, the road design primarily focuses on integrating all modes of transportation along a slow speed corridor that connects the various neighborhoods throughout the community. Spine Road has been designed with landscaped parkways with an adjacent trail, and buffered bicycle lanes, which provide for bicycle and pedestrian travel. Three roundabouts are planned along Spine Road and are designed to maintain slow travel speeds through intersections, reduce potential traffic delays, and reduce pedestrian crossing distances. An irrevocable offer to dedicate (IOD) will be recorded over an area adjacent to the north side of Seed Park

adjacent to proposed Carroll Canyon Road and a portion on the north side of Carroll Canyon Road. The IOD is intended to accommodate an alignment for the future BRT right-of-way line along Carroll Canyon Road.

The Root Collective includes a Mobility Hub that will integrate multiple transportation options and will be dedicated to the future of transportation and on-demand service. The Mobility Hub will provide residents, visitors, and employees with a variety of transportation options to connect to the nearby job centers of Sorrento Valley and University communities. The Mobility Hub will include an on-site mobility concierge' employed by the homeowner's association to manage rideshare programs, and a centralized mobility web portal, and other mobility activities and to market transportation options to the community. The Mobility Hub will include dedicated car share spaces, pick up and drop off areas for employment center shuttles, car hailing meeting sites, as well as locations to pick up and drop off bike share, electric scooters, bike lockers, and future mobility options.

Pedestrian and Bicycle Network

The Project has been designed with an extensive pedestrian network of trails, paseos and sidewalks to allow residents to move safely from their homes to parks and the Root Collective area without significant interactions with automobiles (Figure 13). Many of the homes in the Routes and Canopy districts will front or be adjacent to paseos that link to other trails. A trail from the Parkdale area of Mira Mesa allows pedestrian access to the Project from existing areas of the community on the mesa above the Project site. In addition to the bicycle facilities on Carroll Canyon Road (cycle track on the north side and buffered bike lane on the south side), a network of bicycle facilities will be provided within the Project to improve

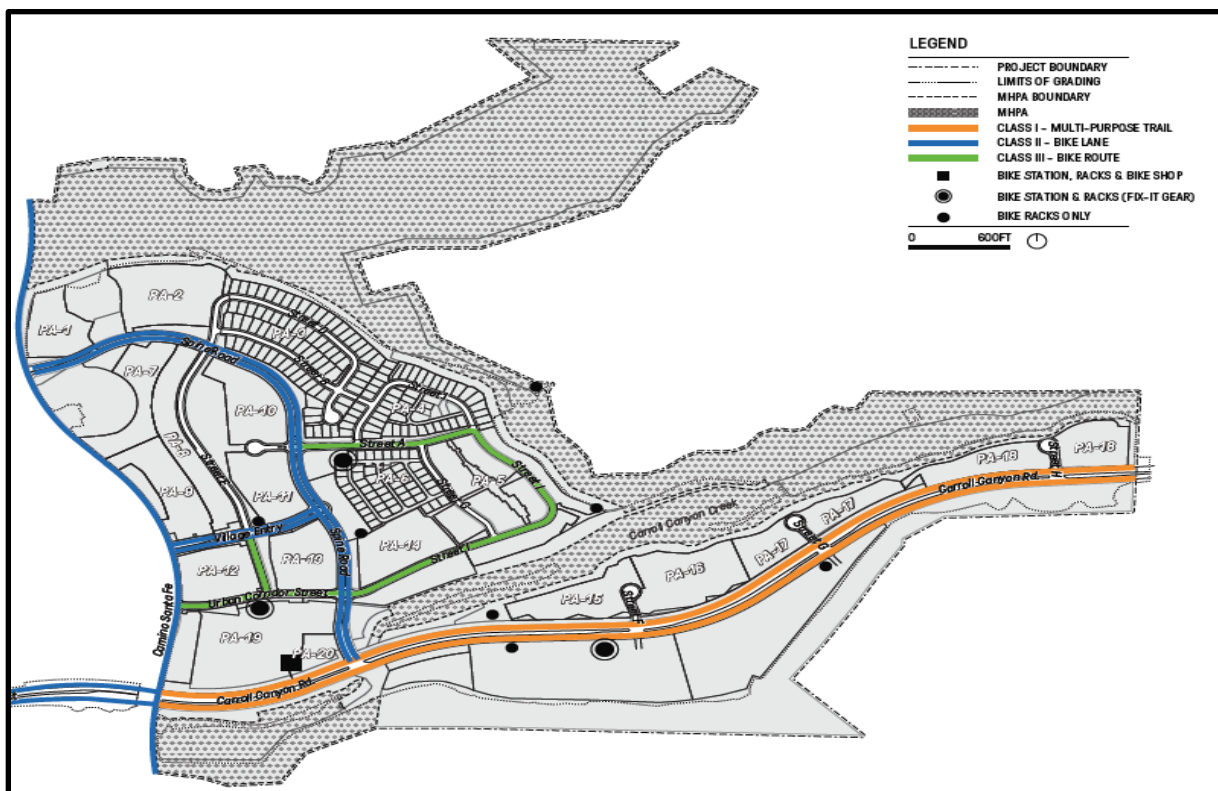


Figure 13: Bicycle Network

connectivity. This will allow people to access the Mobility Hub by bike and to complete trips to Seed Park and Root Collective without a car. The Project will include a public bike repair station at the Mobility Hub, as well as bike sharing stations, and bicycle racks throughout the Project area.

Bus Rapid Transit:

The applicant for the Project will reserve an area for a center-median transit guideway along Carroll Canyon Road for a future Bus Rapid Transit (BRT) consistent with SANDAG's requirements, and recommendations from the Mira Mesa Community Plan (Attachment 24). This will help provide future residents access to the Miramar Community College Transit Center, employment centers along I-5, as well as UTC Transit Center and Trolley services to Downtown San Diego. The center-median transit guideway alignment provides enhanced safety and operational access compared to an outer-running transit alignment. The center alignment is consistent with the portion of Carrol Canyon Road directly east of the project site. The City of San Diego is evaluating alignment options including the transit guideway for the portion Carrol Canyon Road directly west of the project site.

Water Supply Assessment (WSA)

In accordance with Senate Bill (SB) 610 and SB 221(2001), the City Public Utilities Department prepared a WSA Report for the proposed Project (City 2014b), which assessed whether sufficient water supplies are or would be available to meet the projected water demands of the Project. The WSA evaluated the City's ability to provide water supplies to the proposed Project during a normal water supply year, a single-dry year, and multiple-dry water years over a 20-year projection period, in addition to existing and planned future water demands of the City. As demonstrated in the WSA, current and future water supplies, as well as the actions necessary to develop these supplies, have been identified to serve the projected demands of the Project, in addition to existing and planned future water demands of the City. Water conservation features, such as drought-tolerant landscaping, water efficient irrigation, and low water use fixtures would be incorporated into the Project, in accordance with the City requirements and California Building Code (CBC) regulations. The WSA concluded there is a sufficient water supply planned to serve the Projects future water demands in normal, single-dry year, and multiple-dry water year forecasts. The projected level of water use for the proposed Project is within the regional water resource planning documents of the City, the Water Authority, and the Metropolitan Water District. Current and future water supplies, as well as the actions necessary to develop these supplies, have been identified in the water resources planning documents.

Conclusion

Staff has reviewed the proposed Project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. With the approval of the deviations, the Project meets all applicable regulations and policy documents, and staff supports the determination that the Project is consistent with the recommended land use plan, design guidelines, and development standards in effect for this site per the SDMC, the Mira Mesa Community Plan and the General Plan. Thus, staff recommends the Planning Commission recommend to the City Council to approve the Project as proposed.

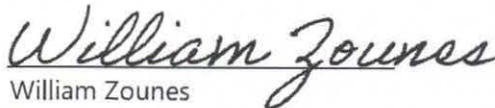
ALTERNATIVES

1. Recommend the City Council Certify Environmental Impact Report No. 587128/SCH No. 2018041065, ADOPT the Findings and Statement of Overriding Considerations, and Adopt the Mitigation, Monitoring, and Reporting Program; Adopt the Amendment to the Mira Mesa No. 2069831; Adopt the Rezone Ordinance No. 2069822; Approve Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820, Neighborhood Development Permit No. 2307977, Easement Vacation No. 2069830 and Vesting Tentative Map No. 2308047, with modifications.
2. Recommend to the City Council Do Not Environmental Impact Report No. 587128/SCH No. 2018041065, ADOPT the Findings and Statement of Overriding Considerations, and Adopt the Mitigation, Monitoring, and Reporting Program; Adopt the Amendment to the Mira Mesa No. 2069831; Adopt the Rezone Ordinance No. 2069822; Approve Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820, Neighborhood Development Permit No. 2307977, Easement Vacation No. 2069830 and Vesting Tentative Map No. 2308047 if the findings required to approve the Project cannot be affirmed.

Respectfully submitted,



Patricia J. Fitzgerald
Assistant Deputy Director
Development Services Department



William Zounes
Development Project Manager
Development Services Department



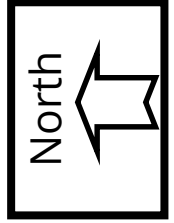
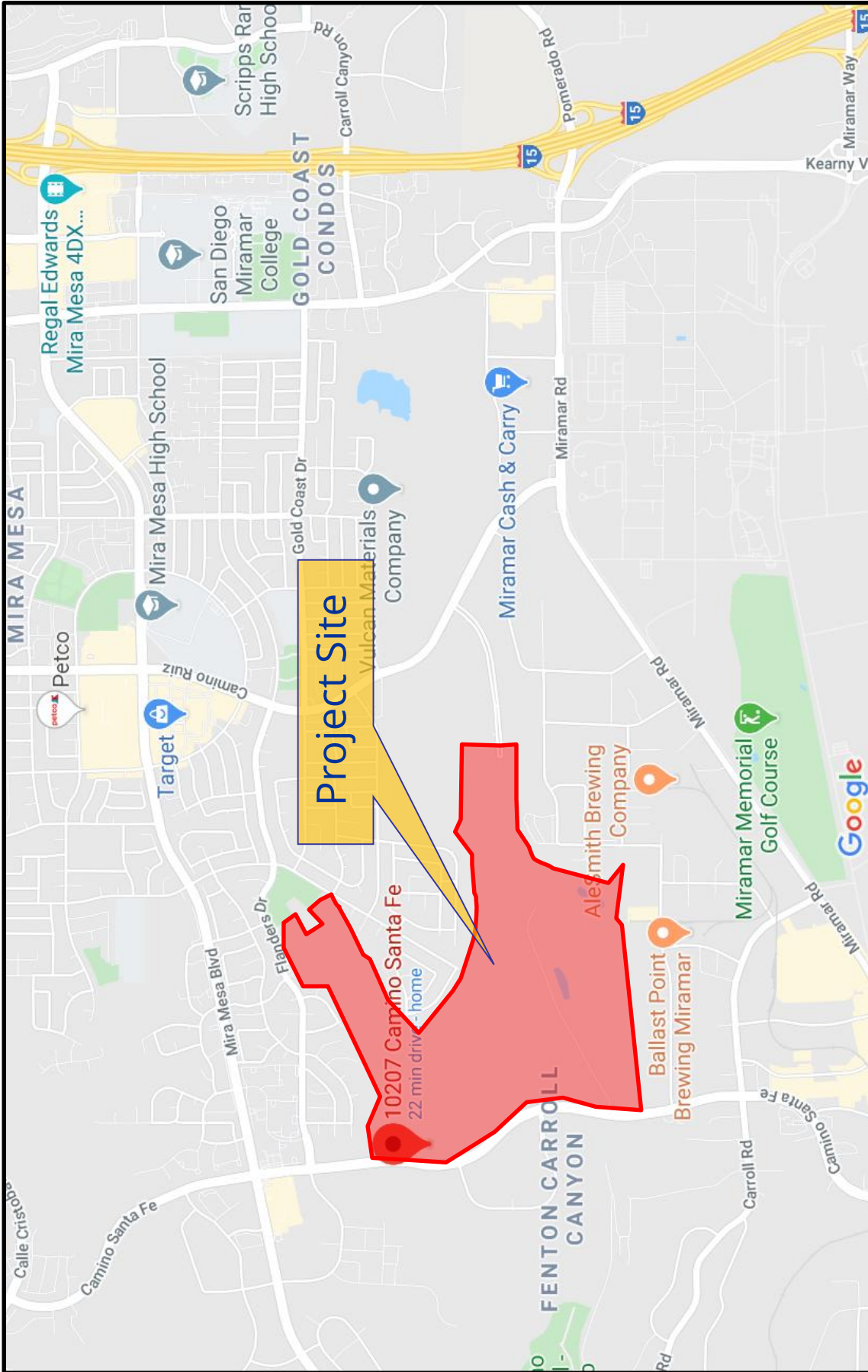
Laura C. Black, AICP
Deputy Director
Planning Department

FITZGERALD/WJZ

Attachments:

1. Location Map
2. Aerial Photograph
3. Community Plan Land Use Map

4. Existing Zoning
5. Proposed Zoning
6. Site Photographs
7. Data Sheet
8. Draft PDP/SDP/NDP/CUP Resolution with Findings
9. Draft VTM Resolution with Findings
10. Draft EIR Environmental Resolution
11. Draft Community Plan Amendment Resolution
12. Draft Rezone Ordinance
13. Draft CPIOZ Ordinance
14. Draft PDP/SDP/NDP/CUP Permit with Conditions
15. Draft Vesting Tentative Map Conditions
16. Rezone Exhibit Sheet B-4334
17. Community Plan Implementation Overlay Zone (CPIOZ)
18. Conditional Use Permit (CUP) No. 89-0585
19. Revised Mira Mesa Community Plan Strikeout and Underlines
20. Community Planning Group Recommendation
21. Ownership Disclosure Statement
22. Master Plan Development Permit
23. Project Plans (Partial Set)
24. Bus Rapid Transit (BRT) Plans



Location Map

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive and Trade Street

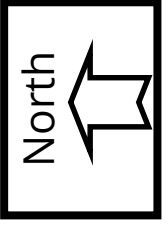


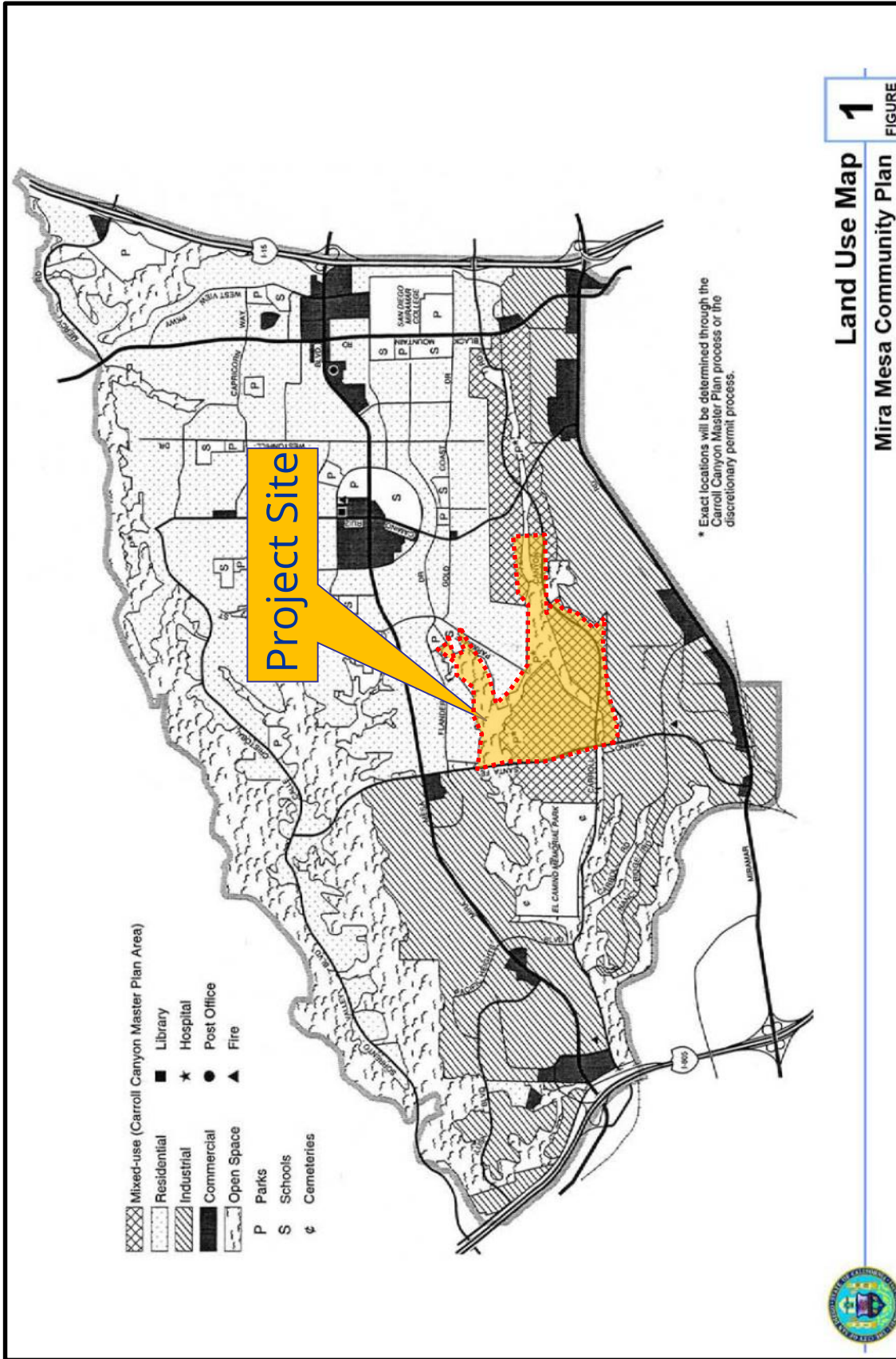


Aerial Photograph

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive and Trade Street

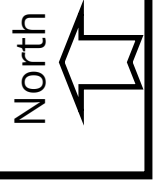


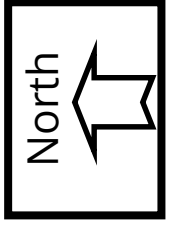


Community Plan Land Use Map Existing

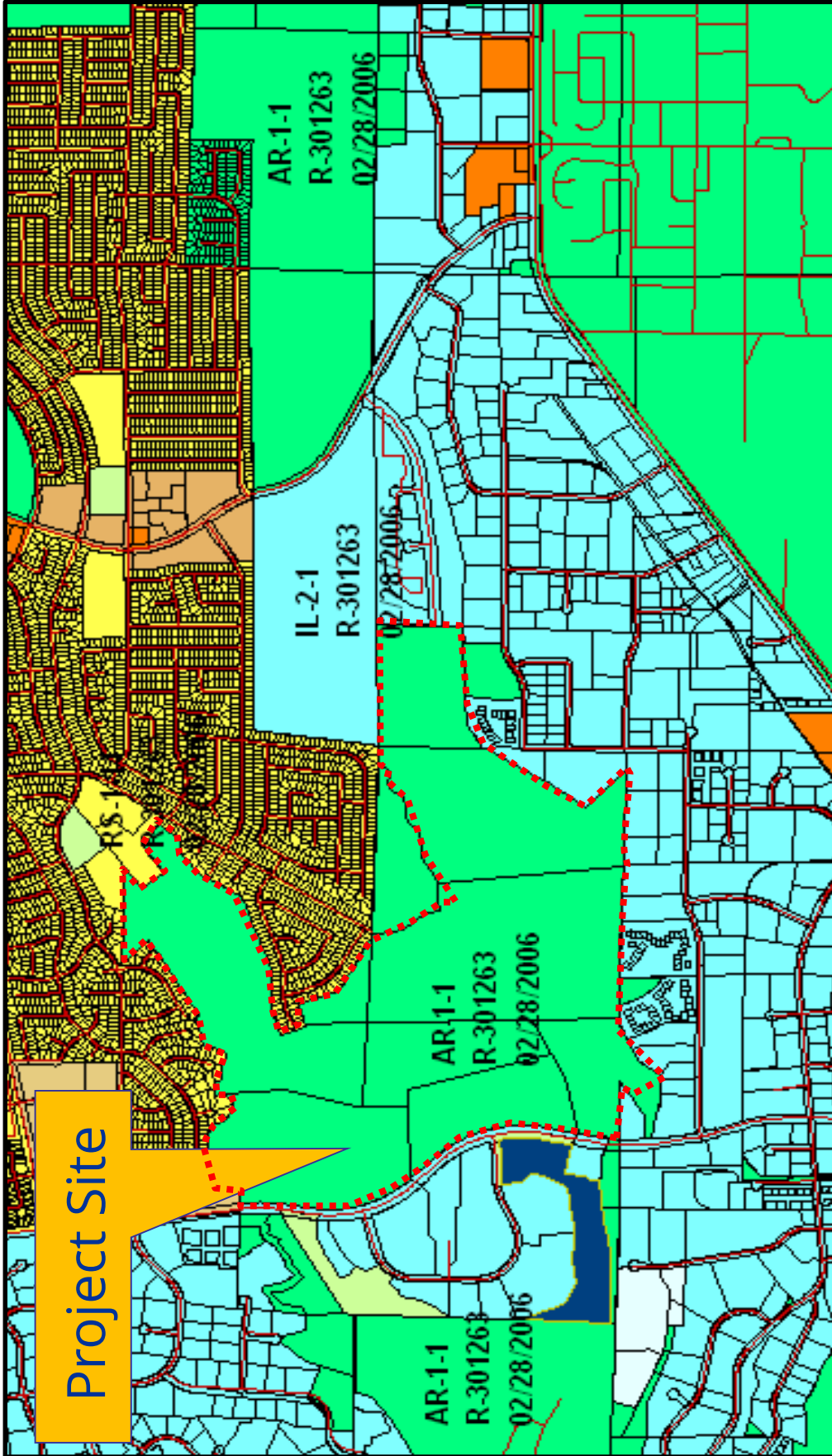
3roots -Project 587128

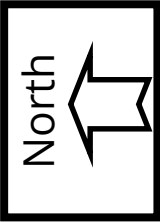
10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive and Trade Street





Zoning Map Existing (AR-1-1 & IL-2-1)
3roots -Project 587128
10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive
and Trade Street





LEGEND

PROJECT BOUNDARY	-----
LIMITS OF GRADING	-----
MHPA BOUNDARY	-----
BRT EASEMENT	-----
AFFORDABLE HOUSING (SDMHC §143.1310)	-----
SOIL EASEMENT	-----
ZONING	
RX-1-2	Yellow
RM-2-6	Orange
RM-3-9	Pink
CC-2-4	Red
OP-1-1	Green
OR-1-1	Light Green
OC-1-1 (MHPA - AU)	Dark Green
OC-1-1 (Open Space - General)	Lightest Green
0 600FT	Scale bar

Project Site

Zoning Map Proposed (RX-1-1, RM-2-6, RM-3-9, CC-2-4, OP-1-1, OR-1-1, OC-1-1)

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive and Trade Street





Site Photographs - Previous Quarry Facility

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive
and Trade Street





Site Photographs – Northeast section of site

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive
and Trade Street





Site Photographs – Future Location of Carroll Canyon Road and Creek

3roots - Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive
and Trade Street





Site Photographs – Future Community Park

Site

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive
and Trade Street



Site Photographs – Looking west at future residential development location

3roots -Project 587128
10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive
and Trade Street



Site Photographs – Site Restoration and Grading

3roots -Project 587128

10207 Camino Santa Fe (east of Camino Santa Fe) between Flanders Drive and Trade Street



PROJECT DATA SHEET		
PROJECT NAME:	3roots	
PROJECT DESCRIPTION:	The project proposes an amendment to CUP No. 89-0585 for the subdivision and development for 1,800 residential units (530 single family residential dwelling units and 1,270 multi-family residential dwelling units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments and a 1.5-acre "Mobility Hub". Additionally, the project will include 256-acres of parks, trails, and open space along with new roads	
COMMUNITY PLAN AREA:	Mira Mesa	
DISCRETIONARY ACTIONS:	Rezone, Community Plan Amendment, Municipal Code Amendment, Planned Development Permit, Site Development Permit, Neighborhood Development Permit, Conditional Use Permit Vesting Tentative Map, Public Service Easement Vacation	
COMMUNITY PLAN LAND USE DESIGNATION:	Multiple Use, Residential, Open Space, Park and Recreation	
<p align="center"><u>ZONING INFORMATION:</u></p> <p>ZONE: AR-1-1/IL-2-1</p> <p>HEIGHT LIMIT: 30 feet/ -</p> <p>LOT SIZE: 413-acres</p> <p>FLOOR AREA RATIO: Varies/2.0 maximum</p> <p>FRONT SETBACK: 25 feet/15-20 feet</p> <p>SIDE SETBACK: 20 feet/25 feet</p> <p>STREETSIDE SETBACK: 20 feet/15-20 feet</p> <p>REAR SETBACK: 25 feet/0-15 feet</p> <p>PARKING: Varies</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Open Space Residential/RS-1-1	Residential Units
SOUTH:	Industrial; IL-2-1	Industrial Developments
EAST:	Open Space-Mixed use; IL-2-1	Vacant Land
WEST:	Industrial; IL-2-1	Industrial Developments
DEVIATIONS OR VARIANCES REQUESTED:	Setbacks in the RX-1-2 zone; Angled building envelope plane in the RX-1-2 zone; Maximum building height in the RM-2-6 zone; 60-degree angled plane in the RM-2-6 zone; Private exterior open space in the RM-2-6 zone; Vehicular Use Area (VUA) in the RM-2-6 zone; Setbacks in the RM-3-9 zone;	

ATTACHMENT 7

	Maximum building height in the RM-3-9 zone; Private exterior open space in the RM-3-9 zone; Architectural projections and encroachments in the RM-3-9 zone; Street yard planting area and point requirements in the RM-3-9 zone; Minimum side, street yard, and rear yard setbacks in the CC-2-4 zone; Maximum building height in the CC-2-4 zone; Minimum lot coverage in the CC-2-4 zone; Driveways in all residential zones; Driveways in all residential zones where for multiple dwelling unit Fence and wall height for art walls; Street Tree Requirements; Private exterior open space in the RM-2-6 zone; Storage Requirements in the RM-3-9 zone
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 18, 2019 The Mira Mesa Community Planning Group voted 15-0-0 to recommend approval of the 3Roots Project as presented.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
GRANTING MASTER PLAN DEVELOPMENT PERMIT NO. 2307972, SITE
DEVELOPMENT PERMIT NO. 2069825, CONDITIONAL USE PERMIT NO.
2069820 [AMENDMENT TO CONDITIONAL USE PERMIT NO. 89-0585],
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2307977 3ROOTS -
PROJECT NO. 587128 AND ADJUSTING THE MULTIPLE HABITAT
PLANNING AREA BOUNDARY.

WHEREAS, Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company, Owner/Permittees, filed an application with the City of San Diego for a Master Planned Development Permit, Site Development Permit, Conditional Use Permit (amending Conditional Use Permit No 89-0585), and Neighborhood Development Permit to develop 1,800 residential units (530 single family dwelling units and 1,270 multi- family dwelling units), a 40-acre mixed-use urban core area with a 1.5-acre "mobility hub," 160,166 square feet of retail/commercial, and 256 acres of recreation parks, trails, and open space known as the 3Roots project (Project); and

WHEREAS, the Project site is located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street and legally described as: Parcels 4 through 9, inclusive of Parcel Map No. 17983, in the City of San Diego, State of California according to map thereof, filed in the office of the County Recorder of San Diego County on January 30, 1998, and Non-exclusive easements for the purposes set out in that certain "reciprocal Easement Agreement and agreement between adjacent landowners" recorded March 2, 1998, as instrument No. 1998-0109119, of official records, over, under, along and across Parcels 1 through 3, inclusive of Parcel Map No. 17983, filed in the Office of the County Recorder of San Diego County January 30, 1998, subject to the conditions and restrictions contained therein, in the Mira Mesa Community Plan area; and

ATTACHMENT 8

(R-2020-XX)

WHEREAS, the Project site is in the AR-1-1 (Agricultural - Residential) and IL-2-1 (Industrial - Light) zones and is proposed to be rezoned to the RX-1-2 (Residential - Small Lot), RM-2-6 (Residential - Mixed Use), RM-3-9 (Residential - Mixed Use), CC-2-4 (Commercial - Community), OP-1-1 (Open Space - Park), OR-1-1 (Open Space - Residential), and OC-1-1 (Open Space - Commercial) zones; and

WHEREAS, on _____, 2020, the Planning Commission of the City of San Diego considered Master Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820 (an amendment to Conditional Use Permit No. 89-0585), and Neighborhood Development Permit No. 2307977, and pursuant to Resolution No. PC voted to recommend approval of the Permits; and

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

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

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Master Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820 (amending Conditional Use Permit No. 89-0585), and Neighborhood Development Permit No. 2307977.

A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0504(a)**1. Findings for all Site Development Permits:**

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

- a.** The Project proposes a Community Plan Amendment, Municipal Code Amendment, Rezone, Public Service Easement Vacation, Vesting Tentative Map, Conditional Use Permit (an amendment to CUP No. 89-0585), Site Development Permit and Neighborhood Development Permit and for the subdivision and development for 1,800 residential units (530 single dwelling units and 1,270 multi-dwelling units) and a mixed-use urban core consisting of 160,166 square feet of commercial developments. Additionally, the Project will include 256-acres of parks, trails, and open space, all on existing vacant land and a non-operational quarry site located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street. The 413-acre site is located in the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan, the Carroll Canyon Master Plan (CCMP), the Airport Influence Area (MCAS-Miramar / Review Area 1), Airport Noise (MCAS-Miramar / 60-65 CNEL & 65-70 CNEL) Overlay Zone, FAA Part 77 Notification Area (MCAS-Miramar / 495' AMSL), Residential Tandem Parking Overlay Zone and the Transit Priority Area. The proposed Project will provide 10 percent (180) of the dwellings units as affordable units occupied by households with an income at or below 65 percent area median income (AMI) for a period of 55 years.

Both the Mira Mesa Community Plan (Community Plan) and the Carroll Canyon Master Plan (Master Plan) envision the Project site as a mixed-use development centered around future transit. This vision aligns with the General Plan's City of Villages Strategy. The Project would implement the Community Plan's vision of a mixed-use, master-planned development with an interconnected system of parks and open space through approval of a Vesting Tentative Map (VTM), rezone and various permits, including a Master Planned Development Permit (MPDP), while addressing various site constraints. The Project proposes to revise the mix and location of adopted land uses, and therefore requires a land use plan amendment for approval of the VTM and associated permits.

Mira Mesa Community Plan:

The Community Plan's Land Use Map designates the Project site as Mixed-use and Open Space and the plan also provides a land use framework specific to ownerships within Carroll Canyon. The land use framework provides for either Transit-Oriented Development or more conventional development scenarios depending on proximity to future transit stops. Either scenario is expected to conserve natural resources as open space by a combination of preservation, enhancement and restoration as needed. This includes restoration of a riparian corridor within Carroll Canyon Creek per the development criteria in the Community Plan. Development is expected to occur under a master plan process.

The Project is consistent with the Community Plan's land use framework by providing an updated Transit-Oriented Development that addresses site constraints through a master plan process. The Project would also restore Carroll Canyon Creek, preserve natural areas within Rattlesnake Canyon as open space, and provide 34-acres of population-based parkland. Parkland would be in the form of a larger 23-acre community park and several smaller parks rather than the two smaller parks identified in the community plan.

Carroll Canyon Master Plan:

The Project incorporates design features similar to the TOD envisioned by the Master Plan while addressing various site constraints such as a final alignment for Carroll Canyon Road, a profile for the Carroll Canyon Creek floodway, and land use compatibility with MCAS Miramar. Higher residential densities would be located within a core area in proximity to commercial uses and the mobility hub. The proposed circulation system would accommodate all travel modes through an interconnected system of streets, internal pathways and reservation of additional right-of-way for future transit along Carroll Canyon Road. The street system has been designed in a modified grid pattern and will include active building frontages within the core area.

The Master Plan provides for a mix of land uses in proximity to a future transit stop and for the restoration of Carroll Canyon Creek and preservation of natural areas within Rattlesnake Canyon. The land uses are designed as either a TOD or as more conventional office/industrial parks at the periphery. The TOD provides approximately 40 acres suitable for development of a core commercial area to include mainly employment generating uses (such as office and light industrial), retail (a minimum of 10,000 square feet), and residential (a minimum of 100 units). The Master Plan also includes a concept plan for a local street system designed in a grid or modified grid pattern that largely replicates the dimensions of downtown blocks. The CPA uses a modified grid pattern that incorporates site terrain and accommodates proposed residential building types. Also, residential uses cannot be permitted within a portion of the core area near the future transit stop due to land use constraints resulting from the Airport Land Use Compatibility Plan for MCAS Miramar.

The CPA would modify the land use mix for the remaining undeveloped portions of the Master Plan east of Camino Santa Fe (Phases II and III). The Master Plan's detailed land use map would be replaced with a modified land use map added to the Carroll Canyon Master Plan Element of the Community Plan. The proposed modifications would reconfigure land uses within the Project site as well as refine boundaries between land uses based upon a reconfigured street system and more precise project-level mapping. Developable land within the Fenton Carroll Canyon Technology Park would remain industrially designated. The design guidelines for TOD development and restoration of Carroll Canyon Creek would be implemented by the proposed VTM and MPDP.

The major effects of these land use modifications would be removal of industrial land, reconfiguration of parkland, replacement of commercial office with retail, and increased residential land area (within the 1,800 total dwelling units previously allocated). Additionally, more housing units would be provided within the mixed-use core and closer to a future transit stop. This increased density within a short walk of the Project's transit interface promotes use of transit as envisioned by the General Plan's City of Villages Strategy discussed below.

Replacement of 52-acres of Office/Industrial land with multifamily residential and a community park would not significantly affect base sector employment as addressed by the General Plan. This area is not identified as Prime Industrial Lands. The designation of 23-acres for construction of an active use community park is also responsive to community needs for more recreation facilities for team sports and is supported by a policy in the Community Plan "[r]ecreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities."

General Plan:

The General Plan contains a long-range vision and broad range of citywide policies that provide a framework to guide physical development, provide public services, and maintain San Diego's defining qualities. The General Plan's Housing Element addresses the City's comprehensive housing needs and promotes the use of affordable housing/density bonus programs to achieve projected residential housing needs over a broader range of income levels.

The Project would further Housing Element goals by providing for future construction of 1,800 units; providing affordable housing onsite; creating a transit-oriented, compact, walkable neighborhood; and increasing housing choice within Mira Mesa by providing a range of unit types and tenures.

Policy LU-D.13 identifies issues that should be addressed prior to a Project decision to include: the level and diversity of community support; appropriate size and boundary for the amendment site; provision of additional benefit to the community; implementation of major General Plan and community plan goals, especially as related to the vision, values, and City of Villages Strategy; and provision of public facilities.

As described above, the Project has been presented at several Mira Mesa Community Planning Board meetings and the Planning Board is in support of the Project with some considerations. The Project would provide the additional benefits of a community sports park and would construct affordable housing onsite in place of an in-lieu fee payment. The Project would also underground SDG&E transmission lines resulting in a more attractive frontage along future Carroll Canyon Road. The

Project is consistent with the City of Villages Strategy as described below and addresses provision of public facilities as described previously.

The City of Villages growth strategy is a key component of the General Plan's long-range vision. The strategy calls for future growth to be directed into compact, mixed-use, and walkable villages connected to the regional transit system. The strategy also strives to increase housing supply and diversity as well as to achieve a better balance between jobs and housing at a broad scale. Villages should increase personal transportation choices through a design that is responsive to all travel modes. A key goal is for mixed-use villages to be located throughout the City and connected by high-quality transit.

Circulation infrastructure within this portion of Carroll Canyon is not complete, including the means for provision of public transit. A small portion of the Project site is within a Transit Priority Area associated with existing transit along Mira Mesa Boulevard. The San Diego Association of Governments (SANDAG) has communicated that its Regional Plan will include a bus rapid transit route that would provide regional high frequency service along Carroll Canyon Road with connections to the Miramar Transit Center on Hillery Drive and the Sorrento Valley Coaster Station or Mid-Coast Trolley extension in the adjacent University community if right-of-way is provided for future a center running transit guideway. This action will better align the City's land use planning efforts in Carroll Canyon with provision of future transit. The Project would accommodate future transit by reserving additional right-of-way for future construction of a transit guideway along Carroll Canyon Road. The Project would also construct a mobility hub within the mixed-use core area to include parking, ride share, bicycle facilities and rider amenities that will support future transit service.

The City of Villages Strategy includes urban design policies that guide desired development form and intensity within villages to accommodate lifestyle choices and respect the distinctive nature of each community planning area. Villages can be achieved through multiple approaches to the type and mix of uses and building intensities. The site's prominent location at a centrally located transition point between land uses lends itself to function as a unique and distinctive, unifying village for Mira Mesa. The Project would provide a mix of land uses, including transit-supportive residential densities. The Project would also provide a core area of retail (including the mobility hub) and higher residential densities interspersed with parks, plazas and active pedestrian linkages intended to provide the activity that fosters social interaction and interest.

Policy ME-C.2 states "Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system."

The unbuilt segments of Carroll Canyon Road are critical components of the planned transportation network in the Mira Mesa community and would complete a regionally important connection as an alternate to Mira Mesa Boulevard and Miramar Road. The Project would construct a segment of Carroll Canyon Road that

would provide traffic flow between Camino Santa Fe and the existing circulation system to the east. However, the EIR identifies significant impacts to traffic circulation that are not fully mitigated due to multiple factors that preclude full achievement of this policy as identified in the Environmental Impact Report Section 5.2 (Transportation-Circulation) The full construction of Carroll Canyon Road would require future development projects to construct it east of the Project site and the City to construct it west of the Project site. Based on the foregoing, the proposed development will not adversely affect the applicable land use plan.

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

The City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065 and has also completed an Initial Study for this Project. The EIR concluded that the Project would result in significant but mitigated environmental impacts to Transportation/Circulation, Noise, Biological Resources, Historical Resources, Tribal Cultural Resources, and significant and unmitigated impacts to Transportation/Circulation. All other impacts analyzed in the EIR were determined to be less than significant. Mitigation measures have been included in the Mitigation Monitoring and Reporting Program for the Project that specifically mitigate all the potentially significant impacts.

The Project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of new streets and driveways, has been designed to conform with the City's codes, policies, and regulations with the primary focus of protecting the public's health, safety and welfare. The Project is consistent with the Master Plan, the Community Plan, the City's environmental regulations, the Multiple Habitat Planning Area (MHPA) principles and guidelines, landscaping and brush management policies, the Fire Department's fire protection policies, and water and sewer recommendations. The conditions of approval of the Project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would work within the site and within the community.

The proposed Project has also been designed to meet the storm water requirements of the California Regional Water Quality Control Board for the San Diego Region National Pollutant Discharge Elimination System permit (Municipal Separate Storm Sewer Systems [MS4] Permit) that went into effect in 2013 (Order No. R9-2013-0001), and the MS4 Permit amendment from February 2015 (Order No. R9-2015-001). The Project will utilize biofiltration basins on-site to meet both the treatment and hydromodification requirements of the MS4 permit, with concentrated flows directed to the existing canyon and waterways to mimic the existing drainage conditions. In addition, the Project would be required to obtain building permits, grading permits, and a public improvement permit for to the construction of the commercial, mixed-use, housing, Carroll Canyon Creek restoration, and park development. The building plans and public improvement plans shall be reviewed,

permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code requirements, and development regulations. The permits for the Project include various conditions and referenced exhibits of approval relevant to achieving Project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this Project. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Project proposes a Community Plan Amendment, Municipal Code Amendment, Rezone, Public Service Easement Vacation, Vesting Tentative Map, Conditional Use Permit (amending CUP No. 89-0585), Site Development Permit and Neighborhood Development Permit and for the subdivision and development for 1,800 residential units (530 single dwelling units and 1,270 multi-dwelling units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments. Additionally, the Project will include 256-acres of parks, trails, and open space located at 10207 Camino Santa Fe. The 413-acre site is located in the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan and the Carroll Canyon Master Plan area.

Deviations are being requested as part of the Project design and in general include deviations to setbacks, angled building envelope, building height, usable private open space, vehicular use area, architectural projections, street yard and remaining yard planting area, driveways, wall height and street trees. The following outlines the deviations and justifications:

- 1) Deviation from SDMC section 131.0431, Table 131-04E for setbacks in the RX-1-2 zone where a front setback of 15 feet is required and six feet is proposed; a rear setback of 10 feet is required and a rear setback of five feet is proposed for up to 50 percent of the width of the building envelope on the ground floor, the remaining portion of the building envelope on the first floor shall have a minimum rear setback of 10 feet.

Justification: Within Planning Area (PA)-4, the minimum setback is 10 feet, where 25 percent of the units have a 20-foot setback. The remaining units have variable setbacks between 10 feet and 20 feet. This creates a more undulating feeling along the edge of the planning area to break up uniformity, and blend with the meandering trails and landscape. Also, the primary living area on all plans comply. However, the optional California Room, located at the rear of the home, has open walls and is a non-conditioned space that is less than 50 percent of lot width has a minimum five-foot rear yard setback. The minimum rear setback of five feet occurs in only six locations, in all other locations it is greater. This deviation is required to provide an opportunity for shade in a small yard area. In PA-3 and PA-6, the reduced front setback allows for a less suburban character for

the neighborhood with building volume, porches and decks closer to the sidewalk.

- 2) Deviation from SDMC section 131.0444(c) for angled building envelope plane in the RX-1-2 zone where no angled building envelope plane is being incorporated.

Justification: In PA-4 this deviation is required to comply with the “Contemporary Architectural Design Vocabulary” specified in the Master Plan. The building designs incorporate shed roofs which have their high point at the side yard.

- 3) A deviation from SDMC section 131.0431, Table 131-04G for the front, side and rear yard setback in the RM-2-6 zone to where a minimum front setback of 15 feet is required and five feet is proposed; a standard front setback of 20 feet is required and five feet is proposed; a side setback of three feet is required and zero feet is proposed for locations adjacent to common open space, park or landscaped H.O.A. lots; and a rear setback of 15 feet is required and five feet is proposed.

Justification: In PA-10 the minimum front yard at the corner of the building on a cul-de-sac is five feet. This occurs in two places. The remaining units have variable setbacks between six feet and 20 feet. This deviation is required to accommodate the higher density detached unit concept and creates more of an undulating street frontage by offering variable setbacks.

At PA-2, 11, 17, 18, the reduced setback on all sides allows for a less suburban character. Most locations are adjacent to parks and open space. The open space adjacency provides a passive use adjacent to this smaller setback, offering relief from what can be conceived as tight spacing between homes. Moreover, a reduced setback allows for smaller lots which increase density which is important to achieve the goal of additional housing consistent with the Carroll Canyon Master Plan.

- 4) A deviation from SDMC section 131.0431, Table 131-04G for maximum building height in the RM-2-6 zone where the maximum structure height of 40 feet is required and 45 feet is being proposed for structures of three or more stories.

Justification: PA-2 & 18: Building heights are proposed at a maximum height of 45 feet to allow for protrusions from the roof surface from potential roof decks or architectural structures meant to give the varied and undulating aesthetic appearance desired by the MPDP, without losing the practical need for maximum floor to ceiling heights in the more vertical multi-family products.

- 5) A deviation to SDMC section 131.0444 where a 60-degree angled plane above 30 feet is required and a 60-degree angled plane above 40 feet is proposed or not incorporated in the RM-2-6 zone.

Justification: PA-10: Building heights are proposed at a maximum of 35 feet. The angled wall envelope is not incorporated. This deviation is required due to the high density detached concept and to comply with the “Contemporary Architectural Design Vocabulary” specified in the Master Plan. The building designs are all three stories with minimum three-foot side yards.

PA-2 & 18: Building heights are a maximum of 42 feet. The reduced setback on all sides allows for a less suburban character. Both locations are adjacent to parks and open space. The building designs incorporate shed roofs which have their high point along site edges.

PA-11 & 17: Building heights are a maximum of 39 feet. The reduced setback on all sides allows for a less suburban character. Both locations are adjacent to parks and open space. The building designs incorporate shed roofs which have their high point along site edges.

- 6) A deviation from SDMC section 131.0455(b) for private exterior open space in the RM-2-6 zone where a minimum dimension of six feet is required and a separation dimension of nine feet from private open space to the front property line is required. The project proposes a minimum dimension of five feet and a five-foot separation provided from the front property line to private open space.

Justification: The deviation provides added flexibility to private open space configuration at balconies and decks. Dimension from private open space to property line matches building setback.

- 7) A deviation from SDMC section 142.0407(b) for Vehicular Use Area (VUA) in the RM-2-6 zone. For vehicular use areas equal to or greater than 6,000 square feet, the required planting area, points, and trees are required to be located within the vehicular use area, meaning that planting areas must be bounded by parking stalls on two or more sides, bounded by parking stalls and/or drive aisles on three or more sides, or within 10 feet of the side of a parking stall. A deviation is requested to provide planting areas and points within five feet of the edge of the VUA only where the VUA is made up of a linear configuration made up primarily of drive aisles, consistent with the requirements for VUA areas less than 6,000 square feet.

Justification: VUA point calculations for areas greater than 6,000 square feet are based on large contiguous parking lots. However, the proposed multi-dwelling residential development will have internal circulation consisting primarily of drive aisles and parking, rather than large contiguous parking lots. In this type of development, although the total VUA within a Project may be greater than 6,000 square feet, the circulation is more of a linear configuration made up of smaller segments approximating the less than 6,000-square-foot threshold. Therefore, allowing the required planting areas and points to be achieved within five feet of the edge of the VUA would be an appropriate alternative compliance, allowing

for distribution of planting while meeting the purpose and intent of the City of San Diego Landscape Regulations.

- 8) A deviation from SDMC section 131.0431, Table 131-04G for setbacks in the RM-3-9 zone where a minimum front setback of 10 feet is required and five feet is provided, a standard front setback of 20 feet is required and five feet is proposed; a side street setback of 10 feet is required and five feet is provided.

Justification: The planning areas in question is comprised of the “downtown” of the Project. The urban character of this area necessitates a less suburban design solution that maintains a consistent “building wall” at the street edge. Additional landscape and pedestrian space are included immediately adjacent to the three planning areas in the form of plazas and lettered lots at key locations. Section 8.6 of the MPDP includes guidelines regarding the articulation of building facades to provide an undulating streetscape.

- 9) A deviation from SDMC section 131.0431 for maximum building height in the RM-3-9 zone where a maximum structure height of 60 feet is required and 65 feet is proposed.

Justification: Several homes located within the RM-3-9 zone have sloping sites. A minor increase in allowable building height allows for flexibility in building design and maintains feasibility for five-story construction.

- 10) A deviation from SDMC section 131.0455(c) private exterior open space in the RM-3-9 zone where dimension of nine feet from the private open space to the front property line is required and five feet is proposed.

Justification: The deviation provides added flexibility to private open space configuration to allow for balconies and decks. The dimension from private open space to property line matches building setback.

- 11) A deviation from SDMC section 131.0461(c) for architectural projections and encroachments in the RM-3-9 zone where the projection may extend a maximum of six feet into the required yard or 50 percent of the width of the required yard, whichever is less and the Project proposes architectural projections and encroachments, including eaves and canopies, extending to the property line for up to 60 percent of the length of the street frontage.

Justification: In PA-13 the deviation is needed to maintain urban character, such as awnings and canopies at the ground floor accessory commercial land uses. Architectural projections will be constructed so as not to conflict with the mature height of required trees.

- 12) A deviation from SDMC section 142.0404 for street yard planting area and point requirements in the RM-3-9 zone. In Planning Area (PA)-12 only, a street yard planting area of 50 percent is required, and 40 percent is being proposed.

Justification: The Miramar ALUCP CNEL boundary crosses the site diagonally. ALUCP regulations prohibit residential uses south of the CNEL, thereby constraining the siting of residential structures to the north of the planning area. Typically, residential development would wrap a parking lot or structure. However, the location of the CNEL would preclude completely wrapped parking, and the cost associated with the construction of a parking structure would make affordable units cost prohibitive. Therefore, surface parking Vehicular Use Area (VUA) is proposed along the southern portion of lot of PA-12, resulting in a large street yard with a paved parking surface, reducing the ability to achieve the required planting area of 50 percent to 40 percent. Screening of the VUA would meet or exceed the City of San Diego Landscape Regulations.

- 13) A deviation from SDMC section 131.0531, Table 131-05E for setbacks in the CC-2-4 zone where a minimum side setback of 10 feet is required and zero is provided; a maximum street side setback of 10 feet is required and zero is proposed; and a minimum rear setback of 10 feet is required and zero is proposed.

Justification: The maximum setback requirement in Municipal Code Table 131-05B cannot apply to uses incorporating street activation, public art, and other urban amenities within the Project's urban core. A maximum setback of 40 feet from the property line abutting Urban Corridor and Spine Road is required to accommodate "lettered lots" which are street plazas that allow the room necessary to create street activation through public art, food trucks, and other urban amenities.

- 14) A deviation from SDMC section 131.0531, Table 131-05E for maximum building height in the CC-2-4 zone where a maximum structure height of 45 feet is required and 65 feet is proposed for parking structures.

Justification: To maximize use of the site, a parking structure design may be warranted which will require greater height to accommodate the needed parking for the commercial core. In addition, the inclusion of solar panels on top of an otherwise allowable structure requires additional height allowance. The inclusion of solar panels is in furtherance of the goals and policies of the Climate Action Plan.

- 15) A deviation from SDMC section 131.0531, Table 131-05E for minimum lot coverage in the CC-2-4 zone where in PA-20 only, a minimum lot coverage of 35 percent is required and 15- 35 percent is being proposed.

Justification: The mobility hub land use does not have sufficient buildings to provide 35 percent lot coverage. The mobility hub provides parking for electric vehicles, areas for car share vehicle, bike lockers, bike repair locations, and pickup and drop-off areas for ride sharing companies. The space must remain primarily open to allow for these alternative mobility options.

- 16) A deviation from SDMC section 142.0560(j)(4) for driveways in all residential zones where a minimum 20-foot long driveway is required, and a minimum 18-foot long driveway is being proposed.

Justification: The 18-foot long driveways with roll-up garage doors effectively reduce the clearance needed for driveways as opposed to a 20-foot driveway with a standard garage door. The proposed homes will be constructed with roll-up garage doors.

- 17) A deviation from SDMC section 142.0525(d) for driveways in all residential zones when a multiple dwelling unit does not provide a 20-foot long driveway, an additional parking space is required. The Project is providing no additional parking space

Justification: Common area parking for multiple dwelling units is being provided per 142.0525(c). This includes off-street and on-street parking opportunities.

- 18) A deviation from SDMC section 142.0301 regarding fence and wall heights for art walls where solid fences are limited to six feet. The Project proposes art walls with a maximum 20-foot height.

Justification: Art walls are described in the MPDP in section 8.5. Art walls can be, but not necessarily intended for enclosing areas as a traditional fence or wall would. For the Project's purpose they serve as canvases that serve as urban design components consistent with placemaking regulations. The proposed Art Walls are designed to provide areas of urban interest and are consistent with policies that reinforce a sense of place.

- 19) A deviation to the City of San Diego's Street Tree Requirements from SDMC section 142.0409 where street trees are required to be planted between the curb and the abutting property line at a rate of one 24-inch box canopy tree for every 30 linear feet of street frontage, excluding curb cuts, and in consideration of tree separation distances from required utilities. The Project will achieve the required rate of street trees through a combination of trees located in the public parkways and trees within 10 feet of the property line located on HOA open space lots or parks.

Justification: The intent for the deviation is to avoid a very "planned aesthetic" of trees planted in a regular pattern. By providing the required street trees to be placed inside and outside of the right-of-way, a more natural desired aesthetic will be achieved appropriate for the goals of the development.

- 20) A deviation from SDMC section 131.0455(b) for private exterior open space in the RM-2-6 zone. At least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet is required and five feet is provided. A

dimension of nine feet from private open space to front property line is required and five feet is proposed.

Justification: The proposed deviation will provide added flexibility to private open space configuration to allow for balconies and decks. Dimension from private open space to property line matches building setback.

- 21) A deviation from SDMC section 131.0454 for storage requirements in the RM-3-9 zone where 240 cubic feet with a minimum dimension of seven horizontal feet is required. The Project proposes a 100-cubic foot storage area for each unit with no minimum horizontal dimension.

Justification: The deviation is necessary to accommodate the design of the building. The footprint of the sites within this zone is limited and additional storage space required by the zone would force the buildings into a taller massing, not in keeping with the community character sought in the MPDP. The reduction allows for more creativity in the amount of interior space available in each multi-family unit and provides square footage that can be applied to architectural features or interior floor plans. In addition, most exterior storage space is placed on balconies. Lastly, the general amenity space in each building includes bicycle storage where bicycles would otherwise be stored in the private exterior storage area allowing for less storage at each unit.

The above deviations have been analyzed by staff and determined to be consistent with the goals and recommendations of the General Plan, the Mira Mesa Community Plan, and the purpose and intent of the RX-1-2, RM-2-6, RM-3-9, and CC-2-4 zones. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed Project provides a mixed residential/commercial development in accordance with development standards of the RX-1-2, RM-2-6, RM-3-9, CC-2-4, OP-1-1, OR-1-1, and OC-1-1 zone, and the Mira Mesa Community Plan. The proposed development will assist in providing affordable housing units, market-rate housing opportunities, commercial areas, public parks, a transit hub and open space areas. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

2. Site Development Permit - Section 126.0505: Supplemental Findings-Environmentally Sensitive Lands:

- a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The Conditional Use Permit (CUP) for mining activities on site, contemplated the reclamation of the site for a mixed-use housing development consistent with the C Master Plan. As noted in the Master Plan using the CUP as a foundation, the Master

Plan provides a site design for a mixed-use development suited to the new terrain created by the mining processes. The future development will necessitate only minor refinements in grading as a result of the CUP.

The Project will set aside approximately 260 acres of open space, made up of approximately 181.1 acres of natural open space, 38.6 gross acres of public parks and trails, and approximately 39.7 acres of slopes, enhanced landscape, dedicated brush management zones, and water quality/retention basins. Approximately 150 acres would be dedicated to the Multi-Habitat Planning Area (MHPA).

The Master Plan contemplates the revegetation and complete restoration of Carroll Creek through the property to create an open space amenity for the Mira Mesa community. The Project has been designed to accommodate wildlife movement, avoid wetlands, and to locate lower intensity land uses near Carroll Creek to prevent adjacency impacts. The Project has been designed to reduce potential impacts to the vernal pool preserve thus minimizing disturbances to environmentally sensitive lands and allowing for maximum wildlife circulation at the narrowest part of the MHPA. Implementation of the Master Plan will provide a productive end use for the site with beneficial land uses for the community as well as recreational and open space amenities. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

Landforms within the Project area have been extensively altered due to the historic aggregate mining on the site. The Reclamation Plan approved under the Surface Mining and Reclamation Act (SMARA) requires the re-contouring and stabilization of slopes, as well as stabilized grades and pads that will be ready for development. The Project will use the land forms from the reclamation process and approved grading permits to complete preparation of the site. All grading will be completed consistent with City codes and regulations and will therefore ensure that grading will not result in undue risks from geologic and erosional forces.

The Project is partially located in the Carroll Creek floodplain. The Project will be constructed in compliance with the Carroll Canyon Master Plan which notes, *"The southern portion of the site is drained by Carroll Canyon Creek and an unnamed southern tributary. Carroll Canyon Creek has been disturbed by sand and gravel mining. As mining operations near completion, the flood channel will be restored to accommodate the 100-year flood flow as shown in the Reclamation Plan. Future development of the reclaimed site is constrained by the creek and its 100-year floodplain. However, the flood channel will be designed to create a significant open space feature for the future development as well as the surrounding community."* The restoration of Carroll Canyon Creek is integral to the Project. Riparian areas and waterways along the entire length of Carroll Canyon Creek will be protected, restored or widened, as identified in Master

Plan Development Permit. In addition, the Carroll Canyon Road connection through the Project will require an under-crossing to allow water to flow under the road. The undercrossing has been designed to carry the 100-year flood flow and has been designed to reduce erosional forces in the creek area through the use of drop structures and rip rap. A Conditional Letter of Map Revision in coordination with FEMA is subject to Resource Agency 404 and 401 approvals and a Final Letter of Map Revision (LOMR) will be obtained from FEMA once the creek has been restored. The LOMR ensures that the Project will not present a flood hazard for the Project residents or downstream areas.

The Project will utilize biofiltration basins on-site to meet both the treatment and hydromodification requirements. The Project site is located within geologic hazards zones 51 and 53 as shown on the City's Seismic Safety Study. Zones 51 and 53 are characterized by mesas, underlain by terrace deposits and bedrock material with nominal geologic risk. Additionally, the site characterized with fluctuating ground water minor drainage.

Development footprints have been located to minimize erosion, flood, and fire hazards. The Project would be required to utilize proper engineering design and utilization of standard construction practices, to be verified at the grading permit stage. Brush management is required for this Project and will be implemented throughout the life of the Project. As such, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The Project includes an MSCP Boundary Line Adjustment which would entail the removal of 28.35 acres from the MHPA and the addition of 38.16 acres on site for a net increase of 9.81-acres as defined by the MSCP subarea plan. Due to residential proximity to the MHPA preserve, the Project has been conditioned to abide by the MSCP adjacency guidelines. The Project proposes an amendment to the San Diego's Multi-Habitat Planning Area (MHPA) as part of the City's Multiple Species Conservation Program (MSCP) Subarea Plan. This will ensure that these unique natural resources will be conserved as habitat and provide a place for recreation. In addition, brush management for the proposed development would occur within designated open space lots to be maintained by the Project's HOA and would be located wholly within Project areas and outside the MHPA.

Brush management zones have been designed to blend the proposed site elements into natural hillsides and canyons; provide a defensive perimeter for fire, erosion, and other naturally occurring hazards; and rehabilitate the disturbed transition from the natural environment to the built environment. Carroll Canyon Creek is proposed to be restored as part of the Project scope. Riparian areas and waterways along the entire length of Carroll Canyon Creek will be protected, restored or widened, as identified in Master Plan Development Permit (MPDP) Figure 10-8. In addition, the

Carroll Canyon Road connection through the Project will require an under-crossing to allow water to flow under the road and as a wildlife corridor. The undercrossing has been designed to carry the 100-year flood flow and a Letter of Map Revision (LOMR) will be obtained from FEMA for the restored Carroll Canyon Creek which will ensure that the Project will not present a flood hazard.

In addition to specific restoration and enhancement interventions to improve Carroll Canyon Creek, buffers will be provided between any new development and creek side trails to protect surrounding habitat. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

The Project proposes a Boundary Line Adjustment to the Multi-Habitat Planning Area (MHPA) boundary. A boundary adjustment to the MHPA boundary is allowable where the new MHPA boundary results in an area of equivalent or higher biological value.

A Multiple Species Conservation Program (MSCP) Boundary Line Adjustment was successfully processed by the City of San Diego in accordance with the MSCP Plan and with the concurrence of the resource agencies. As illustrated in Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065/ Figure 3-30, the MSCP Boundary Line Adjustment would entail the removal of 28.35 acres from the MHPA and the addition of 38.16 acres on site for a net increase of 9.81 acres. The MHPA Boundary Line Adjustment has gained the concurrence of the resource agencies and increases the size of the preserve, providing equivalent or higher biological value as detailed in the Biological Resources Study of the EIR NO. 587128.

A City-owned, vernal pool preserve is located on the north end of the site approximately 300 feet above the developable area of the Project and is not open to the public. The preserve is screened and will remain protected from vehicular or other human-caused damage, encroachment and urban runoff. No grading will occur within the vernal pool preserve as grading would be restricted to areas southwest, south, and southeast of the preserve. No direct impacts would occur to the vernal pool preserve, including its associated watersheds. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and the VPHCP.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The Project proposes to restore Carroll Canyon Creek consistent with the Carroll Canyon Master Plan leading to a more fluid transport of sand to the shoreline. The Carroll Canyon Master Plan says, "*Carroll Canyon Creek has been disturbed by sand and gravel mining. As mining operations near completion, the flood channel will be restored to*

accommodate the 100-year flood flow as shown in the Reclamation Plan. Future development of the reclaimed site is constrained by the creek and its 100-year floodplain. However, the flood channel will be designed to create a significant open space feature for the future development as well as the surrounding community." The Project's restoration of Carroll Canyon Creek will create open space within the creek area and potentially increasing the local shoreline sand supply. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

- f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065 and has also completed an Initial Study for this Project. The EIR concluded that the Project would result in significant but mitigated environmental impacts to Transportation/Circulation, Noise, Biological Resources, Historical Resources, Tribal Cultural Resources, and significant and unmitigated impacts to Transportation/Circulation. All other impacts analyzed in the EIR were determined to be less than significant. Mitigation measures have been included in the Mitigation Monitoring and Reporting Program for the Project that specifically mitigate all the potentially significant impacts. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

B. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605

1. Findings for all Planned Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

As outlined in Site Development Permit Finding No. (1)(a), the proposed development will not adversely affect the applicable land use plan.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.**

As outlined in Site Development Permit Finding No. (1)(b), the proposed development will not be detrimental to the public health, safety, and welfare.

- c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict**

conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

As outlined in Site Development Permit Finding No. (1)(c), the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable Project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

**C. NEIGHBORHOOD DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0404**

1. Findings for all Neighborhood Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

As outlined in Site Development Permit Finding No. (1)(a) listed above, the proposed development will not adversely affect the applicable land use plan.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.** As outlined in Site Development Permit Finding No. (1)(b) listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

- c. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** As outlined in Site Development Permit Finding No. (1)(c) listed above, the proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

2. Neighborhood Development Permit -Section 126.0404(f) - Supplemental Findings -Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation:

- a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities.**

The Project proposes the development of 1,800 residential units (530 single dwelling units and 1,270 multi-dwelling units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments. The diversity of housing types will allow singles, couples, young families and seniors to live in the community at a variety of

housing types. The proposed Project will provide 10 percent (180) of the dwellings units as affordable units occupied by households with an income at or below 65 percent AMI for a period of 55 years.

The Project has incorporated project-specific strategies that address climate action and sustainability. All residential units will comply with the solar requirements of Title 24, and all single-family residential units in the Project will include conduit to promote rooftop solar energy generation and battery storage. All new residential buildings built after 2020 will be required to meet the requirements of the 2019 Building Energy Efficiency Standard, including providing roof top solar panels. The residential components of the Project will include plumbing fixtures and fittings that do not exceed the maximum flow rate specified. The non-residential components of the Project will be provided with plumbing fixtures and fittings that do not exceed the maximum flow rate specified in the CalGreen standards. In addition, the Project will provide Electric Vehicle (EV) charging for a minimum of three percent of the total parking spaces required for multi-family and non-residential land uses to include a listed cabinet, box or enclosure to allow for the future installation of electric vehicle supply equipment for fully functional electric vehicle charging stations. Fully built out EV spaces in compliance with the Climate Action Plan (CAP) guidelines will be provided grouped together in the proposed Mobility Hub.

A Mobility Hub is proposed to be a centralized multi-modal node within the proposed Project. It would provide pick up and drop off staging areas for both public transportation systems (bus service) as well as private multimodal transportation options such as employer shuttles and rideshare services. A bike repair, rental, and maintenance shop would also be included. Solar or standard EV charging stations would be provided in the Mobility Hub as well which account for 50 percent of the required EV enclosure spaces as outlined in the CAP. Additionally, the Mobility Hub will provide a centralized location for long- and short-term bicycle parking for the entire Project and will include a bike station with bike repair facilities, bike sales, and secure, covered, and publicly accessible bike storage. Therefore, the development will materially assist in accomplishing the goal of providing affordable housing and sustainable buildings opportunities.

b. Any proposed deviations are appropriate for the proposed location.

As outlined in Site Development Permit Finding No. (1)(c) listed above, any proposed deviations are appropriate for the proposed location.

D. CONDITIONAL USE PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0305

1. Findings for all Conditional Use Permits:

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

As outlined in Site Development Permit Finding No. (1)(a) listed above, the proposed development will not adversely affect the applicable land use plan.

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

As outlined in Site Development Permit Finding No. (1)(b) listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

As outlined in Site Development Permit Finding No. (1)(c) listed above, the proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

d. The proposed use is appropriate at the proposed location.

The Project proposes a Community Plan Amendment, Municipal Code Amendment, Rezone, Public Service Easement Vacation, Vesting Tentative Map, Conditional Use Permit, Site Development Permit, Neighborhood Development Permit and Amendment to CUP No. 89-0585 for the subdivision and development for 1,800 residential units (530 single dwelling units and 1,270 multi-dwelling units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments. Additionally, the Project will include 256-acres of parks, trails, and open space on existing vacant land and a non-operational quarry site located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street.

For the last 60 years, the Project site has been entitled for the operation of aggregate, sand and gravel extraction processing and corporate offices related to mining businesses. The Carroll Canyon Master Plan of the Mira Mesa Community Plan defines suitable land uses, design guidelines, development standards, and an implementation program for development of the property phased with completion of resource extraction operations currently taking place. It establishes a comprehensive framework (master plan) to facilitate the property owner's and the City's preparation and analysis of subsequent industrial, commercial and residential planned development permits required for implementation of this portion of the Master Plan as well as incorporating pertinent goals and objectives of the Mira Mesa Community Plan.

Conditional Use Permit (CUP) No. 89-0585 concluded mining activities, east of Camino Santa Fe, in 2016, and reclamation of the site continues consistent with the CUP No. 89-0585 reclamation plan. As noted in the Master Plan, using the Conditional Use Permit (CUP) as a foundation, the Master Plan provided a site design for a mixed-use development suited to the new terrain created by the mining

ATTACHMENT 8

(R-2020-XX)

processes. The future development will necessitate minor refinements in the grading as a result of the CUP and will require a CUP amendment to account for these slight changes to the original CUP grading plan. The proposed CUP amendment will align the closing of the mining operation with the start of the proposed Project and ensure the mine is closed consistent with the reclamation plan. The proposed use is the completion of the mining process and the final reclamation of the site for the Project development, which is consistent with the existing CUP and Master Plan. Implementation of the Master Plan will provide a productive end use for the site with beneficial land uses to include 1,800 residential units, approximately 160,166 square feet of commercial developments, 260-acres of open space, made up of approximately 181-acres of natural open space, 38.6 gross-acres of public parks and trails, approximately 39.7-acres of slopes, enhanced landscape, dedicated brush management zones, and water quality/retention basins. Therefore, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED, that Master Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820 (an amendment to Conditional Use Permit No. 89-0585), and Neighborhood Development Permit No. 2307977, is granted to Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company, Owner/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the MHPA boundary adjustment as shown on Vesting Tentative Map No. 2308047 is approved.

APPROVED: MARA W. ELLIOTT, City Attorney

By

Heather M. Ferbert
Deputy City Attorney

HMF:soc
06/03/2020
Or.Dept:DSD
Doc. No.: 2395126

ATTACHMENT 8

(R-2020-XX)

Attachment: Site Development Permit No. 2069825/Planned Development Permit
No. 2307972/Neighborhood Development Permit No. 2307977/Conditional Use
Permit No. 2069820

DRAFT

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
ADOPTING VESTING TENTATIVE MAP NO. 2308047 AND EASEMENT
VACATION NO. 2069830 - 3ROOTS PROJECT NO. 587128.

WHEREAS, Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company, Subdividers, and Gregory M. Shields, engineer, submitted an application to the City of San Diego for a vesting tentative map and easement vacation for the development of 1,800 residential units (530 single family units and 1,270 multi-family units), a 40-acre mixed-use urban core area with a 1.5-acre “mobility hub,” approximately 160,166 square feet of retail/commercial, and 256 acres of recreation parks, trails, and open space (Project); and

WHEREAS, the Project site is located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street and is legally described as parcel 4 through 9, inclusive of Parcel Map No. 17983, in the City of San Diego, State of California according to map thereof, filed in the office of the County Recorder of San Diego County on January 30, 1998, and Non-exclusive easements for the purposes set out in that certain “reciprocal Easement Agreement and agreement between adjacent landowners” recorded March 2, 1998, as instrument No. 1998-0109119, of official records, over, under, along and across Parcels 1 through 3, inclusive of Parcel Map No. 17983, filed in the Office of the County Recorder of San Diego County January 30, 1998, subject to the conditions and restrictions contained therein; and

WHEREAS, the map proposes the subdivision of a 412.91-acre-site into 184 single-family dwelling lots, 22 multi-family dwelling lots, and five commercial parcels for a mixed-use development; and

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

WHEREAS, the subdivision is a condominium Project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 1,435; and

WHEREAS, on June 25, 2020, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 2308047 and Easement Vacation No. 2069830, and pursuant to Resolution No. _____, the Planning Commission voted to recommend the Council of the City of San Diego (Council) approval of the map; and

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

WHEREAS, on _____, the Council considered Vesting Tentative Map No. 2308047, and Easement Vacation No. 2069830, and pursuant to San Diego Municipal Code sections 125.0440 and 125.1040, and Subdivision Map Act, Government Code 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 Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 2308047:

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 a Community Plan Amendment, Municipal Code Amendment, Rezone, Public Service Easement Vacation, Vesting Tentative Map, Conditional Use Permit (an amendment to CUP No. 89-0585), Site Development Permit and Neighborhood Development Permit for the subdivision and development for 1,800 residential units (530 single dwelling units and 1,270 multi-dwelling units) and a mixed-use urban core consisting of 160,166 square feet of commercial developments. Additionally, the Project will include 256-acres of parks, trails, and open space on existing vacant land and a non-operational quarry site located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street. The 413-acre site is located in the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan, the Carroll Canyon Master Plan (CCMP), the Airport Influence Area (MCAS-Miramar / Review Area 1), Airport Noise (MCAS-Miramar / 60-65 CNEL & 65-70 CNEL) Overlay Zone, FAA Part 77 Notification Area (MCAS-Miramar / 495' AMSL), Residential Tandem Parking Overlay Zone and the Transit Priority Area. The Project will provide 10 percent (180) of the dwellings units as affordable units occupied by households with an income at or below 65 percent of area median income (AMI) for a period of 55 years.

Both the Mira Mesa Community Plan (Community Plan) and the Carroll Canyon Master Plan (Master Plan) envision the Project site as a mixed-use development centered around future transit. This vision aligns with the General Plan's City of Villages Strategy. The Project would implement the Community Plan's vision of a mixed-use, master-planned development with an interconnected system of parks and open space through approval of a Vesting Tentative Map (VTM), Rezone and various permits including a Master Planned Development Permit (MPDP) while addressing various site constraints. The Project proposes to revise the mix and location of adopted land uses, and therefore requires a land use plan amendment for approval of the VTM and associated permits.

Mira Mesa Community Plan:

The Community Plan's Land Use Map designates the Project site as Mixed-use and Open Space and the plan also provides a land use framework specific to ownerships within Carroll Canyon. The land use framework provides for either Transit-Oriented Development or more conventional development scenarios depending on proximity to future transit stops. Either scenario is expected to conserve natural resources as open space by a combination of preservation, enhancement and restoration as needed. This includes restoration of a riparian corridor within Carroll Canyon Creek per the development criteria in the Community Plan. Development is expected to occur under a master plan process.

The Project is consistent with the Community Plan's land use framework by providing an updated Transit-Oriented Development that addresses site constraints through a master plan process. The Project would also restore Carroll Canyon Creek, preserve natural areas within Rattlesnake Canyon as open space, and provide 34-acres of population-based parkland. Parkland would be in the form of a larger 23-acre community park and several smaller parks rather than two smaller parks identified in the community plan.

Carroll Canyon Master Plan:

The Project incorporates design features similar to the TOD envisioned by the Master Plan while addressing various site constraints such as a final alignment for Carroll Canyon Road, a profile for the Carroll Canyon Creek floodway, and land use compatibility with MCAS Miramar. Higher residential densities would be located within a core area in proximity to commercial uses and the mobility hub. The proposed circulation system would accommodate all travel modes through an interconnected system of streets, internal pathways and reservation of additional right-of-way for future transit along Carroll Canyon Road. The street system has been designed in a modified grid pattern and will include active building frontages within the core area.

The Master Plan provides for a mix of land uses in proximity to a future transit stop and for the restoration of Carroll Canyon Creek and preservation of natural areas within Rattlesnake Canyon. The land uses are designed as either a TOD or as more conventional office/industrial parks at the periphery. The TOD provides approximately 40 acres suitable for development of a core commercial area to include mainly employment generating uses (such as office and light industrial), retail (a minimum of 10,000 square feet), and residential (a minimum of 100 units). The Master Plan also includes a concept plan for a local street system designed in a grid or modified grid pattern that largely replicates the dimensions of downtown blocks. The CPA uses a modified grid pattern that incorporates site terrain and accommodates proposed residential building types. Also, residential uses cannot be permitted within a portion of the core area near the future transit stop due to land use constraints resulting from the Airport Land Use Compatibility Plan for MCAS Miramar.

The CPA would modify the land use mix for the remaining undeveloped portions of the Master Plan east of Camino Santa Fe (Phases II and III). The Master Plan's detailed land use map would be replaced with a modified land use map added to the Carroll Canyon Master Plan Element of the Community Plan. The proposed modifications would reconfigure land uses within the Project site as well as refine boundaries between land uses based upon a reconfigured street system and more precise project-level mapping. Developable land within the Fenton Carroll Canyon Technology Park would remain industrially designated. The design guidelines for TOD development and restoration of Carroll Canyon Creek would be implemented by the proposed VTM and MPDP.

The major effects of these land use modifications would be removal of industrial land, reconfiguration of parkland, replacement of commercial office with retail, and increased residential land area (within the 1,800 total dwelling units previously allocated). Additionally, more housing units would be provided within the mixed-use core and closer to a future transit stop. This increased density within a short walk of the Project's transit interface promotes use of transit as envisioned by the General Plan's City of Villages Strategy discussed below.

Replacement of 52-acres of Office/Industrial land with multifamily residential and a community park would not significantly affect base sector employment as addressed by the General Plan. This area is not identified as Prime Industrial Lands. The designation of 23-acres for construction of an active use community park is also responsive to community needs for more recreation facilities for team sports and is supported by a policy in the Community Plan "[r]ecreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities."

General Plan:

The General Plan contains a long-range vision and broad range of citywide policies that provide a framework to guide physical development, provide public services, and maintain San Diego's defining qualities. The General Plan's Housing Element addresses the City's comprehensive housing needs and promotes the use of affordable housing/density bonus programs to achieve projected residential housing needs over a broader range of income levels.

The Project would further Housing Element goals by providing for future construction of 1,800 units; providing affordable housing onsite; creating a transit-oriented, compact, walkable neighborhood; and increasing housing choice within Mira Mesa by providing a range of unit types and tenures.

Policy LU-D.13 identifies issues that should be addressed prior to a Project decision to include: the level and diversity of community support; appropriate size and boundary for the amendment site; provision of additional benefit to the community; implementation of major General Plan and community plan goals, especially as related to the vision, values, and City of Villages Strategy; and provision of public facilities.

As described above, the Project has been presented at several Mira Mesa Community Planning Board meetings and the Planning Board is in support of the Project with some considerations. The Project would provide the additional benefits of a community sports park and would construct affordable housing onsite in place of an in-lieu fee payment. The Project would also underground SDG&E transmission lines resulting in a more attractive frontage along future Carroll Canyon Road. The Project is consistent with the City of Villages Strategy as described below and addresses provision of public facilities as described previously.

The City of Villages growth strategy is a key component of the General Plan's long-range vision. The strategy calls for future growth to be directed into compact, mixed-use, and walkable villages connected to the regional transit system. The strategy also strives to increase housing supply and diversity as well as to achieve a better balance between jobs and housing at a broad scale. Villages should increase personal transportation choices through a design that is responsive to all travel modes. A key goal is for mixed-use villages to be located throughout the City and connected by high-quality transit.

Circulation infrastructure within this portion of Carroll Canyon is not complete, including the means for provision of public transit. A small portion of the Project site is within a Transit Priority Area associated with existing transit along Mira Mesa Boulevard. The San Diego Association of Governments (SANDAG) has communicated that its Regional Plan will include a bus rapid transit route that would provide regional high frequency service along Carroll Canyon Road with connections to the Miramar Transit Center on Hillery Drive and the Sorrento Valley Coaster Station or Mid-Coast Trolley extension in the adjacent University community if right-of-way is provided for future a center running transit guideway. This action will better align the City's land use planning efforts in Carroll Canyon with provision of future transit. The Project would accommodate future transit by reserving additional right-of-way for future construction of a transit guideway along Carroll Canyon Road. The Project would also construct a mobility hub within the mixed-use core area to include parking, ride share, bicycle facilities and rider amenities that will support future transit service.

The City of Villages Strategy includes urban design policies that guide desired development form and intensity within villages to accommodate lifestyle choices and respect the distinctive nature of each community planning area. Villages can be achieved through multiple approaches to the type and mix of uses and building intensities. The site's prominent location at a centrally located transition point between land uses lends itself to function as a unique and distinctive, unifying village for Mira Mesa. The Project would provide a mix of land uses, including transit-supportive residential densities. The Project would also provide a core area of retail (including the mobility hub) and higher residential densities interspersed with parks, plazas and active pedestrian linkages intended to provide the activity that fosters social interaction and interest.

Policy ME-C.2 states "Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system."

The unbuilt segments of Carroll Canyon Road are critical components of the planned transportation network in the Mira Mesa community and would complete a regionally important connection as an alternate to Mira Mesa Boulevard and Miramar Road. The Project would construct a segment of Carroll Canyon Road that would provide traffic flow between Camino Santa Fe and the existing circulation system to the east. However, the EIR identifies significant impacts to traffic circulation that are not fully mitigated due to multiple factors that preclude full achievement of this policy as identified in the Environmental Impact Report Section 5.2 (Transportation-Circulation). The full construction of Carroll Canyon Road would require future development projects to construct it east of the Project site and the City to construct it west of the Project site. Based on the foregoing, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The Project proposes a Community Plan Amendment, Municipal Code Amendment, Rezone, Public Service Easement Vacation, Vesting Tentative Map, Conditional Use Permit (Amendment to CUP NO. 89-0585), Site Development Permit and Neighborhood Development Permit for the

subdivision of the Project site and development of 1,800 residential units (530 single dwelling units and 1,270 multi-dwelling units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments, and a 1.5-acre "mobility hub." Additionally, the Project will include 256-acres of parks, trails, and open space located at 10207 Camino Santa Fe. The 413-acre site is located in the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan and the Carroll Canyon Master Plan area.

Deviations are being requested as part of the Project design and in general include deviations to setbacks, angled building envelope, building height, usable private open space, vehicular use area, architectural projections, street yard and remaining yard planting area, driveways, wall height and street trees. The following outlines the deviations and justifications:

- 1) Deviation from SDMC section 131.0431, Table 131-04E for setbacks in the RX-1-2 zone where a front setback of 15 feet is required and 6 feet is proposed; a rear setback of 10 feet is required and a rear setback of five feet is proposed for up to 50 percent of the width of the building envelope on the ground floor, the remaining portion of the building envelope on the first floor shall have a minimum rear setback of 10 feet.

Justification: Within Planning Area (PA)-4, the minimum setback is 10 feet, where 25 percent of the units have a 20-foot setback. The remaining units have variable setbacks between 10 feet and 20 feet. This creates a more undulating feeling along the edge of the planning area to break up uniformity, and blend with the meandering trails and landscape. Also, the primary living area on all plans comply. However, the optional California Room, located at the rear of the home, has open walls and is a non-conditioned space that is less than 50 percent of lot width has a minimum five-foot rear yard setback. The minimum rear setback of five feet occurs in only six locations, in all other locations it is greater. This deviation is required to provide an opportunity for shade in a small yard area. In PA-3 and PA-6, the reduced front setback allows for a less suburban character for the neighborhood with building volume, porches and decks closer to the sidewalk.

- 2) Deviation from SDMC section 131.0444(c) for angled building envelope plane in the RX-1-2 zone where no angled building envelope plane is being incorporated.

Justification: In PA-4 this deviation is required to comply with the "Contemporary Architectural Design Vocabulary" specified in the Master Plan. The building designs incorporate shed roofs which have their high point at the side yard.

- 3) A deviation from SDMC section 131.0431, Table 131-04G for the front, side and rear yard setback in the RM-2-6 zone to where a minimum front setback of 15 feet is required and five feet is proposed; a standard front setback of 20 feet is required and five feet is proposed; a side setback of three feet is required and zero feet is proposed for locations adjacent to common open space, park or landscaped H.O.A. lots; and a rear setback of 15 feet is required and five feet is proposed.

Justification: In PA-10 the minimum front yard at the corner of the building on a cul-de-sac is five feet. This occurs in two places. The remaining units have variable setbacks between six feet and 20 feet. This deviation is required to accommodate the higher density detached unit concept and creates more of an undulating street frontage by offering variable setbacks.

At PA-2, 11, 17, 18, the reduced setback on all sides allows for a less suburban character. Most locations are adjacent to parks and open space. The open space adjacency provides a passive use adjacent to this smaller setback, offering relief from what can be conceived as tight spacing between homes. Moreover, a reduced setback allows for smaller lots which increase density which is important to achieve the goal of additional housing consistent with the Carroll Canyon Master Plan.

- 4) A deviation from SDMC section 131.0431, Table 131-04G for maximum building height in the RM-2-6 zone where the maximum structure height of 40 feet is required and 45 feet is being proposed for structures of three or more stories.

Justification: PA-2 & 18: Building heights are proposed at a maximum height of 45 feet to allow for protrusions from the roof surface from potential roof decks or architectural structures meant to give the varied and undulating aesthetic appearance desired by the MPDP, without losing the practical need for maximum floor to ceiling heights in the more vertical multi-family products.

- 5) A deviation to SDMC section 131.0444 where a 60-degree angled plane above 30 feet is required and a 60-degree angled plane above 40 feet is proposed or not incorporated in the RM-2-6 zone.

Justification: PA-10: Building heights are proposed at a maximum of 35 feet. The angled wall envelope is not incorporated. This deviation is required due to the high density detached concept and to comply with the "Contemporary Architectural Design Vocabulary" specified in the Master Plan. The building designs are all three stories with minimum three-foot side yards.

PA-2 & 18: Building heights are a maximum of 42 feet. The reduced setback on all sides allows for a less suburban character. Both locations are adjacent to parks and open space. The building designs incorporate shed roofs which have their high point along site edges.

PA-11 & 17: Building heights are a maximum of 39 feet. The reduced setback on all sides allows for a less suburban character. Both locations are adjacent to parks and open space. The building designs incorporate shed roofs which have their high point along site edges.

- 6) A deviation from SDMC section 131.0455(b) for private exterior open space in the RM-2-6 zone where at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit where a

minimum dimension of six feet is required and five feet is provided. A dimension of nine feet from private open space to front property line is required and five feet is provided.

Justification: The deviation provides added flexibility to private open space configuration at balconies and decks. Dimension from private open space to property line matches building setback.

- 7) A deviation from SDMC section 142.0407(b) for Vehicular Use Area (VUA) in the RM-2-6 zone. For vehicular use areas equal to or greater than 6,000 square feet, the required planting area, points, and trees are required to be located within the vehicular use area, meaning that planting areas must be bounded by parking stalls on two or more sides, bounded by parking stalls and/or drive aisles on three or more sides, or within 10 feet of the side of a parking stall. A deviation is requested to provide planting areas and points within five feet of the edge of the VUA only where the VUA is made up of a linear configuration made up primarily of drive aisles, consistent with the requirements for VUA areas less than 6,000 square feet.

Justification: VUA point calculations for areas greater than 6,000 square feet are based on large contiguous parking lots. However, the proposed multi-dwelling residential development will have internal circulation consisting primarily of drive aisles and parking, rather than large contiguous parking lots. In this type of development, although the total VUA within a project may be greater than 6,000 square feet, the circulation is more of a linear configuration made up of smaller segments approximating the less than 6,000-square-foot threshold. Therefore, allowing the required planting areas and points to be achieved within five feet of the edge of the VUA would be an appropriate alternative compliance, allowing for distribution of planting while meeting the purpose and intent of the City of San Diego Landscape Regulations.

- 8) A deviation from SDMC section 131.0431, Table 131-04G for setbacks in the RM-3-9 zone where a minimum front setback of 10 feet is required and five feet is provided, a standard front setback of 20 feet is required and five feet is proposed; a side street setback of 10 feet is required and five feet is provided.

Justification: The planning areas in question is comprise of the "downtown" of the Project. The urban character of this area necessitates a less suburban design solution that maintains a consistent "building wall" at the street edge. Additional landscape and pedestrian space are included immediately adjacent to the three planning areas in the form of plazas and lettered lots at key locations. Section 8.6 of the MPDP includes guidelines regarding articulation of building facade to provide an undulating streetscape.

- 9) A deviation from SDMC section 131.0431 for maximum building height in the RM-3-9 zone where a maximum structure height of 60 feet is required and 65 feet is proposed.

Justification: The planning areas in question have sloping sites. A minor increase in allowable building height allows for flexibility in building design and maintains feasibility for five-story construction.

- 10) A deviation from SDMC section 131.0455(c) private exterior open space in the RM-3-9 zone where dimension of nine feet from the private open space to the front property line is required and five feet is proposed.

Justification: The deviation provides added flexibility to private open space configuration to allow for balconies and decks. The dimension from private open space to property line matches building setback.

- 11) A deviation from SDMC section 131.0461(c) for architectural projections and encroachments in the RM-3-9 zone where the projection may extend a maximum of six feet into the required yard or 50 percent of the width of the required yard, whichever is less and the Project proposes architectural projections and encroachments, including eaves and canopies, extending to the property line for up to 60 percent of the length of the street frontage.

Justification: In PA-13 the deviation is needed to maintain urban character, such as awnings and canopies at the ground floor accessory commercial land uses. Architectural projections will be constructed so as not to conflict with the mature height of required trees.

- 12) A deviation from SDMC section 142.0404 for street yard planting area and point requirements in the RM-3-9 zone. In Planning Area (PA)-12 only, a street yard planting area of 50 percent is required, and 40 percent is being proposed.

Justification: The Miramar ALUCP CNEL boundary crosses the site diagonally. ALUCP regulations prohibit residential uses south of the CNEL, thereby constraining the siting of residential structures to the north of the planning area. Typically, residential development would wrap a parking lot or structure. However, the location of the CNEL would preclude completely wrapped parking, and the cost associated with the construction of a parking structure would make affordable units cost prohibitive. Therefore, surface parking Vehicular Use Area (VUA) is proposed along the southern portion of lot of PA-12, resulting in a large street yard with a paved parking surface, reducing the ability to achieve the required planting area of 50 percent to 40 percent. Screening of the VUA would meet or exceed the City of San Diego Landscape Regulations.

- 13) A deviation from SDMC section 131.0531, Table 131-05E for setbacks in the CC-2-4 zone where a minimum side setback of 10 feet is required and zero is provided; a maximum street side setback of 10 feet is required and zero is proposed; and a minimum rear setback of 10 feet is required and zero is proposed.

Justification: The maximum setback requirement in Municipal Code Table 131-05B cannot apply to uses incorporating street activation, public art, and other urban amenities within the Project's urban core. A maximum setback of 40 feet from the property line abutting Urban Corridor and Spine Road is required to accommodate "lettered lots" which are street plazas that allow the room necessary to create street activation through public art, food trucks, and other urban amenities.

- 14) A deviation from SDMC section 131.0531, Table 131-05E for maximum building height in the CC-2-4 zone where a maximum structure height of 45 feet is required and 65 feet is proposed for parking structures.

Justification: To maximize use of the site, a parking structure design may be warranted which will require greater height to accommodate the needed parking for the commercial core. In addition, the inclusion of solar panels on top of an otherwise allowable structure requires additional height allowance. The inclusion of solar panels is in furtherance of the goals and policies of the Climate Action Plan.

- 15) A deviation from SDMC section 131.0531, Table 131-05E for minimum lot coverage in the CC-2-4 zone where in PA-20 only, a minimum lot coverage of 35 percent is required and 15- 35 percent is being proposed.

Justification: The mobility hub land use does not have sufficient buildings to provide 35 percent lot coverage. The mobility hub provides parking for electric vehicles, areas for car share vehicle, bike lockers, bike repair locations, and pickup and drop-off areas for ride sharing companies. The space must remain primarily open to allow for these alternative mobility options.

- 16) A deviation from SDMC section 142. 0560(j)(4) for driveways in all residential zones where a minimum 20-foot long driveway is required, and a minimum 18-foot long driveway is being proposed.

Justification: The 18-foot long driveways with roll-up garage doors effectively reduce the clearance needed for driveways as opposed to a 20-foot driveway with a standard garage door. The proposed homes will be constructed with roll-up garage doors.

- 17) A deviation from SDMC section 142.0525(d) for driveways in all residential zones when a multiple dwelling unit does not provide a 20-foot long driveway, an additional parking space is required. The Project is providing no additional parking space.

Justification: Common area parking for multiple dwelling units is being provided per SDMC section 142.0525(c). This includes off-street and on-street parking opportunities.

- 18) A deviation from SDMC section 142.0301 regarding fence and wall heights for art walls where solid fences are limited to six feet. The Project proposes art walls with a maximum 20-foot height.

Justification: Art walls are described in the MPDP in section 8.5. Art walls are not intended/or enclosing areas, they serve as canvases that serve as urban design components consistent with placemaking regulations. The proposed Art Walls are designed to provide areas of urban interest and are consistent with policies that reinforce a sense of place.

- 19) A deviation to the City of San Diego's Street Tree Requirements from SDMC section 142.0409 where street trees are required to be planted between the curb and the abutting property line at a rate of one 24-inch box canopy tree for every 30 linear feet of street frontage, excluding curb cuts, and in consideration of tree separation distances from required utilities. The Project will achieve the required rate of street trees through a combination of trees located in the public parkways and trees within 10 feet of the property line located on HOA open space lots or parks.

Justification: The intent for the deviation is to avoid a very "planned aesthetic" of trees planted in a regular pattern. By providing the required street trees to be placed inside and outside of the right-of-way, a more natural desired aesthetic will be achieved appropriate for the goals of the development.

- 20) A deviation from SDMC section 131.0455(b) for private exterior open space in the RM-2-6 zone. At least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet is required and five feet is provided. A dimension of nine feet from private open space to front property line is required and five feet is proposed.

Justification: The proposed deviation will provide added flexibility to private open space configuration to allow for balconies and decks. Dimension from private open space to property line matches building setback.

- 21) A deviation from SDMC section 131.0454 for storage requirements in the RM-3-9 zone where 240 cubic feet with a minimum dimension of seven horizontal feet is required. The Project proposes a 100-cubic foot storage area for each unit with no minimum horizontal dimension.

Justification: The deviation is necessary to accommodate the design of the building. The footprint of the sites within this zone is limited and additional storage space required by the zone would force the buildings into a taller massing, not in keeping with the community character sought in the MPDP. The reduction allows for more creativity in the amount of interior space available in each multi-family unit and provides square footage that can be applied to architectural features or interior floor

plans. In addition, most exterior storage space is placed on balconies. Lastly, the general amenity space in each building includes bicycle storage where bicycles would otherwise be stored in the private exterior storage area allowing for less storage at each unit.

The above deviations have been analyzed by City staff and determined to be consistent with the goals and recommendations of the General Plan, the Mira Mesa Community Plan, and the purpose and intent of the RX-1-2, RM-2-6, RM-3-9, and CC-2-4 zones. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. Apart from the above deviations, the proposed Project provides a mixed residential/commercial development in accordance with development standards of the RX-1-2, RM-2-6, RM-3-9, CC-2-4, OP-1-1, OR-1-1, and OC-1-1 zones, and the Mira Mesa Community Plan, as amended. Therefore, the Project 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.

For 60 years, the Project site has been entitled for the mining operation of aggregate, sand and gravel extraction and corporate offices related to mining businesses. The Carroll Canyon Master Plan (CCMP) of the Mira Mesa Community Plan defines suitable land uses, design guidelines, development standards, and an implementation program for development of the property phased with completion of resource extraction operations currently taking place. It establishes a comprehensive framework (through the CCMP) to facilitate the property owner's and the City's preparation and analysis of subsequent industrial, commercial and residential planned development permits required for implementation of this portion of the CCMP as well as incorporating pertinent goals and objectives of the Mira Mesa Community Plan.

Conditional Use Permit (CUP) No. 89-0585 concluded mining activities, east of Camino Santa Fe in 2016, and reclamation of the site continues consistent with the CUP No. 89-0585 reclamation plan. As noted in the CCMP "Using the Conditional Use Permit (CUP) as a foundation, the CCMP requires a site design for a mixed-use development suited to the new terrain created by the mining processes." The future development will necessitate minor refinements in the grading as a result of the CUP and will require a CUP amendment to account for these slight changes to the original CUP grading reclamation plan. The proposed Vesting Tentative Map with the proposed grading and public improvements will align the closing of the mining operation with the start of the Project and ensure the mine is closed consistent with the reclamation plan. Implementation of the CCMP, as amended, will provide a productive end use for the site with land uses to include 1,800 residential units, approximately 160,166 square feet of commercial developments, 260-acres of open space, made up of approximately 181-acres of natural open space, 38.6 gross-acres of public parks and trails, approximately 39.7-acres of slopes, enhanced landscape, dedicated brush management zones, and water quality/retention basins as a result of 261.90 acres of mass grading in accordance with the mining restoration plan and future development. Therefore, the landforms created by the mining reclamation process and the Project for in the CCMP have made the site physically suitable for the type and density of the 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 City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065 and has also completed an Initial Study for this Project. The EIR concluded that the Project would result in significant but mitigated environmental impacts to Transportation/Circulation, Noise, Biological Resources, Historical Resources, Tribal Cultural Resources, and significant and unmitigated impacts to Transportation/Circulation. All other impacts analyzed in the EIR were determined to be less than significant. Mitigation measures have been included in the Mitigation Monitoring and Reporting Program for the Project that specifically mitigate all the potentially significant impacts, including those to wildlife.

The Project will enhance Carroll Canyon Creek and commit over 180 acres to the City's Multi-Habitat Planning Area (MHPA) as part of the City's MSCP Subarea Plan. This will ensure that these unique natural resources will be conserved as habitat and provide a place for recreation. The restoration of Carroll Canyon Creek is integral to the Project. Riparian areas and waterways along the entire length of Carroll Canyon Creek will be protected, restored or widened, as identified in Master Plan Development Permit (MPDP) Figure 10-8. In addition, the Carroll Canyon Road connection through the Project will require an under-crossing to allow water to flow under the road and serve as a habitat corridor. The undercrossing has been designed to carry the 100-year flood flow and a Letter of Map Revision will be obtained from FEMA for the restored Carroll Canyon Creek which will ensure that the Project will not present a flood hazard for the Project. In addition to specific restoration and enhancement interventions to improve Carroll Canyon Creek, buffers will be provided between any new development and creek side trails to protect surrounding habitat. Improvements to Carroll Canyon Creek will include trails along the creek that connect to trails in the Project site, including activity to the community parks.

Additionally, the Project proposes an MSCP Boundary Line Adjustment which would entail the removal of 28.35 acres from the Multi-Habitat Planning Area (MHPA) and the addition of 38.16-acres on site (currently outside the MHPA) for a net increase of 9.81-acres as defined by the Multiple Species Conservation Program (MSCP) subarea plan. Due to residential proximity to the MHPA preserve, the Project has been conditioned to abide by the MSCP adjacency guidelines restricting off-site lighting and drainage. In addition, brush management for the proposed development would occur within designated open space lots to be maintained by the Project's homeowners' association (HOA) and would be located wholly within Project areas and outside the MHPA. Brush management zones have been designed to blend the proposed site elements into natural hillsides and canyons; provide a logical and defensive perimeter for fire, erosion, and other naturally occurring hazards; and rehabilitate the disturbed transition from the natural environment to the built environment. Therefore, 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.

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

The City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065 and has also completed an Initial Study for this Project. The EIR concluded that the Project would result in significant but mitigated environmental impacts to Transportation/Circulation, Noise, Biological Resources, Historical Resources, Tribal Cultural Resources, and significant and unmitigated impacts to Transportation/Circulation for four of 14 intersections. All other impacts analyzed in the EIR were determined to be less than significant. Mitigation measures have been included in the Mitigation Monitoring and Reporting Program for the Project that specifically mitigate all the potentially significant impacts.

The Project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of new streets and driveways, has been designed to conform with the City's codes, policies, and regulations with the primary focus of protecting the public's health, safety and welfare. The Project is consistent with the Master Plan, the Community Plan, the City's environmental regulations, the MHPA principles and guidelines, landscaping and brush management policies, the Fire Department's fire protection policies, and water and sewer recommendations. The conditions of approval of the Project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would work within the site and within the community.

The proposed Project has also been designed to meet the storm water requirements of the California Regional Water Quality Control Board for the San Diego Region National Pollutant Discharge Elimination System permit (Municipal Separate Storm Sewer Systems [MS4] Permit) that went into effect in 2013 (Order No. R9-2013-0001), and the MS4 Permit amendment from February 2015 (Order No. R9-2015-001). The Project will utilize biofiltration basins on-site to meet both the treatment and hydromodification requirements of the MS4 permit, with concentrated flows directed to the existing canyon and waterways to mimic the existing drainage conditions.

The Project would be required to obtain building permits, grading permits, and a public improvement permit for to the construction of the commercial, mixed-use, housing, Carroll Canyon Creek restoration, and park development. The building plans and public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code requirements, and development regulations. The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving Project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this Project. Therefore, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

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

The site contains 47 easements consisting of easements for public utilities, ingress/egress, temporary water lines, sewer, cable poles and appurtenances, storm drains, drainage facility, public street and incidental purposes and landscaping. Thirteen of the easements are proposed to be vacated and the rest will remain in place or be quitclaimed to the appropriate public agency through this Vesting Tentative Map action. None of the easements being vacated are for general public

access and to open spare areas. The Project proposes the development for 1,800 residential units (530 single family units and 1,270 multi-family units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments and a 1.5-acre "mobility hub." Additionally, the Project will include 256-acres of parks, trails, and open space on existing vacant land and a non-operational quarry site totaling 413-acres. The proposed site will also include new roads with curb, gutters, sidewalks; water, sewer, gas and electric utilities; and the restoration of Carroll Canyon Creek. Access to the site can be taken from Camino Santa Fe and Carroll Canyon Road with tributary roads to the Project's core and parks. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The strategic locations of trees throughout the Project site would provide shade to reduce the heat island effect that would also increase pedestrian usability and would provide protection for pavement as described in the Project's Urban Forest Management Plan. The incorporation of and the variety and number of trees throughout the Project site would enhance landscape planting and provide for natural cooling opportunities.

Carroll Canyon Creek restoration and enhancement would include the replanting of the creek lowlands and uplands which include additional trees and native plant species. Furthermore, more than 50 percent of the 413-acre site would be set aside for open space, parks, and trails. The Project would use a drought-tolerant plant palette appropriate for U.S. Department of Agriculture Plant Hardiness Zone 10a. The landscaping would be hydrozoned and irrigated with weather-based irrigation systems to comply with the California Model Water Efficient Landscape Ordinance. The increase in natural areas and reduction in paving will further provide for natural cooling opportunities within the Project.

Cool roof technology has also been designed into the Project. The Project would include roofing materials with a minimum 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under CALGreen. The roof top of the proposed development provides the opportunity for future solar heating or electric resources and would not impede or inhibit any future passive or natural heating and cooling opportunities. The construction of the dwelling units will include electrical conduit from the roof to the electrical room so that a photovoltaic system could be installed at a future date. 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 General Plan includes policies to create the needed housing in urban villages near public transit and job centers. The Project includes 1,800 units of housing in various sizes that accommodate singles, couples and families, all within an urban village atmosphere with pedestrian

access to parks, open space and commercial areas. The needed housing will enhance the public welfare by providing access to housing at all levels. The Project provides 180 affordable rental units on site and will therefore enhance the public welfare through the provision of affordable housing. The Project is in a growing job center in the City, between the Sorrento Valley and University communities. The Project's 1,800 housing units will contribute to the jobs/housing balance in the area and allow workers to live and recreate close to where they work and reduce car trips on local freeways.

The Project balances the creation of the proposed residential and commercial development with the restoration of Carroll Canyon Creek and will reserve 180 acres to the City's MHPA as part of the City's MSCP Subarea Plan. This will ensure that the natural resources will be conserved as habitat and provide a place for recreation. Additionally, the Project will set aside approximately 260 acres of open space, made up of approximately 181.1-acres of natural open space, 38.6 gross-acres of public parks and trails, and approximately 39.7-acres of slopes, enhanced landscape, dedicated brush management zones, and water quality/retention basins. Approximately 150-acres will be dedicated to the MHPA preserve.

The decision maker has reviewed the administrative record including the Project plans and environmental documentation to determine the effects of the proposed subdivision on the housing needs of the region with the proposed mixed-use development. A Water Supply Assessment conducted for the project concluded there is a sufficient water supply planned to serve the Projects future water demands in normal, single-dry year, and multiple-dry water year forecasts. The projected level of water use for the proposed Project is within the regional water resource planning documents of the City, the Water Authority, and the Metropolitan Water District. Additionally, the Project's Environmental Impact Report concluded there would be the project site is patrolled by Beats 242 and 243 in the San Diego Police Department's (SDPD) Northeastern Division. Average response times for Beat 242 were less than the citywide averages for all priority calls except Priority E in 2016. Average response times for Beat 243 were less than the citywide averages for Priority 2 and Priority 3 calls in 2016. The project site is within Fire Engine Districts 38 and 41. Fire Station 38 serves an area of 7.55 square miles, which includes Mira Mesa and the surrounding areas. It is located 1.1 miles northeast of the project site at 8441 New Salem Street and operates a fire engine, brush engine, and paramedic unit. Fire Station 41 serves an area of 10.2 square miles, which includes Sorrento Valley and the surrounding areas. It is located approximately 2.0 miles west of the project site at 4919 Carroll Canyon Road and operates a fire engine, paramedic unit, and Urban Search and Rescue. The Project will be located within two miles of many retail shopping outlets.

Based on the foregoing, the decision maker has determined that the available fiscal and environmental resources are balanced by the proximity of existing and proposed shopping, essential services, and new recreation on the site. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that portions of easements for temporary water lines, sewer and incidental purposes, electrical facilities and incidental purposes, public streets, landscape, egress/ingress, and access located within the Project boundaries as shown in Tentative Map No.

2308047, shall be vacated, contingent upon the recordation of the approved Final Map for the Project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

9. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

For 60 years, the Project site has been entitled for the mining operation of aggregate, sand and gravel extraction and corporate offices related to mining businesses. The Master Plan of the Mira Mesa Community Plan defines suitable land uses, design guidelines, development standards, and an implementation program for development of the property phased with completion of resource extraction operations currently taking place. It establishes a comprehensive framework to facilitate the property owner's and the City's preparation and analysis of subsequent industrial, commercial and residential planned development permits required for implementation of this portion of the Master Plan as well as incorporating pertinent goals and objectives of the Community Plan.

The site contains 47 easements consisting of easements for public utilities, egress/ingress, temporary water lines, sewer, cable poles and appurtenances, storm drains, drainage facility and landscaping once used by a sand and gravel extraction mining operation. Thirteen of the easements are proposed to be vacated and the rest will remain or be quitclaimed through this Vesting Tentative Map action. The various easements as identified on sheet 32 and 33 of the Vesting Tentative Map are being vacated to transition from the historic mining operation to the mixed-use development consisting of 1,800 residential units (530 single family units and 1,270 multi-family units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments and a 1.5-acre "mobility hub." Additionally, the Project will include 256-acres of parks, trails, and open space. The proposed site will also include new roads with curb, gutters, sidewalks; water, sewer, gas and electric utilities and the necessary realigned easements for these purposes. The remnant easements do not extend beyond the Project's boundary and are not in operation for its intended use. Therefore, there is no present or prospective public use for the easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated.

10. The public will benefit from the action through improved utilization of the land made available by the vacation.

The Project proposes to vacate several easements associated with the previously approved mining operation. The Project will require changing of land uses that will cause the need for easement vacations, new roads with curb, gutters, sidewalks; water, sewer, gas and electric utilities; the restoration of Carroll Canyon Creek and other easements into a more efficient plan that remains outside the MHPA Boundary. The site contains 47 easements consisting of easements for public utilities, ingress/ingress, temporary water lines, sewer, cable poles and appurtenances, storm drains, drainage facility and landscaping once used by a sand and gravel extraction mining operation. Thirteen of the easements are proposed to be vacated and the rest will remain or be quitclaimed

through this Vesting Tentative Map action. The site will be transitioning from a mining operation to a proposed mixed-use development consisting of 1,800 residential units (530 single family units and 1,270 multi-family units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial developments and a 1.5-acre "mobility hub." Additionally, the Project will include 256-acres of parks, trails, and open space, making for a diversified use of the land.

The Project proposes to construct, a portion of Carroll Canyon Road extending from its current eastern terminus (west of Camino Ruiz) to Camino Santa Fe. The Project will reserve a 26-foot wide area within the center of Carroll Canyon Road for a future Bus Rapid Transit (BRT) consistent with the SNDAG's requirements and recommendations from the Mira Mesa Community Plan. This will help provide future residents access to the Miramar Community College Transit Center, employment centers along I-5, as well as University Town Center Transit Center and Trolley services to Downtown San Diego. The center-median transit guideway alignment provides enhanced safety and operational access compared to an outer-running transit alignment. The center alignment is consistent with the portion of Carrol Canyon Road directly east of the project site. The City of San Diego is evaluating alignment options including the transit guideway for the portion Carrol Canyon Road directly west of the project site.

The Project proposes to redesignate 52-acres of light industrial land in the southeast section of the Master Plan into a 25-acre active sports park and 29-acres of medium density residential housing. The conversion of the industrial area to create the 25-acre active park will exceed the General Plan population-based park standard of 2.8 acres of park per 1,000 persons for the Master Plan area. Total park acreage in the Master Plan will increase from 20 to over 40 acres under the amended plan. Therefore, the public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

11. The vacation is consistent with any applicable land use plan.

As outlined in Vesting Tentative Map Finding No. (1)(a) listed above, the vacation is consistent with any applicable land use plan.

12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

For 60 years, the Project site has been entitled for the mining operation of aggregate, sand and gravel extraction and corporate offices related to mining businesses. The Master Plan of the Mira Mesa Community Plan defines suitable land uses, design guidelines, development standards, and an implementation program for development of the property phased with completion of resource extraction operations currently taking place. It establishes a comprehensive framework to facilitate the property owner's and the City's preparation and analysis of subsequent industrial, commercial and residential planned development permits required for implementation of this portion of the Master Plan as well as incorporating pertinent goals and objectives of the Community Plan.

The property owner concluded mining activities, east of Camino Santa Fe, in 2016, and reclamation of the site continues consistent with CUP No. 89-0585, covering the property Project

site. The Project proposes to vacate several easements resulting from the previously approved mining operation that are no longer needed with the conclusion of mining activities. The Project will change the land uses that will cause the need for easement vacations, new roads with curb, gutters, sidewalks; water, sewer, gas and electric utilities and other easements into a more efficient plan that remains outside the MHPA Boundary.

The site contains 47 easements for public utilities, egress/ingress, temporary water lines, sewer, cable poles and appurtenances, storm drains, drainage facility and landscaping once used by a sand and gravel extraction mining operation. A total of 13 easements are proposed to be vacated and the rest will remain or be quitclaimed through this Vesting Tentative Map action. The site will be transitioning from a mining operation to a proposed mixed-use development consisting of 1,800 residential units (530 single family units and 1,270 multi-family units) and a mixed-use urban core consisting of approximately 160,166 square feet of retail/commercial, mixed residential/commercial developments and a 1.5-acre "mobility hub." Additionally, the Project will include 256-acres of parks, trails, and open space. Therefore, the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by the vacation and the purpose for which the easements were acquired no longer exists.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Council, Vesting Tentative Map No. 2308047 and Easement Vacation No. 2069830 are approved, hereby granted to Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Heather M. Ferbert
Deputy City Attorney

HMF:soc
06/02/2020
Or.Dept:DSD
Doc. No.: 2395124

Attachment: Vesting Tentative Map Conditions

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
CERTIFYING ENVIRONMENTAL IMPACT REPORT No. 587128/SCH No.
2018041065 AND ADOPTING MITIGATION MONITORING AND
REPORTING PROGRAM NO. 587128 [MMRP] FOR THE 3ROOTS
PROJECT- PROJECT NO. 587128.

WHEREAS, Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company, Owner/Permittee, submitted an application for approval of Rezone No. 2069822, Easement Vacation No. 2069830, Master Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820, and Neighborhood Development Permit No. 2307977 for the purpose of constructing to develop 1,800 residential units (530 single family units and 1,270 multi-family units) and a 40-acre mixed-use urban core area with a 1.5-acre “mobility hub,” 140,000 square feet of retail/commercial and 256 acres of recreation parks, trails, and open space on a 412.91-acre site is located at 10207 Camino Santa Fe in the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan area (Project); and

WHEREAS, the Project was set for public hearing to be conducted by the Council of the City of San Diego (Council); and

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

WHEREAS, the Council has considered all the issues discussed in Environmental Impact Report (EIR) No. 587128/SCH No. 2018041065 (Report) prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Council hereby adopts the Mitigation, Monitoring, and Reporting Program, or alterations to implement the changes to the Project as required by this Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

ATTACHMENT 10

(R-20[Reso Code])

BE IT FURTHER RESOLVED, the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Heather M. Ferbert
Deputy City Attorney

HMF:soc
06/04/2020
Or.Dept:DSD
Doc. No.: 2397803

Attachments: EXHIBIT A – Findings
EXHIBIT B – Statement of Overriding Considerations
EXHIBIT C – Mitigation, Monitoring, and Reporting Program

**DRAFT CANDIDATE FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR 3ROOTS SAN DIEGO PROJECT**

SCH No. 2018041065
Project No. 587128
June 2020

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**DRAFT CANDIDATE FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR 3ROOTS SAN DIEGO PROJECT**

SCH No. 2018041065
Project No. 587128
June 2020

SECTION I: INTRODUCTION

I. PROJECT DESCRIPTION

A. Project Background

- The site was an active aggregate mining and processing quarry under several operators between 1958 and 2018 when operations ceased. Throughout the decades, mining activities were approved under a series of CUPs, which not only approved mining activities, but also contemplated the “reclamation,” or the re-contouring of the site, at the conclusion of extraction and processing activities.
- In 1994, the Carroll Canyon Master Plan (“CCMP”) was approved by the City as an amendment to the Mira Mesa Community Plan (“MMCP”). The approved CCMP provides an ultimate standard for reclamation of the site following completion of mining. The CCMP envisions a 554-acre, mixed-use development and parks and open space system designed to be implemented in phases.
- In 2001, the City approved the Fenton-Carroll Canyon Technology Center project as implementation of the first phase of the 1994 CCMP. As envisioned in the CCMP, that project encompassed industrial uses, open space, and affiliated public and private infrastructure (in the form of roadways and utilities) over 130-acres of the former Fenton Materials mining operation. Currently, 600,000 SF of the approved 900,000 SF are constructed and serve as an employment center for Mira Mesa and the region. In 2003, the roadway segment of Camino Santa Fe from Mira Mesa Boulevard to Trade Street was built. In 2004 the Fenton-Carroll Canyon Technology Center and the affiliated Camino Santa Fe extension were removed from CUP 89-0585 as all reclamation and mining obligations in this area were deemed complete.
- In 2016, the mining operations on the project site ceased, although aggregate processing activities continued through 2018. Reclamation activities started in 2016 (and are ongoing).
- The 3Roots project represents the second and final phases of the approved 1994 CCMP.

B. Project Objectives

The EIR included the following project objectives:

- Provide for the reuse and redevelopment of the former mining site into a vibrant and active infill neighborhood within the Mira Mesa community.
- Provide for a mix of land uses that promotes the City's vision for smart growth by reducing vehicle miles travelled.
- Address the City's housing supply needs by providing an expanded residential footprint, in order to provide 1,800 residential units and allow for a broader range of housing, with a variety of sizes and ownership options that cater to a variety of life stages and include both market rate residences and for rent, affordable units consistent with the City's Inclusionary Affordable Housing Regulations.
- Provide a variety of residential options, including multi-family, detached condos, and single family detached homes in close proximity to UTC, Sorrento Valley, and MCAS Miramar, contributing to an improved jobs-housing balance in the area and catering to a diverse set of life stages.
- Provide a new public community park and other publicly accessible parks, trails, and spaces for a total of approximately 36 acres of new park space.
- Dedicate over 40 percent of the project site as natural open space, increasing the City's Multi Habitat Planning Area (MHPA) and implementing the adopted CUP/Reclamation Plan mandated restoration and enhancement of the degraded Carroll Canyon Creek, which traverses the project site from east to west.
- Implement a "mobility focused" development with a centralized Mobility Hub for public and private multi-modal transportation options.

C. 3Roots Project Description

The project's goals and objectives provide for the reuse and redevelopment of the remaining portion of the former mining site into a master planned development with a mix of land uses. The project's scope includes three major elements: a proposed Master Planned Development Permit (MPDP), an amendment to the existing mining Conditional Use Permit/Reclamation Plan (CUP/Reclamation Plan), and the relocation/removal of SDG&E facilities. The MPDP also requires a Community Plan Amendment (CPA) to revise Carroll Canyon Master Plan (CCMP) adopted land uses to be consistent with land uses proposed to be developed under the MPDP.

The project would include residential land uses, designed at varying densities to cater to a variety of life stages. Residential uses would include: 28.1 acres of single-family residential and 66.2 acres of detached (single-family on multi-family lotting) and multi-family residential, all connected by 45.0 acres of on-site roads and parkways.

The project would also include an approximately 40-acre mixed-use district "Root Collective" which serves as a mixed-use core area (EIR at Figure 3-1 includes the Proposed Site Plan). The Root Collective would include 12.6 acres of commercial uses, including a proposed Mobility Hub, and 12.8 acres of higher density multi-family residential, as well as parks, open space, and roadways. The commercial uses would provide office, food and beverage, and retail uses.

As part of the Root Collective's multi-family residential component, the project would provide affordable for-rent units (consistent with the City's Inclusionary Affordable Housing Regulations).

The Mobility Hub is an approximately 1.35-acre area within the Root Collective mixed-use core area designed to provide a centralized space for on-demand, regularly scheduled, multi-modal transportation services near the intersection of Camino Santa Fe and Carroll Canyon Road. The Mobility Hub would be located in this area and is anticipated to support a future transit stop which would be a component of SANDAG's future transit service in Carroll Canyon. EV charging spaces calculated pursuant to the 3Roots Climate Action Plan (CAP) Checklist would be congregated in the Mobility Hub.

The project would also set aside nearly 250 acres of open space, consisting of approximately 181.3 acres of natural open space, 36.1 gross acres of parks and trails, and approximately 28.6 acres of landscaped slopes, amenities, and dedicated brush management zones (BMZs), and water quality/retention basins.

The project would provide a mix of multi-family and single-family homes, for a total of up to 1,800 units. The 3Roots proposed residential units vary from a minimum of 5 dwelling units/acre up to 73 dwelling units/acre, depending on the minimum and maximum densities of the proposed base zones. Residential densities follow a gradient of higher densities located within the Root Collective district in proximity to future transit and decreasing densities toward the edges of the project site closer to existing and adjacent single-family homes.

The 3Roots proposed MPDP requires an amendment to the Mira Mesa Community Plan to address a potential land use inconsistency with land uses adopted by the CCMP. The amendment would reconfigure land uses to conform with those proposed by the MPDP. The CPA's main effects on land use would be elimination of the industrial land use, reconfiguration and consolidation of park acreage, consolidation of commercial use, and increase in residential land area. The CCMP would also be rescinded and MPDP land uses and relevant policies merged into the community plan.

The project would replace the industrial areas planned in the CCMP for the southern portion of the project site with a community park and expanded land area for residential uses. The industrial land uses are identified as 'Other Industrial Lands' by the General Plan and are not specifically identified for protection unlike 'Prime Industrial Lands' (refer to Figure 5.1-1, *City Prime Industrial Lands in the Vicinity of 3Roots*).

The three parks (totaling 20 acres) identified in the CCMP would be consolidated into a larger City-owned community park of 23.6 usable acres. The project would provide a total of approximately 35.1 usable acres of active and passive parkland overall, providing substantially more than the 20 acres of park space proposed in the approved 1994 CCMP. Of this total, approximately 1 acre would be private and restricted to HOA members. The 23.6 acre-community park would be public, and the remaining additional 8.4 acres would be private facilities with public recreation easements, allowing for park use by community members as well.

The project would be similar to the uses envisioned under the CCMP, as shown in EIR Table 3-3, *Comparison of 1994 CCMP and Project Land Uses*. The project would include a maximum of 1,800 residential units, an on-site mobility hub that would serve as the 'Transit Station' identified by the CCMP, local-serving retail, some office use, parks and open space. Consistent with the Draft Mira Mesa Community Plan Update, currently under review, the project is also conditioned to provide an on-site centerline IOD to accommodate future BRT within Carroll Canyon Road.

The project proposes a broader range of residential densities than the CCMP. While the residential uses proposed in the CCMP are limited to medium and medium-high density; by expanding the residential footprint, densities along the periphery of the development area would be reduced, allowing for a variety of product types intended to provide diverse housing opportunities to accommodate different life stages. The project also adds some high-density residential uses to the mixed-use core.

The project site was an active aggregate mining operation and concrete processing plant from 1958 to 2016, at which time the reclamation began. The CUP approved by the City for mining and processing activities has been modified throughout the life of the mine to adjust the boundaries of the resource extraction area. The latest CUP was approved on September 13, 1990 (CUP 89-0585).

As described in EIR Section 2.2.4, Reclamation Plan – Project Baseline, the City adopted a Reclamation Plan for the CCMP area in 1990, in conjunction with the approval of CUP 89-0585 and certified a Supplemental EIR (1990 EIR; DEP No. 89-0585; SCH No. 85121814) at that time. These adopted and certified documents addressed impacts of on-site mining and reclamation, including on surrounding land uses. These documents identified required re-contouring to stabilize the slopes and prepare land for future development, and required the restoration and enhancement of native habitat, including restoration of Carroll Canyon Creek. The 1990 CUP included a variety of conditions and mitigation measures. The current project would ensure that those conditions and mitigation measures, not already satisfied, would be completed.

Although active mining operations have ceased, an amended Reclamation Plan and CUP are necessary to address changes in the site conditions and the redevelopment plans since 1990, and to complete regulatory closure of the mined lands. The project proposes an amendment to the existing Reclamation Plan and CUP to modify the Reclamation Plan boundary, adjust grade elevations to align with the proposed development, revise the originally proposed road networks to match existing infrastructure, and protect sensitive habitat. Reclamation Plan Amendment activities would be completed in accordance with PRC Division 2, Chapter 9, Section 2710 et seq; as well as CCR Title 14, Division 2, Chapter 8, Subchapter 1 Article 1 Section 3500 and Article 9 Section 3700, as applicable.

SDG&E Facility Modifications (east-west modifications, north-south modifications, and substation removal); are required and are analyzed as part of 3Roots documentation (see EIR Figure 3-4, *SDG&E Facility Modifications*). The existing overhead east-west double circuit 69kV system as well as other 69kV systems would be converted to an underground facility and relocated along the north or south side of Carroll Canyon Road or under the roadway itself. The existing overhead north-south double circuit 69kV system along the west side of Camino

Santa Fe in the vicinity of Carroll Canyon Road would remain overhead with an approximately 500-foot realignment to remove the pole near the creek. To distribute electric service to the project, SDG&E would convert and relocate the existing overhead 12kV system that is attached to the 69kV pole line described in EIR Section 3.3.3.2, including conversion to underground within the Carroll Canyon Road right-of-way (ROW). Electric distribution lines ultimately would be located underground within the future project ROWs and designated electricity corridors. The existing SDG&E 69kV/12kV Fenton Substation located within the project site would be decommissioned, taken out of service, and removed by SDG&E.

II DISCRETIONARY ACTIONS

This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, and state permits and/or approvals that may be needed to implement the project. Implementation of the project would require the following discretionary approvals from the City:

- CUP/Reclamation Plan Amendment
- Carroll Canyon Master Plan (CCMP)/General Plan Amendment/Mira Mesa Community Plan (MMCP) Amendment
- Re-zone and associated implementation of the Community Plan Implementation Overlay Zone (CPIOZ)
- Master Planned Development Permit (MPDP)
- Site Development Permit (SDP)
- Neighborhood Development Permit (NDP)
- Easement Vacations
- Vesting Tentative Map
- MHPA Boundary Line Adjustment
- Water Supply Assessment / Water Supply Verification

Permits by other Responsible and/or Trustee Agencies include:

- National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the Regional Water Quality Control Board (RWQCB) to ensure consistency with water quality protection requirements during construction;
- Section 404 authorization from the USACE to authorize impacts to Waters of the United States (this permit relies upon the Section 401 certification);

- Section 401 waiver/certification from the RWQCB to authorize impacts to Waters of the United States (this waiver/certification requires a certified EIR before files can be closed and 401 issued);
- Section 1602 streambed alteration agreement from the CDFW to authorize impacts to Waters of the State;
- MCAS Miramar Airport Land Use Compatibility Plan (ALUCP) Consistency Review to confirm consistency with the ALUCP by the ALUC (project has been found consistent); and
- Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) to modify the Flood Insurance Rate Map (FIRM) for Carroll Canyon Creek. Per February 2019 coordination with FEMA, issuance of the CLOMR requires completion of the USACE Section 404 permit. As noted above, the 404 requires RWQCB Section 401 waiver/certification, which in turn requires a certified EIR; therefore, CLOMR issuance will follow project approval and EIR certification. Phase 2 construction of the project includes elements located within the floodplain and is conditioned upon receipt of all agency permits.

SECTION II: ENVIRONMENTAL REVIEW PROCESS

The City of San Diego (City) is the lead agency conducting environmental review under the California Environmental Quality Act (California Public Resources Code Sections 21000, *et seq.*, and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000, *et seq.* (CEQA Guidelines), hereinafter collectively, CEQA). The City as lead agency is primarily responsible for carrying out the project. In compliance with Section 15082 of the CEQA Guidelines, the City published an initial Notice of Preparation on April 26, 2018, which was rescinded due to a change in the date of the Scoping Meeting, and a new notice was issued on May 4, 2018, which began a 30-day period for comments on the appropriate scope of the project Environmental Impact Report (EIR). Consistent with Public Resources Code Section 21083.9, the City held a Scoping Meeting on May 23, 2018. The purpose of this meeting was to seek input and concerns from public agencies as well as the general public regarding the environmental issues that may potentially result from the project.

Pursuant to CEQA Guidelines Section 15084(d)(3), HELIX Environmental Planning, Inc. prepared and submitted environmental documents to the City on behalf of the applicant. The City reviewed and approved the Draft Environmental Impact Report for public circulation. The City posted a Notice of Availability of the EIR pursuant to CEQA Guidelines Section 15087. The Draft EIR was circulated for 45 days for public review and comment beginning on June 28, 2019 and through August 12, 2019. During the public comment period, the City received a request from the Department of Conservation Division of Mines for extension of public review to August 16, 2019, which was granted. After the close of public review, the City prepared the Final EIR, which provided responses in writing to all comments received on the Draft EIR. The Final EIR, published in July 2020, has been prepared in accordance with CEQA.

The EIR addresses the environmental effects associated with implementation of the project. The EIR is intended to serve as an informational document for public agency decision-makers

and the general public regarding the objectives and components of the project. The EIR addresses the potential significant adverse environmental impacts associated with the project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts.

The EIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a lead agency determines that a project has significant impacts that cannot be mitigated to a level below significance, the agency must adopt findings mandated by CEQA Guidelines Section 15091(a) explaining the specific factors which render mitigation measures or project alternative infeasible. In addition, the lead agency is required to state in writing the specific reasons and overriding considerations before approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines, § 15093.)

The City, acting as the Lead Agency, certified that the EIR reflects the City's own independent judgment and analysis under Public Resources Code Section 21082.1(a)-(c) and CEQA Guidelines Section 15090(a)(3).

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Office of the City Clerk, 202 C Street, 2nd Floor, San Diego, California 92101. This information is provided in compliance with CEQA Guidelines Section 15091(e).

SECTION III: FINDINGS

I. INTRODUCTION

CEQA states that no public agency shall approve or carry out a project which identifies one or more significant environmental impacts of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by an justification and rationale for each finding in the form of a statement of overriding considerations. The possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

(*Pub. Res. Code*, § 21081; CEQA Guidelines, § 15091.)

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or lessen significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, when they are infeasible or when the responsibility for modifying the proposed project lies with another agency. (CEQA Guidelines, § 15091(a)(b).) For those significant impacts that cannot feasibly be reduced to a less than significant level, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefit of the proposed project outweighs the significant effects on the environment. (*Pub. Res. Code*, § 21081(b); CEQA Guidelines, § 15093.) If such findings can be made, the CEQA Guidelines state that “the adverse environmental effects may be considered acceptable.” (CEQA Guidelines, § 15093.)

CEQA also requires that the findings made pursuant to Section 15091 be supported by substantial evidence in the record, meaning enough relevant information has been provided, including reasonable inferences that may be made from this information, to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (CEQA Guidelines, § 15384.)

The findings reported in the following pages incorporate the facts and discussions of the EIR, including the responses to comments, for the project as fully set forth therein. For each of the significant impacts associated with the project, the following discussion is provided:

- *Description of Significant Effects:* A specific description of the environmental effects identified in the EIR, including a conclusion regarding the significance of the impact.
- *Finding:* One or more of the three specific findings set forth in CEQA Guidelines Section 15091.
- *Mitigation Measures:* Identified feasible mitigation measures or actions, that are required as part of the project, and if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.
- *Rationale:* A summary of the reasons for the finding(s).
- *Reference:* A notation on the specific section in the EIR that includes the evidence and discussion of the identified impact.

II. SUMMARY OF IMPACTS

The Final EIR concludes the project would have **no impacts** with respect to the following issue areas:

- Agriculture and Forestry Resources
- Mineral Resources
- Paleontological Resources
- Population and Housing

The Final EIR concludes the project will have a **less than significant impact** and require no mitigation measures with respect to the following issue areas:

- Land Use
- Visual Effects/Neighborhood Character
- Greenhouse Gas Emissions
- Energy
- Geology and Soils
- Health and Safety
- Public Utilities
- Public Services and Facilities
- Noise (ground-borne vibration, construction)
- Biological Resources (interference with movement/corridors, long-term conservation)
- Transportation/Circulation (traffic exceeding community plan allocation; freeway segment, interchange, ramp; hazards; alternative transportation; public access)
- Air Quality (conflict/obstruct air quality plan, Phase 1 construction and Phase 2 construction concurrent with Phase 1 operations, CO hotspots, odors, air movement)
- Hydrology and Water Quality

The Final EIR concludes the project will potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue area:

- Noise (operations)
- Biological Resources (limited impacts to sensitive species, sensitive habitats, wetlands)
- Transportation/Circulation (direct impacts to one intersection in 2021 and six intersections in 2025, respectively, and cumulative impacts to five intersections in 2050)
- Historical Resources
- Tribal Cultural Resources
- Air Quality (violation of standard/exceed particulate matter threshold)

The Final EIR concludes the project will potentially have a **significant unavoidable impact** and/or no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

- Transportation/Circulation (direct impacts to three intersections and 12 roadway segments [with 7 partially mitigated] in 2021; direct impacts to five intersections [with one partially mitigated] and 12 roadway segments [with 7 partially mitigated] in 2025; and cumulative impacts to six intersections [with two partially mitigated] and 13 roadway segments [with 7 partially mitigated] in 2050)

III. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City Council of the City of San Diego, having independently reviewed and considered the information contained in the Final EIR, hereby finds pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that the following potentially

significant impacts would be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Chapter 5.0 sections of the EIR, as more fully described below.

A. Noise

1. Impact: Would the proposed project result in or create a significant increase in the existing ambient noise levels?

a) Finding:

The analysis for construction impacts combines the three project components, due to the similarity of impacts. Because impacts related to the CUP/Reclamation Plan Amendment, which would be short-term, are covered under the construction analysis, and because operation of the SDG&E facility modifications would not generate noise during operations, the analysis for the project's operational impacts focuses on the MPDP Development.

Project Operation

Project-generated traffic would not increase by 3 dBA or greater off-site noise levels, and impacts would be less than significant.

Project-generated noise from public address systems associated with sports fields would potentially exceed the allowable ordinance levels and impacts are considered potentially significant.

Project-generated operational noise from the commercial uses (PA-19 and PA-20) may result in the exposure of future on-site residents of the multi-family areas of PA-12, PA-13, and PA-14 to noise levels created by the project that would exceed the City's adopted noise ordinance, and impacts would be potentially significant.

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of mitigation measures noise impacts would be less than significant.

b) Mitigation Measures:

NOI-1 would control community park sports field noise through public address system control options and NOI-2 would ensure compliant internal noise levels through orientation, shielding and/or prohibition of specific noise sources associated with commercial uses adjacent to residential areas during specified time periods. The specific discussion of each mitigation is located in Section 5.7.2.3 and incorporated by reference herein to these findings.

c) Rationale:

Operational Noise

The anticipated primary project operational noise sources would include HVAC units, loading docks (back up alarms), trash compactors, music (e.g., from outdoor dining areas and

breweries), public address system/loudspeaker noise (e.g., from food trucks), vehicular traffic and crowd noise (e.g., from outdoor dining areas, pop-up retail, and food trucks) associated with the commercial area at PA-19 and PA-20; sports fields, playgrounds, and live music at the community park; and vehicular traffic. The operational noise associated with the commercial uses would occur approximately 1,700 feet from the closest existing residences to the northeast of the project boundary along Osgood Way; therefore, noise from this source would be negligible at the nearest existing receivers. Similarly, the proposed community park would be located approximately 1,100 feet from the nearest existing NSLUs (the single-family residences to the north off Osgood Way). The park would generate noise from sporting events. Typical noise generated by these types of activities would be greatly attenuated by a distance of 1,100 feet, and noise levels from these sources at the off-site residences would be less than the on-site impacts. Therefore, impacts from sports fields to existing NSLUs would be less than significant.

The Community Park would be separated from on-site housing units by approximately 350 feet across Carroll Canyon Road. The sports fields with public address systems would generate an approximate noise level of 65.9 dBA LEQ at 350 feet, which could potentially exceed the allowable ordinance levels at any time and is considered potentially significant. The dog park areas and children's playground would generate noise levels less than 45 dBA LEQ at 350 feet and would be less than significant. At the proposed community park, a public address system impacts could be addressed by either prohibiting such an address system, or by providing a sound system with directional speakers which point away from residential areas to reduce volume levels at the residential uses. The final layout plan for the park will require a review by the Park & Recreation Department for compliance with the City's noise ordinance. Because the exact types of commercial uses are not yet known, prior to issuance of Phase 2 building permits, a noise analysis shall be completed to assess operational noise sources from the commercial area within PA-19 and PA-20 (including, but not limited to, HVAC units, loading docks [back up alarms], trash compactors, music [e.g., from outdoor dining areas and breweries], public address system noise [e.g., from food trucks], vehicular traffic, and conversational crowd noise [e.g., from outdoor dining areas, pop-up retail, and food trucks]) and their noise impacts to the nearby multi-family residences in PA-12, PA-13, and PA-14. Appropriate noise attenuation measures identified in the noise analysis of the EIR shall be incorporated into the project design to ensure compliance with the City Noise Ordinance limits between a commercial zone (PA-19 and PA 20) and a multi-family residential zone (PA- 12, PA- 13, and PA-14) of 60 dBA from 7:00 a.m. to 7:00 p.m., 55 dBA from 7:00 p.m. to 10:00 p.m., and 52.5 dBA from 10:00 p.m. to 7:00 a.m.

Reference: EIR § 5.7.2

B. Biological Resources

1. Impacts:

Issue 1: Would the project result in a substantial adverse impact, either directly or through habitat modification, on any species identified as a candidate, sensitive or special status species in the MSCP or other local or regional plans, policies or regulations, or by CDFW or USFWS?

Issue 2: Would the project result in a substantial adverse impact on any Tier I, Tier II, Tier IIIA, or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies or regulations, or by CDFW or USFWS?

Issue 3: Would the project result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pools, riparian areas, etc.) through direct removal, filling, hydrological interruption, or other means?

a) Finding:

Significant impacts to biological resources discussed below would occur in the CUP/Reclamation phase of the project, as well as during the implementation of the MPDP development plan, and during the modifications to SDG&E facilities. Changes or alterations have been incorporated into the project at all stages of development which mitigate or avoid the significant effects on the environment. Following the implementation of mitigation measures impacts to biological resources would be less than significant.

The rationale for these findings are subdivided into the three parts of project development and the three impact areas shown in Section IV.B.1 of these findings and are applied to each phase of development with corresponding impacts for each of the issue areas. Changes or alterations have been required in, or incorporated into, the project at each stage of development discussed below, which mitigate or avoid the significant environmental effects on the environment.

CUP/Reclamation Plan Amendment

(i) Vegetation Communities

Impacts to 3.06 acres of Tier II, IIIA, and IIIB habitats are identified as significant.

(ii) Jurisdictional Areas

No impacts would occur to jurisdictional resources as a result of CUP/Reclamation Plan Amendment implementation; therefore, no significant impacts could occur.

(iii) Sensitive Plant and Animal Species

Generally, impacts to plant species with a CNPS CRPR of 2 or lower are considered potentially significant. Regarding the single summer holly plant impacted; due to preservation of approximately 99 percent of on-site plants, loss of this plant would neither jeopardize the status of the species in the region, nor directly contribute to future elevated listing of the species. Impacts would be less than significant.

As noted above, CUP/Reclamation Plan Amendment implementation would result in direct impacts to approximately 3 acres of habitats that can support sensitive animals/birds. This is conservatively assumed to also result in impacts to sensitive species that may be located within these areas. Because there is adequate species coverage and suitable habitats

protected under the MSCP within the MHPA, these potential species impacts are not identified as significant. Additionally, direct impacts to species not covered by the MSCP would be less than significant due to the low number of individuals potentially affected, the relatively small amount of habitat impacted, and the remaining immediately adjacent suitable habitat.

(iv) Indirect Impacts

CUP/Reclamation Plan Amendment implementation would be largely separated by grade from vernal pools and their watersheds or sensitive habitat in Rattlesnake Canyon, and would occur in compliance with identified BMPs. In addition, the project is required comply with the regulations of the ESA, CESA, MBTA, and the CDFW Fish and Game Code, addressing potential impacts to nesting birds. CUP/Reclamation Plan Amendment-related impacts would be less than significant.

MPDP Development

(i) Vegetation Communities

Direct impacts to approximately 4.45 acres of wetland and Tier II and IIIA upland habitats are identified as significant.

(ii) Jurisdictional Areas

A total of 0.18 acre of direct impacts to wetlands jurisdictional to the City, RWQCB, and CDFW, as well as 0.01 acre of impacts to USACE non-wetland waters (incorporated into City wetlands habitat), would occur as a result of MPDP implementation. These impacts are identified as significant.

(iii) Sensitive Plant and Animal Species

Four Nuttall's scrub oak (CRPR 1B.2) would be directly impacted by the extension of Carroll Canyon Road west of Camino Santa Fe. Due to preservation of approximately 89 percent of on-site plants, loss of these individuals would neither jeopardize the status of the species in the region, nor directly contribute to future elevated listing of the species. Impacts would be less than significant. MPDP Development implementation also would result in direct impacts to approximately 4.45 acres of sensitive wetland and upland habitats that can support sensitive species. These direct impacts are identified as significant.

As noted above, MPDP Development implementation would result in direct impacts to approximately 4.45 acres of habitats that can support sensitive animals/birds. This is conservatively assumed to also result in impacts to sensitive species that may be located within these areas. These impacts would occur outside of the MHPA; however, and because there is adequate species coverage and suitable habitats protected under the MSCP within the MHPA, these potential species impacts are not identified as significant. Additionally, direct impacts to species not covered by the MSCP would be less than significant due to the low number of individuals potentially affected, the relatively small amount of habitat impacted, and the remaining immediately adjacent suitable habitat.

(iv) Indirect Impacts

MPDP Development implementation would be largely separated by grade from vernal pools and their watersheds or sensitive habitat in Rattlesnake Canyon, and would occur in compliance with identified BMPs as well as LUAGs as additionally discussed in EIR Section 5.9.4. As discussed in the general assessment of indirect impacts above, shading resulting from pedestrian bridge construction is not expected to result in significant impact to resources in the creek below. In addition, the project is required comply with the regulations of the ESA, CESA, MBTA, and the CDFW Fish and Game Code, addressing potential impacts to nesting birds. MPDP Development-related impacts would be less than significant.

SDG&E Facility Modifications

(i) Vegetation Communities

The proposed SDG&E facility modifications with potential for impacts to vegetation are limited in both physical extent and implementation time frame as they consist of pole removal, replacement, and minor relocation. Nonetheless, 0.26 acre of direct impacts to sensitive upland habitats is identified as significant.

(ii) Jurisdictional Areas

No direct jurisdictional impacts were identified to SDG&E facility modifications.

(iii) Sensitive Plant and Animal Species

The proposed project would result in direct impacts to one sensitive plant species – summer holly (CRPR 1B.2). Generally, impacts to plant species with a CNPS CRPR of 2 or lower are considered potentially significant. As noted above, however, summer holly is widely distributed within the City and approximately 99 percent of summer holly within the project area would be conserved as a result of land dedication into the City MHPA. Impacts to six summer holly individuals would not jeopardize the status of the species in the region, and would not directly contribute to future elevated listing of the species, and the native habitat revegetation areas of the site include summer holly in the planting palette. Therefore, impacts to six summer holly shrubs are assessed as less than significant. There is also limited potential for impacts to Palmer's grapplehook (CRPR 4.2) and San Diego barrel cactus (CRPR 2.1) in the SDG&E study area box north of Carroll Canyon Road West. The potential is being conservatively disclosed, due to the location of potential pole removal slightly east of mapped plants. Some of the 75 Palmer's grapplehook (CRPR 4.2) and (although unlikely due to its location north and west of the impact area) some of the 14 San Diego barrel cactus (CRPR 2.1) in the SDG&E study area are conservatively assessed as potentially affected. It is anticipated that all or a majority of the barrel cacti would be avoided during final design and implementation of the pole relocation, which may include a pole footing and an access road. The access road would be required if an existing road (to serve existing structures in the immediate vicinity) could not be used. If a new access road is required, it would be expected to access the parcel from the southeast, via a connection to Carroll Canyon Road West. This is

considered less than significant because such impacts would not jeopardize the status of the species in the region, would not directly contribute to future elevated listing of the species, and the native habitat revegetation areas of the site include San Diego barrel cactus in the planting palette. Therefore, impacts to San Diego barrel cactus, should they occur, are not significant. There is also potential for the pole relocation(s) in the SDG&E study area to impact some of the 75 Palmer's grapplehook. Because Palmer's grapplehook is a CRPR list 4.2 species, potential impacts, are considered less than significant.

(iv) Indirect Impacts

The very limited extent of SDG&E facility modifications described above would affect a related limited amount of habitat, as noted above. In addition, the project is required comply with the regulations of the ESA, CESA, MBTA, and the CDFW Fish and Game Code, addressing potential impacts to nesting birds. The potential for effects to be indirect, combined with the transitory nature of the period of impact, results in indirect impacts being assessed as less than significant.

a) *Mitigation Measures:*

Mitigation measures for all project impacts are found in Section 5.9.2.1. BIO-1 (providing an IOD for preservation of sensitive habitat in perpetuity), BIO-2 (addressing construction activities adjacent to biological open space including monitoring and avoidance requirements), BIO-3 (providing a framework for revegetation and restoration of Carroll Canyon Creek including required plans, standards, monitoring, reports etc.), BIO-4 and BIO-5 (addressing least Bell's vireo and associated resource agency coordination and construction controls), BIO-6 (preparation of a Property Analysis Record), BIO-7 (identification of a qualified long-term habitat manager), BIO-8 (verification of long-term management areas and appropriate notes on the construction plans), and BIO-9 (verification of receipt of CDFW 1600 streambed alteration agreement, RWQCB 401 certification, and USACE 404 permit prior to Phase 2 grading). The specific discussion of each mitigation is located in Section 5.9.2.3 and incorporated by reference herein to these findings.

(b) *Rationale:*

The project area includes the approximately 413-acre quarry property and immediately adjacent off-site areas associated with the project-affiliated segment of Carroll Canyon Road extension and focused SDG&E utility work (totaling approximately 421.9 acres). The EIR impact analysis focused on the portions of the project site that have not been highly disturbed by quarry operations.

The site is located in a largely developed regional and local setting. Surrounding developed uses include roads and numerous structures and landscaped areas, as well as adjacent, off site, mining activities which are ongoing. The site itself has been largely disturbed due to active mining operations which occurred between the 1960s and 2016. Also, notable adjacent uses include open space undeveloped features such as Rattlesnake Canyon, some areas of steep slopes, and other retained open space. These conditions are depicted on EIR Figures 2-2 and 2-3.

In 2016, the on-site mining operation ceased but reclamation authorized and required by the mining CUP continued. Site reclamation is an ongoing activity and involves the rehabilitation of the site by excavating, removing undocumented fill areas, and backfilling and re-contouring mined areas to create a suitable condition for the intended/planned development and open space which was contemplated as part of the Carroll Canyon Master Plan. Reclamation as defined by EIR SCH No. 85121814 and CUP 89-0585 may include but is not limited to: grading and compacting building pads; grading and compacting planned development areas and roadways; grading and restoring/revegetating open space preservation areas; grading, re-aligning, and restoring Carroll Canyon Creek, and installing a culvert across Carroll Canyon Creek for the planned future alignment of Carroll Canyon Road. Therefore, much of the work necessary for site preparation of the project was contemplated, and analyzed previously with both the reclamation plan and the development of the Carroll Canyon Master Plan.

Because conditions on the site are continuously changing due to ongoing reclamation activities, the EIR analysis distinguished between existing conditions and the baseline condition. Existing conditions are defined as those conditions occurring at the time of surveys; baseline, or future baseline, conditions reflect the implementation of reclamation and mitigation tasks as authorized and required by the CUP for the reclamation of the site and associated EIR.

HELIX conducted site visits in 2016, 2017, and 2018 to assess existing conditions, map current vegetation, and identify sensitive species. HELIX conducted a formal jurisdictional delineation of the project site on April 19 and 20, 2016, with updates on June 19 and 23, 2017 and June 5 and 28, as well as December 4, 2018. Vegetation mapping and a general biological survey were conducted on May 2 and 3, 2017, with 2018 vegetation mapping updates also conducted on June 5 and 28, November 7, and December 4. Rare plant surveys were conducted on April 21 and June 23, 2017, as well as on April 9, 2019 for a potential SDG&E tower relocation area. Potential for rare plant presence also was reviewed during jurisdictional surveys noted above and during surveys for least Bell's vireo (*Vireo bellii pusillus*; LBVI). Least Bell's vireo surveys were conducted between April 21 and July 6, 2017. The conditions observed during these visits are reflected in the EIR's discussion of existing conditions on the site. These studies and their findings have been incorporated into the project EIR in Section 5.9 as supported by Appendix G and are incorporated herein to these findings by reference and provide substantial evidence for the determinations of significance shown in these findings.

Vegetation Communities:

The project site currently supports 17 vegetation communities which are shown and delineated in EIR Table 5.9-1. Upon completion of reclamation, the total project area remains 421.9 acres, but habitat acreage changes from the existing conditions summarized in Table 5.9-1 resulting from reclamation and the associated re-establishment/restoration of native habitats. These changes are reflected in EIR Table 5.9-2. The EIR at Section 5.9.1.1 thoroughly reviews and discusses each vegetation community and the changes that occur due to approved reclamation. Impacts associated with development of the project are addressed in Section 5.9.2. Project impacts are quantified on EIR Table 5.9-6.

The project includes the establishment of Brush Management Zones ("BMZs") for fire protection. A total BMZ 2 impact to vegetation of 13.5 acres is assessed based on existing and

ongoing brush management. This thinning would occur in areas where it is already an existing allowed use within MHPA, and would constitute continuation of an existing condition. While this area is included within the project impact analysis, such activities are considered impact neutral and do not require mitigation.

Jurisdictional Delineation:

The EIR provides a description of existing jurisdictional resources followed by a description of baseline jurisdictional resources following implementation of the adopted CUP and Reclamation Plan.

Requirements of the CUP 89-0585 reclamation plan were established in 1990, prior to establishment of applicable City of San Diego wetland regulations. Therefore, the first two EIR tables depicting jurisdictional areas (Table 5.9-3a and 5.9-3b) quantify reclamation existing conditions to federal and state, but not City, jurisdictional resources. Future baseline conditions for jurisdictional resources also are presented for waters under the purview of these agencies.

A jurisdictional delineation of the project area was conducted to identify and map water and wetland resources potentially subject to State and Federal jurisdiction. The delineation was also conducted to determine the presence of wetlands as defined by the City's Environmentally Sensitive Lands ordinance.

EIR Table 5.9-4, *Reclamation Impacts and Mitigation to Federal and State Jurisdictional Resources*, summarizes impacts and mitigation to federal and state jurisdictional areas that result from implementation of the approved Reclamation Plan. Impacts would occur to 1.6 acres of resources under USACE jurisdiction, as well as 2.06 acres of resources under CDFW and RWQCB jurisdiction. As presented in EIR Table 5.9-4, mitigation would occur for impacts to federal jurisdictional areas at a 3:1 ratio for vegetated areas and a 1:1 ratio for unvegetated areas (i.e., streambed). No-net loss of wetlands would be achieved through 1:1 re-establishment to compensate for all impacts. An additional 1.60 acres of jurisdictional habitat would be restored and enhanced to achieve a total of 3.20 acres of mitigation. Mitigation for impacts to state jurisdictional areas is similarly proposed at a 3:1 ratio for vegetated areas and a 1:1 ratio for unvegetated streambed. An additional 2.08 acres would be restored and enhanced to achieve a total of 4.14 acres of mitigation. Habitat establishment, restoration, and enhancement are described in detail in the Habitat Reclamation and Mitigation Plan, Appendix D of EIR Appendix G and incorporated into these findings by reference.

It is noted that the 10.31 acres of wetland re-establishment and restoration implemented for the reclamation exceeds the 4.14 acres- of mitigation anticipated for current resource agency mitigation requirements. Further, no jurisdictional impacts from the reclamation or reclamation-related mitigation would occur in previously designated mitigation land.

Following implementation of the adopted CUP and Reclamation Plan, approximately 27.47 acres of City-defined wetlands occur within the project area as noted in EIR Figure 5.9-4, *City Wetlands*; and Table 5.9-5, *City Jurisdictional Areas*.

Jurisdictional and City wetland impacts during the two-phase implementation of the MPDP are found in tables 5.9-7a-d. Much of the wetland impacts occurring in the project relate to the development of Carroll Canyon Road. According to the SDMC (Chapter 14, Article 3, Division 1, Section 143.0150, Deviations from ESL Regulations), “a deviation may only be requested for an Essential Public Project [EPP] where no feasible alternative exists that would avoid impacts to wetlands.” For a project to be considered under the EPP option, the project would be required to meet one of the following criteria: (1) “Any public project identified in an adopted land use plan or implementing document and identified on the EPP List as Appendix III to the City Biology Guidelines,” (2) “Linear infrastructure, including but not limited to major roads and land use plan circulation element roads and facilities,” (3) “Maintenance of existing public infrastructure,” or (4) State and federally mandated projects. Carroll Canyon Road is an EPP under the terms of the municipal code and the EIR fully analyzes each of the 4 EPP criteria.

The EIR has determined that a No Road Development option that would avoid wetland impacts is not feasible because the planned expansion of Carroll Canyon Road provides various traffic and transportation services needed to accommodate population and development growth in the community and region. Without this proposed arterial roadway expansion, the traffic circulation needs of the community would be underserved, and the necessary infrastructure adopted by the approved land use plans would not be met. Similarly, wetlands avoidance alternatives were analyzed, however, because the proposed road expansion would connect fixed termini of Carroll Canyon Road located east and west of the project site, few possible alignments exist to accommodate the road while meeting current road design standards of the City. To avoid wetlands, the extension of Carroll Canyon Road would require construction of a bridge that would extend east of the site to span an unnamed tributary of Carroll Canyon Creek and connect with an existing terminus of Carroll Canyon Road. The City has determined that construction of this bridge would be cost prohibitive and not practicable given the size and scope of such a project and therefore, the wetlands avoidance alternative was determined to be infeasible.

Plant and Animal Species:

A total of 204 plant species were identified during the biological survey, of which 92 (45 percent) are non-native species. Eight sensitive plant species were observed during biological surveys (EIR Figures 5.9-1 and 5.9-2). Sensitive species included Summer Holly which is a plant that occurs in Orange, Riverside, and San Diego counties south into Baja California, Mexico. It occurs in coastal chaparral. Summer holly is widely distributed within the City. None of the sensitive plant species observed on site is federally or state listed as endangered or threatened. No Narrow Endemic species were observed during the rare plant survey or other field surveys and none is expected to occur within the project area.

A total of 73 animal species was observed or otherwise detected on the project area during the biological surveys. They are mostly common urban wildlife associated with developed and disturbed places (see HELIX 2019c). Most species were detected in the northern and perimeter portions of the property, outside the quarry areas located in the central portion of the site. Seven sensitive wildlife species were identified during survey through direct observation or identification of scat or nests (Figures 5.9-1 and 5.9-2). These include coastal California gnatcatcher (*Poliophtila californica californica*; CAGN), least Bell's vireo, Cooper's hawk (*Accipiter*

cooperii; COHA), orange-throated whiptail (*Aspidoscelis hyperythra*; OTWH), coastal whiptail (*Aspidoscelis tigris stejnegeri*; COWH), San Diego desert woodrat (*Neotoma lepida intermedia*; SDWR), and mule deer (*Odocoileus hemionus*; MUDE), as described below. In addition, one active raptor (red-tailed hawk) nest was observed during the biological surveys, in a utility tower along the eastern portion of Carroll Canyon Creek. Red-tailed hawk is a protected species under the CFG Code and the Federal Migratory Bird Treaty Act (MBTA). Coastal California Gnatcatcher was observed along coastal sage scrub in the north and eastern portions of the project area during surveys for least Bell's vireo. Due to the presence and number of coastal California gnatcatcher individuals detected on site during the breeding season (March 1 to August 15 annually, as defined by the City's Biology Guidelines), gnatcatcher nesting is presumed. It is assumed that multiple pairs utilize the site. Two least Bell's vireo were observed or detected at two separate locations within the project site (HELIX 2019c). However, no nesting behavior was observed within the property during any of the surveys; thus, it was determined that the two individuals detected on June 2 were likely transient individuals moving through the region. Because the species was observed during protocol surveys, the site is considered occupied by least Bell's vireo and used for foraging/movement during migration to suitable breeding habitat off site. Although the project area does support suboptimal and marginal suitable habitat for this species, results of the focused survey and species evaluation concluded that least Bell's vireo does not breed/nest in the project area.

Species and/or their habitat potentially directly impacted by CUP/Reclamation Plan Amendment implementation that are "covered" under the City's MSCP Subarea Plan include: coastal California gnatcatcher, Cooper's hawk, orange-throated whiptail, coast horned lizard, and southern California rufous-crowned sparrow, and mule deer.

Locations of sensitive biological resources relative to impact areas are depicted on EIR Figure 5.9-7, *Project Impacts to Sensitive Biological Resources*. MPDP implementation would result in impacts to the same upland sensitive and non-sensitive habitat types identified above for CUP/Reclamation Plan Amendment implementation.

Except for within habitat areas under USACE jurisdiction, least Bell's vireo is covered under the City's MSCP. Because the project would impact habitat for least Bell's vireo, mitigation is required. Anticipated impacts to habitat areas under the USACE jurisdiction require a Section 7 consultation between the USACE and USFWS to ensure compliance with the FESA. Additionally, project impacts to least Bell's vireo require a Consistency Determination by CDFW per the CESA and Section 2080.1 of the CFG Code. The project will obtain this Consistency Determination and the Section 7 consultation will be completed prior to commencement of the Phase 2 project.

Compliance with the City MSCP Land Use Adjacency Guidelines (LUAGs) is a requirement of the project approvals by the City (i.e., SDP issuance). These are specifically addressed in EIR Section 5.9.4, Impact 3: Long Term Conservation, however, compliance would result in avoidance of potential long-term indirect impacts to vegetation communities and sensitive plant species as well.

Long-term indirect impacts to sensitive wildlife post construction, could include post-project anthropogenic disturbances such as (but not limited to) human presence, noise, and lighting.

These long-term indirect impacts are not expected as MPDP Development would comply with City MSCP LUAG requirements.

Wildlife Corridors:

Lands surrounding the project area to the north and south are mostly developed, except for a few vacant lots on slopes. Large surface streets and extensive residential and commercial development constrict and fragment upland habitats. Additionally, the project site is exposed to noise from reclamation activities and the surrounding existing development in Mira Mesa, as are surrounding habitat fragments. Therefore, given the site's history, its current disturbed condition, and the overall urban setting, the project site does not serve as a critical wildlife corridor or habitat linkage for the region. Implementation of the project and restoration of Carroll Canyon Creek would facilitate new wildlife movement through the project thereby enhancing the potential for the area to become a wildlife corridor.

Reference: EIR §5.9.2

C. Transportation/Circulation

1. Impacts:

Issue 2: Would the project result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Issue 4: Would the project have a substantial impact upon existing or planned transportation systems?

Direct Transportation Impacts

(a) Finding:

Direct significant impacts from the project in the near-term (2021) would occur at six intersections and 12 roadway segments with implementation of Phase 1 of the project. Significant impacts would occur at 11 intersections and 12 roadway segments with implementation of both Phases 1 and 2 of the project compared to near-term traffic conditions in 2025. Changes or alterations have been required in, or incorporated into the project which mitigate or avoid some of the significant environmental effects on the environment. Feasible mitigation measures are proposed to mitigate intersection impacts to one intersection in 2021 and six intersections in 2025.

(b) Mitigation Measures:

The following mitigation measures identified in EIR Section 5.2.2.4 fully mitigate project intersection impacts in 2021 and 2025: TRA-1, TRA-12, TRA-14, TRA-15, TRA-16, TRA-17, and TRA-19. TRA-1 and TRA-3 require assurance by permit and bond specific intersection improvements (e.g., striping, and installation of signal modifications for intersections determined to be impacted in 2021. TRA-12, TRA-14, TRA-15, TRA-16, TRA-17, and TRA-19 require assurance by permit and bond specific intersection improvements (e.g., striping and

signal modifications, as appropriate for intersections determined to be impacted in 2025. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings.

(c) *Rationale:*

CUP/Reclamation Plan Amendment

Prior mining activities and ongoing reclamation grading created an existing condition of numerous truck movements on site, as well as export of mined materials. The proposed condition would therefore be analogous to the existing condition relative to earth movement, although no import/export would occur for the CUP/Reclamation Plan Amendment. CUP/Reclamation Plan Amendment trips, therefore, would be expected to be overall fewer than those associated with baseline conditions.

MPDP Development

The project would involve the construction and operation of up to 1,800 residential units and 160,160 SF of commercial and office development on approximately 412.9 acres over two phases. The Traffic Impact Analysis ("TIA") (EIR Appendix B) assumes that the project's Phase 1 would be completed in 2021 and that Phase 2 would be completed in 2025. The entirety of the operational traffic trips associated with Phase 1 of the proposed project would not be generated until the completion of Phase 1 in 2021. Instead, project-related traffic impacts are determined based on the anticipated opening day near-term traffic conditions in 2021 for Phase 1 and in 2025 for Phase 2. All mitigation would be implemented prior to first occupancy of each phase unless an equivalent dwelling unit trigger has been identified. To estimate direct project impacts in 2021 and 2025, SANDAG's Series 12 Year 2008 and Year 2020 models were refined to align with SANDAG's 2008 base model volumes and daily traffic volume counts collected in 2017, respectively, and annual growth rates were applied for 2021 and 2025. The development of near-term projects in the Mira Mesa community are included in the baseline traffic conditions for 2021, including the adjacent Fenton Technology Park and Phase I of the proposed Stone Creek project.

The unbuilt segments of Carroll Canyon Road are critical components of the planned transportation network in the Mira Mesa community and would complete a regionally important connection. Current Carroll Canyon Road segments extend from I-805 to Carroll Road, and from a point east of the project boundary to Camino Ruiz. Between Carroll Road and the eastern boundary of the project, the road does not exist in paved form, and is the subject of three different planning efforts that address three different portions of the road which are fully described on EIR page 5.2-12. The segments include the portion that is being constructed through the project site. The segments are identified in the Mira Mesa Public Facilities Financing Plan ("PFFP") as segments T-5A, T-5B, and T-5C. Segment T-5C would be constructed with the project and includes the section of Carroll Canyon Road that goes through the project. The EIR TIA demonstrates that this section of Carroll Canyon Road is not required until Phase 2 of the project. Segment T-5B would be constructed by the project but is not a mitigation measure for the project. This segment of Carroll Canyon Road from Camino Santa Fe west to the border of the Fenton Technology Park property was required as part of the Fenton Technology Park approvals, and the project applicant agreed to complete this

segment in a private agreement with the Fenton Technology Park. Segment T-5A (assumed to be constructed within the same timeframe as T-5B and T-5C) connects from the western edge of the Fenton Technology Park to Carroll Road. This segment will be paid for by the Mira Mesa PFFP and is scheduled to receive \$2 million in funding beginning in 2023 with an additional \$6.18 million in 2024 for a total of \$8.18 million. For cumulative traffic impacts, community buildout horizon year 2050 incorporates fully funded transportation network improvements as identified in the PFFP, including completion of Carroll Canyon Road between I-805 and I-15, improvements to Camino Ruiz, and Kearny Villa Road. Improvements to I 805 as well as the operation of a high frequency transit line along Carroll Canyon Road are planned by Caltrans and SANDAG, respectively, and also included in the horizon year analysis.

Estimated cumulative vehicle trip generation for 2021, 2025, and 2050 (11,788, 26,209, and 25,478 daily trips, respectively) is shown in EIR Tables 5.2-7c, *Cumulative Trip Generation Summary: Phase 1 (Near-Term 2021)*; 5.2-7e, *Cumulative Trip Generation Summary: Project Buildout (Near-Term 2025)*; and 5.2-7g, *Cumulative Trip Generation Summary: Project Buildout (Long-Term 2050)*, respectively. No trip reductions were applied in 2021; however, mixed-use trip reductions were applied starting in the 2025 near term scenario and also for the cumulative 2050 scenario to account for the internal trips that occur as the result of including a mix of residential and commercial uses within the project site. A transit trip reduction was also applied in 2050 to account for the future planned BRT and/or local transit service anticipated along the centerline of future Carroll Canyon Road, and the proposed mobility hub that would serve a future transit line.

Near-Term Plus Project Phase 1 (2021). Traffic generated by Phase 1 of the project was added to the forecasted 2021 traffic volumes to develop the near-term opening day (2021) plus project volumes, with the resulting conditions at intersections and roadway segments outlined below. Associated traffic volumes are shown on EIR Figures 5.2-7a-c, *Near-Term 2021 Plus Phase 1 Traffic Intersection Volumes*, and Figure 5.2-8, *Near-Term 2021 Plus Phase 1 ADT Volumes*.

Intersection operations with Phase 1 of the project compared to near-term 2021 conditions are shown in EIR Table 5.2-8, *Near-Term 2021 Intersection Operations*. Of the 50 study area intersections, 40 are calculated to operate at LOS D or better during Phase 1 of the project. Of the 10 failing intersections anticipated in 2021, the addition of project traffic under Phase 1 would exceed the City's thresholds for additional delay at 6 intersections, and project mitigation is proposed for 4 of the 6, with two of the four not requiring ROW. Although TRA-3 requires only re-striping and signalization modification consistent with the Excavation Moratorium to New Pavement in Public Right-of-Way in the Street Preservation Ordinance (San Diego Municipal Code §§ 62.1203 and 62.1206) the City has a policy requiring improvements at the same location within a five-year timeframe to be implemented at one time. As a result, although 2021 impacts could be fully mitigated by TRA-3, which does not require new ROW, because 2025 impacts at the same location would be mitigated by TRA-13 which would require ROW, the impacts are currently assessed as significant and unavoidable and both TRA-3 and TRA-13 are addressed in Section IV.

Roadway segment operations with Phase 1 of the project are shown in Table 5.2-9, *Near-Term 2021 Roadway Segment Operations*. Of the 48 segments, 13 are calculated to operate at LOS D or better with Phase 1 of the project. One roadway segment (i.e., Mira Mesa Boulevard from

Parkdale Avenue to Reagan Road) was determined to not result in a significant impact based on the City's alternative analysis for roadway segments. This results in 12 roadway segments requiring mitigation (see Section IV).

Near-Term Plus Project Buildout (2025). Near-term 2025 project impacts on traffic congestion are evaluated based on the anticipated traffic conditions when project Phase 2 trips are added to the surrounding transportation network once Phases 1 and 2 of the project are completed. Specifically, 2025 conditions anticipate that the Carroll Canyon Road extension between Camino Santa Fe and Camino Ruiz is completed by the project and that the proposed improvements to transportation facilities in Phase 1 of the project are also completed.

As Phase 2 of the project is anticipated to be completed in 2025, baseline trips without Phase 2 of the project were determined by starting with SANDAG's Series 12 Year 2020 model, adding five years of annual growth rates (similar to what was done for the near-term 2021 analysis); and manually adding Phase 1 trips associated with the project. Anticipated trips associated with Phase 2 of the project were then distributed throughout the study area to determine the changes in operations for intersections, roadway segments, freeway mainlines, and freeway on- and off-ramps.

Traffic generated by Phase 2 of the project was added to the forecasted 2025 traffic volumes to develop the near-term (2025) plus project volumes, with the resulting conditions at intersections and roadway segments outlined below. Associated traffic volumes are shown on Figures 5.2-9a-c, *Near-Term 2025 Plus Project Intersection Volumes*, and Figure 5.2-10, *Near-Term 2025 Plus Project ADT Volumes*.

Intersection operations with Phase 2 of the project compared to near-term 2025 conditions are shown in Table 5.2-14, *Near-Term 2025 Intersection Operations*. Of the 50 study area intersections, 36 are calculated to operate at LOS D or better with Phase 2 of the project. Of the 14 failing intersections anticipated in 2025, the addition of project traffic under Phase 2 would exceed the City's thresholds for delay at 11 intersections, and mitigation is proposed for 8 of the 11, with one of those being partial mitigation from 2021.

Roadway segment operations with Phase 2 of the project are shown in Table 5.2-15, *Near Term 2025 Roadway Segment Operations*. Of the 48 roadway segments evaluated, 34 are calculated to operate at LOS D or better. Mitigation is proposed for 12 of the 14 segments (see Section IV).

Impacts After Mitigation Applied (2021 and 2025). Mitigation for direct impacts under the 2021 and 2025 near-term scenarios is detailed in the EIR on pages 5.2-25 through 5.2-31.

As shown on Table 5.2-25, *Near-Term 2021 Intersections with Mitigation*, mitigation to fully lower impacts to less than significant is proposed for four of the six intersections, but two intersections would require ROW, and are discussed in Section IV of these Findings, as is one intersection for which mitigation would be implemented in conjunction with 2025 mitigation for the same intersection, and for which ROW also would be required. As a result, identified mitigation is conservatively assessed as fully mitigating potentially significant impacts in 2021 to one intersection. Mitigation measures for 2021 are illustrated on Figure 5.2-13, *2021 Mitigation Measures*.

As shown on Table 5.2-27, *Near-Term 2025 Intersections with Mitigation*, mitigation to fully lower impacts to less than significant is proposed for 8 of the 11 intersections, but two intersections would require ROW, and are discussed in Section IV of these Findings. As a result, identified mitigation is conservatively assessed as fully mitigating potentially significant impacts to six intersections. Mitigation measures for 2025 are illustrated on Figure 5.2-14, *2025 Mitigation Measures*.

Significant impacts in the Near Term 2021 at the intersection of Camino Santa Fe and Mira Mesa Boulevard would be mitigated by the completion of Carroll Canyon Road in Phase 2 of the project. Therefore, feasible mitigation would be applied through construction of Carroll Canyon Road in Phase 2 of the project, which would fully mitigate the short-term impact at Camino Santa Fe and Mira Mesa Boulevard.

SDG&E Facility Modifications

SDG&E work to realign and underground 69kV facilities within the site would occur during overall road preparation tasks associated with the CUP/Reclamation Plan Amendment. As such, no specific trips would be associated with the action. Relative to substation removal, that would occur during demolition work. As detailed in the TIA in Appendix D of this EIR, total demolition is expected to total 1,340 total trips over a period of 20 days. This equates to 67 trips per day. The SDG&E portion would comprise only part of the total construction trips detailed and accounted for in the TIA, and are expected to be negligible relative to overall traffic spread over a full workday within industrial/commercial traffic associated with businesses off Camino Santa Fe.

Reference: EIR 5.2.2

Cumulative Transportation Impacts

(a) Finding:

As shown in EIR Table 5.2-29, *Long-Term 2050 Intersections with Mitigation*, and EIR Table 5.2-30, *Long-Term 2050 Roadway Segments with Mitigation*, mitigation to fully lower impacts to less than significant is proposed for 6 of 11 impacted intersections, but one intersection would require ROW, and is discussed in Section IV of these Findings. One cumulative impact would be mitigated through a fair share contribution toward an existing financing plan. As a result, identified mitigation is conservatively assessed as fully mitigating potentially significant impacts to five intersections with the completion of 3Roots and cumulative projects added to the transportation network.

The City finds that all feasible mitigation measures have been applied to the project to fully mitigate cumulatively significant impacts to five intersections.

(b) Mitigation Measures:

Previously implemented as part of the project, mitigation measures TRA-1 (2021), and TRA-12, TRA-14, and TRA-15 (2025), , result in 2050 project-related intersection traffic effects being less than significant. TRA-22 would address a new cumulative intersection impact to occur in 2050,

and would require a fair share contribution to mitigate an intersection impact to which the project would make a considerable contribution. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings.

(c) *Rationale:*

Long-term cumulative traffic project impacts are evaluated based on the anticipated traffic conditions upon buildout of the land uses in the SANDAG region by the year 2050, including buildout of the Mira Mesa community. Specifically, this includes projects scheduled to be completed according to the PFFP including the construction of Carroll Canyon Road between I-5 and I-15; improvements to Camino Ruiz associated with the Vulcan Stone Creek project, and improvements to Kearny Villa Road between Black Mountain Road and approximately 600 feet south of Miramar Road. In addition, SANDAG and Caltrans long-term plans include the completion of a second HOV lane in each direction on I-805 between La Jolla Village Drive and SR-52 and completion of on- and off-ramps from I-805 between the carpool lanes and Nobel Drive. Baseline volumes without the project in 2050 were established by comparing SANDAG's Series 12 Year 2020 and Year 2050 models to obtain the growth forecasted over 30 years, then applying 25 years of growth to the near-term 2025 baseline described previously for the analysis of impacts in the short-term in 2025. Anticipated trips associated with both phases of the project were then distributed throughout the study area to determine the changes in operations for intersections, roadway segments, freeway mainlines, and freeway on- and off-ramps.

Traffic generated by the project was added to the forecasted 2050 traffic volumes to develop the long-term (2050) plus project volumes, with the resulting conditions at intersections and roadway segments. Associated traffic volumes are shown on Figure 5.2-11a-c, *Long-Term 2050 Intersection Volumes*, and Figure 5.2-12, *Long-Term 2050 ADT Volumes*.

Intersection operations with the project compared to long-term 2050 conditions are shown in Table 5.2-19, *Long-Term 2050 Intersection Operations*. Of the 50 study area intersections analyzed, 36 are calculated to operate at LOS D or better. Of the 14 failing intersections anticipated in 2050, the addition of project traffic would exceed the City's thresholds for additional delay at 11 intersections and project mitigation would lower significant impacts to less than significant for five intersections in 2050.

Roadway segment operations with the project in the long-term are shown in EIR Table 5.2-20, *Long-Term 2050 Roadway Segment Operations*. Of the 48 segments evaluated, 31 segments are calculated to operate at LOS D or better.

Section 5.2.2.5 of the EIR provides the information on the level of significance for impacts to intersections after mitigation has been completed.

Reference: EIR §5.2.2

D. Historical Resources

1. Impact:

Issue 1: Would the project result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?

Issue 2: Would the project result in an impact to existing religious or sacred uses within the potential impact area?

Issue 3: Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

(a) Finding:

Implementation of the project could result in impacts to unanticipated surface or subsurface cultural resources during ground-disturbing activities. Consequently, impacts to historical resources would be potentially significant. Changes or alterations have been required in, or incorporated into the project at all stages of development which mitigate or avoid the significant environmental effects on the environment. Should (unanticipated) historical resources be present in areas not fully mined, implementation of the monitoring, coordination, documentation, and preservation described in Mitigation Measure HIS 1 would lower impacts to a less than significant level.

(b) Mitigation Measures:

HIS-1 includes qualifications standards, monitoring locations, actions upon location of currently unknown materials, protocol for assessment of significance and notifications, curation and reports. The specific discussion of this mitigation measure is located in EIR Section 5.10.2.4 and incorporated by reference herein to these Findings.

(c) Rationale:

This analysis is applicable to all project components. The majority of the project site was excavated as part of the sand and gravel quarry or is associated with other industrial operations. Approximately 218 acres of the project site have been disturbed by mining activities. Additionally, portions of the southern slope appear to have been landscaped, as evidenced by irrigation lines in those areas. While no prehistoric cultural material was observed within the project site during the field survey, the project area and the vicinity were undoubtedly used for resource gathering activities and as travel routes. Los Peñasquitos Canyon is located less than 2.0 miles north of the project site and is quite sensitive in terms of cultural resources. Numerous archaeological sites are known in the canyon and its fingers and tributaries. No cultural resources, including those related to existing religious or sacred uses, have been identified within the project site, and there is no evidence to suggest the presence of human remains; therefore, it is likely that no such resources would be affected by project implementation. Project mitigation includes the requirements for Archaeological Monitoring and Native American monitoring prior to the start of project grading. The monitor would be

present during grading and trenching and all other soil disturbing activities at the site, and would comply with the discovery and notification process outlined in the project mitigation if resources or human remains are discovered.

Reference: EIR §5.10.2

E. Tribal Cultural Resources

1. Impact:

Issue 1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**
- **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

(a) Finding:

The project site has not been selected as a site recommended for historic designation. Furthermore, the project site is not identified on any of the historic resource lists/databases—the National Register of Historic Places and the California State Historical Landmarks, Points of Historical Interest, and Register of Historic Places. The Lipay Nation of Santa Isabel, the Jamul Indian Village, and the Viejas Band of Kumeyaay Indians are affiliated traditionally and culturally with the project area. The area is considered sensitive for potential TCR (buried cultural resources and/or subsurface deposits). Therefore, there is the potential for inadvertent discovery of a resource that could be impacted by project implementation. Impacts would be considered significant. Changes or alterations have been required in, or incorporated into the project at all stages of development which mitigate or avoid the significant environmental effects on the environment. Should (unanticipated) Tribal cultural resources be present in areas not fully mined, implementation of the monitoring, coordination, documentation, and preservation described in Mitigation Measures TCR-1/HIS-1 would lower impacts to a less than significant level.

(b) Mitigation Measures:

TCR-1/HIS-1 include qualifications standards, monitoring locations, actions upon location of currently unknown materials, protocol for assessment of significance and notifications, curation and reports. The specific discussion of this mitigation measure is located in EIR Section 5.11.2.4 and incorporated by reference herein to these Findings.

(c) Rationale:

This discussion is applicable to all project components. The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps; furthermore, there are recorded cultural resources within a one-mile buffer of the site. Therefore, qualified City staff conducted a records search of the CHRIS digital database; although the search identified that no previously recorded resources are located within the project boundaries, the search confirmed numerous previously recorded historic and prehistoric sites in the project vicinity. A Sacred Lands Search was requested of the NAHC on August 17, 2017, and a response from the NAHC was received on August 29, 2017. The results of the Sacred Lands Search were negative in that no resources have been previously identified in the immediate project area.

The project site has not been selected as a site recommended for historic designation. Furthermore, the project site is not identified on any of the historic resource lists/databases—the National Register of Historic Places and the California State Historical Landmarks, Points of Historical Interest, and Register of Historic Places. Although the City as the Lead Agency has not identified TCR within the APE, the area is considered sensitive for potential TCR (buried cultural resources and/or subsurface deposits). Therefore, there is the potential for inadvertent discovery of TCR that could be impacted by project implementation due to the existing conditions and anticipated grading activities and excavation depths proposed.

Reference: EIR §5.11.2

F. Air Quality

1. Impact:

Issue 2: Would the project result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?

Issue 3: Would the project exceed 100 pounds per day of particulate matter (PM) (dust)?

(a) Finding:

As shown in Table 5.4-10, project emissions of CO and PM₁₀ during operation would exceed the daily thresholds set by the City. Operation of the project would therefore cause potentially significant direct and cumulative regional impacts on air quality. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of the specified mitigation measure these impacts would be less than significant.

(b) Mitigation:

AQ-1 requires installation of electric outlets in the project, and HOA use of electrically powered landscape equipment. The specific discussion of this mitigation measure is located in EIR Section 5.4.3.4 and incorporated by reference herein to these Findings.

(c) Rationale:

Electric lawn equipment including lawn mowers, leaf blowers, and chain saws are available. When electric landscape equipment is used in place of a conventional gas-powered equipment, direct emissions from fossil fuel combustion are eliminated. Implementation of Mitigation Measure AQ-1 would result in an average reduction of area source related CO emissions by 24 percent (from 149 pounds per day to 113 pounds per day) and particulate emissions (PM₁₀ and PM_{2.5}) by 25 percent (less than 1 pound per day). As shown in Table 5.4-11, *Maximum Daily Operational Emissions with Mitigation*, with implementation of Mitigation Measure AQ-1, CO emissions would be reduced to a less than significant level of emissions. In addition, VOC, NO_x, SO_x, and PM_{2.5} emissions would be further reduced from their previous less than significant levels. PM₁₀ emissions would be incrementally reduced but remain above the stated threshold.

The screening-level thresholds provided by SDAPCD are to be used as screening criteria for potential impact significance for stationary sources. As noted above, where mitigated emissions still exceed SDAPCD's screening-level thresholds, and where the potential exists for a significantly cumulative air quality impact, the City's significance threshold guidance for air quality requires application of the more restrictive state and national AAQS. Further, in response to recent case law (specifically the December 24, 2018 California Supreme Court decision S219783 on *Sierra Club v. County of Fresno [Friant Ranch]*), the localized effects from the emissions were evaluated to determine potential pollutant concentrations at sensitive receptors.

As shown on Table 5.4-3, California target thresholds for PM₁₀ are 50 µg/m³ for 24-hour and 20 µg/m³ for maximum annual average counts, respectively. The maximum 24-hour and annual average PM₁₀ concentrations of 0.30 µg/m³ and 0.17 µg/m³, respectively, were identified within the site boundaries. When summed with the peak ambient background concentrations provided in Table 5.4-2, the maximum 24-hour average PM₁₀ concentration is estimated to be 46.3 µg/m³ and the maximum annual average concentration is estimated to be 17.8 µg/m³.

Concentrations of this magnitude fall below the state AAQS (50 µg/m³ and 20 µg/m³, respectively), which define clean air and are established to protect even the most sensitive individuals.

Reference: EIR §5.4.3

IV. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The City Council of the City of San Diego hereby finds that the environmental impacts described below for Transportation/Circulation are significant and unavoidable and there is no feasible mitigation that can be applied to reduce these impacts to below a level of significance. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because

of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers or for matters of public policy.

A. Transportation/Circulation

1. Impact: Potential for Traffic Congestion

Issue 2: Would the project result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Issue 4: Would the project have a substantial impact upon existing or planned transportation systems?

(a) Finding:

Direct Impacts (2021 and 2025)

Mitigation for direct impacts under the 2021 and 2025 near-term scenarios is discussed in Section III of these Findings, above, and detailed in the EIR on pages 5.2-25 through 5.2-31.

Two 2021 significant intersection impacts would require new ROW to implement mitigation, one would be implemented in conjunction with 2025 mitigation below which would require new ROW for implementation, and no feasible mitigation was identified for two intersections. Partial mitigation was provided for 7 of the 12 roadway segments with significant impacts. As shown on Tables 5.2-25, *Near-Term 2021 Intersections with Mitigation*, and 5.2-26, *Near-Term 2021 Roadway Segments with Mitigation*, once ROW is obtained, two intersections and 12 roadway segments would remain significant and unavoidable in 2021 with the completion of Phase 1. Mitigation measures for 2021 are illustrated on Figure 5.2-13, *2021 Mitigation Measures*.

In 2025, two intersection mitigation measures would require new ROW for implementation, and no feasible mitigation was identified for three intersections; one of which would receive partial mitigation that also requires ROW. Of the 12 significant roadway impacts, 7 would be partially mitigated. As shown on Tables 5.2-27, *Near-Term 2025 Intersections with Mitigation*, and 5.2-28, *Near-Term 2025 Roadway Segments with Mitigation*, once ROW is obtained, three intersections and 12 roadway segments would remain significant and unavoidable with mitigation incorporated in 2025 with buildout of the project. Mitigation measures for 2025 are illustrated on Figure 5.2-14, *2025 Mitigation Measures*.

Although changes or alterations have been required in, or incorporated into, the project which mitigate or avoid some of the significant environmental effects on the environment, all those impacts cannot be mitigated to below a level of significance and continue to be significant and unavoidable after mitigation is applied. The City finds that all feasible mitigation measures have been applied to the project for years 2021 and 2025. However, practical constraints related to certainty of obtaining necessary ROW to implement improvements in 2021/2025, requirement of receipt of agency permits prior to implementation of Phase 2 on-site Carroll Canyon Road, which mitigates a 2021 impact, or policy constraints such as prior City

commitment to retain roads in existing format, result in inability to implement or ensure implementation of some proposed mitigation within the required time frame. Therefore, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR which would fully mitigate the project impact to transportation.

Cumulative Impacts (2050)

Mitigation implemented in 2021 and 2025 for three intersections and seven roadway segments would partially mitigate impacts in 2050. As shown in EIR Table 5.2-29, *Long-Term 2050 Intersections with Mitigation*, and EIR Table 5.2-30, *Long-Term 2050 Roadway Segments with Mitigation*, once ROW is obtained, four intersections and 13 roadway segments would remain significant and unavoidable in 2050 with partial mitigation incorporated through the completion of 3Roots and cumulative projects added to the transportation network.

Mitigation measures have been incorporated that would partially mitigate cumulative 2050 impacts; however, those impacts cannot be mitigated to below a level of significance and continue to be significant and unmitigable. The City finds that all feasible mitigation measures have been applied to the project. However, practical constraints related to certainty of obtaining necessary ROW to implement improvements, absence of an existing PFFP identified project for implementation of fair share funds, or policy constraints such as prior City commitment to retain roads in existing format, result in inability to implement or ensure implementation of some proposed mitigation within the required time frame. Therefore, specific economic, legal, social, technological, or other considerations, including important matters of public policy, make infeasible the mitigation measures or project alternatives identified in the Final EIR which would fully mitigate the project impact to transportation.

(b) Impacts after Mitigation:

Near-Term Plus Project Phase 1 (2021)

Mitigation measures TRA-2 through TRA-4, when implemented, would result in less than significant impacts. Because implementation of the mitigation at these intersections¹ requires acquisition of real property interests from third parties, and that acquisition is beyond the ability of the applicant to ensure in a timely manner, it is unknown at this time when the proposed mitigation can be fully implemented. As a result, the impact is identified as significant and unmitigated.

Two intersections did not have mitigation identified, with impacts identified as significant, for reasons identified in "Rationale," below. These include Camino Santa Fe/ Mira Mesa Boulevard

¹TRA-3 does not require ROW to implement, but because TRA-13 would require ROW, and because the City has a policy that mitigation in the same location occurring within a five-year period must be implemented in one disturbance period, impacts at this intersection have been conservatively assessed as significant and unavoidable.

and La Jolla Village Drive/Towne Center Drive. These 2021 intersection impacts remain significant and unavoidable.

The following mitigation measures identified in EIR Section 5.2.24 would partially mitigate roadway segment impacts in 2021: TRA-5, TRA-6, TRA-7, TRA-8, TRA-9, TRA-10, and TRA-11. These measures require assurance by permit and bond improvements (such as signal communications gap, ethernet converter cards and switches, closed circuit television cameras, and/or median construction as appropriate for specific roadway segments. These impacts remain significant and unavoidable despite this partial mitigation. Roadway segments where mitigation was not proposed to mitigate 2021 impacts (for reasons described below) include segments of Mira Mesa Boulevard between Pacific Heights Boulevard and Sequence Drive, and between Camino Santa Fe and Parkdale Avenue; two segments of Carroll Road between Nancy Ridge Road Camino Santa Fe, and a segment of Eastgate Mall between Judicial Drive and Miramar Road. These 2021 roadway segment impacts remain significant and unavoidable.

Near-Term Plus Project Buildout (2025)

Mitigation measures TRA-13 and 18, would result in less than significant impacts to intersections when implemented. Because implementation of the mitigation requires acquisition of real property interests from third parties, and that acquisition is beyond the ability of the applicant to ensure in a timely manner, it is unknown at this time when the proposed mitigation can be fully implemented. As a result, the impact is identified as significant and unmitigated.

Two intersections did not have mitigation identified, with impacts identified as significant, for reasons identified in "Rationale," below. These include: La Jolla Village Drive/Towne Center Drive and Trade Street/Camino Santa Fe. Partial mitigation that requires ROW (TRA-2) was identified for Camino Santa Fe /Carroll Road. These 2025 intersection impacts remain significant and unavoidable.

Partially mitigated roadway segment impacts in 2021 (TRA-5, TRA-6, TRA-7, TRA-8, TRA-9, TRA-10, and TRA-11) also partially mitigate 2025 impacts. TRA-20 also was identified for 2025 road segment mitigation. TRA-20 also requires assurance by permit and bond ethernet converter cards, switches and a closed-circuit television camera. These impacts remain significant and unavoidable despite these partial mitigations.

Roadway segments where mitigation was not proposed to mitigate 2025 impacts (for reasons described in "Rationale" below) include two segments of Carroll Road between Nancy Ridge Road Camino Santa Fe, one segment of Eastgate Mall between Judicial Drive and Miramar Road, and three segments of Camino Santa Fe between Carroll Canyon Road and Miramar Road.. These 2025 impacts also remain significant and unavoidable. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings.

Long-Term with Project (2050)

Mitigation measure TRA-4 would result in less than significant intersection impacts when implemented. Because implementation of the mitigation requires acquisition of real property interests from third parties, and that acquisition is beyond the ability of the applicant to ensure in a timely manner, it is unknown at this time when the proposed mitigation can be fully implemented. As a result, the impact is identified as significant and unmitigated.

Two intersections did not have mitigation identified, with impacts identified as significant, for reasons identified “Rationale” below. These include La Jolla Village Drive/Towne Center Drive and Camino Santa Fe/Trade Street. These 2050 intersection impacts remain significant and unavoidable.

Intersections for which mitigation identified in the DEIR would be partially mitigated relative to project impacts in 2050 include TRA-2, and TRA-13, and TRA-16. These result in partial mitigation, and impacts at these intersections therefore remain significant and unavoidable for reasons identified under “Rationale” below.

New cumulative intersection impacts also would occur in 2050. TRA-21 requires fair share payment toward an intersection improvement to which the project would make a considerable contribution to cumulative impacts modeled for 2050, but the intersection (Camino Santa Fe and Mira Mesa Boulevard) is not currently included in the PFFP.

TRA-5, TRA-6, TRA-7, TRA-8, TRA-9, TRA-10, TRA-11, and TRA-20, would continue to partially mitigate for roadway segment impacts in 2050 through the previously implemented improvements provided in 2021/2025. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings. These impacts remain significant and unavoidable despite these partial mitigations.

Roadway segments where mitigation was not proposed to mitigate 2050 impacts (for reasons described in “Rationale” below) include segments of Mira Mesa Boulevard between Camino Santa Fe and Parkdale Avenue; two segments of Carroll Road between Nancy Ridge Road and Camino Santa Fe, a segment of Eastgate Mall between Judicial Drive and Miramar Road and three segments of Camino Santa Fe from Carroll Canyon Road to Miramar Road. These 2050 roadway segment impacts remain significant and unavoidable for reasons identified under “Rationale” in Subsection III of the Findings, above.

(c) *Rationale:*

Discussion of project design and modeling assumptions leading to generation of project-related traffic is provided under the heading “Rationale” in Subsection IV of the Findings, above. As discussed in “Impacts after Mitigation,” the following mitigation measures partially mitigate the impacts at intersections (once right-of-way is obtained) and roadway segments in 2021 and 2025:

- Intersections: TRA-2 (2025)

- Roadway Segments: TRA-5 (2021/2025); TRA-6 (2021/2025), TRA-7 (2021/2025), TRA-8 (2021), TRA-9 (2021/2025), TRA-10 (2021/2025), TRA-11 (2021/2025) and TRA-20 (2025)

The mitigation measures reduce impacts to the maximum extent feasible, and further mitigation is found to be infeasible for specific economic, legal, social, technological, or other considerations including matters of public policy. Medians would be placed in certain areas along Miramar Road that restrict turning movements where existing left turn restrictions currently exist for safety reasons. The remainder of this discussion focuses on the reasons that impacts remain significant without mitigation.

Significant and unavoidable impacts where no mitigation is proposed are identified in EIR Section 5.2.24 and include the following locations:

- Camino Santa Fe / Mira Mesa Boulevard (2021)
- La Jolla Village Drive / Towne Center Drive (2021 & 2025)
- Trade Street / Camino Santa Fe (2025)
- Segments of Mira Mesa Boulevard:
 - Pacific Heights Boulevard to Sequence Drive (2021)
 - Camino Santa Fe to Parkdale Avenue (2021)
- Segments of Carroll Road:
 - Nancy Ridge Road to Rehco Road (2021 & 2025)
 - Rehco Road to Camino Santa Fe (2021 & 2025)
- Eastgate Mall – Judicial Drive to Miramar Road (2021 & 2025)
- Segments of Camino Santa Fe
 - Carroll Canyon Road to Trade Street (2025)
 - Trade Street to Carroll Road (2025)
 - Carroll Road to Miramar Road (2025)

Mitigation for significant impacts at Camino Santa Fe and Mira Mesa Boulevard (2021) would be mitigated by the completion of Carroll Canyon Road in Phase 2 of the project and therefore the direct impact is identified as temporary. Mitigation of the temporary 2021 impact at this intersection would require permanent relocation of major power, water and sewer utilities to allow for a widening of Mira Mesa Boulevard. The movement of utilities would likely cause temporary roadway impacts in addition to the impacts being mitigated by the movement of those utilities. The construction of Carroll Canyon Road would occur during Phase 2 of the project upon the issuance of Resource Agency permits. Mitigation of the impact is confirmed per permit conditions to assure by permit and bond the completion of the roadway, prior to issuance of the first building permit for development in Phase 2. Therefore, no further feasible mitigation would be applied to the 2021 impact until the construction of Carroll Canyon Road

in Phase 2 of the project. The project will pay a fair share contribution for the 2050 impact forecast to occur, which will partially mitigate the cumulative impact (TRA-21).

Near-term 2021 and 2025 significant impacts would also occur at the intersection of the La Jolla Villa Drive and Town Center Drive in the University Community after all feasible mitigation has been applied. La Jolla Village Drive has reached its ultimate width and should not be widened to accept additional turn lanes from Towne Center Drive. In addition, the University Community Plan discourages the continued widening of the major roadways in that Community.

The policy discussion at page 38 states:

In the coming decades, the community will have to accommodate an increasing number of automobiles generated by new developments. All efforts will be made to increase street capacity by utilizing minimum acceptable travel lane widths, eliminating on-street parking, acquiring additional right-of-way, or a combination of these techniques. Medians will not be converted into travel lanes. On the contrary, they will be landscaped or embellished by art and recognized as an environmental necessity in order to soften and interrupt the vast expanses of asphalt of multi-lane streets. There will be a point in time where the "just widened" streets will be again congested. Further widenings will not be possible and the most convenient and rapid mode of transportation will be public transit."

The City through the Climate Action Plan and General Plan's City of Villages Strategy has also placed an emphasis on enhancing transit opportunities, over the continual widening of local streets, which leads to a less pedestrian friendly and community-oriented atmosphere. The Mid-Coast Trolley connection from Old Town to the UTC shopping mall will be open for transit ridership in late 2021, prior to occupancy within the project. Therefore, as a matter of public policy the further widening of La Jolla Village Drive is not compatible with the University Community Plan or desirable and infeasible.

Intersection impacts would also continue to be significant after mitigation at Camino Santa Fe and Trade Street (2050), and Camino Santa Fe and Carroll Road (2025 and 2050); as would impacts along Camino Santa Fe from Carroll Canyon Road to Miramar Road (2025 and 2050). These impacts can only be further mitigated by returning Camino Santa Fe to its previous 6-lane configuration. Prior to construction in the Spring of 2016, the City of San Diego made the determination that a 4-lane Camino Santa Fe with protected bike lanes on each side was the appropriate configuration for the roadway. Included in Appendix B of the Traffic Impact Analysis is a City document titled, "Camino Santa Fe Class II Bicycle Lanes / Road Diet." This "Fact Sheet" states that, "collected data indicates a demand for bicycle ridership along this segment. The implementation of Class II Bicycle Lanes would help fulfill the goals and objectives of the Bicycle Master Plan which creates a safe and comprehensive local and regional bikeway network." The roadway had been planned and built to 6-lanes, but a determination was made to enhance bicycle connectivity through this corridor through a "Road Diets" to connect the Miramar and University areas to Sorrento Valley and Mira Mesa, furthering the City's Bicycle Master Plan goals and as an enhancement to alternative transportation facilities in the City. Bringing the roadway back to a 6-lane configuration would either be contrary to the stated public policy goals of the City and contrary to the previous decision to constrain the roadway through a "Road Diet" to 4-lanes to allow for greater bicycle

access and safety or would require widening. Therefore, potential mitigation would be infeasible as a matter of public policy.

Roadway segments along Mira Mesa Boulevard, Miramar Road, Carroll Road, Eastgate Mall, and Camino Santa Fe would continue to have significant impacts in the Near Term 2021 and 2025 conditions after mitigation. As noted above for Camino Santa Fe, bringing the roadway back to a 6-lane configuration would either be contrary to the stated public policy goals of the City and contrary to the previous decision to constrain the roadway through a “Road Diet” to 4-lanes to allow for greater bicycle access and safety. Therefore, potential mitigation would be infeasible as a matter of public policy. Carroll Road is currently constructed as a two-lane Collector with a two-way center turn lane and cross-sectional width of approximately 50 feet curb to curb. The community plan identifies Carroll Road from Nancy Ridge Road to Recho Road as a four-lane Collector. Existing development along the corridor limits the ability to widen this road currently to a four lane Urban Collector standard. Also as noted above, impacts to Mira Mesa Boulevard in the Near-Term 2021 condition would be mitigated by the construction of Carroll Canyon Road. The road would be assured by permit and bond prior to issuance of the first building permit in Phase 2, and would be constructed upon receipt of resource agency permits, as required by project conditions. 2.

Cumulative Impacts (2050)

As shown in EIR Table 5.2-29, *Long-Term 2050 Intersections with Mitigation*, and EIR Table 5.2-30, *Long-Term 2050 Roadway Segments with Mitigation*, four intersections and 13 roadway segments would remain significant and unavoidable with mitigation incorporated in 2050 with the completion of the project and cumulative projects added to the transportation network. One intersection would require ROW, for which timing cannot be guaranteed.

Conclusion

Section 5.2.2.5 of the EIR provides the information on the level of significance for impacts to intersections and roadway segments after mitigation has been completed. The mitigation measures reduce impacts to the maximum extent feasible, and further mitigation is found to be infeasible for specific economic, legal, social, technological, or other considerations including matters of public policy.

Reference: EIR §5.5.2

V. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Alternatives

Project objectives are stated in Section I.B of these Findings. Pursuant to CEQA guidelines Section 15126.6 an EIR shall describe a range of reasonable alternatives to the project or to the location of the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternative. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially

feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.

The following project alternatives were analyzed in the EIR:

1. No Project (Adopted Reclamation Plan) Alternative.
2. No Project (Development Consistent with the 1994 Carroll Canyon Master Plan) Alternative.
3. Increased Employment Alternative.

The following rationale was considered when developing this range of alternatives:

At least one No Project Alternative is required per State CEQA Guidelines Section 15126.6(e). It provides a basis for comparing the impacts that would occur if the project were approved, relative to what would occur if the project were not approved. As discussed in EIR Section 2.2.4, the owner of the mining property is required to implement the Reclamation Plan, the conditions of CUP 89-0585, and the mitigation measures listed in the SEIR for the CUP which specified restoration and other mitigation measures to reclaim the site consistent with state law. As indicated above, because the Reclamation Plan is currently being implemented, a traditional “No Project (No Development) Alternative” was not analyzed. However, the EIR analyzes two other No Project Alternatives. The first is the No Project (Adopted Reclamation Plan) alternative that analyzes the project’s baseline condition which assumes full implementation and completion of the Reclamation Plan on the project site.

Also consistent with Section 15126.6(e), a second alternative, the No Project (Development Consistent with the 1994 Carroll Canyon Master Plan) Alternative analyzes the environmental effects associated with development consistent with the existing land use regulatory document for the project site.

The Increased Employment Alternative reflects a “reduced project” alternative while also incorporating the CCMP and preserving the planned industrial uses rather than converting them to parkland and residential use such as would occur under the proposed project. This alternative was designed to minimize vehicular trip numbers and associated air pollutant emissions.

The City Council finds that these alternatives represent a reasonable range of alternatives, as defined in the State CEQA Guidelines, because they provide feasible alternate development patterns that would reduce and/or eliminate significant impacts associated with the project.

B. Findings on Project Alternatives

The City Council of the City of San Diego hereby finds that Alternative 1, Alternative 2, Alternative 3, do not meet or obtain the majority of the project objectives specified above and are not feasible. The City finds that there are specific economic, legal, social, technological and technological, and other considerations, including important matters of public policy, which make infeasible these project alternatives identified in the EIR. As noted earlier, “feasible” is

defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The City may reject an alternative if it finds that it would be infeasible to implement because of “[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers.” (CEQA Guidelines, § 15091(a)(3).) An agency may also reject an alternative that does not meet the public policy goals and objectives of the agency. In *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899, 947, the city approved a project while rejecting as infeasible a reduced-density alternative that stripped out portions of the project that would have created a synergistic mix of retail and restaurant tenants. Additionally, in *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, the court upheld the city’s findings requiring that additional preservation of open space would be infeasible because it would “at the very least [slow] ‘the progress of necessary development such that the public’s health and welfare is harmed through lack of economic growth and productivity and a shortage of housing supply.’” (*Environmental Council of Sacramento, supra*, (2006) 142 Cal. App. 4th 1018, 1039). Similarly, courts have upheld a city’s infeasibility finding on a policy-based rationale in the following cases: *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal. App. 4th 911, 936, and *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1270.

The following findings are based on the discussion in Section 10.0 of the EIR.

1. No Project (Adopted Reclamation Plan) Alternative

(a) Alternative Description:

Section 15126.6(e) of the State CEQA Guidelines provides that the “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if a project were not approved, based on current plans and consistent with available infrastructure and community services. A conventional “No Project (No Development) Alternative” is not feasible in this case due to ongoing reclamation grading required under the adopted Reclamation Plan associated with CUP 89-0585. Instead, this alternative assumes that reclamation and the other requirements of CUP 89-0585 have been completed and fulfilled. This alternative assumes that no further development occurs after the Reclamation Plan has been fully implemented. Under this alternative CUP 89-0585 focused existing obligations to reclaim (regrade and restore) habitats on site would be completed; however, no residential or commercial development would be constructed, the SDG&E infrastructure upgrades would not be completed. Grading for the extension of Carroll Canyon Road would occur but the road would not be completed, and the existing Carroll Canyon Road east of the project (built subsequent to the Reclamation Plan mapping) would not connect with on-site ROW, which would result in a future lack connectivity with other arterial roads and freeways.

The existing Reclamation Plan and CUP do not specify acreages, vegetation-type classifications, or specific actions of enhancement or revegetation of Carroll Canyon Creek. The underground pipe that exists between the eastern and central segments of the Carroll Canyon Creek would be removed and replaced with a pipe to convey a 100-year storm event

and the site would be graded to allow for future development. The existing MHPA boundaries on site would remain the same (i.e., no net increase) and the MHPA would cover less than 10 percent of the stream corridor (i.e., approximately 600 linear feet of the roughly 6,500 linear feet on site). Additionally, disturbed habitats and non-native habitats within the existing MHPA that were not impacted under the CUP and are not addressed through existing CUP obligations would remain in their current state, without restoration.

(b) Finding:

The City finds that specific economic, social, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

As a matter of public policy, this alternative would be at odds with the City's stated goal to expand housing supply in the City. The City Council has declared a "housing state of emergency" to call attention to the need for housing supply to reduce the price of housing and diversify the supply. Allowing a large site that has been planned for housing to be graded for future uses is less responsive than the project, which would actively implement those uses. Similarly, this alternative is uncertain to provide the variety of residential options called for in the project objectives as no specific housing would be required (including affordable units) to be built on site. Although project impacts would be avoided, benefits provided (parks, substantially re-created/enhanced Carroll Canyon Creek, implementation of Carroll Canyon Road segments and formal identification of IOD to support regional public planning efforts) would not occur.

(c) Rationale:

The No Project (Adopted Reclamation Plan) Alternative would avoid significant and unmitigated or unavoidable traffic impacts; as well as significant but mitigated impacts to air quality, historical resources, Tribal cultural resources, and noise. Less than significant impacts would be further lessened under this alternative for public utilities and public services and facilities. Wildfire hazards could potentially be slightly increased over project implementation; hydrology and water quality impacts also would be increased, although not beyond a level of less than significant. This alternative would not require plan amendments, but would be less preferred than the project with regard to implementing the environmental goals and objectives of applicable land use plans. With regard to air quality, GHG, and energy, this alternative would result in reduced impacts on a localized, site-specific basis. It would not, however, implement strategies designed to reduce these impacts on a regional, long-term basis.

The potential minimization in air quality emissions related to reduced daily trips due to placement of residential uses immediately adjacent to shopping/recreational amenities and potential jobs market; placement of more intense, mixed uses within easy reach of multiple public transportation options; and upgrades in connectivity between pedestrian, bicycle, and transit modes, would not be obtained. It also would not result in the related strategic reduction of regional GHG emissions, associated with placement of development near transit centers, improving connectivity with and between alternative modes of travel, and implementing transportation/ parking demand measures suggested for the project. Each of these would benefit the City overall, and regionally contribute to placement of intensive new

uses in infill areas rather than pushing much needed housing, work opportunities, and associated amenities to more fringe/rural areas where growth has historically occurred (non-compliant with current regional growth planning).

The Alternative would not provide for the reuse and redevelopment of the former mining site into an infill neighborhood within the Mira Mesa community, as no development would be completed. Under the Alternative, the site would be left open and vacant (or undeveloped) in perpetuity. This alternative would not fully implement the CCMP, particularly land use policies that provide for development of a mixed-use neighborhood at or prior to build-out of the Mira Mesa community. The CCMP specifically calls for a mixed-use Transit-Oriented Development with up to 1800 residential units, industrial and commercial areas, as well as several parks and an interconnected open space system.

Similarly, the Alternative's lack of development would not provide for a mix of land uses that promote the City's vision for smart growth by implementing uses supporting reduction of vehicle trips as discussed in Table 5.5-2. The City has adopted the City of Villages strategy in the City's General Plan, which encourages the placement of housing near job centers to create a jobs/housing balance, and to foster the use of alternative transportation and transit, and reduce vehicle trips on roadways. The project is located in proximity to an employment center located to the west, the Sorrento Valley/Golden Triangle area, as well as to Fenton Technology Center across Camino Santa Fe, and a business district located immediately south of the project. Providing housing in this area would lower vehicle miles traveled by bringing housing closer to jobs and allowing people who work in the area and currently live far from their jobs, to move into the area.

The No Project (Adopted Reclamation Plan) Alternative would not provide for the reuse and redevelopment of the former mining site with a mix of land uses by providing up to 1,800 residential units, including affordable units (Objectives 1 through 4). In addition, this alternative would not provide a new public community park (Objective 5); nor would it implement a mobility focused development with a centralized Mobility Hub (Objective 7). Ultimately, the implementation of site development as envisioned by the approved community planning documents would not be achieved. Although the existing Reclamation Plan would preserve a large area of Rattlesnake Canyon and other open space areas; and thus, meet Objective 6, it is noted that because a portion of Carroll Canyon Creek would still be carried by pipe rather than being wholly a surface, open flowing feature, as proposed by the project, subsequent growth of riparian species and provision of wildlife habitat benefits through increased variety/forage in that area would not occur.

Specific to transportation, Carroll Canyon Road is an important east west connector through the Mira Mesa area. The Mira Mesa Community Plan has designated it as a major east west thorough fair since the inception of the Community. Because no development is assumed under this alternative, no traffic would be generated and no project-related volume impacts would occur. Therefore, this Alternative would avoid the significant and unmitigated traffic impacts at intersections and roadway segments that would result from the project in one or more of the study years evaluated. However, the Alternative would fail to complete a critical east to west connection and preclude its use as a major vehicle corridor. Failure to build Carroll Canyon Road would also preclude its use as a transit corridor. The original Mira Mesa

Community Plan saw Carroll Canyon Road as a corridor for Trolley Transit connecting the I-805 to the I-15 corridor. Although the Trolley was removed from the Community Plan, SANDAG is studying the concept of a BRT line along a similar corridor and the Draft Mira Mesa Community Plan indicates BRT will be located along the road. Consistent with this, project conditions require, and the proposed project has provided, an IOD for potential ROW along the Carroll Canyon Road centerline that could be used by a future BRT. The Alternative would not facilitate the creation of a transit corridor in this area and therefore would not meet the transit goals in the City of Villages strategy which contemplates a series of villages, connected by high quality transit. The Alternative is therefore found infeasible, because it would conflict with the land use policies in the General Plan, Mira Mesa Community Plan, and CCMP, as well as fail to fulfill the City's policy goals related to housing and transit, and the project objectives.

2. No Project (Development Consistent with the 1994 Carroll Canyon Master Plan) Alternative

(a) Alternative Description:

This alternative would implement the project envisioned by the 1994 Carroll Canyon Master Plan (CCMP; Figure 10-1, *1994 Approved Master Plan*), and focusing on the CCMP area not addressed in the Phase I Fenton Technology Park VTM 14555. The CCMP is the primary governing planning document for the project site, and as such, is discussed in the Project Description (Chapter 3.0). Table 3-3 compares the 1994 CCMP to the project. As shown therein, the CCMP envisions a Transit-Oriented Development located around a future 1.5-acre transit stop. The CCMP includes a 40-acre mixed-use area intended for development of a core commercial area to include employment generating uses (such as office and light industrial), retail (a minimum of 10,000 square feet), and residential (100 units). The site would contain 69 acres of multi-family residential land overall (43 acres of medium density residential and 26 acres of medium high residential uses). In addition, the CCMP includes two office-industrial parks (one has been developed as the Fenton Technology Park, as noted above). The on-site portion consists of 52 acres of (non-prime industrial land) industrial uses. Also included are approximately 239 acres of open space (generally containing slopes, basins, brush management areas and enhanced landscape), and a total of 20 acres of parks (three parks spread throughout the site).

The proposed project also would provide 1,800 residential units on 107.1 acres. These units would include 28.1 acres (185 units) of low-density residential, 35.6 acres of low-medium residential, 30.6 acres of medium density residential, 8.7 acres of medium-high density residential, and 4.1 acres of high-density residential uses. The Mobility Hub would use 1.35 acres, and a total of 12.6 acres of non-residential uses would be sited in the mixed-core area. A total of 38.3 gross acres would be designated park. This gross acreage would contain 35.1 acres of usable acres per City population-based park standards. The 23.6-acre community park would be public, and 8.4 acres of private park space would have public recreation easements, allowing for park use by (non-resident) community members as well. Approximately 1 acre of park would be restricted to residents. An additional 209.9 acres would contain slopes, basins, brush management areas and enhanced landscape.

As described, the alternative and project contain similar uses, including a maximum of 1,800 residential units, an on-site Mobility Hub (referenced as a 'Transit Station' in the CCMP), local-serving retail, office use, parks and open space. The CCMP specifies that a minimum of 100 of the total CCMP-allowed units and 10,000 square feet of retail would be built within the core. CCMP ground floor commercial uses are to occupy up to 10 percent of the core area. Comparison shows that the project more precisely allocates development intensity within a 25.4-acre core area with a mix of uses. The project includes 12.8 acres of residential and residential/commercial mixed-use (609 units including residential and ground floor shopkeeper units adjacent to a public plaza) and 12.6 acres of commercial uses. The project does not propose industrial uses envisioned by the CCMP, but would replace them with the active recreation community park and residential land uses. The project also proposes a broader range of residential densities than the CCMP. While CCMP residential uses are limited to medium and medium-high density; by expanding the residential footprint, the project would reduce densities along the periphery of the development area, allowing for a variety of product types intended to provide diverse housing opportunities to accommodate different life stages. The project includes both lower and higher densities, and adds some high-density residential to the mixed-use core. The proposed project would offer a total of 35.1 usable acres of active and passive parkland substantially exceeding the (schematic total acreage of) park space provided in the approved 1994 CCMP for the same number of residents.

(b) Finding:

The City finds that specific social or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

The Mira Mesa Community Plan states that:

Recreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities. (MMCP p. 56)

The project better supports this goal than the No Project (Carroll Canyon Master Plan) Alternative by provision of a larger single-use community park recently designed in conjunction with community input as part of the GDP process. The project also would provide increased housing options within the same number of required units. Finally, the CCMP requires a total of approximately 180 acres of open space, of which approximately 36 acres have been dedicated through the Fenton Technology Park VTM 14555, leaving a requirement for follow on development to provide an additional approximately 144 acres. The project would place 146.44 acres into MHPA and also would place open space easement over 30.9 acres in the southern portion of the site. Further, the project would realign current MHPA boundaries to increase MHPA within the project area by approximately 6.68 net acres. This would be accomplished through the deletion of approximately 29.43 acres of existing MHPA that is made up almost entirely (approximately 96 percent) of non-sensitive habitats and landforms. The 36.11 acres proposed for inclusion contain a variety of native habitats and non-sensitive upland areas that would be restored to native habitats. Resource agency confirmation of BLA approval was received on February 25, 2020.

(c) Rationale:

This alternative would have a generally similar (e.g., number of homes as well as commercial uses) intensity of land uses as the project. It is noted, however, that the alternative includes industrial uses within the alternative that would be converted to park and residential uses under the proposed project. Those industrial uses would result in increased traffic and related vehicular emissions over the proposed project. The trip generation rates identified on Table 4 of the CCMP Amendment EIR provided trip numbers assumed for the CCMP Amendment uses. The CCMP Amendment assumed more intensive development than the proposed project east of Camino Santa Fe, which assumes the same number of residential units, but no industrial uses. Using CCMP trip rates, of the 42,200 trips per day generated by the Master Plan, 33,800 trips would be generated by the 3Roots portion. Comparing this number to the project trips detailed in Section 5.2 of the DEIR (29,567 driveway trips per day, and 26,209 cumulative trips at project buildout in 2025), the project would generate fewer trips than assumed for CCMP Amendment uses. The project assessment of significant and unmitigated or unavoidable direct and cumulative transportation/ circulation (traffic congestion) impacts would remain, and the magnitude of those effects would be incrementally increased with this alternative due to the increased traffic. While project impacts related to air quality would be reduced to below a level of significance, it is anticipated that this alternative would result in significant and unmitigable impacts related to emissions of CO due to the increased number of trips. Potentially significant, but mitigable, impacts related to noise, and historical and tribal cultural resources would be similar to the project. Impacts that are concluded to be less than significant for the project, such as energy use and GHG emissions, also would be less than significant, but would be incrementally increased over project effects because of the inclusion of industrial uses rather than a community park. This alternative would have a similar less than significant impacts with regard to geology, health and safety, public services and facilities, and public utilities.

Upon approval of a CUP Amendment/Reclamation Plan Amendment, CCMP/MMCP Amendments, associated GPA, MPDP, Re-zone, SDP, and MHPA BLA, the project would be consistent with the General Plan, MMCP, and all development regulations. This alternative would be consistent with the MMCP and CCMP by definition and is assumed to comply with the General Plan, MSCP subarea plan, and all other development regulations. It is expected that the alternative could require a Reclamation Plan Amendment to allow for a change to anticipated grading to support development of Carroll Canyon Road. As noted elsewhere in these analyses, the existing Reclamation Plan showed grading to support a road footprint that does not match up to the existing connection to off-site Carroll Canyon Road to the east (built following existing Reclamation Plan approval). Nevertheless, no significant impacts would occur for either the project or this alternative.

No deviations from the SDMC would be required for this alternative. Deviations from the SDMC are proposed as part of the project; but upon approval of the MPDP and the deviation findings, no impact would occur.

Neither the project nor this alternative would result in any inconsistency or conflict with adopted environmental plans (e.g., the MSCP) for the area. As a result of an update to MCAS Miramar noise contours, however, the CCMP urban core potentially conflicts with the ALUCP.

This contrasts with the project, which has been designed to ensure that all residential uses are north of the 60 to 65 CNEL contour and within compatible areas given structural controls for interior noise.

The No Project (Carroll Canyon Master Plan) Alternative would provide for the reuse and redevelopment of the former mining site with a mix of land uses and a variety of residential options that promote smart growth while addressing the City's housing supply needs by providing up to 1,800 residential units (Objectives 1 through 4). This alternative would not provide single-family detached housing or as great a variety of housing types to accommodate all the life stages (i.e., both lower and higher density levels and for rent as well as for sale housing). Although the CCMP did not specify, City requirements regarding affordable housing make it likely that such housing also would be provided under alternative implementation, similar to the project. Thus, it would meet Objectives 1 through 4, but somewhat lessened for Objective 4 due to the lessened variety in housing options. While this alternative would provide two passive parks and a 10-acre neighborhood park, it would not include the single larger 23.6-acre active community park proposed as part of the project, and overall park acreage would total 20 gross acres as opposed to 35.1 usable acres, so Objective 5 would also be met to a substantially lesser degree.

The project and this alternative would both dedicate over 181 acres of natural open space and implement a Mobility Hub (Objectives 6 and 7 respectively). The project, however, would fulfill Objective 6 to a greater extent by exceeding the amount of open space required and providing more, as well as improving the City MHPA.

3. Increased Employment Alternative

(a) Description of Alternative:

The Increased Employment Alternative proposes a reduced intensity which maintains industrial lands. This alternative was designed to generate less traffic in order to reduce the project's off-site traffic impacts as well as related pre-mitigation significant air quality impacts (CO and PM₁₀) to below a level of significance. The reduction in traffic is directly related to a reduction in residential units and commercial space as the reductions in vehicular activity and associated air quality effects are obtained by reduction driveway trips by 38 percent. The Increased Employment Alternative therefore addresses both a "reduced project" alternative and the project's replacement of the industrial lands south of Carroll Canyon Road with a community park and residential use. As shown on EIR Figure 10-2, *Increased Employment Alternative*, this alternative would retain the project's alignment of Carroll Canyon Road, but would provide industrial land both north and south of the roadway. In total, the industrial land would include up to 622,000 SF on 69.3 acres. Industrial uses would be provided in two parcels, one north of restored Carroll Canyon Creek, and one south of future Carroll Canyon Road and the park area. In addition to the industrial uses, this alternative would provide fewer (32.8 gross acres versus project-proposed 35.1 net usable acres of parkland, and in a different location as compared to the project. There would also be 85.3 acres of residential uses (312 units) in the northern portion of the project, up to 33,174 SF of non-residential commercial uses on 3.6 acres immediately adjacent to both existing Camino Santa Fe and a proposed 1.5-acre Mobility Hub just north of future on-site Carroll Canyon road, and over 181 acres of

natural open space. Creek restoration would be similar to that proposed for the Project, including assuming engineered design allowing wholly surface flow with associated habitats.

(b) Finding:

The City finds that specific social or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

This alternative potentially would provide more technically specialized jobs due to inclusion of additional industrial uses. It would provide only 312 residential units instead of 1,800, and therefore also would not provide as large a number of affordable units. Housing overall, including affordable housing, is required in the City and region. Additional housing in the major employment center of Mira Mesa would support a jobs-housing balance, and may also have the associated effect of reducing VMT from housing to work and back. The Sorrento Valley / Golden Triangle is the largest employment area in the County of San Diego and receives significant inflow of vehicle trips from all parts of the County. Compared to this alternative, the project also would better support SANDAG's (a sister regional agency) 5 Big Moves which is an aggressive move to reduce VMT to meet statewide GHG reduction targets by bringing people and jobs closer together along transit corridors, as well as to improve roadway capacity by removing cars from the road and freeway network, by moving jobs and housing closer. The Increased Employment alternative's reduction in housing units would run counter to these public policy goals, and further skew the jobs housing balance in favor of jobs and therefore the alternative is found infeasible.

(c) Rationale:

This alternative would implement industrial uses in accordance with existing plans, and reduce commercial from 12.8 acres to 3.6 acres (160,160 SF to 33,174 SF) and residential units (310 versus 1,800). These changes would be accomplished within the same footprint, so the alternative would have the same limits of disturbance as the project. It also would operate under the same site constraints and within the current regulatory climate. Using the same generation rates assumed for the project in Section 5.2 of this EIR, the land use mix assumed for this alternative would generate approximately 18,296 driveway trips per day. This is 38 percent less than the project, which would generate 29,567 driveway trips.

Due to the reduction in intensity and trip generation, the Increased Employment Alternative would reduce significant transportation/ circulation (traffic congestion) impacts, although traffic impacts would remain significant and unmitigated or unavoidable. Potentially significant, but mitigable, impacts related to air quality, noise, historical resources, and TCRs would be similar to the project. Impacts that are concluded to be less than significant for the project, such as energy use, GHG emissions, and public services, would be reduced as compared to the project because of a 38 percent reduction in ADTs and change in development specifics. Public utilities effects would be greater than the project, but still less than significant overall. The alternative would be similar to the project with regard to geology, health and safety, and hydrology and water quality (also less than significant).

The Increased Employment Alternative would provide for the reuse and redevelopment of the former mining site with a mix of land uses that promote smart growth while addressing the

City's housing supply needs by providing up to 312 residential units (Objectives 1 through 4). However, by providing only 312 units instead of 1,800 (and with a smaller associated real number of affordable units based on a percentage of 312 instead of 1,800), it would meet Objectives 1 through 4 to a lesser extent as compared to the project. Therefore, a reduction in the potential for housing production on land planned for housing is counter to the project Objective 3 to expand the residential footprint of the property and allow for a broader range of housing, and does not support Objective 4 to provide additional housing to allow for a better jobs-housing balance in the area to the same extent as the project.

This alternative would provide a community park (gross 32.8 acres). While meeting Objective 5, it would not be the same degree as the project, which would provide 35.1 acres of usable park space. The project and this alternative would both implement over 181 acres of natural open space (Objective 6) and both would provide a Mobility Hub (Objective 7).

C. Significant Irreversible Environmental Changes

Section 15126(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 6.0 of the EIR, implementation of the project would not result in significant irreversible impacts.

VI. ACRONYMS USED IN EIR AND FINDINGS DOCUMENT

ADA	Americans with Disabilities Act
ADD	Assistant Deputy Director
ADRP	Archaeological Data Recovery Program
ADT	average daily traffic / average daily trips
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
BLA	Boundary Line Adjustment
BMZ	brush management zone
BRT	Bus Rapid Transit
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CAGN	Coastal California gnatcatcher
CalARP	California Accidental Release Prevention Program
CalEPA	California Environmental Protection Agency
CALGreen	California Green
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan

Draft Candidate Findings and Statement of Overriding Considerations
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CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CBC	California Building Code
CCAA	California Clean Air Act
CCMP	Carroll Canyon Master Plan
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFG	California Fish and Game
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
City	City of San Diego
CLOMR	Conditional Letter of Map Revision
CPA	Community Plan Amendment
CUP	Conditional Use Permit
dB	decibel
EDU	equivalent dwelling unit
EIR	Environmental Impact Report
ESL	Environmentally Sensitive Land
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
GDP	General Development Plan
GHG	greenhouse gas
HCP	Habitat Conservation Plan
I-	Interstate
IBC	International Building Code
IOD	Irrevocable Offer of Dedication
IWMP	Integrated Waste Management Plan
LDC	Land Development Code
LOS	level of service
LUAG	Land Use Adjacency Guidelines
MBTA	Migratory Bird Treaty Act
MCAS	Marine Corps Air Station
MHPA	Multi-Habitat Planning Area
MMCP	Mira Mesa Community Plan
MMRP	Mitigation Monitoring and Reporting Program
MPDP	Master Planned Development Permit

Draft Candidate Findings and Statement of Overriding Considerations
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MSCP	Multiple Species Conservation Program
NDP	Neighborhood Development Permit
PFFP	Public Facilities Financing Plan
PM	particulate matter
PM ₁₀	respirable particulate matter
PM _{2.5}	fine particulate matter
Ppm	parts per million
PPV	peak particle velocity
RAQS	Regional Air Quality Strategy
RARE	rare, threatened or endangered species
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Assessment
RMP	Risk Management Plan
ROG	reactive organic gas
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SCH	State Clearinghouse
SCIC	South Coastal Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDMC	San Diego Municipal Code
SDP	Site Development Permit
SIP	State Implementation Plan
SMARA	Surface Mining and Reclamation Act
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
SWRCB	State Water Resources Control Board
TCR	tribal cultural resource
TIA	Traffic Impact Analysis
TMDL	total maximum daily load
TOD	transit-oriented district
TPA	Transit Priority Area
TSS	total suspended solids
UCSD	University of California, San Diego
USACE	U.S. Army Corps of Engineers
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Department of Fish and Wildlife Service
USGS	U.S. Geological Survey

Draft Candidate Findings and Statement of Overriding Considerations
3Roots San Diego Project

V/C	volume to capacity ratio
VMT	vehicle miles traveled
VTM	vesting tentative map
VUA	vehicular use area
WMP	Waste Management Plan
WSA	Water Supply Assessment

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City's approval of the 3 Roots project would result in significant environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which would result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code Sections 21002 and 21081(b) and CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the EIR and/or other information in the administrative record.

The Council of the City of San Diego, (i) having independently reviewed the information in the EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the Project against the significant environmental impacts, chooses to approve the Project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the Council's judgment, the benefits of the project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found either in the preceding sections, which are incorporated by reference into this section, the EIR, or in documents that comprise the Record of Proceedings in this matter.

A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. The Project would Preserve Open Space Exceeding that Required in the MMCP/CCMP.

The CCMP requires a total of approximately 180 acres of open space, of which approximately 36 acres have been dedicated through the Fenton Technology Park VTM 14555, leaving a requirement for follow-on development to provide an additional approximately 144 acres. The project would place 146.44 acres into MHPA as part of a BLA, and also would place open space easement over 30.9 acres in the southern portion of the site. The BLA would increase MHPA within the project area by approximately 6.68 net acres. This would be accomplished through the deletion of approximately 29.43 acres of existing MHPA that is made up almost entirely (approximately 96 percent) of non-sensitive habitats and landforms. The 36.11 acres proposed for inclusion contain a variety of native habitats and non-sensitive upland areas that would be restored to native habitats.

2. The Project would Support the Housing Goals of the General Plan

The Mira Mesa area is predominantly single-family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. In addition, the multi-family units format in the project and inclusion of both lower and higher density uses than proposed in the MMCP would act as a transition between the mostly multi-family, North University City area, and the mostly single-family Mira Mesa area. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. Therefore, the project's housing units are consistent with Policy HE-A.7 and satisfy public policy goals of the City.

3. The project would create a multi-acre Community Park and sports field complex that would address significant park and sport field facilities in Mira Mesa and surrounding communities and provide a meaningful increase in park acreage over that required under City population-based park requirements.

As noted in the Mira Mesa Community Plan:

Recreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities.

The MMCP identifies 20 acres of park for the site. Under the project, however, a total of 35.1 acres of usable acres per City population-based park standards. The 23.6-acre community park (exceeding the MMCP identification of 20 acres overall, and proposed to include sports fields, play areas, and a dog park, to address the active recreational needs of the Mira Mesa as developed in concert with that community through the DGP process) would be public. An additional 8.4 acres of private park space would have public recreation easements, allowing for increased park use by (non-3Roots) community members. The project would underground portions of SDG&E's regional 69KV transmission line, improving the aesthetics and safety of the area.

The City is undergrounding power lines throughout the City to improve views and aesthetics, as well as to provide added safety where power lines would not be impacted by high winds, or have the potential to start fires. The project would underground existing on-site 69kV lines for approximately 70 percent of their on-site length. The project would underground current above-ground lines crossing the site from the vicinity of Camino Santa Fe easterly to the vicinity of PA-18 within on-site future Carroll Canyon Road, when it would again become overhead and join the existing facility that is visually back-dropped by rising slope. This undergrounding would remove visual noise from the future Carroll Canyon Road alignment, as well as adjacent to the community park, substantially improving a visual condition not addressed in the CCMP.

4. The project addresses expected impacts of global climate change by facilitating sustainable development, and helping reduce greenhouse gas emissions in the City. The project would incorporate the following sustainable design features:

- The proposed project would add over the amount of open space required in the MMCP/CCMP to the City, which would allow for additional carbon sequestration.
- The proposed site design is walkable (approximately 8 miles of on-site trails and over 5 miles of on-site Green Streets), and bicycle storage facilities would be available for residents and employees with connectivity to surrounding bike routes.
- Proposed buildings would have sophisticated controls to monitor ongoing energy consumption.
- The site would limit the hours of operation of outdoor lighting to conserve energy, while maintaining the level of light required for security and safety.

B. CONCLUSION

For the foregoing reasons, the City Council of the City of San Diego finds that the project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City Council of the City of San Diego has adopted these Findings and Statement of Overriding Considerations.

EXHIBIT C

Mitigation, Monitoring, and Reporting Program

**To be added at a later date. Please refer to Environmental
Impact Report No. 587128 SCH NO. 2018041065**

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING AN AMENDMENT TO THE MIRA MESA COMMUNITY PLAN TO RESCIND THE CARROLL CANYON MASTER PLAN BY REPLACING IT WITH THE 3ROOTS MASTER PLAN DEVELOPMENT PERMIT, ADDING A COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE – TYPE B, ADD TWO POPULATION BASED PARKS, AND INCLUDE HIGH FREQUENCY TRANSIT SERVICE ALONG CARROLL CANYON ROAD TO PROPERTY LOCATED AT 10207 CAMINO SANTA FE, EAST OF CAMINO SANTA FE, BETWEEN FLANDERS DRIVE AND TRADE STREET.

WHEREAS, Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, A California Limited Liability Company, requested an amendment to the General Plan and the Mira Mesa Community Plan to rescind the Carroll Canyon Master Plan by replacing it with the 3Roots Master Plan Development Permit, add a Community Plan Implementation Overlay Zone Type B, two Population Based Parks, and include High Frequency Transit Service along Carroll Canyon Road to property located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street; and

WHEREAS, the site is legally described as parcel 4 through 9, inclusive of Parcel Map No. 17983, in the City of San Diego, State of California according to map thereof, filed in the office of the County Recorder of San Diego County on January 30, 1998, and Non-exclusive easements for the purposes set out in that certain “reciprocal Easement Agreement and agreement between adjacent landowners” recorded March 2, 1998, as instrument No. 1998-0109119, of official records, over, under, along and across Parcels 1 through 3, inclusive of Parcel Map No. 17983, filed in the Office of the County Recorder of San Diego County January 30, 1998, City of San Diego, County of San Diego, State of California; and

ATTACHMENT 11

(R-2020-XX)

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

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan and the Mira Mesa Community Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the amendments to the Mira Mesa Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts an amendment to the General Plan for the City of San Diego to incorporate the above amended plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Heather M. Ferbert
Deputy City Attorney

HMF:soc
06/02/2020
Or.Dept:DSD
Doc. No.: 2394826

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 412.91-ACRES LOCATED AT 10207 CAMINO SANTA FE, EAST OF CAMINO SANTA FE, BETWEEN FLANDERS DRIVE AND TRADE STREET, WITHIN THE MIRA MESA COMMUNITY PLAN, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 (AGRICULTURAL – RESIDENTIAL) ZONE AND IL-2-1 (INDUSTRIAL – LIGHT) ZONE TO THE RX-1-2 (RESIDENTIAL – SMALL LOT) ZONE, RM-2-6 (RESIDENTIAL – MULTIPLE UNIT) ZONE, RM-3-9 (RESIDENTIAL – MULTIPLE UNIT) ZONE, CC-2-4 (COMMERCIAL – COMMUNITY) ZONE, OP-1-1 (OPEN SPACE – PARK) ZONE, OR-1-1 (OPEN SPACE – RESIDENTIAL) ZONE, AND THE OC-1-1 (OPEN SPACE – CONSERVATION) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0303, 131.0603, 131.0404, 131.0406, 131.0202, 131.0204, 131.0203, 131.0505, 132.1402, AND 132.1403; AND REPEALING ORDINANCE NO. O-18691(NEW SERIES), ADOPTED OCTOBER 18, 1999, INsofar AS O-18691(NEW SERIES) CONFLICTS WITH THIS ORDINANCE.

WHEREAS, Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company requested to rezone 412.91-acres located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street, legally described below, in the Mira Mesa Community Plan area; and WHEREAS, on _____ the Planning Commission of the City of San Diego considered and voted _____ to recommend the Council of the City of San Diego (Council) approve this Rezone No. 2069822 of the property from the AR-1-1 (Agricultural -Residential) and IL-2-1 (Industrial – Light) zones to the RX-1-2 (Residential – Small Lot), RM-2-6 (Residential – Multiple Unit), RM-3-9 (Residential – Multiple Unit), CC-2-4 (Commercial – Community), OP-1-1 (Open Space – Park), OR-1-1 (Open Space – Residential), OC-1-1 (Open Space – Conservation); and

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

ATTACHMENT 12

(O-2020-XX)

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

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

Section 1. That 412.91-acre property located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street, and legally described as parcel 4 through 9, inclusive of Parcel Map No. 17983, in the City of San Diego, State of California according to map thereof, filed in the office of the County Recorder of San Diego County on January 30, 1998, and non-exclusive easements for the purposes set out in that certain “reciprocal Easement Agreement and agreement between adjacent landowners” recorded March 2, 1998, as instrument No. 1998-0109119, of official records, over, under, along and across Parcels 1 through 3, inclusive of Parcel Map No. 17983, filed in the Office of the County Recorder of San Diego County, January 30, 1998, subject to the conditions and restrictions contained therein, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-1000, filed in the office of the City Clerk as Document No. OO-_____, are rezoned from the AR-1-1 (Agricultural – Residential) and IL-2-1 (Industrial – Light) zones into the RX-1-2 (Residential – Small Lots), RM-2-6 (Residential – Multiple Unit), RM-3-9 (Residential – Multiple Unit), CC-2-4 (Commercial – Community), OP-1-1 (Open Space – Park), OR-1-1 (Open Space – Residential), OC-1-1 (Open Space – Conservation), as the zones are described and defined by San Diego Municipal Code Sections 131.0303, 131.0603, 131.0404, 131.0406, 131.0507, 131.0202, 131.0204, 131.0203, 132.1402, and 132.1403. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 18691 (New Series), adopted October 18, 1999, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

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

Section 4. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, the date that O-_____ amending Chapter 13, Article 2, Division 14 of the San Diego Municipal Code by adding a Mira Mesa Community Plan Implementation Overlay Zone Type B becomes effective, or the date that R-_____ adopting amendments to the Mira Mesa Community Plan becomes effective, whichever date occurs later.

ATTACHMENT 12

(O-2020-XX)

Section 5. No building permits for development inconsistent with the provisions of this

Ordinance shall be issued unless application therefor was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Heather M. Ferbert
Deputy City Attorney

HMF:soc
06/22/2020
Or.Dept:DSD
Doc. No.: 2394823

Attachment: Rezone Map No. C-1000

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2,
DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 132.1402 AND 132.1403, RELATING
TO THE 3ROOTS PROJECT AND THE MIRA MESA
COMMUNITY PLAN.

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The properties within this overlay zone are shown generally on Diagrams 132-14A through 132-14RT.

Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132-14A) through Midway-Pacific Highway (See Diagram 132-14D) [No change in text.]	[No change in text.]
<u>Mira Mesa (See Diagram 132-14T)</u>	<u>C-1001</u>
Mission Valley (See Diagram 132-14R) through Uptown (See Diagram 132-14K)	[No change in text.]

(b) [No change in text.]

Table 132-14B

Community Plan Implementation Overlay Zone Applicability

[No change in text.]

§132.1403 Exception to the Community Plan Implementation Overlay Zone

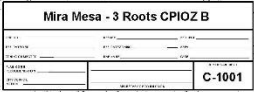
The City Manager may grant an exception to the requirements of this division for proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. Exceptions made by the City Manager shall be filed with the office of the City Clerk.

DIAGRAM 132-14A through DIAGRAM 132-14B

[No change in text.]

DIAGRAM 132-14D through DIAGRAM 132-14S

[No change in text.]



Mira Mesa Community Plan Implementation Overlay Zone

HMF:soc
06/24/2020
Or.Dept: DSD
Doc. No.: 2394844

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24007634

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MASTER PLAN DEVELOPMENT PERMIT NO. 2307972
SITE DEVELOPMENT PERMIT NO. 2069825
CONDITIONAL USE PERMIT NO. 2069820
[AMENDMENT TO CONDITIONAL USE PERMIT NO. 89-0585]
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2307977
3ROOTS PROJECT NO. 587128 [MMRP]
CITY COUNCIL

This Master Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820 (amendment to Conditional Use Permit No. 89-0585), and Neighborhood Development Permit No. 2307977, is granted by the Council of the City of San Diego to Mesa Canyon Partners, LLC, a Delaware Limited Liability Company, SPIC Mesa LLC, a Delaware Limited Liability Company, and SH Mesa, LLC, a California Limited Liability Company, Owners and Permittees, pursuant to San Diego Municipal Code [SDMC] sections 143.0480, 126.0502, 143.0110, 126.0303, and 126.0402. The 412.91-acre site is located at 10207 Camino Santa Fe, east of Camino Santa Fe, between Flanders Drive and Trade Street in the AR-1-1 and IL-2-1 zone within the Mira Mesa Community Plan area. The project site is legally described as: parcel 4 through 9, inclusive of Parcel Map No. 17983, in the City of San Diego, State of California according to map thereof, filed in the office of the County Recorder of San Diego County on January 30, 1998 and Non-exclusive easements for the purposes set out in that certain "reciprocal Easement Agreement and agreement between adjacent landowners" recorded March 2, 1998, as instrument No. 1998-0109119, of official records, over, under, along and across Parcels 1 through 3, inclusive of Parcel Map No. 17983, filed in the Office of the County Recorder of San Diego County January 30, 1998, subject to the conditions and restrictions contained therein;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop 1,800 residential units (530 single family dwelling units and 1,270 multi-family dwelling units) and a 40-acre mixed-use urban core area, with a 1.5-acre "Mobility Hub", 160,166 square feet of retail/commercial and 256 acres of recreation parks, trails, and open space described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] and the 3Roots Master Plan Development Permit dated _____, on file in the Development Services Department.

The project shall include:

- a. The project shall be developed in two phases as follows:

Phase I Located adjacent and north of Urban Corridor Street and Street I

- Reclamation Phase 1;
- Phase 1 grading and installation of main infrastructure;
- Development of 185 single family dwelling detached units;
- Development of 609 apartments units;
- Development of 250 detached condominiums;
- Development of 393 attached condominiums;
- Development of 16,000 SF retail/live work (shop keeper) commercial; and
- Construction of 11-acres of parks (pocket parks and neighborhood parks).

Phase II Located south of Urban Corridor Street and Street I

- Reclamation Phase 2;
- Remaining grading and infrastructure;
- Construction of Carroll Canyon Road;
- Construction of Carroll Canyon Road West;
- Development of 113 detached condominiums;
- Development of 250 attached condominiums;
- Adopt Reclamation Plan Creek Restoration;
- Development of 144,000 SF commercial;
- Construction of Mobility Hub;
- SDG&E Realignment; and
- Construction of community park.

- b. Deviations to the SDMC as follows:

- 1) Deviation from SDMC Section 131.0431, Table 131-04E for setbacks in the RX-1-2 zone where a front setback of 15 feet is required and six feet is proposed; a rear setback of 10 feet is required and a rear setback of five feet is proposed for up to 50 percent of the width of the building envelope on the ground floor, the remaining portion of the building envelope on the first floor shall have a minimum rear setback of 10 feet;
- 2) Deviation from SDMC Section 131.0444(c) for angled building envelope plane in the RX-1-2 zone where no angled building envelope plane is being incorporated;
- 3) A deviation from SDMC Section 131.0431, Table 131-04G for the front, side and rear yard setback in the RM-2-6 zone to where a minimum front setback of 15 feet is required and five feet is proposed; a standard front setback of 20 feet is required

and five feet is proposed; and a side setback of three feet is required and zero feet is proposed for locations adjacent to common open space, park or landscaped H.O.A. lots; and a rear setback of 15 feet is required and five feet is proposed;

- 4) A deviation from SDMC Section 131.0431, Table 131-04G for maximum building height in the RM-2-6 zone where the maximum structure height of 40 feet is required and 45 feet is being proposed for structures of three or more stories;
- 5) A deviation to SDMC Section 131.0444 where a 60-degree angled plane above 30 feet is required and a 60-degree angled plane above 40 feet is proposed or not incorporated in the RM-2-6 zone;
- 6) A deviation from SDMC Section 131.0455(b) private exterior open space in the RM-2-6 zone where at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet is required and five feet is proposed. A dimension of nine feet from private open space to front property line is required and five feet is proposed;
- 7) A deviation from SDMC Section 142.0407(b) for Vehicular Use Area (VUA) in the RM-2-6 zone. For vehicular use areas equal to or greater than 6,000 square feet, the required planting area, points, and tree are required to be located in areas bounded by parking stalls on two or more sides, bounded by parking stalls and/or drive aisles on three or more sides, or within 10 feet of the side of a parking stall. A deviation is requested to provide planting areas and points within five feet of the edge of the VUA only where the VUA is made up of a linear configuration primarily of drive aisles, consistent with the requirements for VUA areas less than 6,000 square feet;
- 8) A deviation from SDMC Section 131.0431, Table 131-04G for setbacks in the RM-3-9 zone where a minimum front setback of 10 feet is required and five feet is proposed, a standard front setback of 20 feet is required and five feet is proposed; a side street setback of 10 feet is required and five feet is proposed;
- 9) A deviation from SDMC Section 131.0431, Table 131-04G for maximum building height in the RM-3-9 zone where a maximum structure height of 60 feet is required and 65 feet is proposed;
- 10) A deviation from SDMC Section 131.0455(c) private exterior open space in the RM-3-9 zone where dimension of nine feet from the private open space to the front property line is required and five feet is proposed;
- 11) A deviation from SDMC Section 131.0461(c) for architectural projections and encroachments in the RM-3-9 zone where the projection may extend a maximum of six feet into the required yard or 50 percent of the width of the required yard, whichever is less and the project proposes architectural projections and

encroachments, including eaves and canopies, extending to the property line for up to 60 percent of the length of the street frontage;

- 12) A deviation from SDMC Section 142.0404 for street yard planting area and point requirements in the RM-3-9 zone where in Planning Area (PA)-12 only, a street yard planting area of 50 percent is required and 40 percent is being proposed;
- 13) A deviation from SDMC Section 131.0531, Table 131-05E for setbacks in the CC-2-4 zone where a minimum side setback of 10 feet is required and zero is provided; a maximum street side setback of 10 feet is required and zero is provided; and a minimum rear setback of 10 feet is required and zero is proposed;
- 14) A deviation from SDMC Section 131.0531, Table 131-05E for maximum building height in the CC-2-4 zone where a maximum structure height of 45 feet is required and 65 feet is proposed for parking structures;
- 15) A deviation from SDMC Section 131.0531, Table 131-05E for minimum lot coverage in the CC-2-4 zone where in PA-20 only, a minimum lot coverage of 35 percent is required and 15- 35 percent is being proposed.
- 16) A deviation from SDMC Section 142. 0560(j)(4) for driveways in all residential zones where a minimum 20-foot long driveway is required and a minimum 18-foot long driveway is being proposed;
- 17) A deviation from SDMC Section 142. 0525(d) for driveways in all residential zones for multiple dwelling unit developments that do not provide a 20-foot-long driveway, an additional parking space is required. No additional parking space is proposed;
- 18) A deviation from SDMC Section 142.0301 regarding fence and wall heights for art walls where solid fences are limited to six feet; art walls are proposed with a maximum height of 20 feet;
- 19) A deviation to the City of San Diego's Street Tree Requirements in SDMC Section 142.0409 where tree planting will not be regularly spaced in a manner of at least one street tree every 30 feet of frontage but the number of proposed trees will be at the rate of one 24-inch box tree for every 30 feet excluding curb cuts and required utility spaces;
- 20) A deviation from SDMC Section 131.0455(b) private exterior open space in the RM-2-6 zone. At least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet is required and five feet is provided. A dimension of nine feet from private open space to front property line is required and five feet is proposed;
- 21) A deviation from SDMC Section 131.0454 for storage requirements in the RM-3-9 zone where 240 cubic feet with a minimum dimension of seven horizontal feet is

required. The project proposes a 100-cubic foot storage area for each unit with no minimum horizontal dimension.

- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San

Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394.

Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend,

indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

12. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report NO. 587128/SCH No. 2018041065 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report NO. 587128 /SCH No. 2018041065 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit within Phase 1 and Phase 2, all conditions of the MMRP shall be adhered to per the timing specified and to the satisfaction of staff as identified in the MMRP. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Transportation Circulation
- Air Quality
- Noise
- Biological Resources
- Historical Resources
- Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

16. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any building permit, all CAP strategies shall be noted within the first three (3) sheets of the building permits under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

17. This Project is subject to the Inclusionary Housing requirements of San Diego Municipal Code Chapter 14, Article 2, Division 13.

- The applicant proposes 10 percent of the dwelling units in the project (180 units, $1,800 \times 10\% = 180$) will be affordable to targeted rental households with rents at or below 65 percent Annual Median Income (AMI) for a period of 55 years, which will be developed as a tax credit low income project.

Prior to issuance of the first residential building permit associated with this project the Owner/Permittee shall enter into documentation as approved by the General Counsel of the San Diego Housing Commission, including a Declaration of Covenants, Conditions and Restrictions (CCRs) requiring that 10 percent of the units shall be occupied by and affordable to households earning at or below 65 percent of the AMI, for a period of 55 years, in accordance with the terms of conditions set forth in the applicable Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the Council of the City of San Diego. The CCRs shall be recorded in first lien position against the property and shall be secured by a performance deed of trust, which deed of trust, may be subordinated to a construction deed of trust, as approved by the CEO, or designee of the San Diego Housing Commission, and, the General Counsel for the San Diego Housing Commission. The restricted units shall be comparable to the market rate unit provided, in the project as a whole, as that comparability is defined in the Procedures Manual and/or San Diego Municipal Code. Because the affordable units will be developed as a tax credit low income project, this method of compliance with the Inclusionary Affordable Housing requirements is authorized by San Diego Municipal Code Sections 142.1303(f) and/or 142.1303(g).

18. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code.

AIRPORT REQUIREMENTS:

19. Residences located in the 60-65 dB noise contour must be sound attenuated to 45 dB CNEL interior noise level, and retail and commercial uses located in the 65-70 dB noise contour must be sound attenuated to 50 dB CNEL interior noise level. Additionally, residences must not be located in the 65-70 dB CNEL noise contour.

20. An overflight notification shall be provided for each property containing a residential unit in accordance with the San Diego County Regional Airport Authority.

ENGINEERING REQUIREMENTS:

21. This Permit shall comply with all of the conditions of the Final Map for the Vesting Tentative Map No. 2308047, in a manner satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for street trees and landscaping/irrigation throughout the development in a manner satisfactory to the City Engineer.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices [BMPs] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC.
24. Prior to the issuance of any construction permit, the Owner/Permittee 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.
25. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, in a manner satisfactory to the City Engineer for that phase.
26. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
27. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of, flood waters.
28. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.
29. Prior to the issuance of any building permits within the floodplain fringe areas, the Owner/Permittee shall obtain permits or exemptions from the California Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
30. Prior to the issuance of any building permits, the Owner/Permittee shall grant a flowage easement over property within the floodway, in a manner satisfactory to the City Engineer.
31. Prior to the issuance of any building permits the Owner/Permittee shall denote on the final map and the improvement plans " all areas lower than the base flood elevation plus two (2) feet as "Subject to Inundation.
32. No permits shall be issued for final engineering grading permit or other work in the floodplain until the Permittee obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the Development Services Department. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

33. Prior to the issuance of any building permits the Owner/Permittee shall denote on the final map and the improvement plans all areas lower than the base flood elevation plus two (2) feet as "Subject to Inundation".
34. The bond of this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Transportation and Storm Water Department will notify the Development Services Department of such issuance as soon as it is informed by FEMA.
35. Prior to Issuance of any Building Permit, the Owner/Permittee shall assure by permit and bond the construction of City standard curb ramps at all street intersections, to the satisfaction of the City Engineer.
36. Prior to the issuance of a building permit the owner/permittee shall assure by permit and bond the construction of the concrete arch culvert at the Carroll Canyon Road and Carroll Creek crossing to the satisfaction of the City Engineer.
37. Prior to Issuance of any construction permit, the applicant/permittee shall enter into an agreement for maintenance of the Carroll Canyon creek.
38. Compliance with all conditions shall be assured to the satisfaction of the City Engineer prior to the recordation of the Final Map, unless otherwise noted.
39. Prior to the issuance of the building permit, the Owner/Permittee shall assure by permit and bond the construction of a maintenance access road to access both ends of the proposed culvert, in a manner satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

40. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
41. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents for right-of-way improvements to the Development Services Department for approval.
- Improvement plans shall show, label, and dimension a 40 square-foot root zone area around each tree which is unencumbered by utilities.
 - Where trees are provided on private property to satisfy the street tree requirements, root zones shall be shown as reference and identified as privately maintained street trees.
 - Within the area of the Irrevocable Offer to Dedicate (IOD) for the future Bus Rapid Transit (BRT), landscape and irrigation construction documents shall include a combination of low

growing shrubs and groundcovers to be maintained until development of the BRT.

- Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

42. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).

43. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area'.

44. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy or Final Inspection for Single-Dwelling Unit development.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

46. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," on file in the Development Services Department.

- Planning Area 1: The Brush Management Program shall consist of a standard Zone One of 35 feet in width, and an HOA maintained Zone Two of 65 feet in width consistent with SDMC§142.0412.
- Planning Areas 2, 3, 4 and 5: The Brush Management Program shall be based on a standard Zone One of 35 feet in width and a Zone Two of 65 feet in width. Where an optional Zone One reduction to 25 feet in width is exercised, openings along the brush side of the habitable structures, plus a 10-foot perpendicular return along adjacent wall faces, shall be

upgraded to dual-glazed, dual-tempered panes as alternative compliance for the reduced brush management zones. A Zone One condition shall be maintained in the yard space between the habitable structure and the property line.

- Planning Areas 15, 16, 17, and 18: The Brush Management Program shall be based on a standard Zone One of 35 feet in width and a Zone Two of 65 feet in width, exercising a Zone Two reduction option and Alternative Compliance measures for all structures adjacent to the Brush Management Zones, as set forth under SDMC §142.0412(f), §142.0412(i), and §142.0412(j). Zone One shall range from 25 feet to 65 feet in width with a corresponding Zone Two of 0-feet to 40 feet in width, extending out from the habitable structures towards the native/naturalized vegetation as shown on Exhibit "A." Zone One shall be measured from the face of the structure to northern edge of the proposed trail in Planning Areas 15-17, or to the northern edge of the drive aisle in Planning Areas 18-19. All structures fronting Brush Management Zones in Planning Areas 15-18 area shall implement alternative compliance measures in the form of dual-glazed, dual-tempered openings along the brush side of the habitable structures, plus a 10-foot perpendicular return along adjacent wall faces.

47. The Owner/Permittee shall establish and maintain a Zone Two of 65-ft along the northern perimeter of the site adjacent to existing homes, identified as Lots ZZ, ZZ-1, ZZ-2, and ZZ-4 on Exhibit "A."

48. Prior to issuance of any grading permit, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

49. Prior to issuance of any building permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A," on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

50. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

51. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

MULTIPLE SPECIES CONSERVATION PROGRAM:

52. Prior to recordation of the first final map and/or issuance of any grading permits within each phase of development (Phase 1 and 2), the on-site Multi-Habitat Planning Area (MHPA) shall be conveyed to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, covenant of easement granted in favor of the City and Wildlife Agencies or

dedication of land in fee title to the City, as shown in Exhibit 'A' Sheet 104.

53. Prior to issuance of the Grading Permit in Phase 1, Lot HHH shall grant a Temporary Covenant of Easement in favor of the City of San Diego. Lot HHH shall be conveyed in fee to the City of San Diego upon recordation of the Phase 1 Final Map.

54. Prior to the issuance of the Grading Permit in Phase 1, Lots HHH-1 and HHH-2 shall grant a Temporary Covenant of Easement in favor of the City of San Diego. Upon successful completion of the 5-year monitoring program, Lots HHH-1 and HHH-2 shall be conveyed in fee to the City of San Diego.

55. Prior to issuance of the Grading Permit in Phase 1, Lots QQQ, ZZ, ZZ-1, ZZ-2 and ZZ-4 shall grant a Covenant of Easement (COE) in favor of the City of San Diego.

56. Prior to the issuance of the Grading Permit in Phase 2, Lots JJJ and LLL shall grant a Temporary Covenant of Easement in favor of the City of San Diego. Upon successful completion of the 5-year monitoring program, Lots JJJ and LLL shall be conveyed in fee to the City of San Diego.

57. Prior to the issuance of the Grading Permit in Phase 2, Lots III and MMM shall grant a Covenant of Easement (COE) in favor of the City of San Diego.

58. Within each phase of development (Phase 1 and 2), conveyance of any land in fee to the City shall require approval from the City's Parks and Recreation Department Open Space Division Deputy Director based upon the terms and conditions set forth in the MMRP, Long-term Habitat Management Plan (LTHMP), and Habitat Reclamation and Mitigation Plan (HRMP), and shall exclude detention basins or other storm water control facilities, except for existing storm water control facilities, brush management areas, landscape/revegetation areas, and graded slopes unless otherwise agreed to by the City. To facilitate MHPA conveyance, any non-fee areas shall have covenants of easement for MHPA lands placed over them if located in the MHPA and be maintained in perpetuity by the Owner/Permittee/Applicant and its successor HOA unless otherwise agreed to by the City for acceptance of dedicated land in fee title, as shown on the approved Exhibit 'A'-VTM Sheet 104.

MHPA LAND USE ADJACENCY REQUIREMENTS:

59. Prior to issuance of any construction permits within each phase of development (Phase 1 and 2), including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Owner/Permittee shall depict the following requirements verbatim on the construction documents/plan set for Project Site under the Heading "MHPA Land Use Adjacency Guidelines."

- **Grading/Land Development/MHPA Boundaries** -Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** - All staging and developed/paved areas must prevent the release of

toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

- **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- **Lighting** -All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.
- **Barriers** -Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- **Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management** -Brush management zones will not be greater in size than is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.
- **Noise** - Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required:

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the

construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE

ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- i. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- ii. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

VERNAL POOL HABITAT CONSERVATION PLAN (VPHCP) MINIMIZATION/AVOIDANCE:

60. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Owner/Permittee shall submit a letter of verification demonstrating a qualified Biologist has been retained pursuant to the City of San Diego Vernal Pool Habitat Conservation Plan (VPHCP) in order to implement appropriate vernal pool minimization/avoidance measures in accordance with VPHCP Section 5.2.1.

61. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Owner/Permittee shall depict the following requirements verbatim on the construction documents/plan set for Project Site under the Heading "Vernal Pool Minimization Avoidance."

- Any development adjacent to the MHPA shall be constructed to slope away from the extant pools to be avoided, to ensure that runoff from the project does not flow into the

pools.

- Covered projects shall require temporary fencing (with silt barriers) of the limits of project impacts (including construction staging areas and access routes) to prevent additional vernal pool impacts and prevent the spread of silt from the construction zone into adjacent vernal pools. Fencing shall be installed in a manner that does not impact habitats to be avoided. Final construction plans shall include photographs that show the fenced limits of impact and all areas of vernal pools to be impacted or avoided. If work inadvertently occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the City. Temporary construction fencing shall be removed upon project completion.
- Impacts from fugitive dust that may occur during construction grading shall be avoided and minimized through watering and other appropriate measures.
- A qualified monitoring biologist that has been approved by the City shall be on-site during project construction activities to ensure compliance with all mitigation measures identified in the CEQA environmental document. The biologist shall be knowledgeable of vernal pool species biology and ecology. The biologist shall perform the following duties:
 - a. Oversee installation of and inspect the fencing and erosion control measures within or upslope of vernal pool restoration and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
 - b. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
 - c. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training shall include (1) the purpose for resource protection; (2) a description of the vernal pool species and their habitat(s); (3) the conservation measures that must be implemented during project construction to conserve the vernal pool species, including strictly limiting activities, and vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (4) environmentally responsible construction practices as outlined in measures 5, 6 and 7; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and (6) the general provisions of the project's mitigation monitoring and reporting program (MMRP), the need to adhere to the provisions of Federal Endangered Species Act (FESA), and the penalties associated with violating FESA.
 - d. Halt work, if necessary, and confer with the City to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to the City within 24 hours of its occurrence.

- e. Submit regular (e.g., weekly) letter reports to the City during project construction and a final report following completion of construction. The final report shall include as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conservation measures was achieved.
- The following conditions shall be implemented during project construction:
 - a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
 - b. The project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
 - c. Disposal or temporary placement of excess fill, brush, or other debris shall be limited to areas within the fenced project footprint.
- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering the vernal pools or their watersheds and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from the vernal pools or their watersheds. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. A spill kit for each piece of construction equipment shall be on-site and must be used in the event of a spill. "No-fueling zones" shall be designated on construction plans.
- Grading activities immediately adjacent to vernal pools shall be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the vernal pools unless the area to be graded is at an elevation below the pools. To achieve this goal, grading adjacent to avoided pools shall comply with the following:
 - a. Grading shall occur only when the soil is dry to the touch both at the surface and 1 inch below. A visual check for color differences (i.e., darker soil indicating moisture) in the soil between the surface and 1 inch below indicates whether the soil is dry.
 - b. After a rain of greater than 0.2-inch, grading shall occur only after the soil surface has dried sufficiently as described above, and no sooner than 2 days (48 hours) after the rain event ends.
 - c. To prevent erosion and siltation from storm water runoff due to unexpected rains, best management practices (i.e., silt fences) shall be implemented as needed during grading.

- d. If rain occurs during grading, work shall stop and resume only after soils are dry, as described above.
- e. Grading shall be done in a manner to prevent runoff from entering preserved vernal pools.
- f. If necessary, water spraying shall be conducted at a level sufficient to control fugitive dust but not to cause runoff into vernal pools.
- g. If mechanized grading is necessary, grading shall be performed in a manner to minimize soil compaction (i.e., use the smallest type of equipment needed to feasibly accomplish the work).

PLANNING/DESIGN REQUIREMENTS:

62. Compliance with the regulations of the 3Roots Master Planned Development Permit Design Guidelines and underlying zone(s) is required unless a deviation or variance to a specific regulation(s) is approved or granted as a condition or approval of this permit.

63. Prior to the issuance of any construction permits within each phase of development (Phase 1 and 2), the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A." within the dedicated phase.

LONG RANGE PLANNING REQUIREMENTS

64. Prior to issuance of any residential building permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures demonstrating that building structures shall attenuate exterior noise to a 45 dBA CNEL within habitable residential space per the preliminary recommendations of the project-specific Acoustical Analysis Report by Helix Environmental Planning (January 2019).

65. Prior to issuance of any commercial building permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures demonstrating that building structures shall attenuate exterior noise to a 50 dBA CNEL within occupied commercial space per the preliminary recommendations of the project-specific Acoustical Analysis Report by Helix Environmental Planning (January 2019).

66. Prior to issuance of any building permit for a residential/commercial mixed-use building, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures demonstrating that building structures shall attenuate exterior noise to a 45 dBA CNEL within habitable residential space and 50 dBA CNEL within occupied commercial space per the preliminary recommendations of the project-specific Acoustical Analysis Report by Helix

Environmental Planning (January 2019, reference Section 4.5.3: *NOI-3 Noise Analysis for Mixed-use Buildings*).

67. Prior to issuance of any residential building permit, the Owner/Permittee shall submit an acoustical analysis report that identifies sound transmission reduction measures that shall attenuate exterior noise to a 65 dBA CNEL within private outdoor use areas per the preliminary recommendations of the project-specific Acoustical Analysis Report by Helix Environmental Planning (January 2019, reference Section 4.5.3 Conditions of Approval: *NOI-3 Noise Analysis for Mixed-use Buildings*, *NOI-4 Ground-level On-Site Noise Barriers*, *NOI-5 Roof Deck On-Site Noise Barriers*).

TRANSPORTATION REQUIREMENTS

68. All on-site parking stalls and aisles widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

69. The total traffic (ADT) resulting from the project [Project] with mixed-use reduction shall not exceed 29,567 driveway ADT at project buildout prior to the construction of the bus rapid transit line construction and operation. For this condition, the peak hour trips shall not exceed 2,205 (829 inbound: 1,376 outbound) driveway trips during the AM peak hour and shall not exceed 2,851 (1,770 inbound: 1,081 outbound) driveway trips during the PM peak hour. After the bus rapid transit line is constructed and operational, the 3Roots project with mixed-use and transit reduction shall not exceed 28,836 driveway ADT at project buildout. For this condition, the peak hour trips shall not exceed 2,098 (805 inbound: 1,293 outbound) driveway trips during the AM peak hour and shall not exceed 2,623 (1,613 inbound: 1,010 outbound) driveway trips during the PM peak hour. A traffic Monitoring Worksheet shall be included with each development project within 3Roots submitted for review, documenting total trips and peak hour trips (AM and PM and both inbound and outbound) associated with the specific development and the accumulated total traffic and accumulated total peak hour trips (AM and PM and both inbound and outbound) associated with all development within Project up until that date to the satisfaction of City Engineer. This Monitoring Worksheet shall be updated and included with each submittal for on-site development until full development of the 3Roots site is reached. Trip generation rates for the Project are from the City's Land Development Code Trip Generation Rates as of 2018, which should also be used in the calculation of trips in the Monitoring Worksheet regardless if there are updates to ADT coefficients after entitlement are approved. This does not include uses or product types not currently listed in the manual. Trip generation rates for any such uses would be coordinated with City staff.

70. Phase 1 represents a level of development of 11,788 ADT. It is 1,437 residential units and 16,000 square-feet of ground floor retail space as identified in the Project's Master Planned Development Permit. This level of development was assumed to occur in Year 2021 in the project transportation impact study and EIR. All improvements listed below under Phase 1 shall be completed and operational prior to first occupancy of any development in Phase I, except for the improvements at:

- TRA-2: Carroll Road / Camino Santa Fe (266th EDU)

- TRA-4: Flanders Road / Camino Santa Fe (57th EDU),
- TRA-7A: Miramar Road raised medians from Eastgate Mall to Camino Santa Fe (145th EDU)
- TRA-8B: Miramar Road raised medians 115 feet of new raised median east of Cabot and 685 feet of new raised median west of Camino Ruiz (375th EDU)

Improvements shall be completed satisfactory to the City Engineer.

71. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Village Entry as a modified 2-lane collector between Camino Santa Fe and Urban Village Drive with a 62-foot curb-to-curb pavement width (2 travel lanes, 14-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 17-foot parkway (9-foot landscape, 8-foot sidewalk) on each side within 96 feet of right-of-way, in a manner satisfactory to the City Engineer.

72. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Village Entry as a modified 2-lane collector between Urban Village Drive and Spine Road with a 52-foot curb-to-curb pavement width (2 travel lanes, 14-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 17-foot parkway (9-foot landscape, 8-foot sidewalk) on each side within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.

73. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Spine Road as a modified 2-lane collector between Street A and Urban Corridor Street/Street I with a 53-foot curb-to-curb pavement width (2 travel lanes, 15-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 19-foot parkway on the east side (9-foot landscape, 10-foot sidewalk), 14-foot parkway on the west side (9-foot parkway, 5-foot sidewalk) within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.

74. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Spine Road as modified 2-lane collector street between Street E and Street A with a 53-foot curb-to-curb pavement width (2 travel lanes, 15-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 19-foot parkway on the east side (9-foot landscape, 10-foot sidewalk) within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.

75. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Street A as a residential local collector street between Street I (west) to Street I (east) with a 36-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 60 feet of right-of-way, in a manner satisfactory to the City Engineer.

76. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Street A as a residential local collector street between Street I (west) to Street I (east) with a 32-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk)

within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.

77. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Streets B through Street E and Streets I through Street J as residential local streets with a 32-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.

78. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Urban Corridor street as a modified 2-lane collector with a 36-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (6-foot landscape, 6-foot sidewalk) within 60 feet of right-of-way, in a manner satisfactory to the City Engineer.

79. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Residential Local Entry Street as a 2-lane with a 32-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (5-foot landscape, 5-foot sidewalk) within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.

80. Prior to the recordation of the first final map for development in Phase 1, the owner/permittee shall assure by permit and bond the construction of all Private Drives with 24 feet - 26 feet curb-to-curb pavement, satisfactory to the City Engineer. Prior to issuance of the first building permit for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Spine Road at Camino Santa Fe as a two-lane collector street with a 64-foot curb-to-curb pavement width (6 feet bike lane, 2 feet buffer 11 thru lane, 5 feet raised median, 10-foot left turn lane, 11 feet thru lane, 11 feet right turn lane, 2-foot buffer and 6 foot bike lane) 2 travel lanes, parking), 14-foot parkway on one each side (9-foot landscape, 5-foot sidewalk), 19 feet parkway on the other side (10 feet landscape, 10 feet sidewalk) within 97 feet of right-of-way, in a manner satisfactory to the City Engineer.

81. Prior to the recordation of the first final map for development in Phase 1, the Owner/Permittee shall assure by permit and bond the construction of Spine Road at Camino Santa Fe as a 2-lane collector street with a 64-foot curb-to-curb pavement width (6-foot bike lane, 2-foot buffer, 11-foot thru lane, 5-foot raised median, 10-foot left turn lane, 11-foot thru lane, 11-foot right turn lane, 2-foot buffer and 6-foot bike lane), 2 travel lanes, parking), 14-foot parkway on one each side (9-foot landscape, 5-foot sidewalk), 19 feet parkway on the other side (10 feet landscape, 10 feet sidewalk) within 97 feet of right-of-way, satisfactory to the City Engineer.

82. Prior to the issuance of the first building permit for Phase 1, the Owner/Permittee shall submit to the City a Transportation Demand Management (TDM) Plan for the Project. The TDM Plan will identify the specific project measures that will help reduce the project's overall impact on the transportation system. The TDM Plan will clearly state the project measures that provide transportation options for those living at, working at, and visiting the project site, including the Mobility Hub and Electric Vehicle charging stations. The TDM Plan will clearly state the monitoring and reporting for the project including data collection, analysis and reporting duration. Reporting

will begin in Phase 2 of the project and will continue for a period of not less than five (5) years. The TDM will provide an assessment of the potential VMT benefits from the identified features.

83. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the restriping of the southbound approach of Pacific Heights / Mira Mesa Boulevard to provide three left turn lanes and the installation of necessary traffic signal modifications, including modifying the north-south signal phasing to split phasing. In addition, the existing crosswalk on the east leg of the intersection and associated signal hardware shall be removed. Improvements shall be completed and operational prior to first occupancy, satisfactory to the City Engineer.

84. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the widening of Carroll Road at Camino Santa Fe and the construction of a second eastbound left turn lane, a dedicated westbound right turn lane, and installation of necessary traffic signal modifications, including modifying the signal to change the east-west phasing from split phasing to protected left turn phasing. Improvements shall be completed and operational prior to the 266th Equivalent Dwelling Unit (EDU) occupancy, satisfactory to the City Engineer.

85. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the restriping of the southbound approach of the intersection of Camino Santa Fe and Miramar Road to provide one shared left turn/through lane and three right turn lanes, and the installation of necessary associated signal modifications, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

86. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the widening of the northbound approach to the intersection of Flanders Drive and Camino Santa Fe to provide a dedicated right turn lane with a Class II bicycle lane and necessary traffic signal modification, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 57th EDU occupancy.

87. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment, including conduit and cables, within trenches along Carroll Road between Rehco Road and Camino Santa Fe, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

88. Prior to the issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches and one (1) closed circuit television (CCTV) camera, to the existing traffic signal interconnect equipment on Miramar Road between Nobel Drive and Eastgate Mall, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

89. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond construction of a raised median along Miramar Road from Eastgate Mall to Camino Santa Fe where existing gaps in the median currently exist. All improvements shall be completed and operational prior to occupancy of the 145th EDU.

90. Prior to the issuance of the first building permit for Phase 1 the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches and two (2) CCTV cameras, to the existing traffic signal interconnect equipment on Miramar Road between Eastgate Mall and Camino Santa Fe, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.
91. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches and two (2) CCTV cameras, to the existing traffic signal interconnect equipment on Miramar Road between Carroll Road and Camino Ruiz, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.
92. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the construction of a 205-foot long, 4-foot wide raised median along Miramar Road approximately 115 feet east of Cabot Drive, and a 300-foot long, 16-foot wide raised median along Miramar Road approximately 685 feet west of Camino Ruiz, satisfactory to the City Engineer. All median improvements shall be completed and operational prior to occupancy of the 375th EDU.
93. Prior to the issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches to the existing traffic signal interconnect equipment on Miramar Road between Camino Ruiz and Mitscher Way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.
94. Prior to issuance of the first building permit for Phase 1 the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches and one (1) CCTV camera, to the existing traffic signal interconnect equipment on Miramar Road between Clayton Drive/Mitscher Way and Black Mountain Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.
95. Prior to the issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches, to the existing traffic signal interconnect equipment on Miramar Road between Black Mountain Road and Kearny Villa Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.
96. Prior to issuance of the first building permit for Phase 1 the Owner/Permittee shall assure by permit and bond the construction of a residential cul-de-sac at the southern end of Street D with minimum curb radius of 50 feet within 62 feet of right of way, satisfactory to the City Engineer. All cul-de-sac improvements shall be complete and operational prior to first occupancy in Planning Area 3.

97. Prior to issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the construction of a cul-de-sac at the western end of Street A with radius of 50 feet within 62 feet of right of way, satisfactory to the City Engineer. All cul-de-sac improvements shall be complete and operational prior to first occupancy in Planning Area 10 or Planning Area 11.

98. Prior to the issuance of the first building permit for Phase 1, the Owner/Permittee shall assure by permit and bond the construction of 105-foot diameter roundabouts with splitter islands and crosswalks on Spine Road with its intersections at: Street A, Village Entry and Urban Corridor with central island with a minimum turning radius of 32.5 feet and 20-foot wide travel lanes, satisfactory to the City Engineer.

99. Phase 2 represents a level of development of 29,567 ADT prior to construction and operation of the BRT on Carroll Canyon Road and 28,836 ADT after the BRT is open and operational. Phase 2 includes 363 residential units, 86,400 square-feet of food/beverage uses, 30,300 square-feet of commercial retail use, 23,460 square-feet of office use, 4,000 square-feet of mobility hub commercial and 25.4 acre developed park as identified in the draft June 2020 Master Plan Development Permit. This level of development was assumed to occur in Year 2025 in the project transportation impact study and EIR.

100. All improvements listed below under Phase 2 shall be completed and operational prior to occupancy of any development in Phase 2, in accordance with the EDU occupancy thresholds defined in the Phase 2 conditions, satisfactory to the City Engineer.

101. Prior to issuance of the first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the restriping of the north leg of the intersection of Eastgate Mall and Miramar Road to provide a dedicated southbound right-turn lane and necessary traffic signal modification, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 1756th EDU occupancy.

102. Prior to issuance of the first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the widening of the east leg of the intersection of Camino Santa Fe and Miramar Road to construct a westbound right-turn lane, and installation of necessary associated traffic signal modifications satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 1232nd EDU occupancy.

103. Prior to issuance of first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the restriping of the westbound approach of the intersection of Camino Ruiz and Miramar Road to convert the existing shared through/right-turn lane to an exclusive through lane, satisfactory to the City Engineer. With the improvement, the westbound approach will include three through lanes and one dedicated right turn lane. All improvements shall be completed and operational prior to the 1562nd EDU occupancy.

104. Prior to the issuance of the first building permit for Phase 2, the Owner/Permittee shall make a fair share contribution of 27.6 percent toward the construction of a second westbound left turn lane at Camino Santa Fe and Mira Mesa Boulevard, which would include widening of the west left leg of

the intersection, restriping the eastbound lanes to align lanes with proposed improvement, and installation of associated traffic signal modifications, satisfactory to the City Engineer.

105. Prior to the issuance of first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the restriping of the southbound approach of the intersection of Mitscher Way/Clayton Drive and Miramar Road to provide one left turn lane and one shared through/right turn lane and installation of necessary associated signal modification, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 1652nd EDU occupancy.

106. Prior to issuance of the first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the restriping of the westbound approach of the intersection of Kearny Villa Road and Miramar Road to provide a dedicated right turn lane and installation of necessary associated signal modifications, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 1460th EDU occupancy.

107. Prior to issuance of the first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the restriping of the northbound approach to add a second left turn lane. As such the northbound approach would go from one left turn lane and two through lanes to two left turn lanes and two through lanes on northbound Camino Ruiz. The improvements will include installation of necessary associated traffic signal modifications, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 1922nd EDU occupancy.

108. Prior to issuance of first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the restriping of the northbound approach to provide a second left turn lane at the intersection of Miralani Drive and Camino Ruiz. The Owner/Permittee shall also widen the west leg of the intersection to provide two westbound through receiving lanes and install the necessary associated signal modifications. All improvements shall be completed satisfactory to the City Engineer. Widening improvements shall be completed and operational prior to the 1214th EDU occupancy.

109. Prior to issuance of the first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the widening to construct an exclusive right-turn lane on the northbound approach of the intersection of Activity Road and Camino Ruiz and installation of necessary associated signal modifications, satisfactory to the City Engineer. All improvements shall be completed and operational prior the 1212th EDU occupancy.

110. Prior to issuance of the first building permit for Phase 2, the Owner/Permittee shall assure by permit and bond the installation of traffic signal communications equipment improvements, including Ethernet converter cards and switches and one (1) CCTV camera, to the existing traffic signal interconnect equipment on Miramar Road between Kearny Villa Road and Kearny Mesa Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to the 1547th EDU occupancy. (TRA-20).

111. Prior to the recordation of the first final map for development in Phase 2, the Owner/Permittee shall assure by permit and bond the construction of Streets F, Street G and Street H as 2-lane local residential streets with a 36-foot curb-to-curb pavement width (2 travel lanes,

parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 60 feet of right-of-way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

112. Prior to the issuance of the first building permit for Phase 2, the owner/permittee shall make a fair share contribution of 27.6 percent toward the construction of a second westbound left turn lane at Camino Santa Fe and Mira Mesa Boulevard, which would include widening of the west left leg of the intersection, restriping the eastbound lanes to align lanes with proposed improvement, and installation of associated traffic signal modifications, satisfactory to the City Engineer.

113. Prior to the issuance of the first building permit for Phase 2, the owner/permittee shall make a 12.1 percent fair share contribution toward the Mira Mesa PFFP Project T-89 to widen the east and west legs of Kearny Villa Drive and Miramar Road to construct a second eastbound right turn lane, satisfactory to the City Engineer.

114. Prior to the recordation of the first final map for development in Phase 2, the Owner/Permittee shall assure by permit and bond the installation of traffic signals at the intersections of Carroll Canyon Road at: Street "F", Street "G" and Street "H", satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

115. Prior to the recordation of the first final map for Phase 2, the Owner/Permittee shall assure by permit and bond the construction of residential cul-de-sacs at the northern ends of Street F, Street G and Street H with minimum curb radius of 50 feet within 62 feet of right-of-way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

116. Prior to the issuance of any building permits within each phase of development, excluding model permits, the Owner/Permittee shall assure, by permit and bond, the design and construction all public water and sewer facilities as required in the accepted water and sewer study for this project in a manner satisfactory to the Public Utilities Director and the City Engineer. Water and sewer facilities, as shown on the approved Exhibit "A," may require modification based on the accepted water and sewer study and final engineering.

117. The Owner/Permittee shall design and construct all proposed public water and sewer facilities within each phase of development, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

118. Prior to the issuance of any building permits within each phase of development excluding model permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle, in a manner satisfactory to the Public Utilities Director and the City Engineer for public facilities only.

119. The design for the proposed water and sewer mains in the roundabout locations within each phase of development will be finalized during ministerial review.

120. All proposed private water and sewer facilities within each phase of development are to be designed to meet the requirements of the California Uniform Plumbing Code and may be reviewed as part of the building permit plan check or by self-certification per City of San Diego Information Bulletin 182 dated July 2019.

121. The Owner/Permittee will perform sewer flow monitoring of the downstream Carroll Canyon Trunk Sewer prior to each phase and during the project construction pursuant to approved 3Roots Sewer Study and any following addenda in order to confirm the sewer capacity in the Carroll Canyon Trunk Sewer. Each sewer flow monitoring effort will result in an addendum to the approved sewer study dated December 20, 2018, providing an updated analysis of the available sewer capacity in the Carroll Canyon Trunk Sewer.

122. Flow monitoring tests of the Carroll Canyon Trunk Sewer shall be conducted by the Owner/Permittee as indicated in Condition No. 122 by development phase. The first phase of development includes 1,437 dwelling units. The second phase includes 363 dwelling units, for a total of 1,800 dwelling units. In the event sewer flow monitoring of the downstream Carroll Canyon Trunk Sewer indicates inadequate capacity to accommodate any phase of the project, Owner/Permittee shall construct offsite improvements to satisfy capacity sufficiency for the units requested. Offsite improvements may consist of pipeline upsizing, pipeline slip-lining, manhole rehabilitation, or other construction means as recommended in the sewer addenda to increase pipeline capacity or reduce Inflow and Infiltration. Downstream Carroll Canyon Trunk Sewer system improvements, if necessary and required, and performed by Owner/Permittee in excess of its' pro rata share, shall be incorporated into a reimbursement agreement facilitated by the Public Utilities Department.

123. 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 REQUIREMENTS:

124. Prior to the issuance of a building permit, the Owner/Permittee shall submit a geotechnical investigation report that provides a specific quantitative analysis of settlement potential of the proposed remedial grading and results of the settlement monitoring program for the area of the former mine settlement pond in the proposed 25-acre public park in the south end of the Project. The project's geotechnical consultant shall provide a conclusion regarding future total and differential settlement and if the predicted settlements are within good engineering practice and within the tolerance of the approved end use.

125. Prior to the issuance of any construction permits (either grading or building permits), the Owner/Permittee shall submit an addendum geotechnical investigation report that specifically addresses the proposed construction plans. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services Department.

126. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services Department prior to exoneration of the bond and grading permit close-out.

PARK AND REC REQUIREMENTS:

127. The Owner/Permittee shall include on the Final Map for Phase 1 an Irrevocable Offer of Dedication (IOD) over Lots R, S, T and U of the VTM consistent with the approved GDP design of the Community Sports Park. Fee title to the Mira Mesa Community Sports Park facility (Sports Park) shall be transferred to the City of San Diego, at no cost, free and clear of all private easements, private encroachments, including drainage structures, private agreements and/or liens excluding existing encroachments and easements, other than those shown on the VTM to remain, upon completion of construction of the Community Sports Park, as specified in Condition No. 130. Owner/Permittee shall ensure that irrigation runoff from non-City-owned property does not encroach onto the property deeded to the City.

128. The Owner/Permittee shall design and construct the 23-acre Sports Park, pursuant to the General Development Plan (GDP) approved for this facility by the Park and Recreation Board in October 2018, as documented on VTM Sheet 103. The final design and construction of the Sports Park shall be in accordance with the City's "*Consultant's Guide to Park Design & Development*" and the approved GDP. The following milestones shall be observed by the Owner/Permittee for the delivery of the Community Sports Park:

- Construction Drawings for the park improvements shall be prepared by Owner/Permittee's selected consultants and submitted to the City of San Diego no later than 1 year after entitlement approvals by the City Council;
- All field light poles shall be installed prior to issuance of the first certificate of occupancy of Phase II "for sale" homes, provided however, that if Construction Drawings for the park improvements are not approved by City within six months of submittal to City, the field light poles shall not be required to be installed until six months after issuance of the first certificate of occupancy of the Phase II "for sale" homes.
- The Community Sports Park, per the approved GDP design, shall be completed to the satisfaction of the Development Services Director prior to the issuance of certificate of occupancy for the 1800th unit, or within 3 years after the issuance of the first residential building permit in Phase II, whichever comes first.

129. Any deviation from the Parks and Recreation Board-approved General Development Plan may require Parks and Recreation Board approval of a General Development Plan amendment. Owner/Permittee shall be responsible for all costs associated with obtaining a General Development Plan amendment.

130. The Owner/Permittee shall, at the time of recording the Final Map for Phase I, post a performance bond to guarantee delivery of park facility improvements in the amount of

\$15,000,000. This bond, coupled with the IOD for Lots R, S, T and U of the VTM, which has an approved raw land appraised value of \$20,000,000, shall provide sufficient security for DIF credits. The \$15,000,000 bond will be further updated upon the approval of the Construction Drawings for the Sports Park by the City and the approved Engineer's Cost Estimate. This updated performance bond will be released to the Owner/Permittee upon the completion of construction to the satisfaction of the Parks and Recreation Department Director.

131. The Owner/Permittee shall provide the City of San Diego with a Recreation Easement that allows for free and open public access to the 8.85 acres of privately owned and privately maintained park spaces and trails in Phase I and the 1.93 acres in Phase II. These private park spaces are identified in Exhibit A and in the MPDP Figure 10-4 as Neighborhood Park, Mini Park, Pocket Park, Urban Plaza, and Trails. The public access easements shall be recorded over at least 5.0 acres of private park acreage prior to issuance of the certificate of occupancy for the 1,000th residential unit in Phase I, or within 24 months of the issuance of the first residential building permit in Phase I, whichever occurs first. Public access easements for an additional 3.85 acres in Phase I shall be recorded prior to the issuance of a certificate of occupancy for the 1,400th residential unit in Phase I, or within 36 months of issuance of the first residential building permit in Phase I, whichever occurs first. The public access easements an additional 1.93 acres in Phase II shall be recorded prior to the issuance of a certificate of occupancy for the 300th residential unit in Phase II (1,727th certificate of occupancy for the entire 3Roots development), or within 24 months of issuance of the first residential building permit for Phase II, whichever occurs first. Owner/Permittee or its successor HOA shall maintain these recreational facilities/trails in perpetuity at no cost to the City.

132. Prior to the issuance of the first residential building permit, the Owner/Permittee shall enter into a Reimbursement Agreement for the design and construction of a 23-acre Sports Park, the final amount will be assessed at date of permit issuance. This cost shall be subject to adjustment (from the effective date of this permit to the execution of the Reimbursement Agreement, according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering New-Record".

133. Prior to issuance of the building permit for the first residential unit, the Owner/Permittee shall convey 23-usable-acres of land for the completed Sports Park within the project boundaries, as shown in Exhibit A, to the City. In accordance with the City's Developer Park Standard Terms and Conditions, Owner/Permittee shall provide a performance bond to the satisfaction of the Parks and Recreation Director prior to issuance of the first residential building permit.

134. The Owner/Permittee shall pay a recreation in-lieu fee, the final amount will be assessed at date of permit issuance, to be deposited into the Developer Contributions -CIP Fund, Fund No. 200636, for recreation center and aquatic complex facilities in the Mira Mesa community, prior to the issuance of the first residential building permit. This in-lieu fee shall be subject to adjustment (from the effective date of this permit to the date of first residential building permit issuance) according to the Construction Cost Index in Los Angeles as published monthly in the "Engineering New-Record".

135. Prior to issuance of any construction permits within each phase of development for grading of any lot(s) to be deeded to the City as open space, the Owner/Permittee shall submit complete

landscape construction documents for the revegetation and hydro-seeding of all disturbed land for review and approval by the Parks and Recreation Department.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____, pursuant to Resolution No. _____.

Permit Type/PTS Approval No.: Master Planned Development Permit No. 2307972,
Site Development Permit No. 2069825,
Conditional Use Permit No. 2069820, and
Neighborhood Development Permit No. 2307977

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William J. Zounes,
Development Project Manager

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

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

Mesa Canyon Partners, LLC
Owner/Permittee

SH Mesa, LLC
Owner/Permittee

By _____
Print Name:
Title:

By _____
Print Name:
Title:

SPIC Mesa LLC
Owner/Permittee

By _____
Print Name:
Title:

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

DRAFT

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 2308047
EASEMENT VACATION NO. 2069830
3ROOTS- PROJECT NO. 587128 [MMRP]
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Vesting Tentative Map, taxes must be paid on this property pursuant to Subdivision Map Act, California Government Code 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.
4. The Vesting Tentative Map shall conform to the provisions of Master Planned Development Permit No. 2307972, Site Development Permit No. 2069825, Conditional Use Permit No. 2069820, and Neighborhood Development Permit No. 2307977.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Tentative Map shall comply with the conditions of Conditional Use Permit No. 2069820, Site Development Permit No. 2069822, Easement Vacation No. 2069830, Master Plan Development Permit No. 2307972 and Neighborhood Development Permit No. 2307977.
7. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
8. The Subdivider shall underground existing and/or proposed public utility systems and service

facilities in accordance with the San Diego Municipal Code.

9. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install new street lights throughout the project and upgrade all existing lights to current City Standards adjacent to project site.
10. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
11. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is subject to approval by the City Engineer.
12. 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.
13. 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.

MAPPING

14. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83]. "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."
15. The Subdivider 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.

WATER AND WASTEWATER

16. The Subdivider shall grant adequate sewer easements, within each phase of development, including vehicular access to each appurtenance for all public sewer facilities that are not

located within fully improved public rights-of-way, satisfactory to the Public Utilities Director. Easements shall be located within single lots. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Public Utilities Director and the City Engineer.

17. The Subdivider shall process encroachment maintenance and removal agreements (EMRA), within each phase of development, for all acceptable encroachments into the sewer easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
18. The Subdivider shall provide a 10-foot minimum (edge to edge) separation between the water and sewer mains and provide a 5-foot minimum separation between the water main and face of curb, per the Water and Sewer Design Guide.
19. Prior to the recording of the Final Map, within each phase of development, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer

TRANSPORTATION

20. Phase 1 represents a level of development of 11,788 ADT. It is 1,437 residential units and 16,000 square-feet of ground floor retail space as identified in the 3Roots Master Planned Development Permit. This level of development was assumed to occur in Year 2021 in the project transportation impact study and EIR. All improvements listed below under Phase 1 shall be completed and operational prior to first occupancy of any development in Phase I, except for the improvements at:
 - TRA-2: Carroll Road / Camino Santa Fe (266th Equivalent Dwelling Unit (EDU))
 - TRA-4: Flanders Road / Camino Santa Fe (57th EDU),
 - TRA-7A: Miramar Road raised medians from Eastgate Mall to Camino Santa Fe (145th EDU)
 - TRA-8B: Miramar Road raised medians 115 feet of new raised median east of Cabot and 685 feet of new raised median west of Camino Ruiz (375th EDU)

Improvements shall be completed satisfactory to the City Engineer.

21. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Village Entry as a modified 2-lane collector between Camino Santa Fe and Urban Village Drive with a 62-foot curb-to-curb pavement width (2 travel lanes, 14-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 17-foot parkway (9-foot landscape, 8-foot sidewalk) on each side within 96 feet of right-of-way, in a manner satisfactory to the City Engineer.
22. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Village Entry as a modified 2-lane collector between Urban Village Drive and Spine Road with a 52-foot curb-to-curb pavement width (2 travel lanes, 14-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane),

17-foot parkway (9-foot landscape, 8-foot sidewalk) on each side within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.

23. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Spine Road as a modified 2-lane collector between Street A and Urban Village Street/Street I with a 53-foot curb-to-curb pavement width (2 travel lanes, 15-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 19-foot parkway on the east side (9-foot landscape, 10-foot sidewalk), 14-foot parkway on the west side (9-foot parkway, 5-foot sidewalk) within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.
24. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Spine Road as modified 2-lane collector street between Street E and Street A with a 53-foot curb-to-curb pavement width (2 travel lanes, 15-foot wide raised median, 2-foot wide buffer, 6-foot wide class II bike lane), 19-foot parkway on the east side (9-foot landscape, 10-foot sidewalk) within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.
25. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Street A as a residential local collector street between Street I (west) and Street I (east) with a 36-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 60 feet of right-of-way, in a manner satisfactory to the City Engineer.
26. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Street A as a residential local collector street between Street I (west) and Street I (east) with a 36-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 60 feet of right-of-way, in a manner satisfactory to the City Engineer.
27. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Street A as a residential local collector street between the cul-de-sac and Street I (west) with a 32-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.
28. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Streets B through Street E and Streets I through Street J as a residential local street with a 32-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (7-foot landscape, 5-foot sidewalk) within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.
29. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Urban Corridor street as a modified 2-lane collector with a 36-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (6-foot landscape, 6-foot sidewalk) within 60 feet of right-of-way, in a manner satisfactory to the City Engineer.

30. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Residential Green Street as a 2-lane local residential with a 29-foot curb-to-curb pavement width (2 travel lanes, parking on one side), 15-foot parkway on one side (10-foot landscape, 5-foot sidewalk) and 12-foot parkway on the other side (7-foot landscape, 5-foot sidewalk) within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.
31. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Residential Local Entry Street as a 2-lane with a 32-foot curb-to-curb pavement width (2 travel lanes, parking), 12-foot parkway on each side (5-foot landscape, 5-foot sidewalk) within 56 feet of right-of-way, in a manner satisfactory to the City Engineer.
32. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of all Private Drives with 24-foot – 26-foot curb-to-curb pavement, in a manner satisfactory to the City Engineer.
33. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Spine Road at Camino Santa Fe as a two-lane collector street with a 64-foot curb-to-curb pavement width (6 feet bike lane, 2 feet buffer 11 thru lane, 5 feet raised median, 10' left turn lane 11 feet thru lane 11 feet right turn lane, 2 feet buffer and 6 feet bike lane) 2 travel lanes, parking), 14-foot parkway on one each side (9-foot landscape, 5-foot sidewalk), 19 feet parkway on the other side (10 feet landscape, 10 feet sidewalk) within 97 feet of right-of-way, in a manner satisfactory to the City Engineer.
34. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of a right-turn lane pocket on Camino Santa Fe at Urban Corridor (10-feet right turn lane, 5-foot sidewalk, 5-foot landscape), in a manner satisfactory to the City Engineer.
35. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Urban Corridor at Spine Road and Street I at Spine Road intersections as a 2-lane collector street with a 41-foot curb-to-curb pavement width (18-feet thru lane, 5-feet median, 18-feet thru lane, and 12-feet parkway (6-feet landscape, 6-feet sidewalk) within 65 feet of right-of-way, in a manner satisfactory to the City Engineer.
36. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Spine Road at Street A intersection as a 2-lane collector street with a 41-foot curb-to-curb pavement width (18-feet thru lane, 5-feet median, 18-feet thru lane and 12-feet parkway (6-feet landscape, 6-feet sidewalk) within 65 feet of right-of-way, in a manner satisfactory to the City Engineer.
37. Prior to the recordation of the first final map for development in Phase 1, Subdivider shall assure by permit and bond the construction of Spine Road at Street E intersection as a 2-lane collector street with a 53-foot curb-to-curb pavement width (6-feet bike lane, 2-feet buffer, 11-feet thru lane, 10-feet left turn lane, 5-feet raised median, 11-feet thru lane, 2-feet buffer, 6-feet bike lane and 19-feet parkway (9-feet landscape, 10-feet sidewalk on one side and 14-

feet parkway (9-feet landscape, 5-feet sidewalk) within 86 feet of right-of-way, in a manner satisfactory to the City Engineer.

38. Prior to recordation of the first final map in Phase 1 the Owner/Permittee shall assure by permit and bond the construction of a residential cul-de-sac at the southern end of Street D with minimum curb radius of 50 feet within 62 feet of right of way, in a manner satisfactory to the City Engineer. Prior to the first occupancy in Planning Area 3, said cul-de-sac improvements shall be complete and operational.
39. Prior to recordation of the first final map for Phase 1, the Owner/Permittee shall assure by permit and bond the construction of a cul-de-sac at the western end of Street A with radius of 50 feet within 62 feet of right of way, in a manner satisfactory to the City Engineer. Prior to the first occupancy in Planning Area 10 or Planning Area 11, said cul-de-sac improvements shall be complete and operational.
40. All driveways that intersect with public streets of collector or higher classification shall meet the minimum sight distance per AASHTO Guidelines, in a manner satisfactory to the City Engineer.
41. All intersecting public streets shall meet minimum sight distance per AASHTO Guidelines, in a manner satisfactory to the City Engineer.
42. Phase 2 represents a level of development of 29,567 ADT prior to construction and operation of the BRT on Carroll Canyon Road and 28,836 ADT after the BRT is open and operational. Phase 2 includes 363 residential units, 86,400 square-feet of food/beverage uses, 30,300 square-feet of commercial retail use, 23,460 square-feet of office use, 4,000 square-feet of mobility hub commercial and 25.4 acre developed park as identified in the draft June 2020 Master Plan Development Permit. This level of development was assumed to occur in Year 2025 in the project transportation impact study and EIR.
43. All improvements listed below under Phase 2 shall be completed and operational prior to occupancy of any development in Phase 2, in accordance with the EDU occupancy thresholds defined in the conditions in Phase 2 conditions, in a manner satisfactory to the City Engineer.
44. Prior to the recordation of the first final map for development in Phase 2, Subdivider shall assure by permit and bond the construction of Carroll Canyon Road as a 6-lane prime arterial at its intersection with Camino Santa Fe, with a 144-foot curb-to-curb pavement width (13-foot right-turn lane, 11-foot thru lane, 11-foot thru lane, 11-foot left-turn lane, 10-foot left-turn lane, 3-foot median, 26-foot curb-to-curb graded median without improvements for future Bus Rapid Transit [BRT] guideway, 24-foot raised median with landscaping, 11-foot thru lane, 11-foot thru lane, 13-foot thru lane, 15-foot parkway [5-foot landscape, 10-foot multi-purpose trail] on each side within 174 feet of right-of-way), in a manner satisfactory to the City Engineer. Subdivider shall provide a 26-foot wide Irrevocable Offer to Dedicate (IOD) for the BRT guideway. There shall be no utilities within the BRT guideway with the exception of crossings. Refer to the Carroll Canyon Road conceptual plan included in Appendix U of the Final EIR for further detail.

45. Prior to the recordation of the first final map for development in Phase 2, Subdivider shall assure by permit and bond the construction of Carroll Canyon Road as a 6-lane prime arterial at its intersection with Spine Road, with a 146-foot curb-to-curb pavement width (12-foot right-turn lane, 13-foot thru lane, 11-foot-thru lane, 11-foot thru lane, 10-foot left-turn lane, 3-foot median, 38-foot curb-to-curb median for future Bus Rapid Transit [BRT] guideway, 13-foot raised median with landscaping, 11-foot thru lane, 11-foot thru lane, 13-foot thru lane, 15-foot parkway [5-foot landscape, 10-foot multi-purpose trail] on each side within 176 feet of right-of-way), satisfactory to the City Engineer. The Subdivider shall provide a 26-foot Irrevocable Offer to Dedicate (IOD) for BRT guideway and an IOD for an unimproved 56-foot by 130-foot flat pad for a future BRT stop. There shall be no utilities within the BRT guideway with the exception of crossings. Refer to the Carroll Canyon Road conceptual plan included in Appendix U of the Final EIR for further detail.
46. The Subdivider shall construct Carroll Canyon Road upon issuance of the final permits by the Agencies, specifically: San Diego Gas and Electric, the Regional Water Quality Control Board, US Army Corps of Engineers, and California Department of Fish and Game. Phase 2 building permits cannot be issued until the final permits have been issued by the above agencies. Agency Permits may be, but are not required to be, issued prior to the completion of Phase-1.
47. Prior to recordation of the first final map for Phase 2, the Owner/Permittee shall assure by permit and bond the construction of residential cul-de-sacs at the northern ends of Street F, Street G and Street H with minimum curb radius of 50 feet within 62 feet of right-of-way, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.
48. Prior to the recordation of the first final map for development in Phase 2, Subdivider shall assure by permit and bond the construction of Carroll Canyon Road as a 6-lane prime arterial between Spine Road and eastern boundary of the project with a 122-foot curb-to-curb pavement width (13-foot thru lane, 11-foot thru lane, 11-foot-thru lane, 13-foot raised median with landscaping, 26-foot curb-to-curb median, 3-foot median, 10-foot left turn lane, 11-foot thru lane, 11-foot thru lane, 11-foot thru lane, 15-foot parkway [5-foot landscape, 10-foot multi-purpose trail] on each side within 152 feet of right-of-way), satisfactory to the City Engineer. The subdivider shall provide a 26-foot Irrevocable Offer to Dedicate (IOD) for the BRT guideway. There shall be no utilities within the BRT guideway with the exception of crossings. Refer to the Carroll Canyon Road conceptual plan included in Appendix U of the Final EIR for further detail.
49. Prior to the recordation of the first final map for development in Phase 2, Subdivider shall assure by permit and bond the construction of Carroll Canyon Road as a 6-lane prime arterial at its intersections with Streets F, G and H with a 134-foot curb-to-curb pavement width (12-foot right turn lane, 13-foot thru lane, 11-foot thru lane, 11-foot thru lane, 10-foot left-turn lane, 3-foot raised median with landscaping, 26-foot curb-to-curb median, 13-foot median with landscaping, 11-foot thru lane, 11-foot thru lane, 13-foot thru lane, 15-foot parkway [5-foot landscape, 10-foot multi-purpose trail]) on each side within 164 feet of right-of-way), satisfactory to the City Engineer. There shall be no utilities within the BRT guideway with the exception of crossings. Refer to the Carroll Canyon Road conceptual plan

included in Appendix U of the Final EIR for further detail

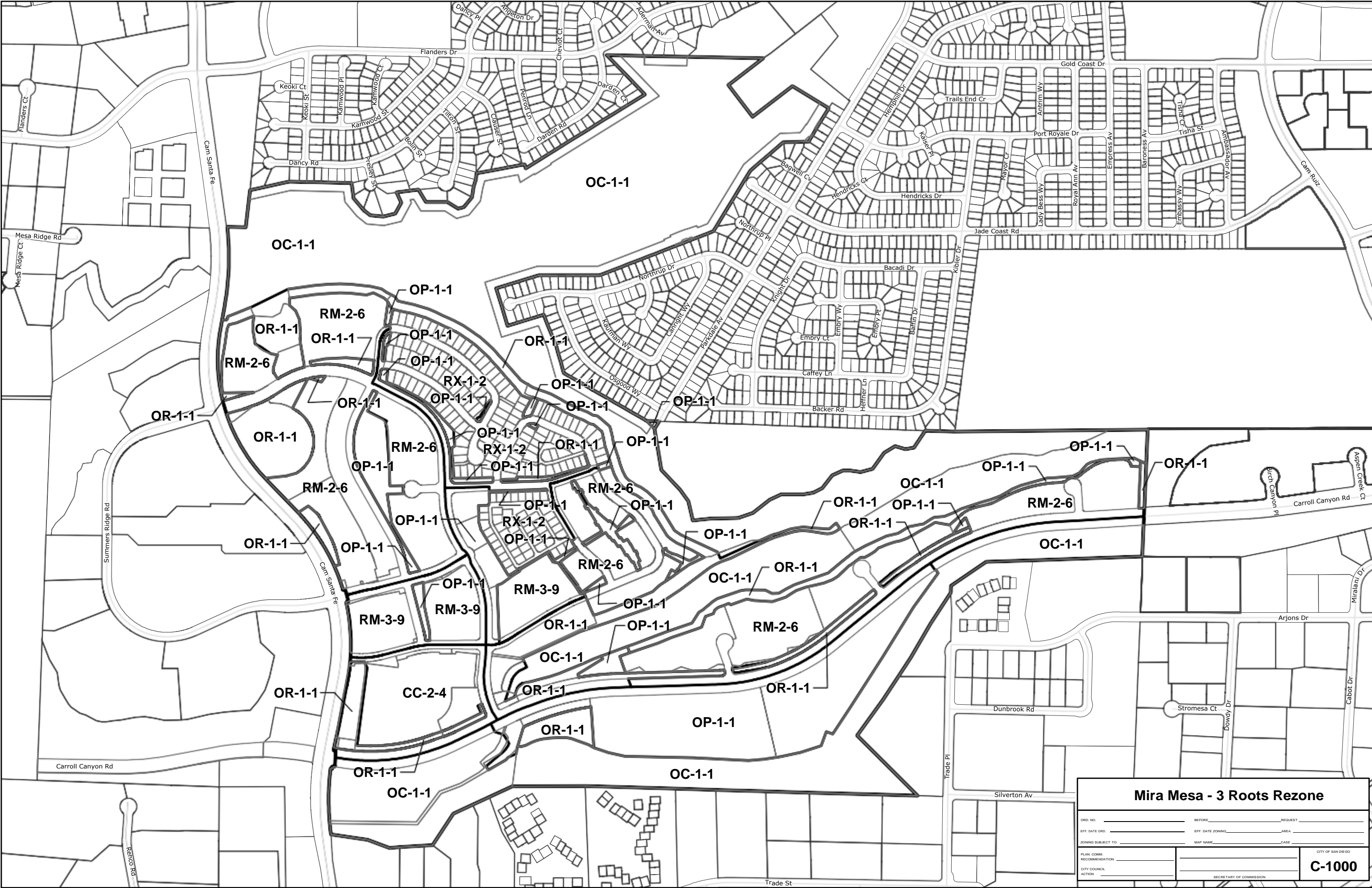
50. Prior to the recordation of the first final map for development in Phase 2, the Owner/Permittee shall execute a Deferred Improvement Agreement (DIA) for the construction of Carroll Canyon Road (west) as a 4-lane major street at its intersection with Camino Santa Fe with a 94-foot curb-to-curb pavement width a 6-foot bike lane, 2-foot buffer, 11-foot thru lane, 11-foot thru lane 16-foot raised median, 10-foot left turn lane, 10-foot left turn lane, 11-foot thru lane, 11-foot thru lane, 2-foot buffer, 6-foot bike lane and 11-foot right turn lane within 116 feet of right-of-way, in a manner satisfactory to the City Engineer.
51. Prior to the recordation of the first final map for development in Phase 2, Subdivider shall assure by permit and bond the construction of Carroll Canyon Road (west) as a 4-lane major street west of Camino Santa Fe with a 76-foot curb-to-curb pavement width (6-foot bike lane, 2-foot buffer, 11-foot thru lane, 11-foot thru lane 16-foot raised median, 11-foot thru lane, 11-foot thru lane, 2-foot buffer, 6-foot bike lane and 11-feet parkway (6-feet landscape, 5-feet sidewalk) within 98 feet of right-of-way, in a manner satisfactory to the City Engineer.
52. Prior to recordation of the first final map for development in Phase 2, the Owner/Permittee shall assure by permit and bond the installation of traffic signals at the intersections of Carroll Canyon Road at: Street "F", Street "G" and Street "H", satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.
53. Prior to the recordation of the first final map, the Subdivider shall provide a 26-foot Irrevocable Offer of Dedication (IOD) in the center of Carroll Canyon Road throughout the Carroll Canyon Road alignment in order to accommodate the ROW necessary to implement the future Bus Rapid Transit (BRT) route and stop(s). The Owner / Permittee shall construct Carroll Canyon Road from Camino Santa Fe to its existing terminus at eastern boundary to a six-lane roadway with a 26-foot wide raised, landscaped median inclusive of the left turn lanes at the signalized intersections and Class I bike paths on the north and south sides of the roadway in addition to providing 26-foot IOD in the center area.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24007634





CONDITIONAL USE PERMIT NO. 89-0585
PLANNING COMMISSION
AMENDMENT TO CUP NO. 86-0803

This Conditional Use Permit Amendment is granted by the Planning Commission of the City of San Diego to H.G. FENTON MATERIAL COMPANY, a California corporation, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to amend Conditional Use Permit No. 86-0803 located on the north and south sides of Carroll Canyon Road between El Camino Memorial Park and Camino Ruiz, described as portions of Sections 2 and 3, T15S, R3W, SBBM, in the A-1-10/HR Zone.
2. The facility shall consist of the following:
 - a. Aggregate, sand and gravel extraction and processing, concrete and asphalt production, transportation and sale, import and export of aggregate, sand, soil and amendments, cement, truck and equipment maintenance corporate offices for the facility, and miscellaneous activities related to the business; and
 - b. Temporary building material assembly, storage and delivery yards, vehicle storage, records storage (portable metal containers), custodial and security (live-in) facilities, temporary (movable) offices, contractors field offices and equipment yards, lumber yards, and other related activities on a temporary basis.
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. All temporary uses identified in Condition 2b shall require review and approval by the Planning director prior to installation. Said approval by the Planning director prior to installation. Said approval shall include requirements for appropriate screening, lighting, grading, location, signing and length of stay in order to negate any impact on adjacent residential areas. Vehicular access to the temporary uses shall be from Camino Santa Fe, Carroll Canyon Road or the southerly industrial area only.
4. All operations shall be conducted in a safe and sanitary manner, so as not to endanger or damage any adjacent public or private property.
5. In view of the developing nature of the surrounding area, this Conditional Use Permit shall be subject to review by the

Planning Commission at approximately five year intervals dating from September 13, 1990. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended.

6. The operations located on the property described herein shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 7:00 a.m. to 7:00 p.m. for areas within 500 feet of any residence, exclusive of repair and maintenance operations. An exception to this may be made when an emergency exists for federal, state or local governmental contracts. Emergency extensions shall require review and approval by the Planning Director.

7. The applicant shall adopt operating procedures which will minimize nuisance dust emissions. Appropriate dust control measures shall be used, including the use of water trucks, to ensure compatibility with adjacent land uses.

8. Prior to operation, the property shall be provided with facilities approved by the San Diego County Department of Public Health, as follows:

- a. A potable water supply;
- b. Proper sanitary facilities including toilet, handwashing and sewage disposal for employees working on the premises. these facilities shall be installed in conformance with the laws applicable thereto;
- c. No plumbing or other installation shall be made that could cause pollution of the potable water supply due to an open or potential cross-connection, or due to back flow; and
- d. Any ponds or surface waters shall be maintained in such manner as to prevent the development of a pest nuisance.

9. Drainage will be provided as required by the City Engineer.

10. All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris.

11. Grading, filling, clearing or other disturbances shall not be permitted in areas directly or indirectly impacting vernal pools in areas PII and Db until an individual U.S. Army Corps of Engineers 404 Permit is obtained, in accordance with the City of San Diego Vernal Pool Preservation Program, and all conditions of said permit are fully implemented.

12. In addition, all vernal pools shown on Exhibit "A," dated September 13, 1990 and denoted as area "Db," together with all

drainage areas extending 100 feet of the edge of any pool, shall not be disturbed. The existing five-foot chain link fence, which denotes the watershed boundary of the vernal pool complex, shall be maintained in good condition during mining operations.

13. The applicant shall provide the City Engineer with 98-foot-wide street reservations for Camino Santa Fe and Carroll Canyon Road at the approximate alignments as shown on Exhibit "A," dated September 13, 1990. Camino Santa Fe shall become the principal access to the subject property upon its completion. The applicant shall, in the future, provide additional width street reservations and appropriate construction slope rights for Camino Santa Fe and Carroll Canyon Road which will provide for sufficient right-of-way that all or portions of these streets can be constructed to prime arterial width standards. The applicant shall retain the rights to maintain above ground or underground transportation of materials by vehicular or conveyer systems.

14. The subdivider must enter into an agreement with the City, waiving the right to oppose a 1911 Act Assessment District initiated for future street improvements to Camino Santa Fe and Carroll Canyon Road.

15. Prior to any construction within the Carroll Canyon floodplain, the developer shall submit a hydraulic study to the City Engineer for review and approval of the adequacy of the proposed channel to accommodate the 100-year flood.

16. The Reclamation Plan and Landscape Plan for each operating phase, including screen plantings, finish slope plantings, and hydroseeding, shall be submitted and reviewed by the Planning Director for approval prior to mining operations continuing on to subsequent phases. The plans shall be insubstantial conformity to Exhibit "A," dated September 13, 1990 on file in the office of the Planning Department. All planting shall be approved and installed before issuance of any occupancy permit on any buildings. Such planting shall not be modified or altered unless this permit has been amended or administrative approval is granted for minor amendments by the Planning Director. All landscape and irrigation shall conform to the City of San Diego Landscape Technical Manual and all other applicable City and regional standards for landscape installation and maintenance.

17. Periodic inspections of the site by the Planning Department shall occur no less frequently than biennially. If after an inspection it is found that the mining operator is not following the provisions of the Reclamation Plan, the operators shall be given notice to comply within a given time not to exceed 90 days. A copy of such notice shall be given to the owner of the land upon which the operations are located. If at the end of the stated time the operator complies or obtains approval of a revised Reclamation Plan.

In addition, the Planning Director requires security guaranteeing compliance as in his judgment shall be necessary to correct the situation and ensure compliance. The security is to be in an amount equal to 110 percent of the total cost of reclamation for a single phase beginning with Phase II and may be in the form of a) a bond or bonds by one or more duly authorized corporate securities; or b) a deposit of money or negotiable bonds of the kind approved for securing deposits of public monies; or c) an instrument of credit from one or more financial institutions subject to regulations by the state or federal government and pledging that the funds necessary to carry out the plan are on deposit and guaranteed for payment; or d) such other security at the option of the mining operator as is acceptable to the Planning Director and the City Attorney.

Upon completion of the work to be done, the security above described shall be released by the Planning Director for each phase when, in this discretion, the operator is in compliance with the provisions of the permit or the Reclamation Plan.

18. The Phase 3 reclamation plan shall include revegetation of Rattlesnake Canyon satisfactory to the Planning Director. Final elevations shall be such that a natural stream gradient is reestablished to serve as an open space/wildlife corridor.

19. No permit for operation, of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

20. Before issuance of any building permits, final grading and building plans shall be submitted to the Planning director for approval. The plans shall be in substantial conformity to Exhibit "A," dated September 13, 1990 on file in the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

21. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

22. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k of the Municipal code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

23. Mitigation measures recommended by Supplemental Environmental Impact Report No. 89-0585 shall be required as conditions of this permit, and by this reference are deemed included herein.

24. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

25. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

26. This Conditional Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

27. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

28. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

29. The applicant shall relocate the existing trunk sewer in a manner satisfactory to the Water Utilities Director.

30. The Mira Mesa Community Plan requires a five-acre neighborhood park at the southern terminus of Parkdale Avenue. The applicant shall provide a minimum of five acres for the future neighborhood park to be designed in accordance with the following criteria:

- a. Five (5) acres in size.
- b. Minimum 100-foot buffer between park and the nearest vernal pool.
- c. Access for the park shall be off of Parkdale Avenue.
- d. Open Space linkage between the vernal pool preserve and Rattlesnake Canyon.

31. This permit shall expire at midnight March 1, 2015.

32. This Conditional Use Permit shall supersede Conditional Use Permit No. 86-0803.

33. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The owner/permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

34. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

Passed and adopted by the Planning Commission on September 13, 1990.

Date of Document September 13, 1998 ATTACHMENT 18

AUTHENTICATED BY:

742

LS

Karen Lynch-Ashcraft

Karen Lynch-Ashcraft, Senior Planner, City of San Diego Planning Department

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

SS.

On this 14th day of November in the year 1990 before me, Catherine L. Meyer, a Notary Public in and for said County and State, personally appeared Karen Lynch-Ashcraft, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person who executed this instrument as Senior Planner of the Planning Department of the City of San Diego and acknowledge to me that the Municipal Corporation executed it.

IN WITNESS THEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Catherine L. Meyer

Catherine L. Meyer

Notary Public in and for the County of San Diego, State of California



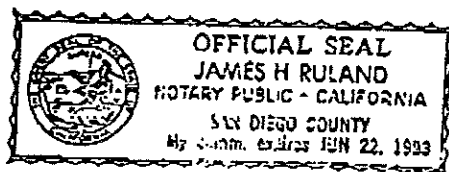
NOTARY(S) SIGNATURE AND AUTHORIZATION

STATE OF CALIFORNIA

COUNTY OF San Diego

} SS.

743



On this 3rd day of December in the year 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared David L. Vickers

and Henry F. Hunter

(or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as _____ President and Chairman Secretary, respectively, of the Corporation (herein named, and acknowledged to me that the Corporation executed it pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

James H. Ruland

Notary Public in and for said State.

ACKNOWLEDGMENT—Corp.—Pres. & Sec.—Notary Form 222CA—Rev. 11-83
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A INDIVIDUAL PARTNERSHIP CORPORATION
ACKNOWLEDGMENT PER CIVIL CODE § 1180, ET. SEQ.

USE EXTRA PAGE(S) IF NECESSARY. THANK YOU

PLANNING COMMISSION RESOLUTION NO. 0752-PC
GRANTING CONDITIONAL USE PERMIT NO. 89-0585
AMENDMENT TO CONDITIONAL USE PERMIT NO. 86-0803

WHEREAS, on May 11, 1989, H.G. FENTON MATERIAL COMPANY, a California corporation, Owner/Permittee, filed an application to amend a Conditional Use Permit to expand mining operations onto approximately 108 acres, relocate an existing 30-inch sewer main, realign Camino Santa Fe and Carroll Canyon Road and provide off-hour operations for emergency purposes, located south of the planned extension of Carroll Canyon road between El Camino Memorial Park and Camino Ruiz, described as portions of Sections 2 and 3, T 15S, R3W, SBB&M, in the A1-10 Zone; and

WHEREAS, on September 13, 1990, the Planning Commission of the City of San Diego considered an amendment to Conditional Use Permit No. 86-0803, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopted the following written Findings, dated September 13, 1990.

- a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The site is designated for extractive uses and open space in the adopted Mira Mesa Community Plan. The proposal, while encroaching into some designated open space, provides more than adequate replacement. Aggregate mined from the site will help to supply the region's building material needs, thereby fulfilling a community need.
- b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. By providing both a neighborhood and a community park and increasing mining setbacks, the amendment has a positive effect on surrounding property. Conditions ensure that extraction will occur in an orderly fashion reducing the possibility of nuisance complaints.
- c. The proposed use will comply with the relevant regulations in the Municipal Code. Section 101.0510 C(3)i of the Municipal Code authorizes the Planning Commission to grant Conditional Use Permits for natural

AMENDMENT TO CUP 86-0803
EMRR RESO NO. R-0773

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resource development and utilization in any zone. The proposed use with attached conditions meets or exceeds all requirements of the Municipal Code.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit Amendment No. 89-0585 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 89-0585, a copy of which is attached hereto and made a part hereof.


Karen Lynch-Ashcraft
Senior Planner

Adopted on: September 13, 1990

RESOLUTION NUMBER R- 0773

ADOPTED ON September 13, 1990

WHEREAS, on May 11, 1989, H.G. FENTON MATERIAL COMPANY submitted an application to the Planning Department for a Conditional Use Permit Amendment;

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on September 13, 1990; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Environmental Impact Report No. 89-0585; NOW THEREFORE,

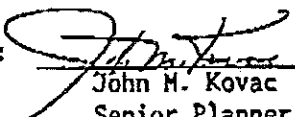
BE IT RESOLVED, by the Planning Commission that it be, and it is hereby certified, that Environmental Impact Report No. 89-0585, in connection with the CUP 89-0585 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code Section 21081 and Administrative Code Section 15091, the Planning Commission hereby adopts the Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code Section 15093, the Planning Commission hereby adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By:


John M. Kovac
Senior Planner

ATTACHMENT(S): Exhibit A, Findings
Exhibit B, Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting
Program

ATTACHMENT 18

September 4, 1990

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FINDINGS
(DEP No. 89-0585)

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following Findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant effects thereof as identified in the completed Environmental Impact Report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by another agency or can and should be adopted by another agency.
- (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

(Section 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record (Section 15083 of the CEQA guidelines).

The following Findings and Statement of Overriding Considerations have been submitted as Candidate Findings to be made by the decision making body. The Development and Environmental Planning Division does not recommend that the decision making body adopt or reject these Findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

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Carroll Canyon CUP Amendment
(DEP No. 89-0585)

A. The Planning Commission, having reviewed and considered the information contained in the Final EIR for the Carroll Canyon CUP Amendment project, and the record, find that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the completed EIR.

1. Land Use

Impact: The project proposes to expand extraction operations in some areas of the site while reducing operations in others when compared with the previous 1987 proposal. The project proposes extraction in 27 acres in proximity to the vernal pool preserve and along the western boundary of the site designated as open space in the existing Mira Mesa Community Plan and community plan update (DEP No. 89-0585: pg 27).

Finding: The proposed project would provide additional open space in areas designated for extractive uses on site resulting in a net increase of 52 acres of open space when compared with the Mira Mesa Community Plan and community plan update. With the net increase of 52 acres of open space on site, impacts associated with land use would be fully mitigated.

2. Landform Alteration

Impact: Significant landform alteration is inherent in the proposed project, a mining operation. The project proposes to expand extraction operations in some areas while reducing operations in others when compared with the existing approved CUP (DEP No. 89-0585: pg 37).

Finding: A reclamation plan incorporated into the project would provide partial mitigation for the landform alteration impacts by implementing contour grading and revegetation and relandscaping of the mined areas. Monitoring of the reclamation effort by a qualified landscape architect will occur at 1 and 2 year intervals.

3. Biology

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Impact: The EIR for the CUP Amendment proposed in 1987 (EQD No. 87-0163) identified approximately 142 acres not approved for mining or grading by the existing CUP (No.82.003.1) which would have been disturbed by the 1987 proposal. The current EIR concludes that an additional 39 acres of natural habitat (Areas A & D, Figure 14) would be preserved in their natural state when compared with the previous 1987 CUP Amendment proposal. Disturbance of natural habitat associated with the proposed project is however, regarded as significant. (DEP No. 89-0585: pg 42)

Finding: Measures have been incorporated into the project to partially reduce impacts associated with loss of natural habitat. Under the proposed project the riparian vegetation in Rattlesnake Canyon will be left as undisturbed natural open space. This area would be disturbed under the existing CUP. In addition, the following measures have been incorporated into the proposed CUP Amendment to mitigate for disturbance of natural habitat:

- Designation of approximately 182 acres of permanent open space after extraction within the CUP boundary, including areas to be revegetated as natural habitat such as coastal sage scrub on the south-facing slopes, chamise chaparral on the dry slopes and mesa tops, mixed chaparral on the north and east-facing slopes and native grasslands on the flatter areas.
- Enhancement and revegetation of all mined areas including the disturbed section of Rattlesnake Canyon Creek and Carroll Canyon Creek. Annual monitoring of the revegetation effort is proposed.
- To ensure successful implementation of the revegetation plan, a performance bond, in an amount equal to 110 percent of the total cost of the revegetation effort, will be posted by the applicant at the completion of each phase extraction and prior to implementation of the revegetation plan for each phase. Posting of the performance bond will ensure that funding is available to implement the revegetation plan, to complete required monitoring activities and to carry out any corrective measures which may be necessary.

Impact: The currently proposed project proposes to extend the extraction area closer to the vernal pool preserve located in the northeastern portion of the project site than proposed in the current CUP (DEP No. 89-0585: pg 42).

Finding: While the proposed project would extend extraction operations closer to the vernal pool preserve, a 70-80 foot buffer from the preserve fence line, with an additional 20-30 feet to the closest vernal pool within the preserve, has been incorporated into the project design to avoid direct impacts to vernal pools, and to avoid adverse effects to the hydrology of the vernal pools. A condition will be placed on the CUP Amendment to require that plans for the neighborhood park proposed by the Mira Mesa Community Plan to be located adjacent to the vernal pool preserve, are sensitive to the vernal pool resources and are designed to avoid both direct and indirect impacts to the preserve. Implementation of these measures will fully mitigate potential impacts to the vernal pool preserve.

B. The Planning Commission, having reviewed and considered the information contained in the Final EIR, and the record, find that no changes or alterations which mitigate or avoid the significant environmental effects of the project are within the responsibility or jurisdiction of another agency.

C. The Planning Commission, having reviewed and considered the information contained in the Final EIR, and the record, find that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. Specifically:

1. Grading/Landform Alteration

Impact and Mitigation: The EIR concludes that implementation of the Carroll Canyon CUP Amendment project would result in adverse grading/landform alteration impacts similar to those found in the 1987 CUP Amendment proposal (EOD# 87-0163) including 80 acres in the western portion of the site adjacent to the El Camino Memorial Park and about 28 acres on the slopes south, and on the mesa west, of the vernal pool preserve. The western expansion area includes 15 acres of naturally vegetated slopes and the slopes south and west of the vernal pool preserve include 10 acres of naturally vegetated slopes. As a result, the current project would result in significant and unmitigated impacts to landform. Adoption of the Recommended Alternative for Significant Unmitigated Impacts, as presented in the conclusions and recommendations to the EIR, would substantially reduce landform alteration impacts by reducing the area proposed for extraction expansion. The No Project alternative as presented in the EIR would avoid grading/landform alteration impacts associated with the expansion of the mining operations but would introduce impacts associated with the approved CUP that the proposed project design has reduced (DEP No. 89-0585: pg 47).

Finding: Two alternatives were discussed in the EIR- No Project and Implementation of the Previous CUP Amendment Proposal. A third alternative, the Recommended Alternative for Significant Unmitigated Impacts is discussed in the conclusions and recommendations of the EIR.

The Implementation of the Previous CUP Amendment Proposal Alternative would not avoid the landform alteration impacts in the western portion of the site or the western or southern slopes near the vernal pool preserve. Additional landform alteration impacts associated with disturbance of a large portion of the undisturbed riparian vegetation in Rattlesnake Canyon and disturbance of approximately 13 additional acres of natural vegetation adjacent to homes on Osgood Way would also occur with this alternative.

The No Project Alternative and the Recommended Alternative for Significant Unmitigated Impacts are the only alternatives that would substantially reduce impacts associated with landform alterations in the western portions of the site and along the southern slopes and western mesa of the vernal pool preserve. A variety of factors combine to render these alternatives infeasible or less desirable than the proposed project. The No Project Alternative, which would implement the currently approved CUP, would disturb a large portion of the high quality undisturbed riparian vegetation in Rattlesnake Canyon. Additionally this alternative would allow extraction closer to homes along Osgood Way in the northern portion of the site which would increase noise, dust and visual quality impacts to the residents living there.

Adoption of the Recommended Alternative for Significant Unmitigated Impacts Alternative would reduce the impacts to landform alteration to significant but mitigable levels by pulling back extraction activities in the southwestern portion of the site approximately 15 acres and along the slopes south and west of the vernal pool preserve approximately 10 acres. However, adoption of the Recommended Alternative for Significant Unmitigated Impacts would preclude mining in approximately 25 acres designated for sand and gravel extraction in the Extractive Resources Element of the Mira Mesa Community Plan and would create an additional impact resulting from loss of aggregate as a natural resource. This does not conform with the objective of the Extractive Resources Element of the Mira Mesa Community Plan, which calls for continuing the sand and gravel operations until depletion is reached.

The California Department of Conservation, Division of Mines and Geology, Special Report 153 has classified the Carroll Canyon CUP area as Mineral Resource Zone-2 (MRZ-2). MRZ-2 areas are defined as those where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence. Furthermore, the type of minerals located on site, sand, gravel and crushed rock, collectively referred to as aggregate provide bulk and strength to portland cement concrete (PCC), asphaltic concrete

and plaster or stucco. The material specifications for PCC aggregate are more restrictive than for other aggregate types; consequently fewer sand and gravel deposits satisfy these specifications. The deposits that are acceptable for use as PCC aggregate, such as the deposits located on site, are thus the scarcest aggregate resources in the county and are of the most concern in terms of planning future availability of this commodity. Special Report 153 concludes that first, the San Diego region would deplete the aggregate reserves within the next 32 years; and second, transporting aggregate into the region from outside the region would significantly increase fuel consumption, pollution, traffic, and cost to the consumer. Therefore, the Recommended Alternative for Significant Unmitigated Impacts Alternative, while reducing identified landform alteration impacts, precludes the ability to mine high quality aggregate resources, thus creating an additional impact. Elimination of mining in a portion of the Carroll Canyon site could result in increased mining in another, less suitable, area since demand for aggregate material is expected to remain. Mining at another location could result in adverse impacts equal to or greater than those associated with mining at the Carroll Canyon site.

2. Biological Resources

Impact and Mitigation: The EIR concludes that although much of the natural habitat loss has already occurred in conjunction with the current mining operations, the overall loss of natural habitat associated with implementation of the proposed CUP Amendment would be similar to that anticipated under the previous 1987 CUP Amendment proposal and would be regarded as significant. Adoption of the Recommended Alternative for Significant Unmitigated Impacts, as presented in the conclusions and recommendations of the EIR, would reduce biology impacts by reducing the area proposed for extraction by 25 acres and preserving approximately 25 acres of additional coastal sage scrub habitat. The No Project Alternative as presented in the EIR would avoid biology impacts associated with expansion of the mining operations but would introduce additional impacts associated with the approved CUP that the proposed project design has eliminated (DEP No. 89-0585: pg 42).

Finding: Two alternatives were discussed in the EIR. No Project and Implementation of the Previous CUP Amendment Proposal. A third alternative, The Recommended Alternative for Significant Unmitigated Impacts is discussed in the conclusions and recommendations of the EIR.

The No Project Alternative and the Recommended Alternative for Significant Unmitigated Impacts are the only alternatives that would reduce impacts associated with the loss of coastal sage scrub in the western portions of the site and along the southern slopes and western mesa of the vernal pool preserve. The coastal sage scrub in these areas consists of approximately 15 acres of inland sage scrub in the

western portion of the site and 10 acres located south and west of the vernal pool preserve. Although this inland sage scrub occurs as natural habitat, a majority of the habitat is somewhat disturbed and has been degraded due to nearby extraction operations and vehicular traffic associated with mining operations.

The No Project Alternative, which would implement the currently approved CUP, would introduce impacts associated with disturbance of a large portion of the undisturbed riparian vegetation in Rattlesnake Canyon and would allow extraction closer to homes along Osgood Way in the northern portion of the site. The Implementation of the Previous CUP Amendment Proposal Alternative would not avoid the biological resource impacts in the western portion of the site or the southern slopes near the vernal pool preserve. Biological impacts to the western slope near the vernal pool preserve would be reduced, however, additional biological resource impacts associated with disturbance of a large portion of the undisturbed riparian vegetation in Rattlesnake Canyon and disturbance of approximately 13 additional acres of natural vegetation adjacent to homes on Osgood Way, would occur with this alternative.

Adoption of the Recommended Alternative for Significant Unmitigated Impacts Alternative would reduce the impacts to biological resources to significant but mitigable levels by pulling back extraction activities in the southwestern portion of the site approximately 15 acres and along the slopes south and west of the vernal pool preserve approximately 10 acres. As discussed above under landform alteration, this alternative would preclude mining in approximately 25 acres designated for sand and gravel extraction in the Extractive Resources Element of the Mira Mesa Community Plan and would create an additional impact resulting from loss of aggregate as a natural resource. The Mira Mesa Community Plan calls for continuing the sand and gravel operations until depletion is reached.

The California Department of Conservation, Division of Mines and Geology, Special Report 153 has classified the Carroll Canyon CUP area as Mineral Resource Zone-2 (MRZ-2). MRZ-2 areas are defined as those where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence. Furthermore, the type of minerals located on site, sand, gravel and crushed rock, collectively referred to as aggregate provide bulk and strength to portland cement concrete (PCC), asphaltic concrete and plaster or stucco. The material specifications for PCC aggregate are more restrictive than for other aggregate types; consequently fewer sand and gravel deposits satisfy these specifications. The deposits that are acceptable for use as PCC aggregate, such as the deposits located on site, are thus the scarcest aggregate resources in the county and are of the most concern in terms of planning future availability of this commodity. Special Report 153 concludes that first, the San Diego region would deplete the aggregate reserves within the next 32 years; and second, transporting aggregate into the region from outside the region would significantly increase fuel consumption, pollution, traffic, and cost to the consumer.

Therefore, the Recommended Alternative for Significant Unmitigated Impacts
Alternative while reducing identified biological resource impacts associated with the
25 acres of somewhat disturbed inland sage scrub, creates a new impact, the loss
of aggregate as a natural resource.

STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission, having reviewed and considered the information contained in the Final EIR, and the record, makes the following Statement of Overriding Considerations:

Although implementation of the Carroll Canyon CUP Amendment project would result in adverse landform alteration and biological resource impacts, an alternative is not available which would avoid these impacts without introducing new impacts to landform and/or biological resources or preclude the ability to mine high quality aggregate resources on site. Measures have been incorporated into the project to partially mitigate identified biology and landform impacts. Remaining significant unmitigated impacts are limited to disturbance of approximately 25-acres of isolated, degraded coastal sage scrub on two hillsides within the CUP area. As discussed previously, under the C Findings, significant aggregate resources are present on the site which have been identified by both the California Division of Mines and Geology and the City of San Diego. The Extractive Resources Element of the Mira Mesa Community Plan calls for mining of significant aggregate resources until they are depleted. Full depletion of on-site aggregate resources would not occur under the alternatives presented in the EIR.

The project provides significant public and environmental benefits, as summarized below. These benefits represent overriding factors to support the project.

- The proposed project will increase the setback of mining operations from 20 feet to between 100-400 feet away from the backyards of residences on Osgood Way, along the northern boundary of the site.
- The proposed project will preserve riparian habitat located in the northern portion of the site (Rattlesnake Canyon) by placing it in designated open space. Preservation of Rattlesnake Canyon is not proposed under the current CUP.
- The project has been phased in such a manner as to facilitate the construction of Camino Santa Fe through the project site at the earliest date possible. Camino Santa Fe through the site is a circulation element road in the Mira Mesa Community Plan and its construction will reduce traffic congestion on Mira Mesa Boulevard and Miramar Road.
- With implementation of the proposed project, future plans for on-site parks will be provided for, including a 5-acre neighborhood park and a 15-acre community park located in the northwest portion of the site. The CUP Amendment includes provisions to ensure that the designs of the parks, to be specified in the future Master PID, for the CUP area, are sensitive to

vernal pool resources located adjacent to the neighborhood park and to riparian resources located within the community park.

The currently proposed project designates approximately 52 additional acres of open space beyond the 130 acres called for in the Mira Mesa Community Plan for a total of approximately 182 acres of open space within the CUP boundary.

Therefore, the City of San Diego finds that the significant public and environmental benefits incorporated into the Carroll Canyon CUP Amendment such as preservation of riparian habitat and the pulling back of mining activities in the northern portion of the site, as well as the phasing of the project to allow construction of Camino Santa Fe as a circulation element road through the site, override the significant adverse impacts which result from the proposed project.

EXHIBIT C
PAGE 1

MITIGATION MONITORING AND REPORTING PROGRAM
CARROLL CANYON CONDITIONAL USE PERMIT AMENDMENT (DEP NO. 89-0585)

- A. The applicant/permit operator shall post a performance bond in an amount equal to 110 percent of the total reclamation for each extraction phase (as defined in EIR No.89-0585) beginning with Phase 2 to make certain that all required landscaping has been conducted, the hydroseeding has succeeded and the plantings are thriving.
- B. The applicant/permit operator shall contour grade and landscape mined areas with monitoring by a retained qualified landscape architect to ensure that selected hydroseeded native, drought tolerant plant material will mature within one year and all selected container native plant stock will mature within two years.
- C. The applicant/permit operator shall retain a qualified landscape architect to oversee the reclamation/landscape effort and to prepare and submit a letter report to the City of San Diego, Department of Planning, Development and Environmental Planning (DEP) Division on the condition of the required landscaping and any remedial action which may need to be implemented to ensure the long-term viability of the landscaping. The letter report shall be submitted for DEP approval on an annual basis after the completion of each extraction phase.
- D. The applicant/permit operator shall implement any corrective measures required by the DEP approved letter report.
- E. The applicant/permit operator shall retain a qualified biologist to monitor the continued viability of the vernal pool preserve and prepare and submit for DEP approval, an annual monitoring report. The first report shall be submitted one year after the approval of the CUP amendment. The annual monitoring report shall be prepared and submitted until the current owner transfers ownership of the vernal pool preserve.
- F. Upon the completion of Phase 3, the applicant/permit operator shall enhance and revegetate the disturbed section of Rattlesnake Canyon Creek in accordance with the requirements to mitigate wetland habitat impacts. The enhancement and revegetation effort shall be monitored by a retained qualified biologist, and the results of the revegetation/monitoring effort and any remedial, corrective measures to assure the long-term viability of the revegetation effort shall be contained in the annual monitoring report.
- G. Upon completion of Phase 5, the applicant/permit operator shall enhance and revegetate along the length of Carroll Canyon Creek on the CUP site. The enhancement and revegetation with riparian species along Carroll Canyon Creek shall be monitored by a

retained qualified biologist, and the results of the revegetation/monitoring effort and any remedial/corrective measures to assure the long-term viability of the revegetation effort shall be contained in the annual monitoring report. The initial enhancement and revegetation of Carroll Canyon Creek must be completed upon completion of the final extraction phase and prior to the issuance of an subsequent permit by the City of San Diego.

DOC # **ATTACHMENT 18** 2003-0132883

FEB 05, 2003 11:37 AM



2003-0132883

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

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 32.00

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

10529

FILE
CC CUP

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Conditional Use Permit 89-0585.01
Amendment to CUP 89--0585
Hanson Carroll Canyon Mining Operation

City Council

This amendment to Conditional Use Permit [CUP] No. 89-0585, is granted by the City Council of the City of San Diego to Hanson Aggregates Incorporated, Pacific Southwest Region, Owner and Operator, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] section 141.1004. The site is located between Carroll and Rattlesnake Canyon, east and west of Camino Sante Fe, in the Mira Mesa Community Plan Area. The project site is located south of Carroll Canyon Road between El Camino Memorial Park and Camion Ruiz, and is described as comprised of portions of Sections 2 and 3, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the A1-10 zone.

Subject to the terms and conditions set forth in this amendment to Permit No. 89-0595, a permit condition is imposed on the Owner/Permittee to open and maintain a cost reimbursement account with the City of San Diego Development Services Department to be used by City Staff for the purpose of performing duties specified in CUP 89-0585.01. These duties include five-year reviews, annual reviews and inspection as required under SMARA, review of emergency extension of hours, and inspection as required for compliance with the approved Reclamation Plan during completion of each phase of the project. The SMARA review and inspection will be limited to \$2000.00 per year unless permission to exceed is granted by the Permittee. A copy of this amendment and the original permit shall be kept on file in the Office of the Development Services Department. This amendment and completion of the five-year review becomes valid after the effective date of final approval by the City, following all appeals.

The existing permit and this amendment to CUP No. 89-0585 will become void within three months of the effective date unless:

-PAGE 1 OF 3-

ORIGINAL

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

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON FEB 05, 2003
DOCUMENT NUMBER 2003-0132883
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 11:37 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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The existing permit and this amendment to CUP No. 89-0585 will become void within three months of the effective date unless:

ORIGINAL

10530


- a. The Permittee signs and returns the amendment to the Development Services Department;
 - b. This Amendment is recorded in the office of the San Diego County Recorder; and
 - c. A cost recovery account is created and maintained with a positive balance with the City of San Diego.
1. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
 2. This amendment to CUP No. 89-0595 is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
 3. The utilization and continued use of this amendment and CUP No. 89-0595 shall be subject to the regulations of this and any other applicable governmental agency.
 4. Issuance of this amendment to CUP 89-0595 by the City of San Diego does not authorize the holder for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto. (16 U.S.C. § 1531 et seq.)
 5. All conditions of the original permit shall remain unchanged.

APPROVED by City Council Resolution No. R-294921, on May 29, 2001.

ORIGINAL

AUTHENTICATED BY THE CITY MANAGER

10531

By 
Gary Halbert
Assistant Director
Development Services
for the City Manager

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

HANSON AGGREGATES INC.,
PACIFIC SOUTHWEST REGION

Owner/Permittee

By 
Marvin Howell
Director of Land
Use, Planning &
Permitting

By _____

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

1/8/03
L:\LANZAFAM\Resos\Reso2001\R-294921_R-2001-1768_CarrollCanyonMining_Permit.wpd

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10532

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

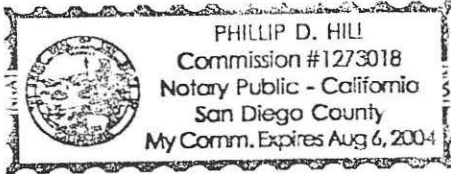
State of California

County of San Diego

} ss.

On JANUARY 31, 2003, before me, Phillip D. Hill, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")personally appeared GARY HALBERT,
Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: CUP 89-0585.01 HANSEN CARROLL CANYON MINING OPERATIONDocument Date: MAY 29, 2001 Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

10533

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego } ss.On January 29, 2003 before me, Kathleen Lambert, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Marvin E. Howell
Name(s) of Signer(s)
☒ personally known to me
☐ proved to me on the basis of satisfactory evidence


to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kathleen A. Lambert
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

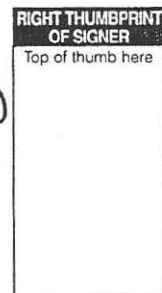
 Title or Type of Document: Conditional Use Permit 89-0585.01
Amendment 7
 Document Date: May 29, 2001 Number of Pages: 7

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Marvin E. Howell

- ☐ Individual
☒ Corporate Officer — Title(s): Director of Land Use, Planning and Permitting
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

 Signer Is Representing: Hanson Aggregates PSW Region, Inc.


10534

(R-2001-1768)

RESOLUTION NUMBER R-294921

ADOPTED ON MAY 29, 2001

WHEREAS, Hanson Aggregates Incorporated, Pacific Southwest Region, Owner/ Permittee, is the current holder of Conditional Use Permit [CUP] No. 89-0585, subject to a five-year review by the Planning Commission as described in and by Condition 5 of aforesaid permit, to wit: "In view of the developing nature of the surrounding area, this Conditional Use Permit shall be subject to review by the Planning Commission at approximately five year intervals dating from September 13, 1990. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended." The operation is a sand and gravel mining and processing operation regulated under San Diego Municipal Code [SDMC] section 141.1004, Requirements for Processing Conditional Use Permits. These requirements are adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code ("California Surface Mining and Reclamation Act of 1975"). The project site is legally described as located south of Carroll Canyon Road between El Camino Memorial Park and Camion Road, comprised of portions of Sections 2 and 3, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the A1-10 zone; and

10535 ATTACHMENT 18

10535
WHEREAS, on March 1, 2001, the Planning Commission of the City of San Diego considered the five year review of Conditional Use Permit No. 89-0585, and pursuant to Resolution No. 3104-PC voted to approve the amendment to the permit; and

WHEREAS, Mark S. Kornheiser appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on May 29, 2001, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following finding with respect to CUP Permit No. 89-0585:

CUP 89-0585 should be amended to include provisions to reimburse costs incurred by City Staff time for the preparation of the annual Surface Mining and Reclamation Act [SMARA] reports, evaluation of emergency extension of working hours, review of mitigation monitoring reports required by the CUP from the mining operator and preparation of the mandatory five-year reviews. An open deposit account shall be maintained with a positive balance to reimburse the cost of staff time for the described actions and inspections required by the permit.

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

BE IT FURTHER RESOLVED, that the appeal of Mark S. Kornheiser is denied; the decision of the Planning Commission is sustained; and the amendment to Conditional Use Permit No. 89-0585 is granted to Hanson Aggregates Incorporated, Pacific Southwest Region, Owner/

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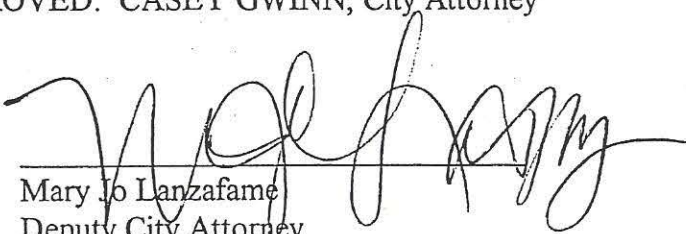
ATTACHMENT 18

10536

Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev

11/08/02

Or.Dept:Clerk

R-2001-1768

Form=permitr.frm

Reviewed by Robert Hawk

ORIGINAL

Passed and adopted by the Council of San Diego on May 29, 2001 by the following vote:

YEAS: PETERS, WEAR, ATKINS, STEVENS, MAIENSCHIN, INZUNZA,
MAYOR MURPHY

NAY: NONE

VACANT: DISTRICT 6

NOT PRESENT: MADAFFER

AUTHENTICATED BY:

DICK MURPHY

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By: Esther Ramos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R- 294921, passed and adopted by the Council of The City of
San Diego, California on May 29, 2001

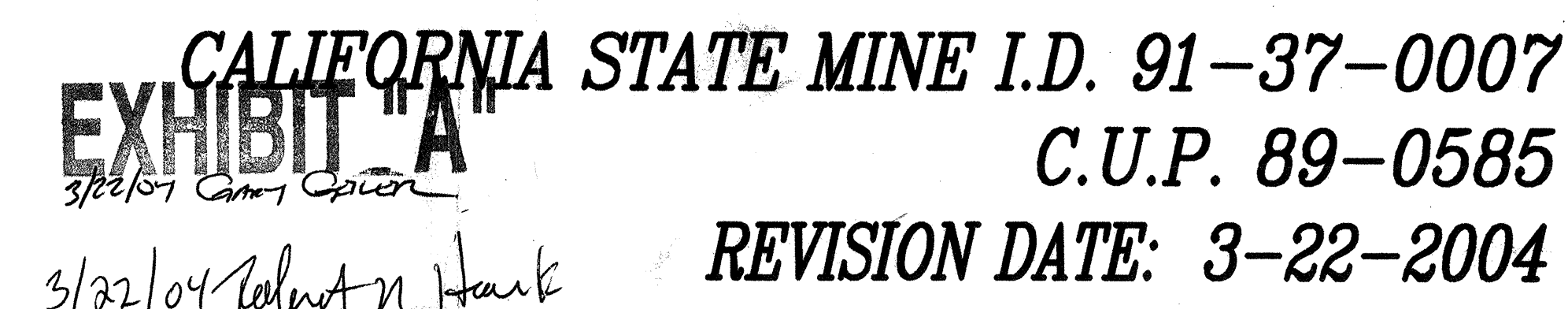
CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By: , Deputy

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MIRA MESA COMMUNITY PLAN AMENDMENT

DRAFT - JUNE 2019



MIRA MESA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN

The following amendments have been incorporated into this April 2011 posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Mira Mesa Community Plan approved	July 30, 1992	0995 0996	October 6, 1992	R-280829 R-280830 R-282543

Certified by the California Coastal Commission November 18, 1993

Carroll Canyon Master Plan			December 6, 1994	R-285097
			November 21, 1995	R-286614
Mira Mesa Business Park redesignation			December 3, 1996	R-288145
Reclassification of Capricorn Way from 4-lane collector to 2-lane collector			September 9, 1997	R-289162
Marriot Residence Inn			February 17, 1998	R-289745
Hilton Garden Inn			April 21, 1998	R-289986
Mira Mesa Market Center			August 4, 1998	R-290613
Redesignation of 3.9-acre site from visitor- commercial to community- commercial			June 19, 2001	R-295032
Added MCAS Miramar ALUCP policy language and deleted references and maps to the NAS Miramar CLUP	February 17, 2011		April 26, 2011	R-306737

3Roots San Diego rescinded
the Carroll Canyon Master Plan
to implement a revised mixed-use
development by Master
Planned Development Permit

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Sensitive Resources and Open Space System

Approximately 18 percent of the community is proposed to be preserved as open space—primarily in the five major canyons (Los Peñasquitos, Lopez, Carroll, Rattlesnake and Soledad) that traverse the community. A **Sensitive Resources and Open Space System Element** has been added to the plan to provide specific recommendations for the preservation of the remaining sensitive natural resources within the community. The proposed open space system boundaries and criteria for development adjacent to the open space system, particularly Los Peñasquitos and Lopez Canyons, have also been refined as part of this update.

Community Facilities

The Plan update contains the following proposals for new or expanded public facilities:

Parks

The development of two new park facilities (Carroll neighborhood park and Canyon Hills resource-based park) and the expansion of Lopez Ridge neighborhood park to include the adjacent former school site.

Libraries and Fire Stations

The expansion and possible relocation of the Mira Mesa Library to a site near the intersection of New Salem and Camino Ruiz and the addition of a fire station near the intersection of Miramar Road and Camino Santa Fe.

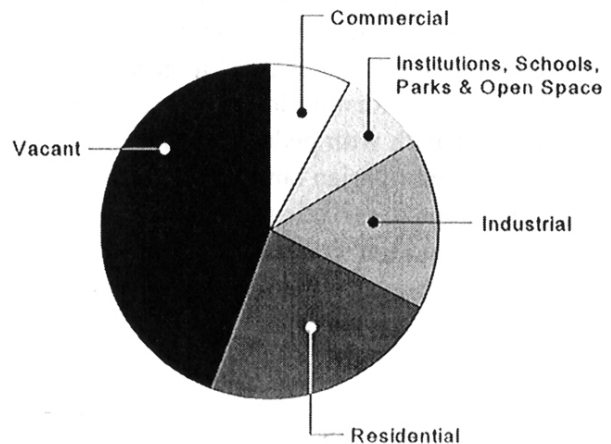
Transportation Improvements

The Plan update deletes the extension of Camino Ruiz across Los Peñasquitos Canyon Preserve in order to maintain the undisturbed nature of the canyon through this area. To accommodate the level of traffic anticipated at buildout of the community, improvements are proposed at five major intersections: Camino Santa Fe and Miramar Road, Black Mountain Road and Mercy Road, Black Mountain Road and Mira Mesa Boulevard, Kearny Villa Road and Miramar Road, and Mira Mesa Boulevard and Scranton Road. In addition to street improvements, bus service improvements are proposed to Sorrento Mesa and the Carroll Canyon area, and a ~~light rail~~ transit line is proposed through Carroll Canyon. Two pedestrian bridges are proposed over Black Mountain Road.

URBAN SETTING

Approximately 60 percent of the Mira Mesa community has been built. Planned development permits have been approved for most of the remaining undeveloped area north of Mira Mesa Boulevard and many of these sites have been graded. The largest area of undeveloped land is approximately 900 acres surrounding Carroll Canyon, which is now being used for sand and gravel extraction. Upon completion of extraction activities, this area is proposed to be developed with a mix of industrial park, commercial and residential uses. ~~Three~~ Two neighborhood-population-based parks are also proposed to serve this area.

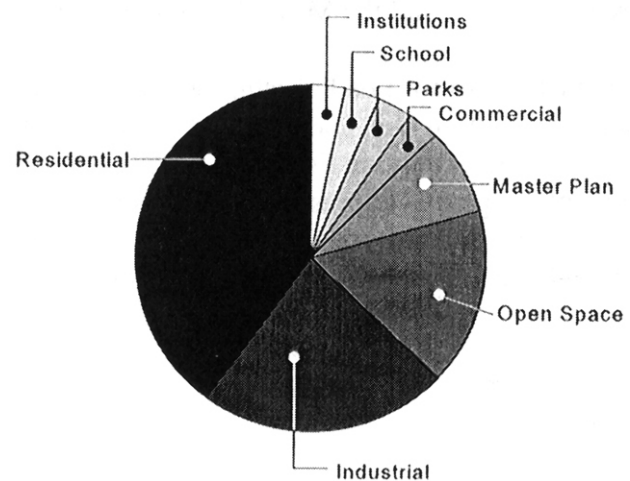
Existing Land Use
(August 1990)



Another 285 undeveloped acres on Lopez Ridge, which do not have approved development plans, are designated for residential development and open space preservation. Much of this land is constrained by steep slopes and will remain undeveloped (this area is discussed in greater detail in the **Sensitive Resources and Open Space System Element** and the **Residential Element**).

The relationship of existing to proposed land use is illustrated in the chart on the right. Almost 38 percent of the community is planned for residential development. Industrial development is planned for approximately 26 percent of the community and approximately 18 percent is proposed to be preserved as open space – primarily in the major canyons that traverse the community. Carroll Canyon, which comprises about nine percent of the community, is to be developed under a future master plan process with a mix of uses. Commercial services and public facilities are planned for the remaining nine percent of the community.

Planned Land Use



Population Projections

Mira Mesa's population has increased 66 percent since the 1980 Census. The population is projected to increase another 32 percent by the time the community is built out, which is estimated to occur after the year 2010.

INTRODUCTION

Mira Mesa has experienced traffic congestion on its major streets since construction activity boomed in the early 1970s. As in most recently developed communities, Mira Mesa's strictly segregated land use pattern reinforces our over-reliance on the automobile. Due primarily to noise impacts from MCAS Miramar, industrial/business park uses have been concentrated in the area west of Camino Santa Fe and along Miramar Road and residential uses have been restricted to the east, limiting the opportunity for walking or biking to work.

The shortage of through streets in the community also contributes to traffic congestion. Winding street patterns with cul-de-sacs concentrate traffic on major streets and at key intersections. This often results in longer travel distances—again making walking, biking or transit use less attractive.

In addition, Los Peñasquitos Canyon Preserve, which is a sensitive resource of regional significance, restricts access to the north of the community. MCAS Miramar has the same effect at the southern boundary of the community.

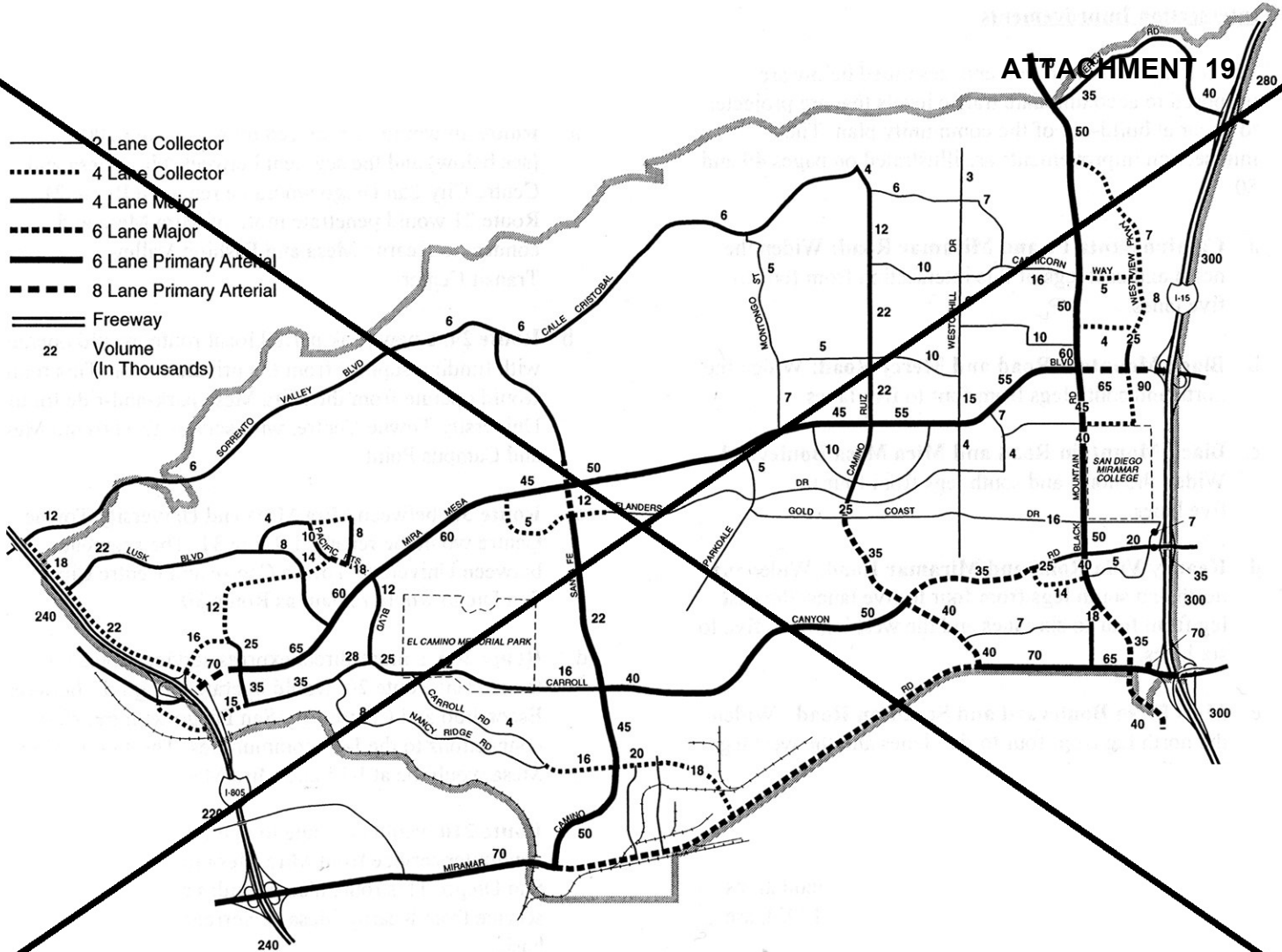
Bus service is provided by San Diego Transit Corporation. Four bus routes are now in operation in Mira Mesa (see **Figure 11**). Routes 20 and 210 provide express service via I-15 to downtown. Route 210 also provides connections to Sorrento Mesa in the western part of the community and to Kearny Mesa via I-805. Route 31 provides local service that connects eastern Mira Mesa with University Towne Center, and Route 30 connects eastern Mira Mesa with La Jolla, Pacific Beach and downtown. A park-and-ride facility is located at the northwest corner of I-15 and Mira Mesa Boulevard, which offers commuter parking for Route 20.

Additional transit service is provided by DART (Direct Access to Rapid Transit) under contract to San Diego Transit Corporation. Direct Access to Rapid Transit uses vans to transport members of the community from residential neighborhoods to a transfer point at Black Mountain Road and Mira Mesa Boulevard, where riders can then transfer to Route 20 or Route 30.

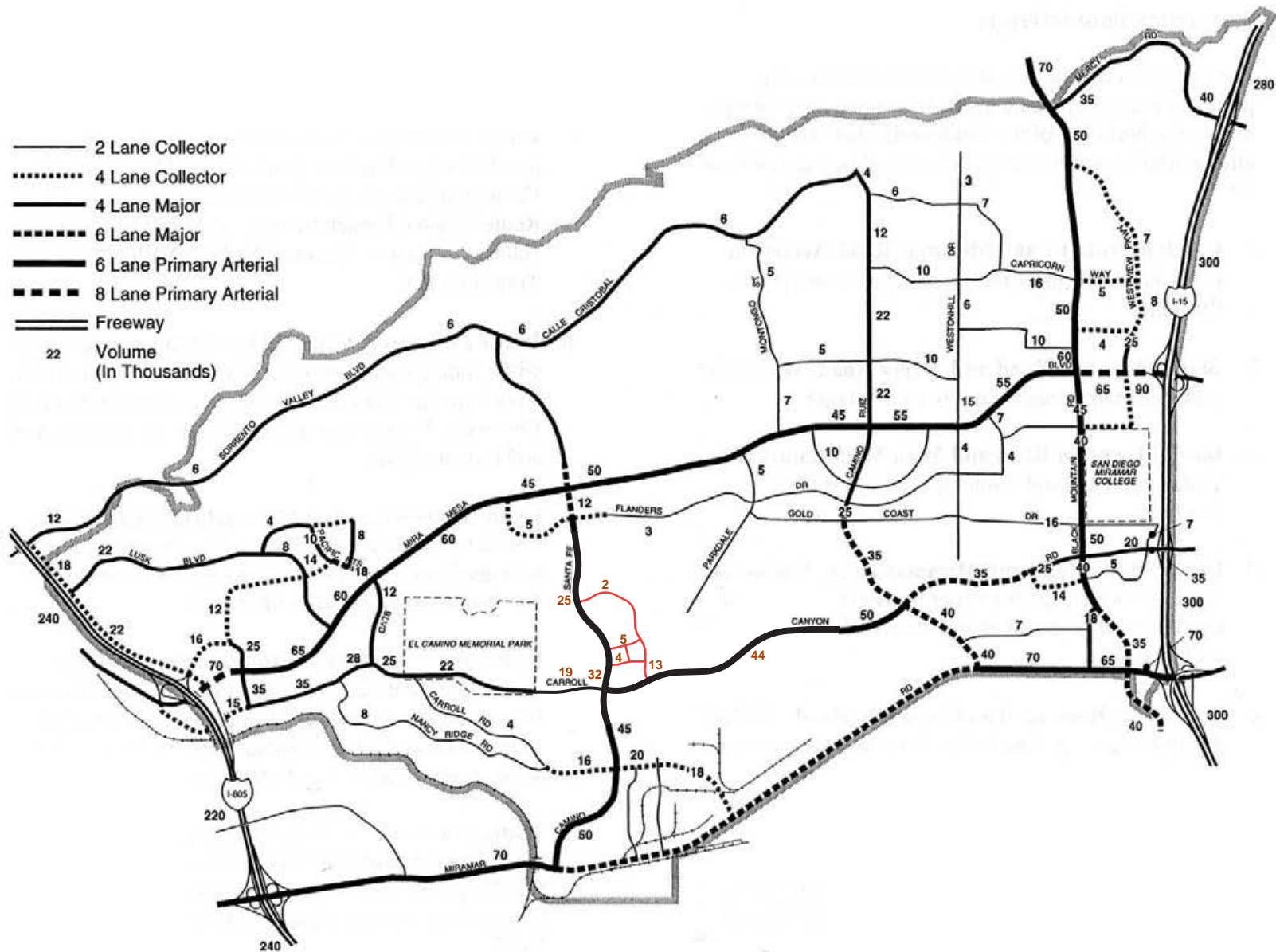
The ~~region's transportation agency, Metropolitan Transit Development Board (MTDB)~~ Sandag ~~SANDAG~~, ~~after studying the feasibility of a light rail is planning for -high frequency transit service (LRT)-line~~ that would provide an east/west ~~service connection~~ in Mira Mesa via Mira Mesa Boulevard and Carroll Canyon Road to, ~~has selected a preferred route alignment that would connect to~~ transit within the I-15 corridor with the Sorrento Valley Coaster station ~~in the vicinity of Mira Mesa Boulevard, run south along Black Mountain Road, turn west along Carroll Canyon Road, turn south along the eastern side of I-805 north of La Jolla Village Drive and terminate in University City in the vicinity of Town Centre Drive and Executive Drive~~ (**Figure 12**). ~~If adopted, this line would link two other LRT lines which are also in the planning stages along the I-5 and I-15 corridors.~~

The North County Transit District is currently implementing a plan for a commuter rail line from Oceanside to downtown San Diego. Two stops will provide access to the western portion of Mira Mesa—one in Sorrento Valley and the other in Mira Mesa at the terminus of Camino Santa Fe, just south of Miramar Road.

- 2 Lane Collector
- 4 Lane Collector
- 4 Lane Major
- 6 Lane Major
- 6 Lane Primary Arterial
- 8 Lane Primary Arterial
- ==== Freeway
- 22 Volume
(In Thousands)



Horizon Year Average Daily Traffic and Recommended Street Classifications



Horizon Year Average Daily Traffic and Recommended Street Classifications

Mira Mesa Community Plan

10
FIGURE

- e. Route 210 would continue to operate peak period commuter service from Mira Mesa to Centre City San Diego. This route also provides reverse commute service from Kearny Mesa to Sorrento Mesa on a limited basis.

5. Future Transit Service in Carroll Canyon

A 1991 study by MTDB determined that an east-west LRT line in Mira Mesa is feasible, and selected a preferred alignment in the Carroll Canyon Corridor. Sandag-SANDAG re-evaluated this type of service and is planning for high frequency bus transit service in this corridor instead. Future development in this corridor should be designed to be consistent with provision of a possible future LRT transit line. Future studies by MTDB will address the cost-effectiveness of light rail compared to other modes of transit.

In order to achieve a reduction in auto trips through the encouragement of pedestrian travel and transit use, the land use pattern and circulation system for future development in the Carroll Canyon Master Plan area should be planned according to the Transit-Oriented Development (TOD) Design Guidelines which are part of the City's Land Guidance Program.

6. Pedestrian Facilities

In addition to sidewalks constructed in conjunction with City streets and private walkways constructed as part of planned development permits, two pedestrian bridges are proposed to provide access over Black Mountain Road. One of these is proposed near Capricorn Way or Galvin Avenue for access to Hage Elementary School and Park. The other will be located between Gold Coast Drive and Hillery Drive, providing access between Hourglass Field Community Park and Walker Elementary and Wagenheim Junior High Schools.

7. Bikeway System

Proposed bikeways are shown on **Figure 13**. Bikeway standards are described on **Figure 14**.

8. Trail System

A trail system is proposed in Los Peñasquitos Canyon Preserve as part of the Preserve Master Plan to provide access to equestrians and hikers. This trail system is a concept plan only and will be refined during environmental analysis to avoid sensitive areas of the preserve. Future trails will also be identified as part of the Carroll Canyon master plan process. General locations for these trails are shown on **Figure 7** in the **Sensitive Resources and Open Space System Element**.



5. Carroll Canyon (~~3Roots~~) and Carroll Center Park Sites

These two ~~neighborhood~~ parks should be tied into the planned Carroll Canyon/Rattlesnake Canyon open space system. Appropriate locations will be determined during the master plan process for future development of the ~~900 acres that are now in~~ sand and gravel extraction sites.

Because it is located away from residential uses that could be negatively affected by field lighting, the Carroll Canyon site may be suitable for an ~~enlarged neighborhood~~ park large enough to meet the demand for additional athletic fields. However, such an active recreation facility should also be located away from any sensitive plant species or habitat for sensitive animal species.

An approximately 25-acre community park will be provided as part of the 3Roots San Diego project. As part of this project, this park has been sited to include lighted sports fields to accommodate the need for more organized sports in the community.

6. Carroll School Site

Acquire from the San Diego Unified School District the 11 net usable acres adjacent to Mira Mesa Community Park for development of athletic fields.

7. Westview (Hage) Park

Develop four acres of this nine-acre park prior to occupancy of more than 100 units in Mesa Del Sol. Require the completion of five acres of the park prior to the occupancy of any units in the Westview planned residential development project in accordance with the Westview Development Agreement approved by the City Council on November 14, 1988.

8. Lopez Ridge Park

Provide a minimum of ten usable acres for this park site. The San Diego Unified School District has determined that a previously planned elementary school at this site is not required, consequently the required park size has increased from five to ten acres.

9. Maddox Park

Lease an additional ten acres from the adjacent Maddox Elementary School site to increase this park to 14 acres as an interim measure until the school district develops this site as an elementary school.

~~10. Parkdale Park~~

~~—Develop a five-acre passive use park at the southern terminus of Parkdale Avenue. The park should provide a buffer to protect the adjacent vernal pool site.~~

~~11~~10. Canyon Hills Resource-Based Park

Approximately 15 acres of this 60-acre site are suitable for development as a passive use resource-based park with grass and picnic areas. The remainder of the site is characterized by steep slopes and should remain in a natural state.

RECOMMENDED COMMUNITY AND NEIGHBORHOOD (POPULATION-BASED) PARK FACILITIES

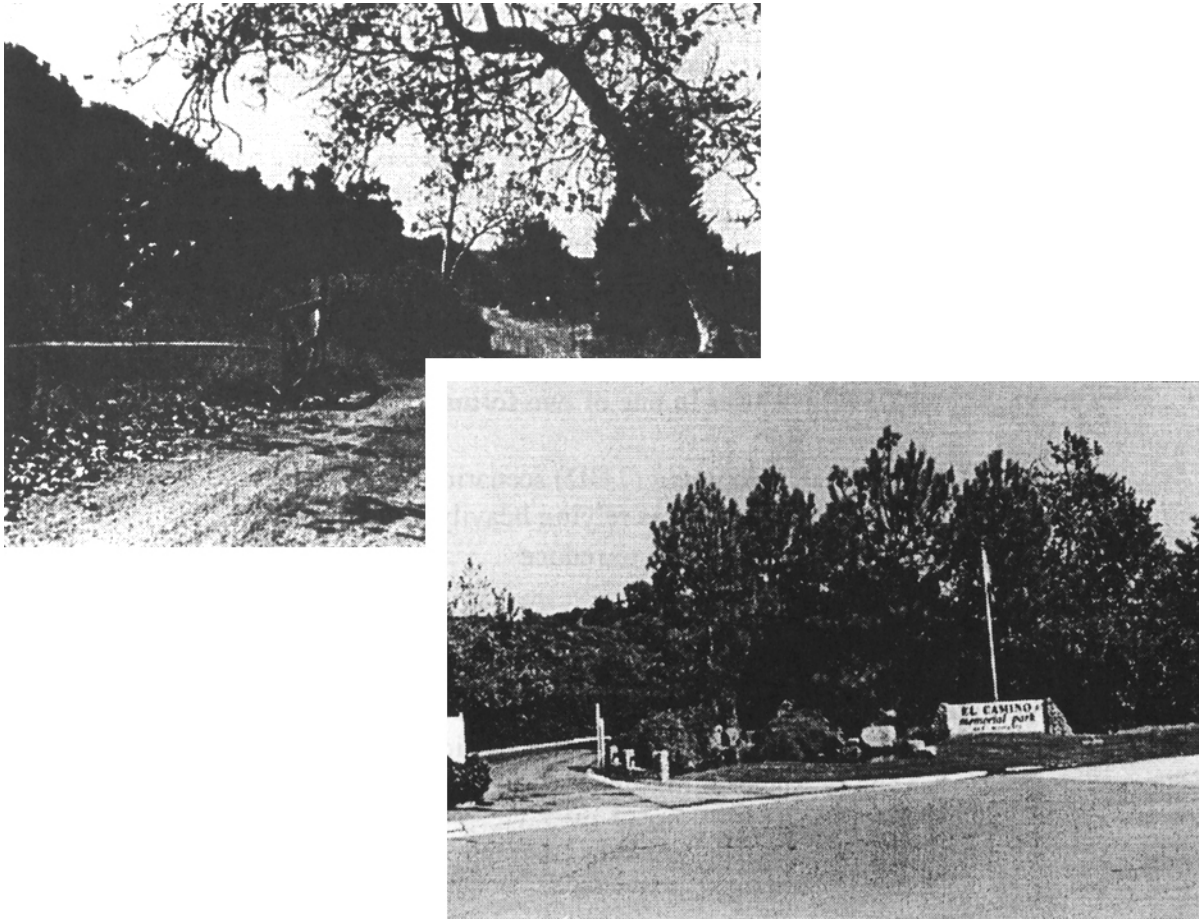
	1992 Park Acreage (City-Owned/Leased)		Recommended Park Acreage (Net Usable)	Scheduled Completion (Fiscal Year)
Community Parks				
Hourglass Field Community Park	0	30	27	1992/1997
Mira Mesa Community Park	17	-	17	Developed
Winterwood Community Park	33	-	21	1994/2002
<u>3Roots Community Park</u>	<u>25</u>	<u>-</u>	<u>25</u>	<u>2025</u>
Neighborhood Parks				
Breen School Site	0	-	10	1994/1998
Camino Ruiz Park	0	-	11	1997
Carroll Canyon	0	-	10	2005
Carroll Center	0	-	10	2005
Carroll School Site	0	11	11	1993/2001
Lopez Ridge Park	10	-	10	1990/1995
Maddox Park	4	-	4	Developed
Mesa Verde Park	5	1	6	Developed
Mesa Viking Park	7	5	12	Developed
Mira Mesa High School	0	11	11	Developed
Parkdale Park	0	-	5	2002/2012
Sandburg Park	5	-	4	Developed
Walker-Wagenheim School	0	11	11	Developed
Westview (Hage) Park	9	0	7	1992/1995
Total Acreage	<u>90115</u>	69	<u>187207</u>	

Note: Scheduled completion dates may be revised during updates of the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment.

ACTION PLAN

Implementation Measures	Timing		Responsibility for Implementation	Source of Funding	See for More Detail
	Adopt With Plan	Within 10 Years			
Acquire and develop Breen, Camino Ruiz, Carroll School and Maddox Park sites.		λ	Park and Recreation Department	FBA, Subdivision Agreement	Proposals 3, 4, 6 and 9
Acquire and develop Carroll Canyon and Carroll Center and Parkdale Park sites.			Park and Recreation Department	FBA, Subdivision Agreement	Proposals 5 and 10
Develop Hourglass Field Park.			Park and Recreation Department	FBA, Subdivision Agreement	Proposal 1
Develop Winterwood Park.		λ	Park and Recreation Department	FBA	Proposal 2
Develop Hage and Lopez Ridge Parks.		λ	Park and Recreation Department	FBA, Subdivision Agreement	Proposals 7 and 8
Develop Canyon Hills Resource-Based Park.		λ	Park and Recreation Department	Unidentified	Proposal 11

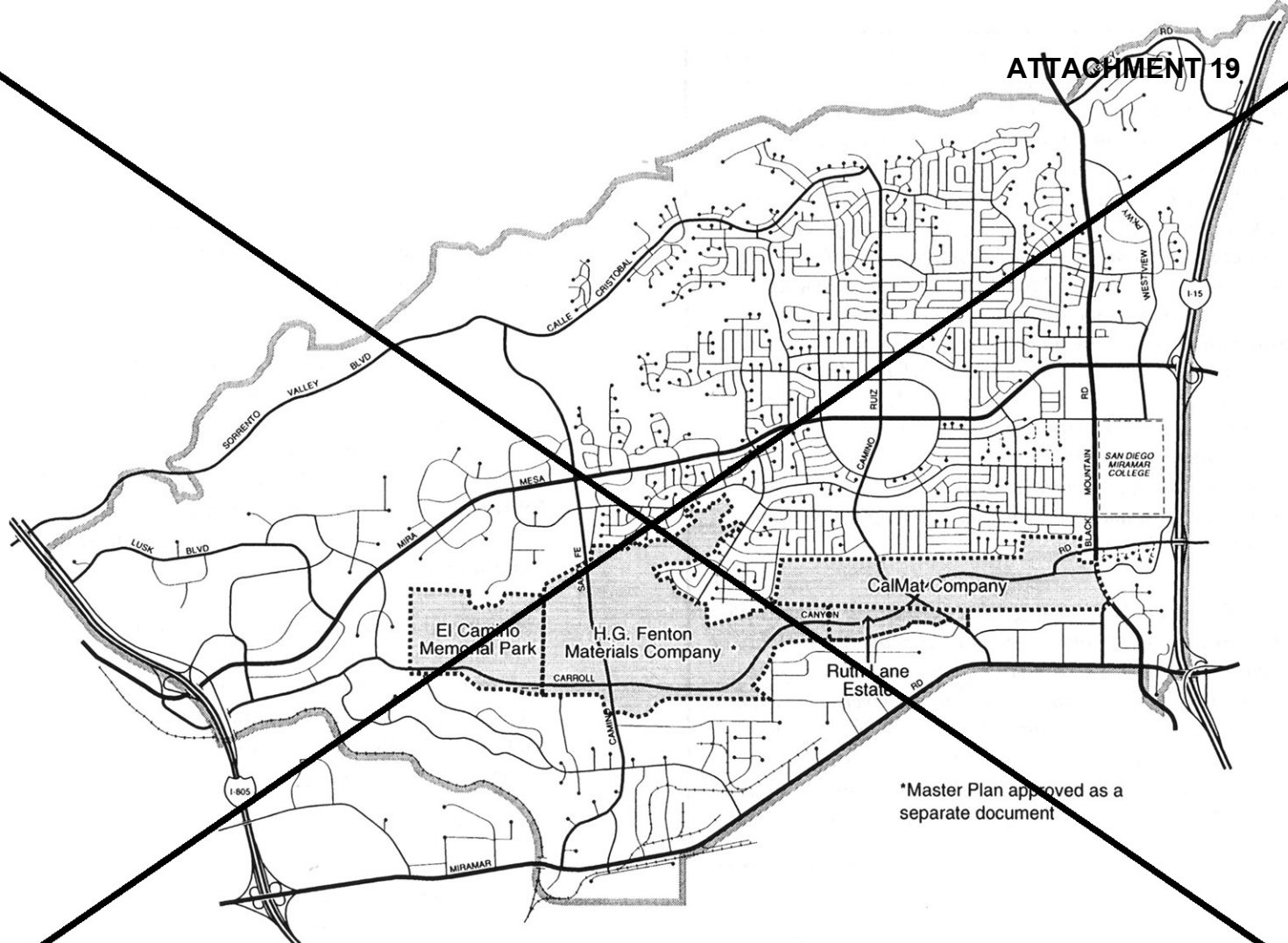
CARROLL CANYON MASTER PLAN AREA



This Plan designates approximately 1,100 acres in Carroll Canyon for future development under a master plan process. The Master Plan Area includes four properties as shown on **Figure 22**:

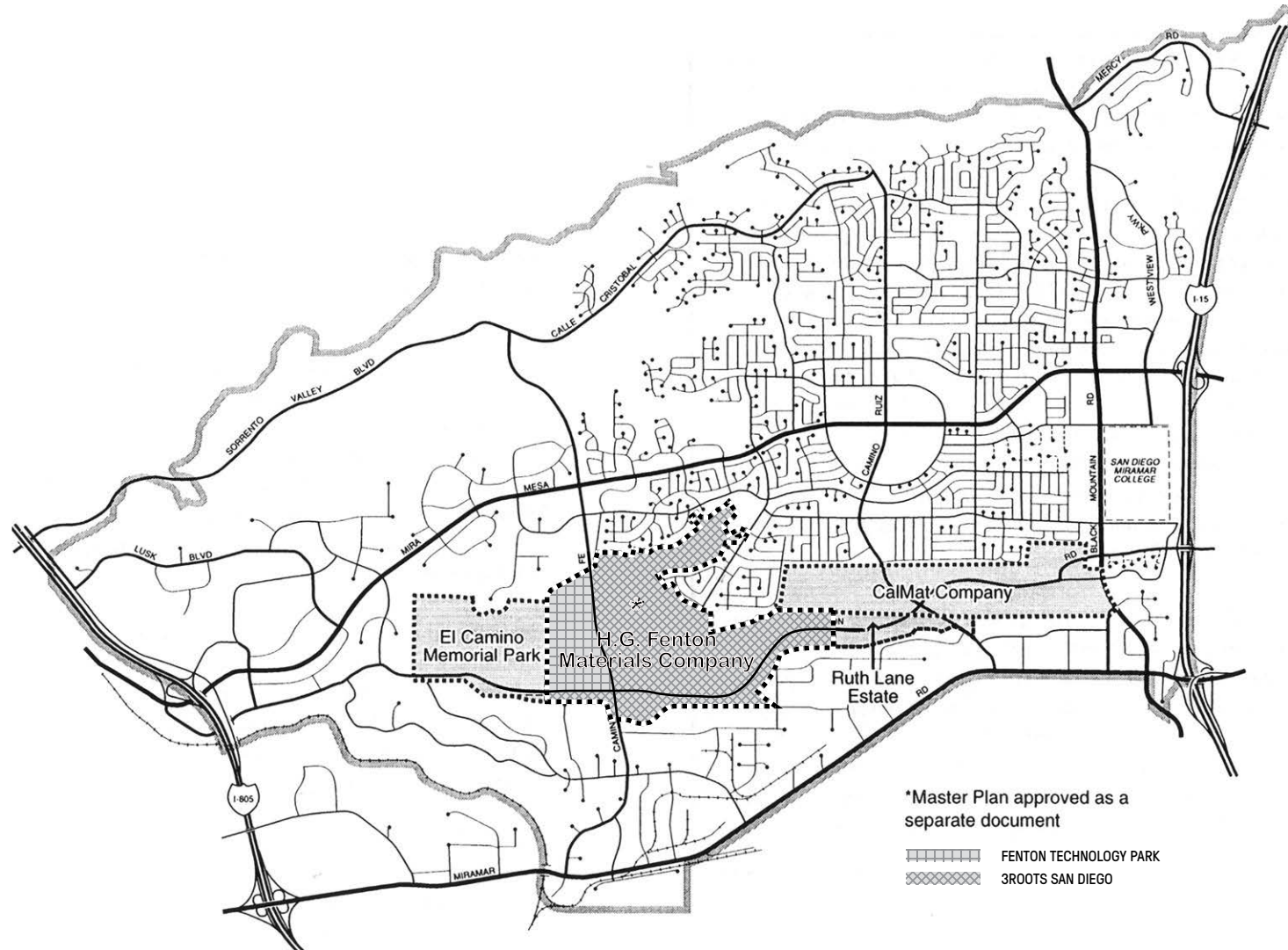
- Fenton Materials Company operates~~sd~~ a mining facility on approximately 500 acres of their 573-acre site in accordance with Conditional Use Permit (CUP) No. 89-0585, which expires~~sd~~ in the year 2015. A portion of the site has since redeveloped into the Fenton Technology Park. The remainder of the site is within the 3Roots San Diego project.
- The CalMat Company operates~~sd~~ a mining facility on approximately 300 acres in accordance with CUP 315-2, ~~which expires in the year 2006~~ until mining operations transferred to the Vulcan Materials Company and ownership transferred to the Stone Creek Mira Mesa LLC. The LLC is processing a CUP extension and a master plan for redevelopment of the site as mining operations cease.

- The Ruth Lane Estate ownership of approximately 60 undeveloped acres, which are constrained by steep slopes and the floodplain, has been developed as the Carroll Canyon Business Park; and
- El Camino Memorial Park operates a cemetery on a portion of their 200-acre site in accordance with CUP 4120.



*Master Plan approved as a separate document





Carroll Canyon Master Plan Area
Mira Mesa Community Plan

As indicated above, approximately 800 acres of the Carroll Canyon Master Plan area are currently being used for aggregate, sand and gravel extraction and processing, and concrete and asphalt production. Although mining operations are expected to continue over a period of 20-30 years, some portions of these properties might become available for redevelopment before completion of mining activity and dismantling of the mining facilities.

Therefore, a master plan process will be required to establish the ultimate reclamation and redevelopment of the mined sites, including restoration plans for Carroll Canyon Creek, suitable land uses, development intensity, development standards and a phasing and implementation program. Redevelopment plans for the mined sites will need to be coordinated with development plans for the Ruth Lane property and plans for further development within the cemetery property to ensure that the alignment of Carroll Canyon Road, SANDAG's plans for the future transit line, the proposed open space system and the design of Carroll Canyon Creek are planned comprehensively.

~~For the Fenton and CalMat properties, the master plan process shall be in the form of an amendment to this Plan. More detailed development proposals shall be processed as planned development permits for each phase of development. A master plan was approved for the H.G. Fenton Materials portion of the Carroll Canyon Master Plan Area by the City Council in 1994 as an amendment to the Mira Mesa Community Plan (reference Carroll Canyon Master Plan Resolutions 285096 and 285097). The Carroll Canyon Master Plan provided a development strategy and required approval of Planned Development Permits consistent with the master plan's development criteria for redevelopment within the site. Phase I of the Carroll Canyon Master Plan, also known as the Fenton Carroll Canyon Technology Center, was approved by the San Diego City Council in December of 2001 as PDP 98-1199 and has been constructed. Phase II of the Carroll Canyon Master Plan, also known as 3Roots San Diego, was approved by the City Council in _____ of 2019 as Master Planned Development Permit (MPDP) _____. With the approval of Phase II, the Carroll Canyon Master Plan was extinguished and replaced by the Planned Development Permits approved consistent with the former Carroll Canyon Master Plan and with this element.~~

~~The Development of the Ruth Lane Estate property may be processed as with a Planned Industrial Development permit 98-0978. and Development plans for additional cemetery uses in disturbed areas of El Camino Memorial Park may be processed as a CUP amendment (without the need for a Community Plan Amendments) provided that the design of the creek and open space systems, the alignment of Carroll Canyon Road and plans for development that would support a future LRT-transit line are coordinated with Fenton's and CalMat's plans adjacent properties.~~

The Master Plan Development Criteria

The following criteria shall be used in the preparation and evaluation of development proposals in the Carroll Canyon Master Plan ~~a~~Area.

1. Expansion of cemetery uses within El Camino Memorial Park shall be subject to:

- a. Restoration and preservation of the Rattlesnake Canyon floodplain as open space.
 - b. Placement of a non-building area easement over a 100-foot-wide corridor of lawn area east of the mortuary building and parking lot to permit wildlife movement between Rattlesnake Canyon and Carroll Canyon Creek.
 - c. The Rattlesnake Canyon open space corridor should remain free of any recreational use or trails. Improvements for flood control and utility purposes may be permitted.
2. The Fenton, CalMat and Ruth Lane properties should be developed with a mix of uses in one of two forms:
- a. A Transit-Oriented Development (TOD) scenario with an intensive mix of land uses relying heavily on the LRT or other transit forms to reduce automobile use; or
 - b. A more conventional development scenario with the predominant use being industrial/business parks. Commercial uses that provide convenience services to employees and residents within the community service area should also be provided.

Transit-Oriented Development: *San Diego, along with a number of other growing metropolitan regions throughout the country, is increasingly faced with a crisis of many dimensions: mounting traffic congestion, diminishing affordable housing, receding open space, threatened wildlife, urban sprawl, air pollution and socially isolated communities. In order to address the various problems associated with urban sprawl development and encourage land conservation, the City's Land Guidance Program began working with a consultant and a committee of design professionals and community members to develop land use policies and design guidelines directed at reducing automobile dependence in support of alternative forms of transportation. The Transit-Oriented Development Design Guidelines were prepared to provide strategies for accommodating projected growth in the City while maintaining its quality of life and allowing for continued economic viability.*

A TOD is a land use strategy that is designed to lessen the dependence on the automobile and increase the viability of transit ridership. Theoretically, traffic volumes may be higher with a TOD than a conventional development. These additional automobile trips will, however, be offset by increased transit ridership as well as pedestrian and bicycle trips. Therefore, there is an opportunity to increase development intensities to support transit without increasing traffic congestion.

In either scenario, projects should be designed to provide for several transportation alternatives including walking, bicycling and transit ridership. The selection of either the conventional or the TOD mixed-use development scenario should be based on a

particular site's potential as a transit stop (see **Figure 12**). The TOD design concepts and development intensities should be applied to locations within a reasonable walking distance from a transit stop, while areas farther from transit may be developed utilizing a more conventional design.

Under the TOD scenario, the intensity of land uses should be greatest where they occur near an LRT-transit station or transit center. Intensities should decrease as the distance from transit stations increases. Additionally, the intensity of use may be greater than that allowed with conventional development due to a realized reduction in traffic associated with an increase in transportation options.

Residential development should be provided to encourage housing opportunities near employment centers. Accordingly, higher density residential development should be permitted to support the intensity of uses envisioned in the TOD and to create a viable neighborhood within Carroll Canyon.

3. An analysis of all public facilities needed to support residential development, particularly schools and parks, must be conducted by the developer if residential uses are proposed. If existing public facilities are not able to support residential development, the needed facilities must be provided on-site in order for residential development to proceed.
4. A detailed phasing program for the development of projects and the provision of public facilities, with timing and financial responsibilities clearly identified, shall be included in the master plan.
5. Right-of-way for the future LRT-transit alignment should be dedicated as adjacent properties develop. Due to an anticipated decrease in traffic volumes assumed with SANDAG's transit proposal~~the LRT~~ and linked to TOD design, variations in design standards for Carroll Canyon Road should ~~also~~ be examined with future projects.
6. Carroll Canyon Creek shall be developed as a project amenity and shall be revegetated and enhanced as an east-west open space system from El Camino Memorial Park on the west to Black Mountain Road on the east. The creek should be integrated with surrounding natural or restored open space through the use of native riparian and oak woodland species and pedestrian linkages.
7. Roadways crossing the open space system shall be minimized except where they are necessary to implement a multi-modal transportation system for development around a proposed transit stop.
8. Where Rattlesnake Canyon has been disturbed by mining and related activities or cemetery uses, it shall be restored and enhanced.
9. In order to provide for the alignment of Carroll Canyon Road and a potential LRT-transit line, the Carroll Canyon floodplain may be reconfigured provided that it incorporates the

following:

- a. Although engineering requirements must be met, the recreation of a contiguous riparian habitat for wildlife (most likely to be species compatible with urban activity) shall be emphasized in the design of the flood channel.
 - b. A wider channel design that will slow flood flows should be used, rather than accelerating the flow through a steep, narrow channel.
 - c. The creek channel shall vary in width using 200 feet as a minimum standard. Portions of Carroll Canyon may be less than 200 feet if the Planning Director determines, through the master plan process, that future right-of-way widths required to construct Carroll Canyon Road and the trolley line make the 200-foot minimum infeasible.
 - c. A 50-foot minimum buffer shall be provided on each side of the creek channel. The buffer may include the bicycle and pedestrian trail on one side of the creek. This will ensure compatibility for both pedestrian activities and wildlife movement.
 - e. Hindrances to wildlife movement should be avoided. Drop structures, channel banks and bottoms should not be too steep and the use of materials such as concrete and rip-rap should be limited. If possible, the channel should allow for wildlife passage as it crosses Camino Santa Fe.
 - f. The floodplain shall be revegetated with riparian plant habitat and the hydrological conditions necessary for maintenance of the habitat should be replicated. The riparian habitat should transition to restored or preserved upland habitat such as Oak Woodland, Coastal Sage Scrub, Grasslands and Maritime Chaparral.
 - g. Urban runoff should be passed through a filtering system before entering the creek channel. Additional filtration should occur within the creek channel to avoid the possibility of sediment and other contaminants entering Los Peñasquitos Lagoon.
 - h. A detailed plan of the flood channel design including cross sections, surfacing and planting materials shall be provided with the master plan.
10. An open space and wildlife corridor shall be provided connecting Rattlesnake and Carroll Canyons, alongside the Parkdale vernal pool preserve. The corridor may be designed as part of the manufactured slope created from sand and gravel extraction in the area. However, the slope design shall incorporate contour grading techniques to aid wildlife movement and shall be revegetated with native species to provide vegetation cover for wildlife. Although a pedestrian path should be provided to link Carroll Canyon development with the existing community at Parkdale Avenue, the path should be designed to minimize the impact on wildlife movement.
 11. Proposed open space areas including Rattlesnake Canyon and Carroll Canyon Creek shall be retained as open space through dedication or easement. Responsibility for maintenance

of these areas shall be identified in the master plan.

12. A landscaped buffer, with a minimum width of 50 feet, shall be provided between industrial uses and adjacent residential development immediately west of Camino Ruiz.
13. Landscaped medians and noncontiguous sidewalks should be included in street designs with consideration given to the specific requirements of transit ~~and the future LRT line~~. A street tree program, establishing a landscape theme compatible with the restored riparian areas, shall be provided in the master plan.
14. Because Carroll Canyon development generally will be below the elevation of adjacent neighborhoods, rooftops should be designed to minimize visual impacts when viewed from nearby residential areas and public rights-of-way.
15. A 7.2-acre site east of Black Mountain Road, between Maya Linda and Carroll Center Road, and north of Maya Linda (Lots 3, 4 and 6 of Carroll Canyon Centre) may be developed prior to approval of the master plan for CalMat's Carroll Canyon site. This area shall be developed with retail, office and related uses under a planned commercial development permit. The PCD shall be incorporated into the master plan.

Carroll Canyon Master Plan Area Land Use

The community plan's land use goals and policies are reflected in the Land Use Map (Figure 1). The Land Use Map designates the Carroll Canyon Master Plan Area as either Mixed-Use, Open Space or Cemeteries reflecting existing ownerships and planned land uses. More precise land uses as well as land use refinements are expected to occur through the adoption of master plans, rezones and planned development permits consistent with this element. These land uses are shown in Figure 23 and their descriptions are within respective elements of this plan as well as the General Plan. The "Active Open Space" land use is specific to 3Roots San Diego and described here as intended for neighborhood gathering spaces, trails and recreation amenities.

Community Plan Implementation Overlay Zone (CPIOZ):

The Community Plan Implementation Overlay Zone (CPIOZ) is applied within the boundaries of the Carroll Canyon Master Plan Area shown on Figure 24 per Chapter 13, Article 2, Division 14 of the Municipal Code, to provide supplemental development regulations that are tailored to implement the Community Plan.

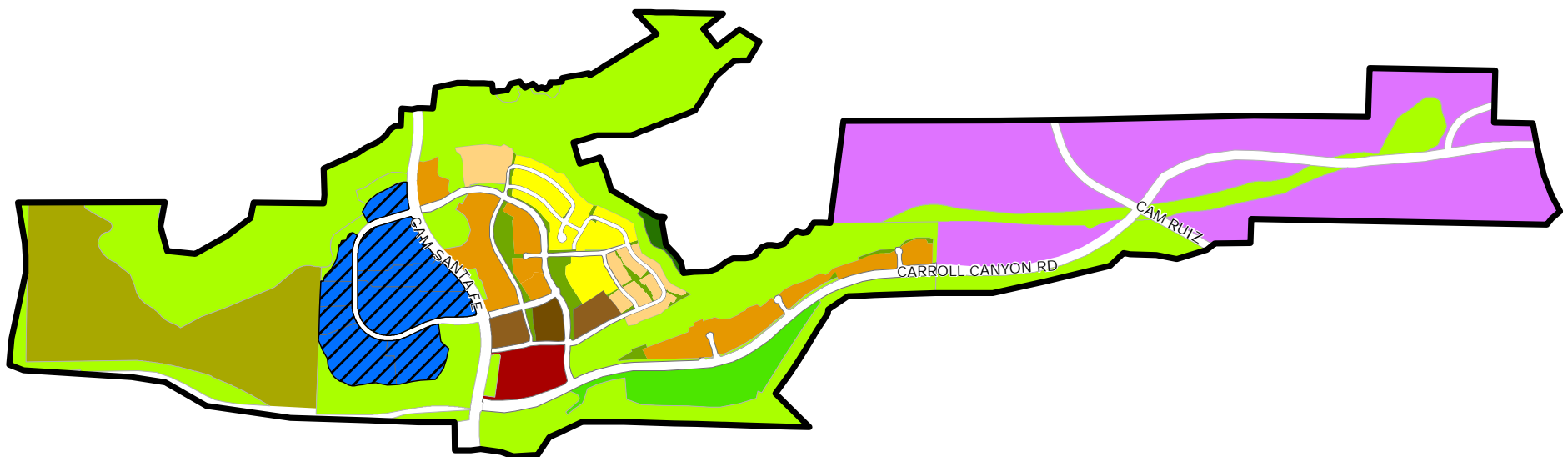
CPIOZ-Type B Supplemental Development Regulation (SDR):

Requirement: Development within the CPIOZ B Area shall be developed through the approval of a Planned Development Permit.

Requirements For Continued Mining Operations

Legend

- Carroll Canyon Master Plan Area
- Low Res (5-9)
- Low-Med Res (10-15)
- Med Res (16-29)
- Med High Res (30-45)
- High Res (46-73)
- Light Industrial
- Industrial Park
- Community Commercial
- Cemetery
- Community Park
- Open Space
- Active Open Space
- Mixed-Use
- Prime Industrial Lands

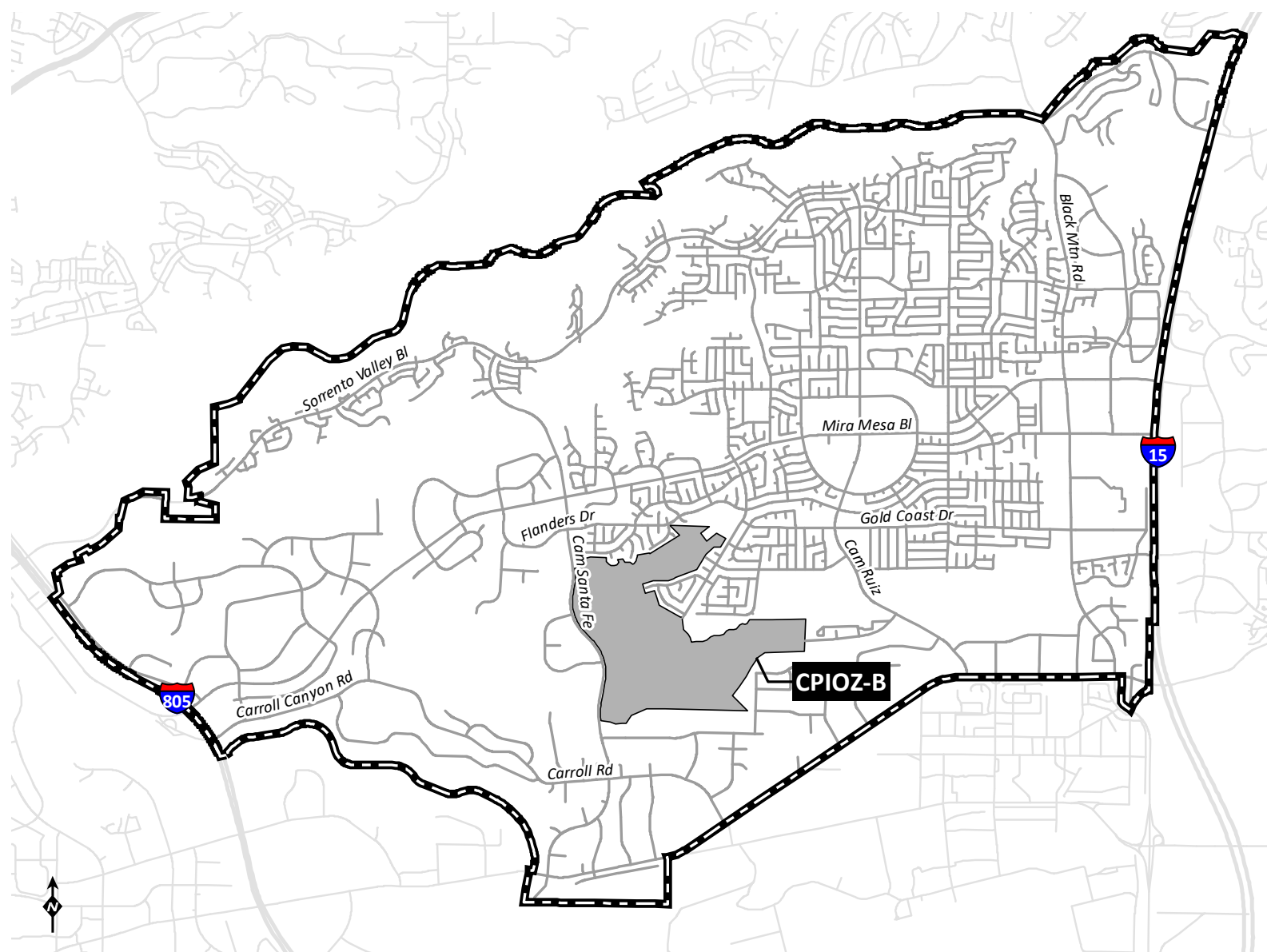


Carroll Canyon Master Plan Area Land Use

Mira Mesa Community Plan

23
FIGURE

I:\PROJECTS\HAW\HAW-34_Contra\Map\EIR\Figs.1-2_CPIOZ.indd CAH-02.01 4/23/19 -SAB



Source: Helix 4/19



Community Plan Implementation Overlay Zone (CPIOZ) - Type B

Mira Mesa Community Plan

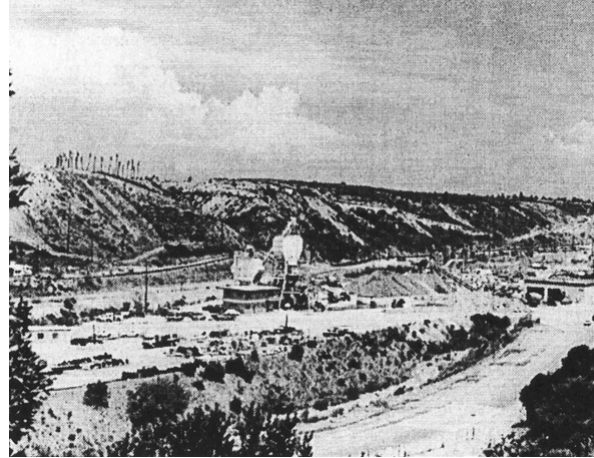
24

FIGURE

The Surface Mining and Reclamation Act of 1975 requires that a reclamation plan be approved by the local jurisdiction for all new natural resource mining operations.

Extensions to existing conditional use permits may be considered if they are necessary to fully extract the aggregate resources in Carroll Canyon. Conditional use permit amendments shall be reviewed for conformance with the following guidelines:

1. Plans should include the planting and seeding of recontoured hillside areas with trees, shrubs and grasses which can be expected to exist on their own once established. Supplementary watering of plant materials and grass areas will be necessary to achieve establishment. The planting pattern and densities should be in keeping with the natural growth on adjacent unmined lands.
2. Variable slope ratios (horizontal and vertical) should be applied over reclaimed surfaces to more closely resemble natural hillsides.
3. Control of erosion of the reclaimed surface from natural runoff of storm waters or other water sources should be instituted.
4. Reclamation plans should include a provision for an open space corridor in Carroll Canyon.



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Motion for the 3Roots project, approved by MMCPG 11/19/2018:

MMCPG recommends approval subject to further review of the EIR and Traffic study and with the following comments and conditions:

1. The new master plan is a significant improvement over the master plan approved in 1994.
2. The GDP for the “Seed” Community Park is a good design that has had considerable community review and been approved by the Mira Mesa Recreation Advisory Group.
3. The GDP for the “Seed” Community Park leaves a space for a future recreation center. The new recreation center currently planned for Mira Mesa Community Park should be moved to this location.
4. Completion of Carroll Canyon Road from I-805 to Camino Ruiz is essential to avoid traffic impacts on the existing community.
5. A financing plan should be developed to ensure that Carroll Canyon Road, Seed Park and the Recreation Center at Seed park are all developed concurrent with the residential development.
6. The project proposes to reallocate money currently in the FBA for acquisition and construction of Parkdale Park to construction of Seed Park, and to only build a trailhead at the southern end of Parkdale.
 - a. FBA credits used for Seed Park should be limited to the funds currently allocated for Parkdale park.
 - b. A small overlook park should be developed together with the trailhead at the southern end of Parkdale.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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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 Rezone, Easement Vacation

Project Title: 3Roots **Project No. For City Use Only:** _____

Project Address: 9255 Camino Santa Fe, San Diego, Ca. 92221

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

☐ Corporation ☒ Limited Liability -or- ☐ General - What State? Delaware Corporate Identification No. 82-3794155
☐ 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: Mesa Canyon Community Partners, LLC, c/o Ryan Green ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 16465 Via Esprillo, Suite 150

City: San Diego State: Ca. Zip: 92127

Phone No.: 858-618-4933 Fax No.: _____ Email: Ryan.Green@Lennar.com

Signature: [Signature] Date: June 26, 2020

Additional pages Attached: ☒ Yes ☐ No

Applicant

Name of Individual: Mesa Canyon Community Partners, LLC, c/o Ryan Green ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 16465 Via Esprillo, Suite 150

City: San Diego State: Ca. Zip: 92127

Phone No.: 858-618-4933 Fax No.: _____ Email: Ryan.Green@Lennar.com

Signature: [Signature] Date: June 26, 2020

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

Supplement to Ownership Disclosure Form for Project No. 587128

Mesa Canyon Community Partners, LLC

- Mesa Canyon Community Partners is owned
 - 35.08% by SPIC MESA, LLC
 - 33.81% by SH MESA, LLC
 - 31.11% by CWC-MCKINLEY, LP

SPIC MESA, LLC

- SPIC MESA, LLC is owned 100% by Lennar Homes of California
- Lennar Homes of California is wholly owned by Lennar Corporation

SH MESA, LLC

- SH MESA, LLC is owned 100% by Shea Homes Limited Partnership

CWC-MCKINLEY, LP

- CWC-McKinley, LP is owned 5% by CWC Carroll LLC and 95% by McKinley Opportunity Fund X, L.P.
- CWC Carroll LLC is wholly owned by California West Communities LLC

Attachment 22 – under separate cover