



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 22, 2014 **REPORT NO.** PC-14-032

ATTENTION: Planning Commission, Agenda of May 22, 2014

SUBJECT: MERGE - PROJECT NO. 311061. PROCESS 4.

REFERENCE: Development Agreement, Doc.# 1999-0541679, between City of San Diego and Pardee Construction Company

**OWNER/
APPLICANT:** CR CARMEL VALLEY, LLC, a Delaware limited liability company, Owner, and SEA BREEZE INVESTMENTS III, LLC, a California limited liability corporation, Applicant (Attachment 18)

SUMMARY

Issue(s): Should the Planning Commission approve a mixed-use development consisting of twenty-two multi-family residential units and approximately 32,355 square feet of neighborhood serving retail and office uses in four buildings on an approximately 4.11 acre site within the Carmel Valley Community Planning area?

Staff Recommendations:

1. **State** for the record the project is within the scope of Final Addendum to Environmental Impact Report No. 91-0834 and Subsequent EIR No. 96-0736/96-0737, certified on September 4, 2007 and this report adequately describes the activity for the purposes of CEQA; and
2. **Approve** Easement Vacation No. 1122089, Vesting Tentative Map No. 1090743, Planned Development Permit No. 1090744 and Site Development Permit No. 1090742.

Community Planning Group Recommendation - The Carmel Valley Community Planning Board, on October 24, 2013, voted 7:2:1, to recommend approval of the project, with concerns. The motion sought to restrict the hours of operation for the retail spaces, extend the median within Corum Court, restrict the hours of trash collection, and prohibit loud music. For more information see the Discussion section of this report.

Environmental Review - This project is within the scope of Final Addendum to Environmental Impact Report No. 91-0834 and Subsequent EIR No. 96-0736/96-0737, certified on September 4, 2007. This report adequately describes the activity for the purposes of CEQA. For reference see Attachment 17.

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 with this action.

Housing Impact Statement - The project proposes construction of twenty two dwelling units as part of a mixed-use development which includes retail and office uses on a site designated for Neighborhood Commercial Center uses by the Carmel Valley Neighborhood 10 Precise Plan. The Precise Plan did not specifically anticipate residential development for this site; however, existing multi-family residential development surrounds the site and would be compatible with the proposed residential units.

BACKGROUND

The project site is designated for Neighborhood Commercial Use by the Carmel Valley Neighborhood 10 Precise Plan (Precise Plan) and is one of the neighborhood commercial centers identified in the 1975 Carmel Valley Community Plan (Attachment 1). Neighborhood centers are intended by the Community Plan to create focal points within each neighborhood. Each neighborhood center is to be pedestrian-oriented and planned comprehensively. The site is located at the northwest corner of Carmel Mountain Road and Carmel Country Road (Attachment 2). The proposed project site is the only remaining undeveloped site within the Precise Plan area (Attachment 3).

The Precise Plan allocates dwelling units to each of eighteen residential development areas in order to establish a maximum yield of 1,551 dwelling units for Neighborhood 10 and to achieve an equitable distribution of development rights for the multiple ownerships. The Precise Plan allows for transfer between residential development areas in order to overcome potential development constraints with the goal of providing 1,551 dwelling units at the completion of the Precise Plan area.

The Development Agreement, Doc. 1999-0541679, (DA) between the City and Pardee Construction Company for nearby Pacific Highlands Ranch has three provisions identified as "City's Obligations with Respect to the Development Program" that would affect land use in other communities when implemented (Attachment 4). Two of these obligations affect Carmel Valley Neighborhood 10 and the third relates to the Del Mar Mesa community. The previously approved project utilized a DA provision to adjust Pardee approved subdivisions to add 72-74 dwelling units within Neighborhood 10.

Article 5.3.3 of the DA would increase the dwelling units allocated to Carmel Valley Neighborhood 10, Development Area 12 from 98 to 200. Area 12 is an adjacent residential site under construction. This provision would have the effect of raising the dwelling unit cap by 102 units from 1,551 to 1,653.

In accordance with Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance, the project is not required to provide any affordable housing. The ordinance states all projects with an approved Vesting Tentative Map or an approved Development Agreement prior to July 3, 2003 are exempt from the City's Inclusionary Housing Ordinance. The prior Development Agreement, in effect on the subject property, was negotiated and executed in 1998 before the ordinance was adopted by the City Council, and through the provisions of the Inclusionary Housing Ordinance this project is exempt from the requirements of the Inclusionary Housing Ordinance.

DISCUSSION

Project Description

The Merge project (Project) proposes a mixed-use development consisting of twenty-two multi-family residential units and approximately 32,355 square feet of neighborhood serving retail and office uses in four buildings on a graded 4.11 acre site within six proposed lots (Attachment 5).

Required Approvals and Process

The Project requires four actions for approval; an Easement Vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit. The project is required to vacate a general utility easement. The proposed easement vacation is shown on drawing 37997-B (Attachment 6). A Vesting Tentative Map is required to subdivide the existing lot into seven lots for condominium ownership. A Planned Development Permit is required to approve deviations from the Land Development Code and Site Development Permit is required to amend the prior Site Development Permit No. 423678.

Deviations

According to the Neighborhood Commercial zone of the Carmel Valley Planned District Section 153.0304, the use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CN-1-2 zone apply in the Neighborhood Commercial zone. The project proposes three deviations: 1. A deviation from Municipal Code section 131.0531 to allow three of four buildings to be up to three feet six inches higher than the maximum thirty feet allowed, 2. A deviation from Municipal Code section 131.0540(c) to allow residential uses on the ground floor of three townhomes in Building 4 within the front half of the lot, and 3. A deviation from the Land Development Code section 142.0406 to allow trees, distributed twenty-four feet on center, along the edge of the vehicular use area within Lot 2 rather than within the vehicular use area.

Building Height:

The CN-1-2 zone allows buildings to be no higher than thirty feet. The Project proposes a maximum structure height for three of four buildings at thirty-three feet six inches. The building elevations and sections, sheets A3.0 and A3.1 and sheets A4.0 and A4.1, indicate where the

buildings would exceed the thirty foot maximum (Attachment 7). The proposed deviation accommodates the more traditional pitched roof/hip style of roof requested by residents of the neighborhood as being more in character with the surrounding development, and serves to screen rooftop mechanical equipment. The additional height would also distinguish the neighborhood commercial center from the surrounding residential development. These commercial retail/office buildings are located at the south end of the project, near Carmel Mountain Road, away from the Highlands Village residences.

Ground Floor Restriction:

Within the CN-1-2 zone, residential use and residential parking are prohibited on the ground floor in the front half of the lot. The requested deviation proposes to allow three residential units in Building 4 within the front half of the lot (Attachment 8).

Tree distribution within parking lots:

The Land Development Code section 142.0406 requires one tree within thirty feet of each parking space to be located within the parking area. The Project proposes to install one tree, distributed twenty-four feet on center, along the edge of the vehicular use area within Lot 2 rather than within the vehicular use area (Attachment 9). The proposed tree distribution and placement, adjacent to the parking area rather than within the parking area, would result in more trees within thirty feet of each parking space than if the trees were located within the parking area.

Staff supports the three deviations because the resulting design would be better than if the Project complied with the strict regulations. Staff has provided draft findings to support the deviations requested for the Project.

General Plan/Community Plan Analysis

The project site is designated as the Neighborhood Commercial Center by the Carmel Valley Neighborhood 10 Precise Plan (Precise Plan)(Attachment 1). The Neighborhood Commercial Center is intended to accommodate shopping facilities that would provide convenience goods and services for the surrounding residential neighborhood. The Precise Plan states that permitted uses within the Neighborhood Center must co-exist with the neighborhood in an atmosphere of compatibility and restraint. The project proposes approximately 32,355 square feet of neighborhood serving commercial and office uses and twenty two multi-family dwelling units.

To fully integrate the project into the surrounding neighborhood, architectural themes from the surrounding development were incorporated into the design. A traditional, lower profile pitched roof is proposed to complement the existing roofline form in the adjacent townhomes. Building materials reflect the style of the adjacent Highlands Village development through use of stucco in warm, earth-tone colors, and incorporating natural stone finishes into the design. Windows for the commercial center are smaller, residentially scaled, punched windows and the use of French doors for the commercial suite entrances. The second floor of the commercial component is stepped back which helps soften the scale on the street and allows an outdoor terrace on the second floor.

The project also promotes a pedestrian oriented environment with the residential townhomes oriented towards the street with front porches and patios, and landscaped setbacks which strengthen the perimeter pedestrian walkways. The commercial component includes an outdoor plaza for seating and eating. The plaza includes street furniture, pedestrian level lighting, transparent commercial facades, and decorative hardscape. Parking is provided in a mixture of garages, surface and below grade parking areas which are shielded from view from the public right of ways and plaza areas. The applicant has worked closely with the community planning group to design a project which provides the neighborhood serving commercial uses the Precise Plan calls for, introduces diversity in the residential product type via townhomes, and helps create an atmosphere of compatibility and restraint with the surrounding neighborhood.

Community Planning Group Recommendation

The Carmel Valley Community Planning Board (Board) voted to recommend approval of the project, with several concerns (Attachment 10). The motion sought to restrict the hours of operation for the retail spaces, extend the median within Corum Court, restrict the hours of trash collection, and prohibit loud music. With the exception of extending the median within Corum Court, the Board's concerns are addressed by existing City regulations.

The CN-2-1 zone restricts hours of operation. Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight in CN Zones. Refuse collection is regulated by Municipal Code section §59.5.0406 Refuse Vehicles and Parking Lot Sweepers: "No person shall operate or permit to be operated a refuse compacting, processing, or collection vehicle between the hours of 7:00 p.m. to 6:00 a.m. or a parking lot sweeper between the hours of 7:00 p.m. to 7:00 a.m. in any residential area unless a permit has been applied for and granted by the Administrator." The Administrator is the Environmental Services Department. Noise is regulated by the Municipal Code in Chapter 5, Article 9.5, Divisions 1 through 8. Corum Court is a private drive and the applicant has agreed to extend the median.

The applicant has accepted a condition in the draft permit to comply with the restrictions of the CN-2-1 zone which address hours of operation and further by limiting all delivery trucks and any other commercial trucks to the hours of 6:00 a.m. to 10:00 p.m. daily (Attachment 11, Condition #12).

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. Staff has provided draft findings to support approval of the project (Attachments 12, 13 and 14) and draft conditions of approval (Attachments 11 and 15). Staff recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Vesting Tentative Map No. 1090743, Easement Vacation No. 1122089, Planned Development Permit No. 1090744 and Site Development Permit No. 1090742,

with modifications.

2. **Deny** Vesting Tentative Map No. 1090743, Easement Vacation No. 1122089, Planned Development Permit No. 1090744 and Site Development Permit No. 1090742, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



John S. Fisher
Development Services Department
Development Services Department

VACCHI/JSF

Attachments:

1. Carmel Valley Neighborhood 10 Precise Plan Land Use Map
2. Aerial Photograph
3. Project Location Map
4. Development Agreement, Doc.# 1999-0541679 (under separate cover)
5. Colored Site Plan and Building renderings
6. Drawing 37997-B and legal description
7. Building Elevations, sheets A3.0, A3.1, A4.0 and A4.1
8. Architectural Site Plan
9. Tree distribution in and adjacent to vehicular use area
10. Community Planning Group Recommendation
11. Draft Permit with Conditions
12. Draft Vesting Tentative Map Resolution with Findings
13. Draft Easement Vacation Resolution with Findings
14. Draft Permit Resolution with Findings
15. Draft Vesting Tentative Map Conditions
16. Remaining Project Plans (under separate cover)
17. Memorandum from Martha Blake, March 19, 2014
18. Ownership Disclosure Statement
19. Project Data Sheet
20. Project Chronology

LAND USE PLAN



- VERY LOW DENSITY RESIDENTIAL (0-5 DU/AC)
- LOW DENSITY (5-15 DU/AC)
- RURAL RESIDENTIAL (UNDERLYING ZONING A-1-10)
- NEIGHBORHOOD COMMERCIAL
- ELEMENTARY SCHOOL
- ACTIVE PLAYFIELD/JOINT USE
- NEIGHBORHOOD PARK
- O.S. OPEN SPACE
- ROAD UNDERCROSSING
- BRIDGE

PRECISE

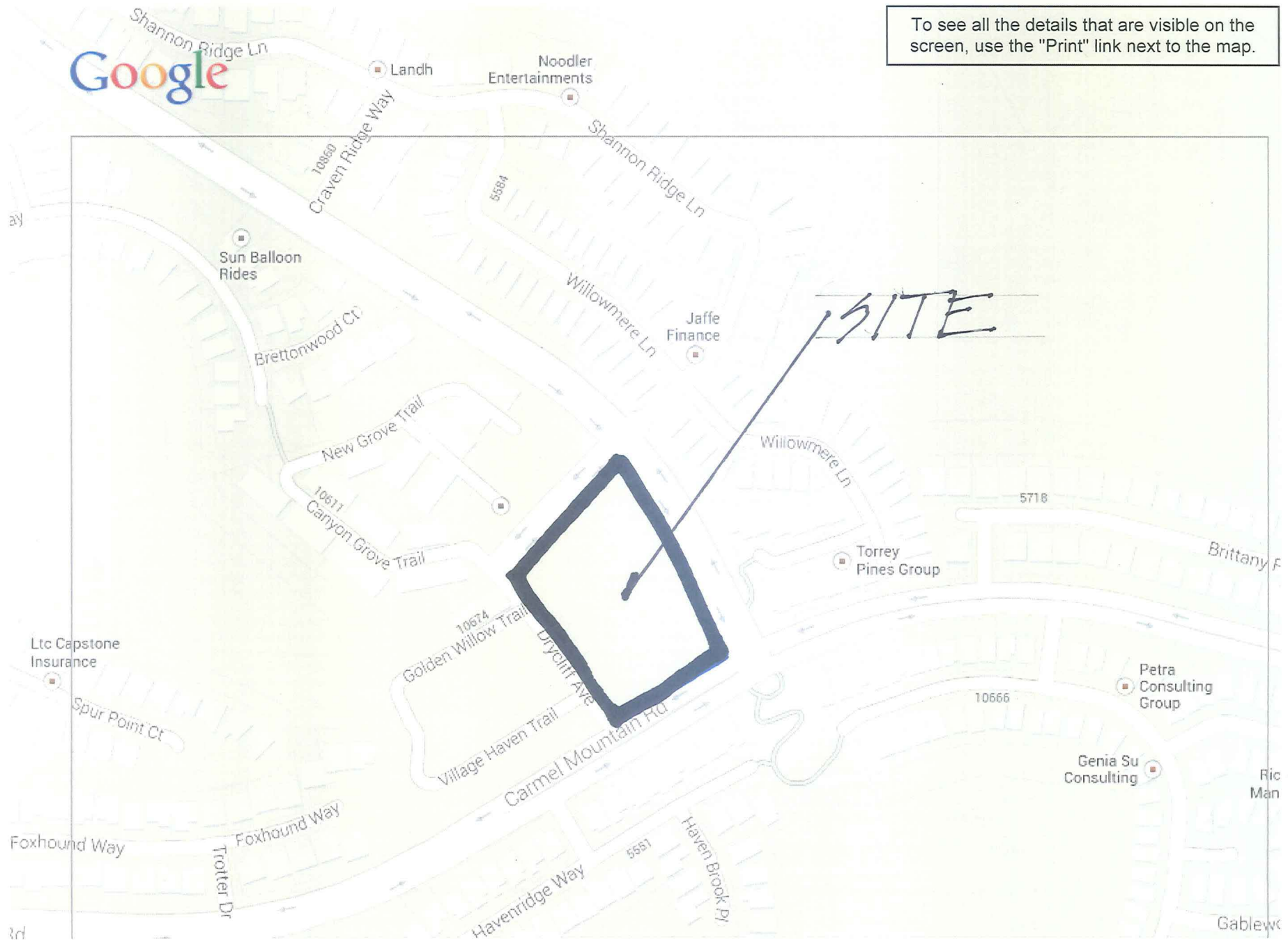
P • L • A • N ■ CARMEL VALLEY/NEIGHBORHOOD 10

FIGURE 8

T&B Planning Consultants
3402 HALLGATE, SUITE 100
SAN DIEGO, CALIF. 92121-1714
4070 OBERLIN DRIVE, SUITE 200
SAN DIEGO, CALIF. 92121-1714







Development Agreement

Doc.# 1999-0541679

(under separate cover)

Carmel Mountain Rd



Carmel Country Rd

Townhomes
12 Units

Office / Retail

Permeable Pavement Parking Drive

Office / Retail

Townhomes
10 Units

Office / Retail

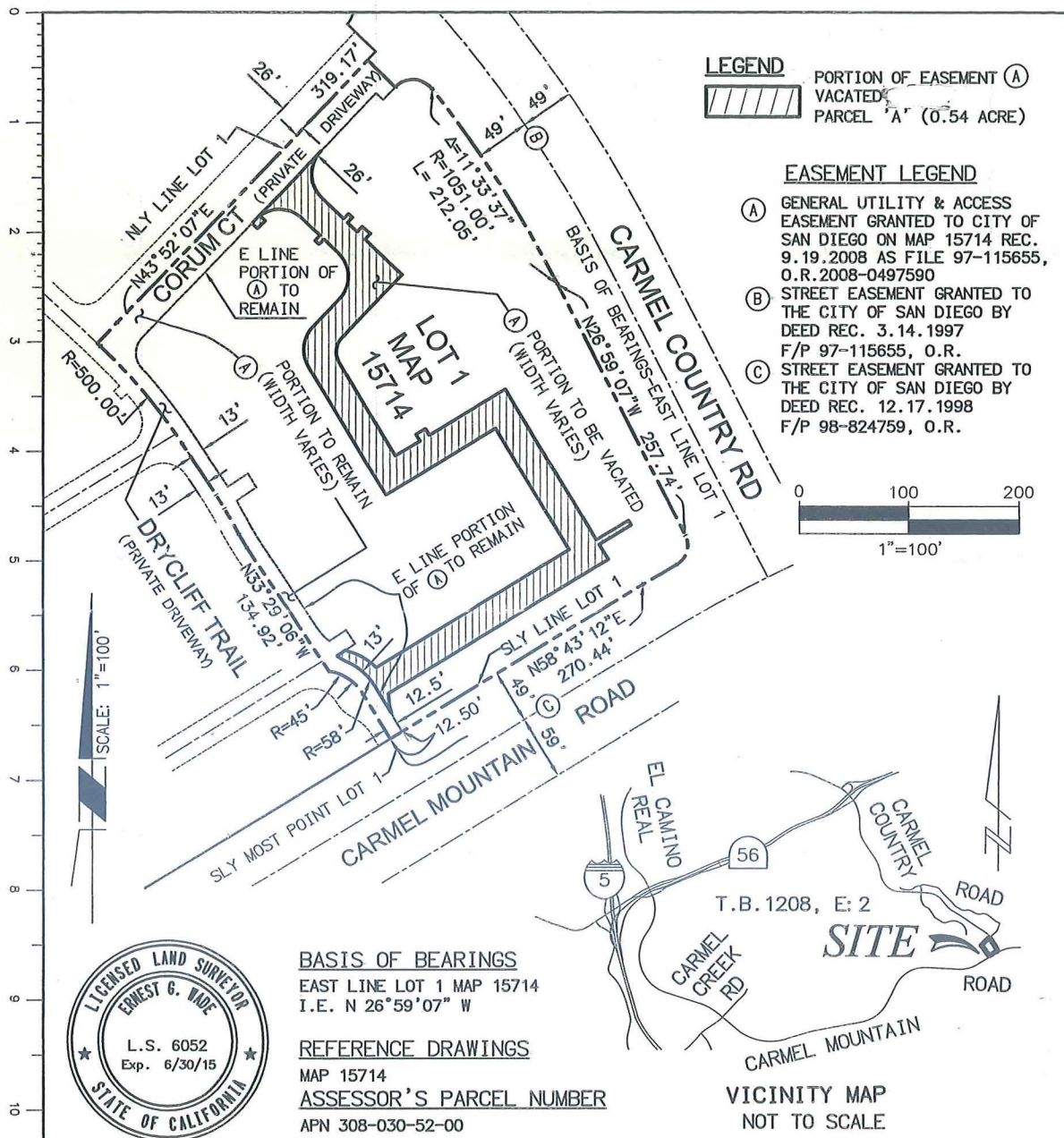
Drycliff Trail

Corum Court









130871-ESMT VACATION plot B sheet.dwg



9755 CLAIREMONT MESA BLVD
SAN DIEGO, CALIFORNIA 92124
858.614.5000

ERNEST WADE LS 6052

DATE _____

GENERAL UTILITY AND ACCESS EASEMENT VACATION
PORTION OF LOT 1 PER MAP 15714 SAN DIEGO, CA

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA		PTS 311061
ORIGINAL					SHEET 1 OF 1 SHEET		I.O. 24003541
		AEA	4/28/14		<u>Richard R. A. Page</u> FOR CITY ENGINEER		<u>4/29/14</u> DATE
							1918-6269
							CCS 83 COORDINATES
							278-1709
							LAMBERT COORDINATES
							37997 -B

EXHIBIT " A "
LEGAL DESCRIPTION
GENERAL UTILITY AND ACCESS EASEMENT VACATION

ALL OF THAT PORTION OF THE GENERAL UTILITY AND ACCESS EASEMENT WITHIN LOT 1 OF CARMEL HIGHLANDS VILLAGE MAP NO. 15714 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON SEPTEMBER 19, 2008.

EXCEPT THAT PORTION LYING WITHN CORUM COURT BEING A PRIVATE DRIVEWAY.

ALSO EXCEPT THAT PORTION LYING WITHN DRYCLIFF TRAIL BEING A PRIVATE DRIVEWAY.

ATTACHED HERETO IS DRAWING NO. 37997-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

AREA OF VACATION: 0.537 acre, more or less.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

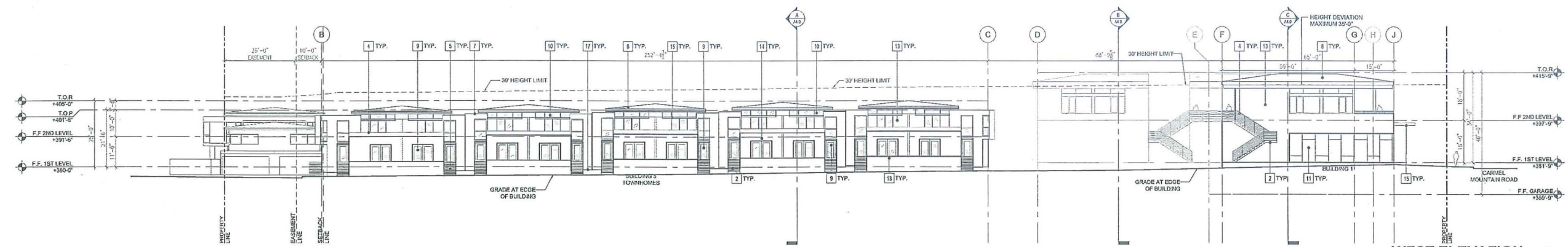
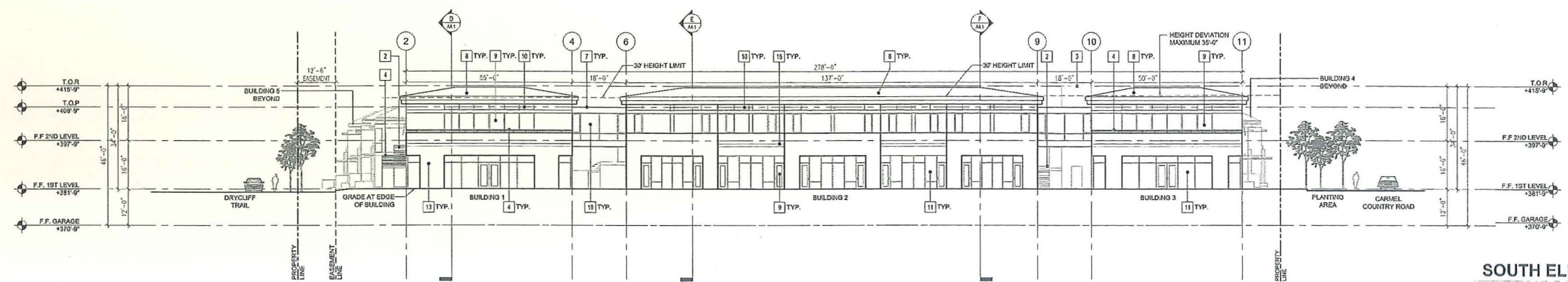


Ernest Wade LS 6052
Expires 06/30/2015

RBF Consulting
9755 Clairemont Mesa Blvd.
San Diego, CA 92124
CITY SUP No. 24003541
P.T.S. No. 311061
I.O No. 24003541

MERGE

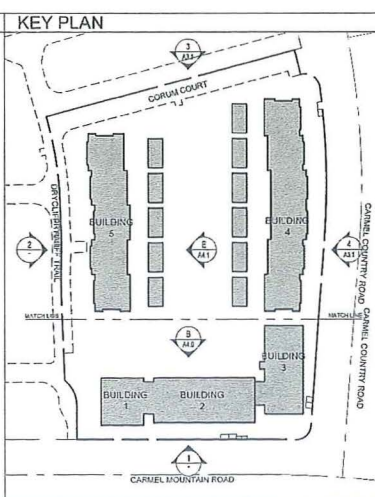
SITE DEVELOPMENT PERMIT / PLANNED DEVELOPMENT PERMIT / VESTING TENTATIVE MAP
(AMENDS SDP NO. 423678)



GENERAL NOTES	
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KEYNOTES	
1	REFUSE AND RECYCLING AREA
2	STAIRS
3	ELEVATOR
4	METAL RAIL
5	WOOD DECKING / STAIRS
6	WOOD FENCE / GATE
7	CLASS 'A' BUILT UP ROOF
8	CLASS 'A' STANDING SEAM METAL ROOF
9	ALUMINUM DOOR SYSTEM
10	ALUMINUM WINDOW SYSTEM
11	ALUMINUM STOREFRONT SYSTEM
12	GARAGE DOOR
13	STUCCO
14	STONE
15	WOOD TRELLIS
16	PLANTING - REF LANDSCAPE
17	PLANTERS

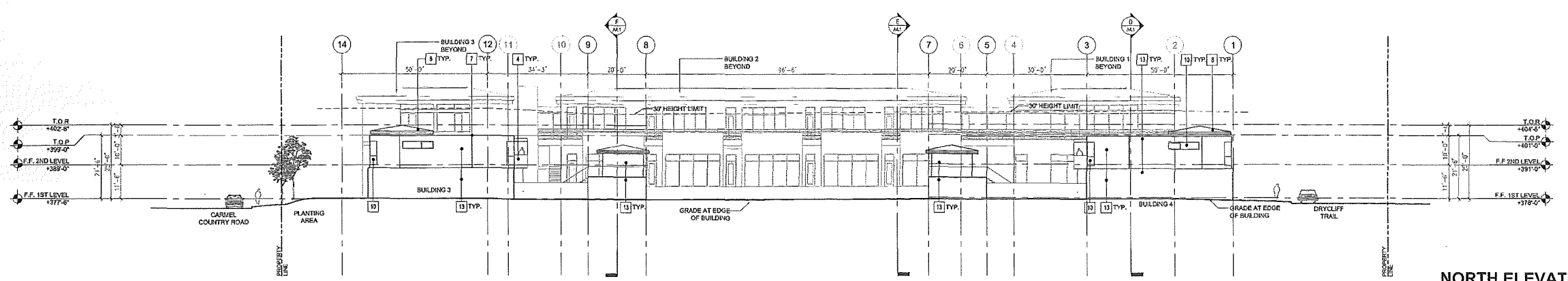
LEGEND	
---	PROPERTY LINE
---	EASEMENT LINE
---	SETBACK LINE
---	MATCH LINE
---	GRID LINE
+	VERTICAL DATUM
+	KEY NOTE
+	ELEVATION
+	SECTION
+	PARKING



* PROJECT TEAM *		
APPLICANT SEA BREEZE INVESTMENTS III, LLC CONTACT: GARY LEVIT, MANAGER 3525 DEL MAR HEIGHTS RD #246 SAN DIEGO, CA 92130 TEL: (619) 297-6153 TEL: (658) 361-6555	OWNER OR CARMEL VALLEY, LLC CONTACT: RITA WAHNEY 440 WEST BEECH STREET, STE. 300 SAN DIEGO, CA 92101 TEL: (658) 490-2343	ARCHITECT SAFIE RABINES ARCHITECTS CONTACT: SCOTT MAAS 925 FORT STOCKTON SAN DIEGO, CA 92103 TEL: (619) 297-6153
PLANNER/CIVIL ENGINEER RBF CONSULTING CONTACT: CAROL CHASE 9755 CLAREMONT MESA BLVD., #100 SAN DIEGO, CA 92124 TEL: (658) 614-5028	LANDSCAPE ARCHITECT THE OFFICE OF JAMES BURNETT CONTACT: KYLE FODOLINE 550 LOVAS SANTA FE, STE. A SOLANA BEACH, CA 92585 TEL: (658) 793-6976	
Prepared By: SAFIE RABINES ARCHITECTS CONTACT PERSON: SCOTT MAAS 925 FORT STOCKTON DRIVE SAN DIEGO, CA 92103 TEL: (619) 297-6153 FAX: (619) 299-6072	Project Address: NORTHWEST CORNER OF CARMEL MOUNTAIN AND CARMEL COUNTRY ROAD, SAN DIEGO, CA 92130	Project Name: MERGE
Sheet Title: ELEVATIONS SOUTH & WEST	Revision 8: Revision 7: Revision 6: Revision 5: Revision 4: Revision 3: Revision 2: 1/30/2014 Revision 1: 11/14/2013 Original Date: 2/14/2013 Sheet 13 of 19 Project No. 311061	SCALE: 1/16" = 1'-0" A3.0 SAFIE RABINES ARCHITECTS 925 Fort Stockton Drive, San Diego, California 92103 P: (619) 297-6153 F: (619) 299-6072 www.safierabines.com

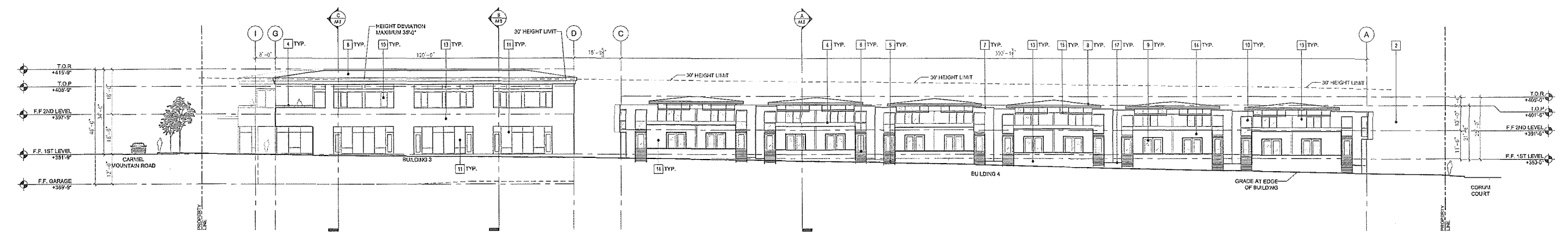
MERGE

SITE DEVELOPMENT PERMIT / PLANNED DEVELOPMENT PERMIT / VESTING TENTATIVE MAP
(AMENDS SDP NO. 423678)



NORTH ELEVATION
1/16" = 1'-0"

3



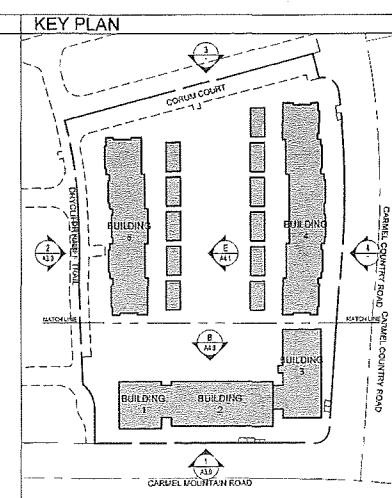
EAST ELEVATION
1/16" = 1'-0"

4

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Project Address:
NORTHWEST CORNER OF CARVEL MOUNTAIN AND CARVEL COUNTRY ROAD.
SAN DIEGO, CA 92130

Project Name:
MERGE

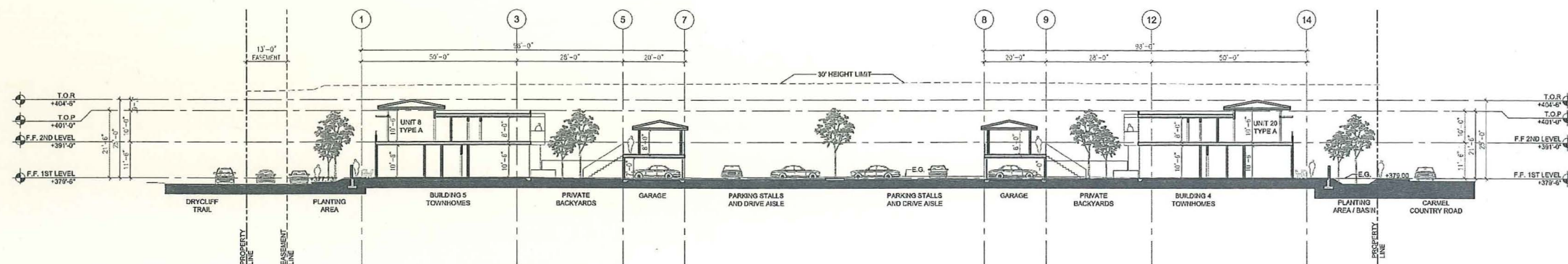
Sheet Title:
ELEVATIONS
NORTH & EAST

Revision 8:
Revision 7:
Revision 6:
Revision 5:
Revision 4:
Revision 3:
Revision 2: 1/30/2014
Revision 1: 11/14/2013
Original Date: 2/14/2013
Sheet 14 of 14
Project No. 311061

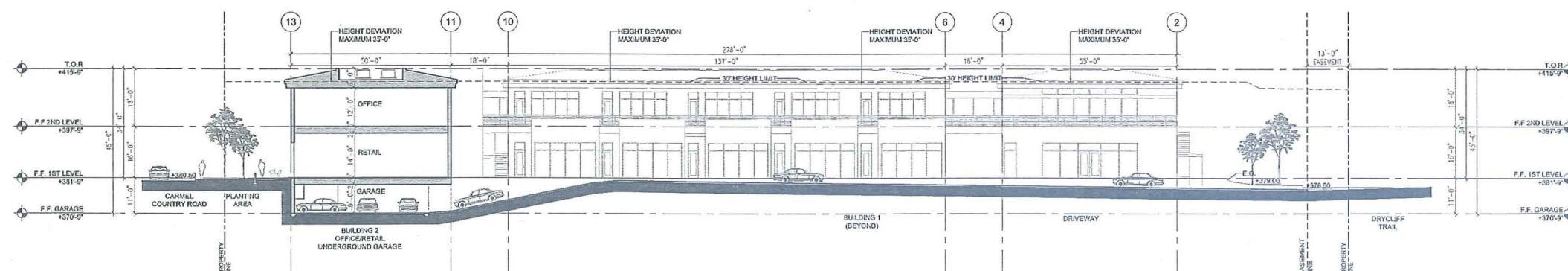
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MERGE

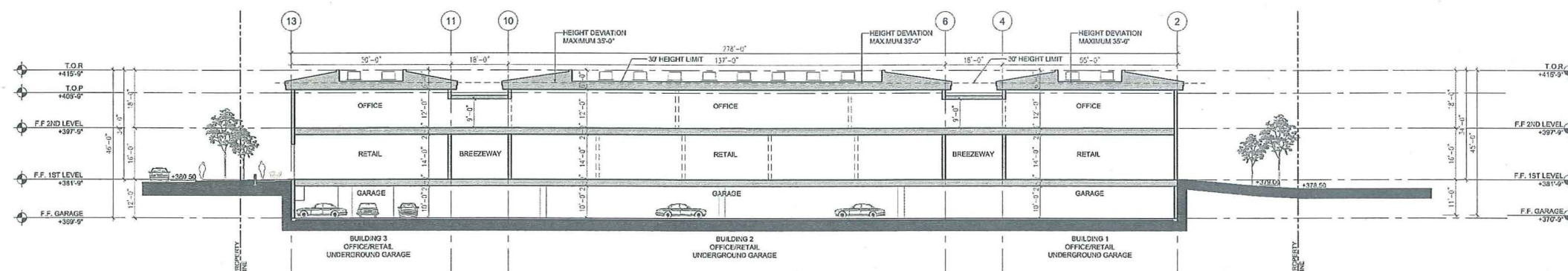
SITE DEVELOPMENT PERMIT / PLANNED DEVELOPMENT PERMIT / VESTING TENTATIVE MAP (AMENDS SDP NO. 423678)



SECTION A
1/16" = 1'-0"



SECTION B
1/16" = 1'-0"



SECTION C
1/16" = 1'-0"

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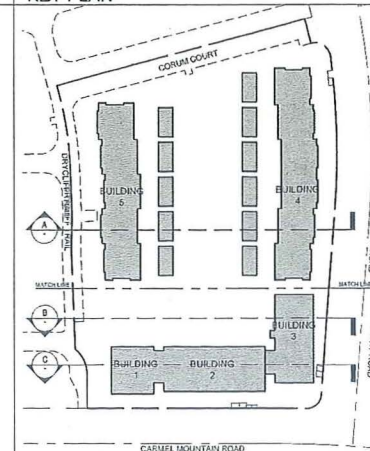
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LEGEND

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- SETBACK LINE
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KEY PLAN



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ARCHITECT
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LANDSCAPE ARCHITECT
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Project Address:
NORTHWEST CORNER OF CARMEL MOUNTAIN
AND CARMEL COUNTRY ROAD,
SAN DIEGO, CA 92130

Project Name:
MERGE

Sheet Title:
SECTIONS
A, B & C

Revision 8:	
Revision 7:	
Revision 6:	
Revision 5:	
Revision 4:	
Revision 3:	
Revision 2:	1/30/2015
Revision 1:	11/14/2014
Original Date:	2/14/2015
Sheet	15 of 19
Project No.	311061

A4.0

SCALE: 1/16" = 1'-0"

SAFDIE RABINES

ARCHITECTS

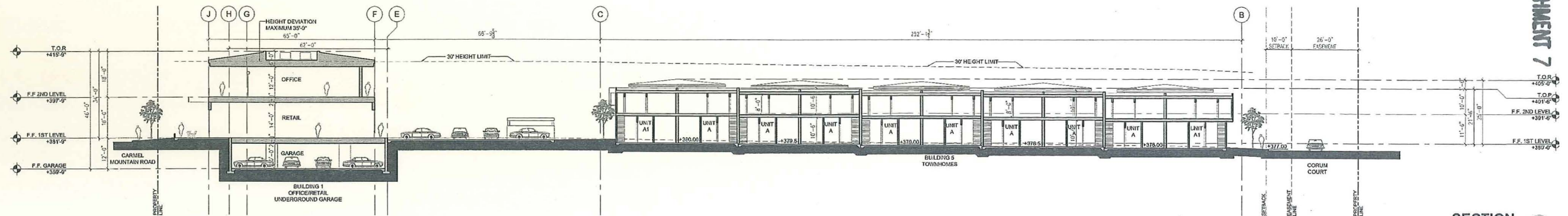
925 Fort Stockton Drive, San Diego, California 92103

P: (619) 297-6153 F: (619) 299-6072 www.safdie.com

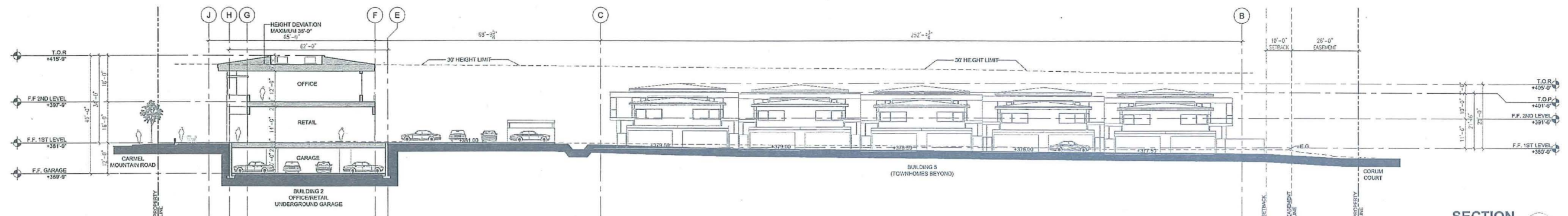
MERGE

SITE DEVELOPMENT PERMIT / PLANNED DEVELOPMENT PERMIT / VESTING TENTATIVE MAP
(AMENDS SDP NO. 423678)

ATTACHMENT 7



SECTION D
1/16" = 1'-0"



SECTION E
1/16" = 1'-0"



SECTION F
1/16" = 1'-0"

GENERAL NOTES

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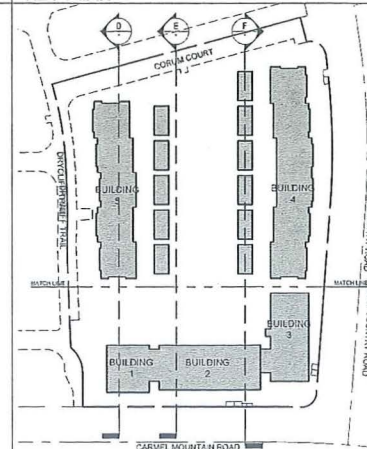
KEYNOTES

- REFUSE AND RECYCLING AREA
- STAIRS
- ELEVATOR
- METAL RAIL
- WOOD DECKING / STAIRS
- WOOD FENCE / GATE
- CLASS 'A' BUILT UP ROOF
- CLASS 'A' STANDING SEAM METAL ROOF
- ALUMINUM DOOR SYSTEM
- ALUMINUM WINDOW SYSTEM
- ALUMINUM STOREFRONT SYSTEM
- GARAGE DOOR
- STUCCO
- STONE
- WOOD TRELLIS
- PLANTING - REF LANDSCAPE
- PLANTERS

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- SETBACK LINE
- MATCH LINE
- GRID LINE
- VERTICAL DATUM
- KEY NOTE
- ELEVATION
- SECTION
- PARKING

KEY PLAN



* PROJECT TEAM *

APPLICANT
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RBF CONSULTING
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Project Address:
NORTHWEST CORNER OF CARMEL MOUNTAIN
AND CARMEL COUNTRY ROAD.
SAN DIEGO, CA 92130

Project Name:
MERGE

Sheet Title:
SECTIONS
D, E & F

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Sheet 16 of 19
Project No. 311061

A4.1
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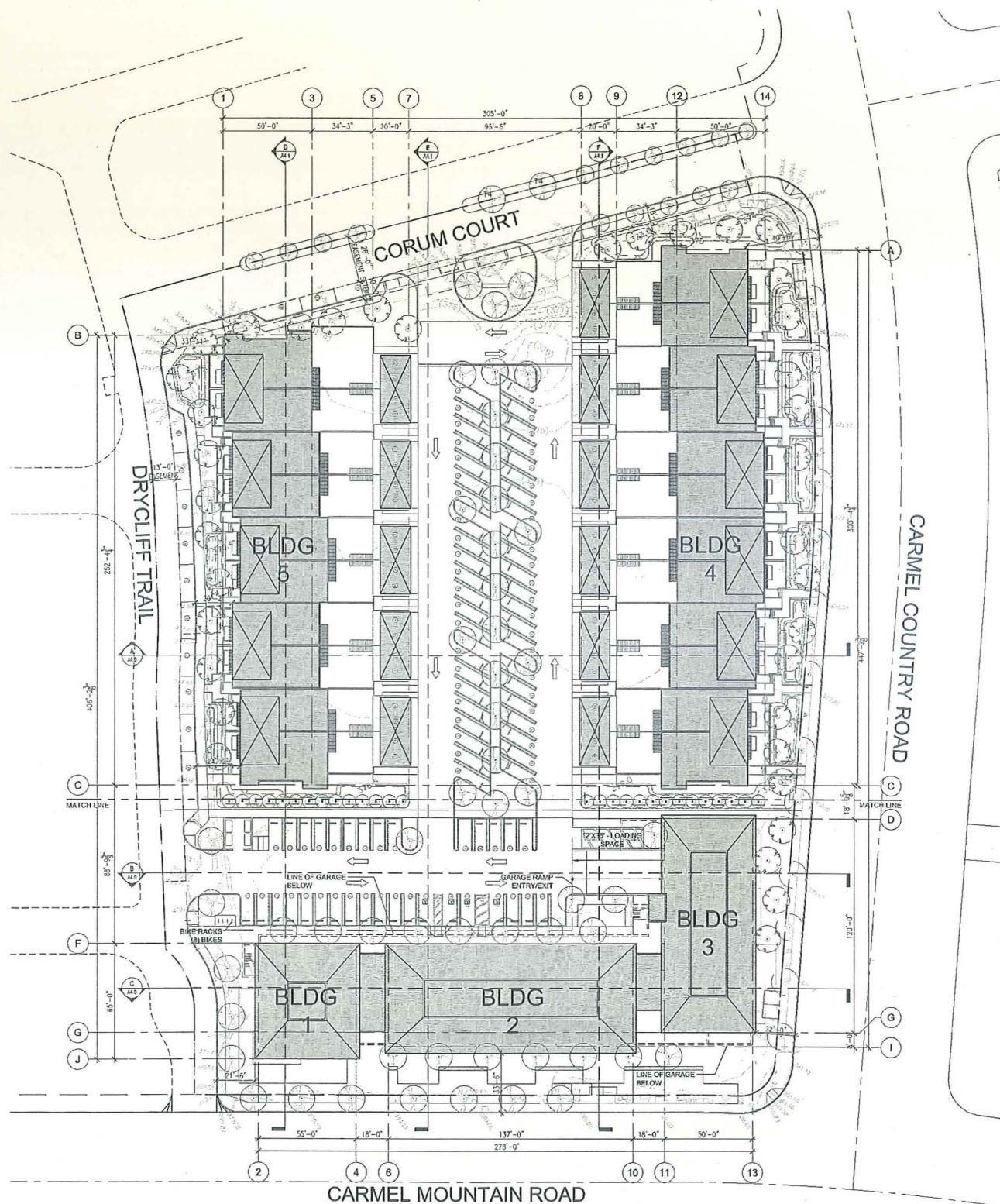
ATTACHMENT 7

SCALE: 1/16" = 1'-0"

MERGE

SITE DEVELOPMENT PERMIT / PLANNED DEVELOPMENT PERMIT / VESTING TENTATIVE MAP

(AMENDS SDP NO. 423678)



1 ARCHITECTURAL SITE PLAN
1" = 30'

GFA CALCULATION DIAGRAMS

21,095 S.F.
NOT PART OF
SDMC 113.0234 (d)(3)

GARAGE LEVEL

55,102 S.F.

FIRST LEVEL

64,090 S.F.

SECOND LEVEL

GFA CALCULATIONS

AREA CALCULATIONS

GARAGE LEVEL:

TOTAL = 21,095 S.F.
*NOT PART OF GFA PER SDMC 113.0234 (d)(3)

FIRST LEVEL:
• OFFICE / RETAIL = 14,359 S.F.
• STAIRS, ELEVATORS, HALLWAYS, BALCONIES, ETC. = 3,359 S.F.
• TOWNHOMES = 26,692 S.F.
• PRIVATE GARAGES = 8,600 S.F.
TOTAL = 55,102 S.F.

SECOND LEVEL:
• OFFICE / RETAIL = 15,995 S.F.
• STAIRS, ELEVATORS, HALLWAYS, BALCONIES, ETC. = 14,295 S.F.
• TOWNHOMES = 31,799 S.F.
TOTAL = 64,090 S.F.

TOTAL BUILDING AREA = 146,287 S.F.
TOTAL G.F.A. ("NOT INCLUDING GARAGE 21,095 S.F.") = 119,192 S.F.

*NOT PART OF GFA PER SDMC 113.0234 (d)(3)

PROJECT DATA

AREA AND UNIT TABULATION

RESIDENTIAL				
BUILDING	UNIT TYPE	BR/BA	UNIT S.F.	TOTAL S.F.
A	4BR/3BA	2,534	8	20,432
	4BR/3BA	3,680	2	6,160
BUILDING 4				
A	4BR/3BA	2,534	10	25,340
	4BR/3BA	3,680	2	6,160
TOTAL				
			22	58,292

COMMERCIAL				
BUILDING	UNIT TYPE	BR/BA	UNIT S.F.	TOTAL S.F.
A	OFFICE / RETAIL	-	-	-
	OFFICE / RETAIL	-	-	-
TOTAL				
			-	32,355

PROJECT SUMMARY
LOT AREA: 4.11 ACRES = 179,032 S.F.
ALLOWED FAR = 1.75 (1.75 X 179,032 S.F.) = 313,306 ALLOWED GFA
PROPOSED FAR = 0.67 (119,192 PROPOSED GFA / 179,032 S.F. LOT AREA)

PARKING SUMMARY

PARKING SUMMARY

PARKING TYPE	RATIO	CALCULATION	REQUIRED	PROVIDED
ASPH	SEE TRAFFIC ANALYSIS (SEE SANITARY & ENGINEERING DIVISION REPORT FOR TRAFFIC ANALYSIS)	8.00 SP/100 SP + 1.00	168	199
HOV/STREET	2% OF NON-HOV/STREET SPACES	0.5 SP/100 SP + 1.00	4	4
BIKEWAY	0.5 SP/100 SP + 1.00	0.5 SP/100 SP + 1.00	14	24
ACCESSIBLE	4 SPACES PER TOTAL PARKING SPACES	119.192 SP/100 SP + 1.00	4	24
LOADING	OFFICE: 0.5 SP/100 SP + 1.00 RETAIL: 1.0 SP/100 SP + 1.00 SP/100 SP + 1.00	119.192 SP/100 SP + 1.00 119.192 SP/100 SP + 1.00 119.192 SP/100 SP + 1.00	1	1

*11 SPACES IN UNDERGROUND STRUCTURE, 44 SPACES IN PRIVATE TOWNHOUSE GARAGES, 77 DRIVE SURFACE SPACES, 10 DRIVE SURFACE SPACES WITHIN CORUM COURT AND DRYCLIFF TRAIL, PRIVATE DRIVEWAYS WITHIN PROJECT BOUNDARIES
*11 SPACES IN UNDERGROUND STRUCTURE, 44 SPACES IN PRIVATE TOWNHOUSE GARAGES, 77 DRIVE SURFACE SPACES, 10 DRIVE SURFACE SPACES WITHIN CORUM COURT AND DRYCLIFF TRAIL, PRIVATE DRIVEWAYS WITHIN PROJECT BOUNDARIES
*11 SPACES IN UNDERGROUND STRUCTURE, 44 SPACES IN PRIVATE TOWNHOUSE GARAGES, 77 DRIVE SURFACE SPACES, 10 DRIVE SURFACE SPACES WITHIN CORUM COURT AND DRYCLIFF TRAIL, PRIVATE DRIVEWAYS WITHIN PROJECT BOUNDARIES

MISCELLANEOUS CALCULATIONS

REFUSE CALCULATIONS

	Refuse Area (S.F.)	Recyclable (S.F.)	Total (S.F.)	Notes
RESIDENTIAL	98	48	146	
NON-RESIDENTIAL	98	98	196	
TOTAL	196	146	342	provided 442 S.F.

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- UP TO 18,000 SQUARE FEET OF COMMERCIAL RETAIL SHALL BE ALLOWED IF ACCOMPANIED BY A COMMENSURATE DECREASE IN OFFICE SQUARE FOOTAGE, PER THE PROJECT TRAFFIC STUDY BY USAL.

SITE PLAN NOTES

- THIS SITE PLAN IS FOR REFERENCE ONLY - REFER TO CIVIL FOR SITE DIMENSIONAL CONTROL.
- LEVELS ORIENTED AND USE OF THIS SITE MUST CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND UNLESS NOTED OTHERWISE.
- ANY HIGH-TENSION WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE-FOOT CANDLE AT THE PROPERTY LINE UNLESS REQUIRED BY LOCAL ORDINANCES TO BE MORE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.
- OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY SHALL HAVE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED IN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.
- ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, GAS METERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL AND ADJACENT TO ALL PUBLIC STREETS.
- SIDEWALK SLOPES SHALL NOT EXCEED 2%, CROSS SLOPES NOT TO EXCEED 2% (REF. CIVIL).

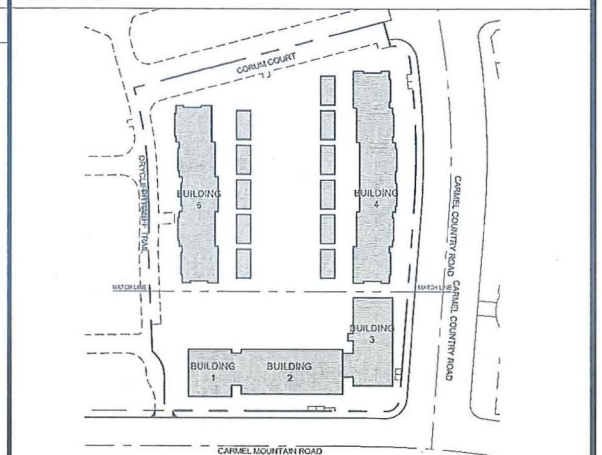
FIRE DEPARTMENT NOTES

- WHERE REQUIRED BY CODE, BUILDINGS ARE TO BE PROVIDED WITH AN AUTOMATIC SPRINKLER SYSTEM PER NFPA 13.
- WHERE REQUIRED BY CODE, STANDPIPES TO BE PROVIDED AT EACH FIRE LOOK IN ORDER TO MAINTAIN MINIMUM 150' DISTANCE FROM ANY POINT IN A BUILDING TO NEAREST FIRE DEPT. HOSE CONNECTIONS.
- NO FIXED OR MOVING GATE SECTION SHALL INTERFERE WITH THE MINIMUM FIRE DEPT. ACCESS WIDTH, TURNING RADI OR OTHERWISE IMPEDES THE MOVEMENT OR USE OF FIRE DEPARTMENT EQUIPMENT.
- THIRD PARTY MONITORING OF THE SPRINKLER SYSTEM IS TO COMPLY WITH LOCAL GOVERNING CODES.
- FIRE DEPARTMENT APPROVED KNOX LOCKS SHALL BE PROVIDED AT MAIN GATES WHERE REQUIRED BY THE FIRE DEPARTMENT.
- FIRE LANE STRIPING, PLACARDS AND/OR SIGNAGE SHALL MEET LOCAL FIRE DEPARTMENT REQUIREMENTS.
- FIRE DEPARTMENT CONNECTION TO BE ADJACENT TO SPRINKLER CLOSET OR AS LOCATED BY CIVIL.
- PROVIDE AT LEAST ONE FIRE EXTINGUISHER WITH A MINIMUM RATING OF 4A20BC SHALL BE PROVIDED OUTSIDE OF EACH MECHANICAL, ELECTRICAL OR ROOFER ROOM.
- AN AUTOMATIC FIRE SPRINKLER SHALL BE INSTALLED THROUGHOUT THE BUILDING IN COMPLIANCE WITH 1999 NFPA 13, SECTION 10.03 OF THE 2007 CBC AND SECTION 803 OF THE 2007 CBC. A SEPARATE PLAN SUBMITTAL IS REQUIRED.
- ADDITIONAL TO THE FIRE SPRINKLER SYSTEM SHALL COMPLY WITH 1999 NFPA 13, A SEPARATE SUBMITTAL IS REQUIRED.
- AUTOMATIC FIRE SPRINKLER SYSTEM(S) AND ALL CONTROL VALVES SHALL BE MONITORED BY A UL LISTED CENTRAL ALARM STATION WHERE THE NUMBER OF HEADS EXCEEDS 99 PER SECTION 1003.3 OF THE 2007 CBC.

LEGEND

PROPERTY LINE	VERTICAL DATUM
EASEMENT LINE	KEY NOTE
SETBACK LINE	ELEVATION
MATCH LINE	SECTION
GRID LINE	PARKING

KEY PLAN



* PROJECT TEAM *

APPLICANT	OWNER	ARCHITECT
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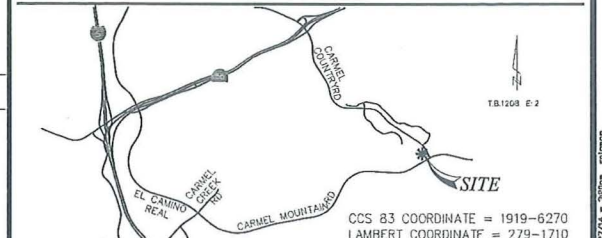
PLANNER/CIVIL ENGINEER

RF CONSULTING
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* PROJECT LOCATION *



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Project Address:
NORTHWEST CORNER OF CARMEL MOUNTAIN
AND CARMEL COUNTRY ROAD,
SAN DIEGO, CA 92130

Project Name:
MERGE

Sheet Title:
ARCHITECTURAL
SITE PLAN

CCS 83 COORDINATE = 1919-6270
LAMBERT COORDINATE = 279-1710

Revision 8:
Revision 7:
Revision 6:
Revision 5:
Revision 4:
Revision 3:

Revision 2: 1/30/2014
Revision 1: 11/14/2013

Original Date: 2/14/2013

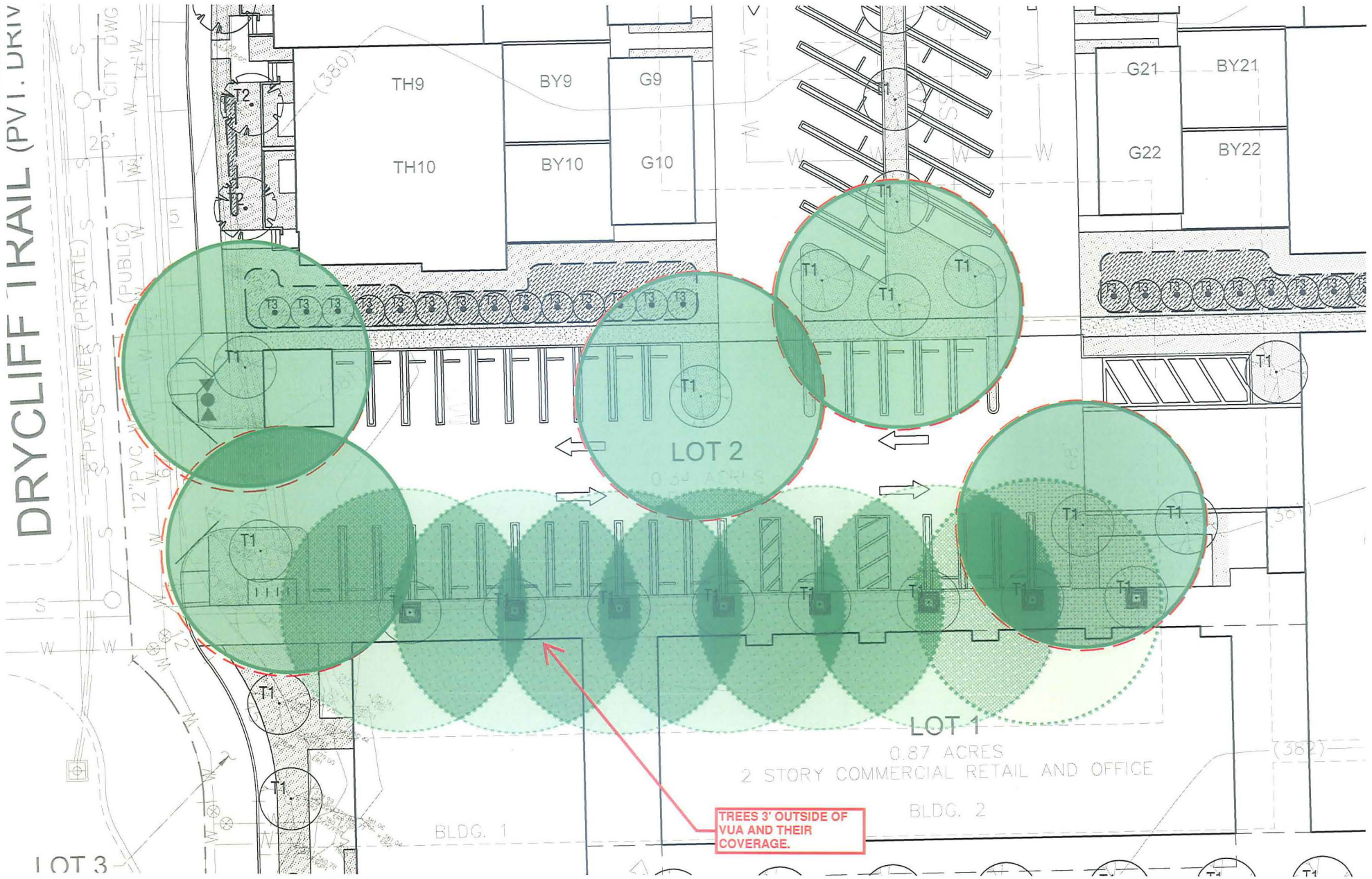
Sheet 4 of 19

Project No. 311051

A10
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ARCHITECTS

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DRYCLIFF TRAIL (PVI. DRIV



CARMEL VALLEY COMMUNITY PLANNING BOARD

MEETING MINUTES

7 p.m., 23 January 2014

Carmel Valley Library, Community Room
3919 Townsgate Drive, San Diego, CA 92130

CALL TO ORDER AND ATTENDANCE

Board Member	Representing	Present	Excused	Absent
1. Rick Newman	Neighborhood 1	X		
2. Nancy Novak	Neighborhood 3	X		
3. Hollie Kahn	Neighborhood 4/4A		X	
4. Debbie Lokanc	Neighborhood 5		X	
5. Christopher Moore	Neighborhood 6	X		
6. Steven Ross	Neighborhood 7	X		
7. Frisco White, Chair	Neighborhood 8	X		
8. Anne Harvey	Neighborhood 8A & 8B		X	
9. Steve Davison	Neighborhood 9		X	
10. Laura Copic	Neighborhood 10	X		
11. Manjeet Ranu, Vice-Chair	Pacific Highlands Ranch, District 11	X		
12. Jonathan Tedesco	Pacific Highlands Ranch, District 12		X	
13. VACANT	Business Representative			
14. Victor Manoushakian	Business Representative	X		
15. Allen Kashani, Secretary	Developer Representative	X		
16. Christian Clews	Investor Representative	X		
17. Brian Brady	Investor Representative	X		

APPROVAL OF MINUTES — 8 August 2013 & 24 October 2013

Rick Newman motioned to approve the October meeting minutes as amended, seconded by Nancy Novak. Motion passed, 9-0-0.

Laura Copic motioned to approve the August meeting minutes as amended, seconded by Christopher Moore. Motion passed, 9-0-0.

CONSENT AGENDA

1. CV North MAD Budget, CV N-10 MAD Budget and PHR MAD Budget: Consider approval of FY 2015 Budgets. The MAD subcommittees recommend approval.

• Applicant - CVCPB MAD Subcommittees

Christian Clews motioned to approve, seconded by Vice Chair Ranu. Motion passed 10-0-0.

2. Del Mar Highlands: Water easement vacation to correct an existing condition.

- Applicant - Randi Coopersmith, Latitude 33

Christian Clews motioned to approve, seconded by Vice Chair Ranu. Motion passed 10-0-0.

PUBLIC COMMUNICATION

Laura Copic asked about the parking situation at Del Mar Highlands. The valet parking takes up majority of the spaces. Elizabeth Schriber from Del Mar Highlands explained the situation and said they are looking into building a parking structure in the future to help alleviate the problem.

Ken Farinsky informed the board of a meeting to discuss a new cell structure on top of the Carmel Valley Library. Ken also encouraged the board to talk to community members about One Paseo and hear what the people actually think.

Marilee Pacelli with the Carmel Valley Recreation Council asked the board how to go about using FBA funds to make improvements to some of the surrounding parks. Chair White said he would sit down with the city and see what they can and cannot do with the funds.

A community member described a dangerous intersection near the Carmel Del Mar school and asked if there could be anything done to make it safer. Chair White said he and Mel Millstein visited the intersection over the holidays and it is a legitimate concern; he will put the item on the agenda for next month.

Christopher Moore explained he had received a phone call from a resident near the Worsch Way concerned about construction disrupting access to the sidewalk. Gary Levitt explained that the applicants will have to apply for traffic control permits in order to close the sidewalk, but it is likely that it will not be closed for very long.

ANNOUNCEMENTS

Officer Tracey Williams reported for the San Diego Police Department. Criminal activity has been minimal lately, not really much going on. Officer Williams encouraged the public to contact him with their concerns.

Laura Copic asked if there was a connection between the break-in at Rush Cycling and the break-ins around neighborhood 10. Officer Williams said there was a connection between the Rush break-in and some of the other break-ins; several juveniles are in custody.

Christian Clews asked for a clarification on what constitutes arson versus not arson. Christian told Officer Williams about two people starting a fire out in the open. Officer Williams said it depends on intent.

Chair White gave an overview of the upcoming elections. Neighborhoods 4/4A, 7, 8, 8A/8B are up for reelection.

WRITTEN COMMUNICATIONS

None.

COMMUNITY PLANNER REPORT

Daniel Monroe reported for the City of San Diego. The Meadowood project and the Elms and Ivy project were approved by planning commission. Revisions are being made to council policy 624, a notice will be sent out with more details once the actual revisions are decided.

Chair White advised Daniel that the board had supported the Elms and Ivy project with the condition that something be done to the dead end road at the East end of the project. Daniel explained that at this point there will be a latched gate that will allow pedestrians to pass through to adjacent neighborhoods.

Vice Chair Ranu asked Daniel how the board's recommendation was represented to planning commission by city staff. The project manager presented the board's recommendation and then presented staff's recommendation.

Christopher Moore asked about the timing for the final issuance of the EIR for One Paseo. Daniel did not know for certain but said he could find out.

COUNCIL DISTRICT 1 REPORT

Mel Millstein reported for the Office of Councilmember Sherri Lightner. Councilmember has been working hard with the council and Interim Mayor Todd Gloria. Mel gave an overview of Lightner's accomplishments during 2013. Councilmember is looking forward to the Mid-Coast Trolley Project.

Laura Copic asked for clarification regarding the new plastic bag ordinance. Mel said an EIR is being drafted and still has to be brought to council.

Vice Chair Ranu notified the board that part of SANDAG's efforts to consolidate the regional transportation plan and the regional comprehensive plan, a trolley extension into Carmel Valley has been added to the proposed wish list of projects.

MAYOR'S REPORT

None.

COUNTY BOARD OF SUPERVISOR'S REPORT

Sachiko Kohatsu reported for the Office of Supervisor Dave Roberts. Sachiko gave the board an update on the changeover of the chair. The supervisor is excited that Supervisor Horn gave up his ex officio position on the San Diego County Water Authority, as he is very interested in water issues. A couple weekends ago, the supervisor took a trip to follow the Colorado river down to San Diego

to observe how the water reaches the county. Applications are currently being accepted for grants. Visit SupervisorDaveRoberts.com for more information. The supervisor manages his own Facebook and Twitter. There is a full time office in Escondido that the public can go to if they do not wish to drive all the way downtown.

STATE ASSEMBLY REPORT

Assemblymember Brian Maienschein reported. The assemblymember thanked the board for electing him and gave an overview of his career and history in San Diego, as well as a recap of his first year in Sacramento. He worked on six bills this year, some of which he described to the board. All of the assemblymember's bills were passed and signed by the governor.

The assemblymember also told the board about his involvement in San Diego City Council Project 25. They identified the most expensive chronically homeless people to the tax payers and got them in housing and services. He hopes to replicate the program throughout the state.

Vice Chair Ranu informed the assemblymember of an issue with the Del Mar Mesa Preserve. State rangers are ticketing the public for accessing the preserve because there is no legal access. State and federal agencies are blocking possible solutions. Vice Chair Ranu requested the assemblymember meet with State Senator Marty Block and Congressmen Peters to find a solution to the issue.

The assemblymember said he would take the lead to meet with Block and Peters to find a solution to the issue that works best for both the Del Mar Mesa and Carmel Valley Planning Boards. Vice Chair Ranu insisted that the elected officials put pressure on the agencies to help take care of these places.

Allen Kashani said he could compile literature to help any discussions they might have about the issue.

STATE SENATE REPORT

None.

US CONGRESS

None.

INFORMATION AGENDA

1. Coastal Rail Trail: Presentation by the city on the alternatives being considered.

- Applicant - City of San Diego, Abi Palasayed and Larry Thornburgh

The Coastal Rail Trail (CRT) is a regional project. Back in the mid 90's SANDAG tried to build a class I bike facility from Oceanside all the way down to San Diego. The City of San Diego is tasked with constructing from Del Mar borderline down to the Santa Fe Train Station. The team has been working with the community to get input on the project and will hold their final workshop next

month. There is a great deal of opposition to have the trail go through Roselle and Rose Canyon. City council removed those segments for the bike master plan.

The proposed segments are adjacent to Carmel Valley and have potential to connect and run east/west. The original goal was to provide a multiuse facility for people to travel both north to south and connect community centers. The team gave an overview of the demographics for potential users and described the different type of bike routes. They hope to increase overall ridership with a class I lane with as much open space as possible.

With the working groups, the team identified every option for a bike path in the area, over 90 different alternatives, then narrowed it down to seven alignments. With the last working group they reduced the alternatives down to three. The team presented an overview of the options to the board; the northern terminus is near Carmel Valley Road.

The team anticipates the final workshop will be held on February 5th, 2014 at the Nobel Rec Center. They will have a final report review process and then will have to seek additional funding and return to city council for approval.

Chair White expressed concern that the CRT connect with CVREP. A segment underneath the I-5 needs to be completed to connect the two trails. The team said they would make a note of it. The Bike Master Plan addresses connecting all of the trails in the region but for this project the funding is for "Coastal Rail Trail" and all the effort needs to be confined within that. The team said the board can send a letter requesting the connection and they will make it part of the record. Christian Clews asked for clarification on the size of a class I bike lane. A full class I bike lane is typically 12-foot plus two-foot shoulders on each side.

Vice Chair Ranu asked the team how they are handling all of the side street and driveway crossings. The team said when they get to detailed design they will create alternatives and transitions for sections that have a lot of commercial or residential driveways; sometimes that may require a class II lane. Vice Chair Ranu expressed concern that it will slow down commuter cyclists. The team said they will try to best accommodate all types of riders, from recreational to commuter, through the design process.

ACTION AGENDA

Action items were taken out of order to allow larger items more time. Action item 2. Shell Station @ Del Mar Height Road was taken off the agenda as it was there in error. The applicant will present to the Regional Issues Subcommittee.

3. Seasick 5K Fun Run: Presentation to support a 5K fun run along the CVREP trail in October.

- Applicant - Jeff Stoner, Seasick Sports Marketing Group

Jeff Stoner of Seasick Marketing Group presented to the board. Seasick is looking to hold a 5k fun run the Saturday before Halloween and would like to use the Carmel Valley bike path that runs along SR 56. They are still in the early planning stages of the event but wanted to touch base with the community. The start of the run would begin near the Ruth's Chris Steak House on El Camino Real, head north to the trail, go about 1.5 miles out east and 1.5 miles back.

Jeff will be heading to the Torrey Hills community and the special event committee to meet his community requirements.

Laura Copic asked where participants would park. Jeff said he is going to talk to some of the surrounding office buildings in the area; he is aware that parking can be limited but does not expect a huge turnout in the first year. Jeff would be happy with 150-200 people. Laura asked Christian if there had been any issues with previous fun runs along the trail. Christian said most have gone off without a hitch; some issues have been trash and horses getting spooked. Overall most have been low-impact and haven't caused an issue.

The race would likely be in the late afternoon on a Saturday in the month of October. Maximum time people would be on the trail would be 45 minutes since it is only a 5K.

Ken Farinsky asked if there are any ADA requirements for an event like this. Chair White said that is something Jeff has to consider, not the board. Ken also told Jeff there is a similar race coming up in the near future and he should attend.

The run will be Halloween themed since it is so close to the holiday.

Laura Copic motioned to approve, seconded by Nancy Novak. Motion passed, 11-0-0.

4. PHR Unit 13: Consider Substantial Conformance Review of a 473-unit MF project's new site plan that separates the market-rate and affordable units to allow for financing of the affordable units.

- Applicant - Randi Coopersmith, Latitude 33 for R & V Management Co.

Allen Kashani recused on the item. Randi Coopersmith showed a map and gave the board a brief overview of the previously approved project. Most of the projects elements have not changed; they have added more parking and 40% of the project is affordable housing, and now there are two recreation areas instead of one. They have added more pedestrian and vehicular connectivity to the project. The landscaping, color palettes and the architecture have stayed consistent. Randi showed examples to the board.

Construction is planned in a single phase that is set to begin after the construction of Gonzales Park. The FBA contribution to the community is around \$10 million.

Chair White confirmed that the biggest change is the affordable housing on the south section of the site plan.

Laura Copic said the streets look like they go right into the school parking lot. There is no vehicular or pedestrian access from the project to the school.

Christian Clews expressed concern that there will not be enough room in the adjacent schools to handle the increase in students created by the project. Christian also asked for clarification regarding the affordable housing requirements. Randi said without the affordable housing units, the project would be very difficult to finance.

A member of the public asked if the project has elevators to comply with ADA. The first floor of the units are ADA accessible, meeting the requirements.

Ken Farinsky asked the team to make buyers aware that Canyon Crest Academy is not their designated high school. The team said they're sure there will be full disclosure.

Christian Clews motioned to approve, seconded by Vice Chair Ranu. Motion passed, 9-0-2.

1. Merge: Presentation of a two-story, mixed-use project on 4.11 acres at Carmel Mountain and Carmel Country Roads in the CVPD-NC zone in Neighborhood 10. Project proposes a Site Development Permit, Planned Development Permit, and Vesting Tentative Map to develop 22 townhomes with detached garages and private yards and 31,090 s.f. ground floor office and retail space with underground parking.

• Applicant - Gary Levitt

Allen Kashani recused on the item. Gary Levitt gave an overview of the site plan and a brief history of the project. The original Merge plan did not go over well with the community; the current plan is supported by a majority of the neighbors. The development has been designed to attract the "creative class" and provide something unique to Carmel Valley.

The current plan has 22 town homes, about 32,000 s.f. of retail/commercial space, green space around the whole perimeter, 90 surface parking spaces and an underground parking garage. The development is pedestrian oriented with the parking in the center and underground parking.

Various floor plans were displayed. Each town home has a two car garage. The second floor of the townhomes is office space. The retail spaces open to large patios. There are large green spaces between the houses and the street; the patios are slightly raised for privacy. The team designed the townhomes similar to the buildings surrounding the property.

Christian Clews asked for a clarification on some of the changes that had been made since the original design. The project has been made less dense to address some of the neighbor's concerns. Christian also pointed out that trash trucks will likely cause congestion when picking up the garbage. The public requested the trash not be collected early in the morning.

Laura Copic asked the team what the space was between the garages and the parking for the town homes on behalf of a resident. The team said there is an adequate amount of space for drivers to come out and turn from the edge of the garage to the rows of parking. Laura expressed concerns about light pollution from the parking areas/town homes/businesses affecting the neighbors. She also asked if they were still planning on installing solar. The team said yes they are planning on installing solar wherever they can.

Steven Ross asked how big the retail spaces will be. It depends on the tenant; sizes will vary.

Laura asked if there are certain hours of operation understood. The team said yes, there will be the same restrictions that are in Torrey Hills.

Brian Brady asked about parking designations. All visitor parking will be intermixed. Brian also asked where residential loading for people moving will be.

A member of the public asked if they would be paying into school fees. Gary said he didn't have a specific number but would guess around half a million. The development is within the community plan. Laura said the occupants should be notified that they may not be going to the elementary school closest to the property.

Another public concern was that of light pollution from the retail spaces and cars. The team said those issue had been addressed. Light ordinances require certain cut off shields and lumens which the team has implemented. The public requested trees be planted to shield the car light. That issue will have to be addressed at a M.A.D. meeting.

The public also inquired as to who the retail tenants will be. Gary said he cannot predict who will take up the space but they are hoping for smaller more boutique type businesses similar to places on Adams Ave.

Music volume of the cafés was another issue that was brought up.

Chair White stated the project is wonderful but he will not support it because it has lost the creativity that the original plan had. He thinks there is a better creative solution for the project.

Gary said he respected Chair White's opinion. The opposition was much more vocal than the supporters. Gary hopes next time that supporters will stand up and fight for something unique and creative.

Vice Chair Ranu said he joining Chair White in not supporting the project for the same reasons. The resulting development is too quick of a response; the project has turned into a commodity not a community.

Laura said the project is the result of a lot of hard work that was responsive to the desires of the immediate neighborhood. She is going to support the project as is and would not like to revisit it.

Christian said he liked the original design but it's not his project. He said he will make the motion to approve the project as presented. Christian motioned to support the project with restricted hours of operation for the retail spaces, extension of the median on Corum Court, trash collection hours be regulated and no loud music; seconded by Laura Copic. Motion passed, 7-2-1.

SUBCOMMITTEE MEETING REPORTS AND ANNOUNCEMENTS

Subcommittee	Representative	Report	Next Meeting
Regional Issues & Design Review	Harvey, Jan Fuchs	None	None
FBA	White	None	February 5, 2014 at the Rec Center
MAD	Rick Newman	None	February 4, 2014.
MAD N 10	Copic	Going to discuss trees and median on the Merge project.	February 4, 2014.
MAD PHR	Ranu	None	February 4, 2014.
Bylaws/Elections/Policies/Procedures	Clews	None	None noted
Community Concourse	White	None	None noted
Trails	Harvey (Copic, alternate to LPCP CAC)	None	None noted
CVREP	Clews	Stevens house purchased by a woman that wants to open a school in the house. Supposed to be a house not a business. They are looking to build modular homes. They need a permit. Christian will stay on top of it.	None noted
San Dieguito River Park	Harvey	None	None noted
CPC	Hollie	None	None noted
Signage	John Dean	None	None noted

CHAIR'S REPORT

None.

OLD / ONGOING BUSINESS

None.

ADJOURNMENT

Christian Clews motioned to adjourn. Meeting adjourned at 9:46 p.m.

NEXT MEETING

Thursday, February 27, 2014, 7:00 p.m., Carmel Valley Library, Community Room

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003541

PLANNED DEVELOPMENT PERMIT NO. 1090744 and
SITE DEVELOPMENT PERMIT NO. 1090742
Amending Site Development Permit No. 423678
MERGE PROJECT NO. 311061 - [MMRP]
PLANNING COMMISSION

This Planned Development Permit No. 1090744 and Site Development Permit No. 1090742, amending Site Development Permit No. 423678, is granted by the Planning Commission of the City of San Diego to, CR CARMEL VALLEY, LLC, a Delaware limited liability company, Owner, and SEA BREEZE INVESTMENTS III, LLC, a California limited liability corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600 and 126.0500. The 4.11 acre site is located at the northwest corner of Carmel Mountain Road and Carmel Country Road in the Neighborhood Commercial Zone of the Carmel Valley Planned District of the Neighborhood 10 Precise Plan. The project site is legally described as Lot 1 of Carmel Highlands Village, according to Map thereof No. 15714, filed September 19, 2008.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the 4.11 acre property into seven lots and develop the site with a mixed-use project of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses with a height deviation, residential on the ground floor in the front half of the lot and shade tree distribution adjacent to rather than within the vehicular use area described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A" dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. Subdivide of the 4.11-acre property into seven lots and develop a mixed-use project with twenty-two multi-family dwelling units and approximately 32,355 square feet of neighborhood serving retail and office uses, with three deviations;

- b. Three deviations are approved for the project: 1. A deviation from Municipal Code section 131.0531 to allow three of four buildings to be up to three feet six inches higher in specific locations than the maximum thirty feet allowed, 2. A deviation from Municipal Code section 131.0540(c) to allow residential uses on the ground floor of three townhomes in Building 4 within the front half of the lot, and 3. A deviation from the Land Development Code section 142.0406 to allow trees, distributed twenty-four feet on center, along the edge of the vehicular use area within Lot 2 rather than within the vehicular use area;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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 [ENTER DATE including the appeal time].
- 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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. 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."

12. Uses allowed by this permit shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight. All delivery trucks and any other commercial trucks shall be limited to the hours of 6:00 a.m. to 10:00 p.m. daily.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] for Final Addendum to Environmental Impact Report (EIR) 91-0834 and Subsequent EIR No. 96-0736/96-0737 (Project No. 72522) 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 Final Addendum to Environmental Impact Report (EIR) 91-0834 and Subsequent EIR No. No. 96-0736/96-0737 (Project No. 72522) 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 Final Addendum to Environmental Impact Report (EIR) 91-0834 and Subsequent EIR No. 96-0736/96-0737 (Project No. 72522) to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp with City standard curb ramp with truncated domes, located at the northwest corner of Carmel Mountain Road and Carmel Country Road, per Standard Drawing SDG-132, satisfactory to the City Engineer.

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

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2,

Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

20. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

22. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

23. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

24. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards, the San Diego Low Impact Development Design Manual, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

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

26. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval.

The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square foot area around each tree unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

27. 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." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

30. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans 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.

PLANNING/DESIGN REQUIREMENTS:

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

32. All signs associated with this development shall be consistent with sign criteria established by the approved Sign Plan.

33. The Owner/Permittee shall post a copy of each approved discretionary Permit and Vesting Tentative Map in its sales office for consideration by each prospective buyer.

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

TRANSPORTATION REQUIREMENTS

35. No fewer than 195 off-street parking spaces (61 parking spaces in underground structure, 44 parking spaces in private townhome garages, 77 onsite surface parking spaces, and 13 onsite surface parking spaces within Corum Court and Drycliff Trail); shall be permanently maintained within the approximate location shown on the project's Exhibit "A", including 6 disabled

accessible (one van accessible), 4 motorcycle, 22 bicycle and one loading zone. Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

36. Prior to the issuance of any building 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 and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.

37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service, domestic, fire and irrigation, in a manner satisfactory to the Public Utilities Director and the City Engineer. Back flow prevention devices shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

38. 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.

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

40. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, 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.

GEOLOGY REQUIREMENTS:

41. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services.

42. Prior to exoneration of the bond and grading permit close-out, 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.

AFFORDABLE HOUSING STATEMENT:

43. In accordance with Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance, the project is not required to provide any affordable housing. The ordinance states all projects with an approved Vesting Tentative Map or an approved Development Agreement prior to July 3, 2003 are exempt from the City's Inclusionary Housing Ordinance. The prior Development Agreement, in effect on the subject property, was negotiated and executed in 1998 before the ordinance was adopted by the City Council, and through the provisions of the Inclusionary Housing Ordinance this project is exempt from the requirements Inclusionary Housing Ordinance.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Building Official.

APPROVED by the Planning Commission of the City of San Diego
on[**INSERT Approval Date**] and [Approved Resolution Number].

Permit Type/PTS Approval No.: PDP No. 1090744 and
SDP No. 1090742

Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
Development Project Manager
Development Services Department

**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.

CR CARMEL VALLEY, LLC,
a Delaware limited liability company
Owner

By _____
Name
Title

**NOTE: Notary acknowledgments
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.

SEA BREEZE INVESTMENTS III, LLC,
a California limited liability corporation
Permittee

By _____
Gary Levitt
Managing Member

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

PLANNING COMMISSION RESOLUTION PC-014-XXX

VESTING TENTATIVE MAP NO. 1090743
MERGE - PROJECT NO. 311061 MMRP

WHEREAS, CR CARMEL VALLEY, LLC, a Delaware limited liability company, Subdivider, and TRUDI LIM, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1090743 for the development of a graded 4.11 acre site with a mixed-use development of twenty-two multi-family dwelling units and ground floor commercial retail and office described as the Merge project. The project site is located northwest corner of Carmel Mountain Road and Carmel Country Road in the Carmel Valley Planned District - Neighborhood Commercial Zone of the Carmel Valley Neighborhood 10 Precise Plan. The property is legally described as Lot 1 of Carmel Highlands Village, according to Map thereof No. 15714, filed September 19, 2008; and

WHEREAS, the Map proposes the Subdivision of a 4.11-site into a seven lot subdivision; and

WHEREAS, on March 19, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination the project is within the scope of Final Addendum to Environmental Impact Report No. 91-0834 and Subsequent EIR No. 96-0736/96-0737, certified on September 4, 2007 and this report adequately describes the activity for the purposes of CEQA; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act 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 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is twenty-two and the total number of commercial condominium units is zero; and

WHEREAS, Lots 4 and 6 of this subdivision are condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. Lot 4 has 12 units and Lot 6 has 10 units for a total of 22 residential units; and

WHEREAS, the developer will continue to be required to underground any new service run to the proposed structures within the subdivision; and

WHEREAS, the design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25- Underground Conversion of Utility Lines at Developers Expense; and

WHEREAS, on _____, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1090743, and pursuant to San Diego Municipal Code section(s) 125.0440 and 125.1030 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony

having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1090743:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The proposed seven lot subdivision of the 4.11-acre property provides a desired mix of neighborhood commercial retail, office, and residential development that is consistent with the Commercial Employment, Retail, and Services land use designation of the General Plan and the Neighborhood Commercial land use designation in the Carmel Valley Neighborhood 10 Precise Plan (Precise Plan). The proposed subdivision meets the Precise Plan intent of providing convenience goods and services for the surrounding neighborhood in a manner that minimizes possible conflicts with adjacent residential use through site design measures that include proposed residential lots that interface with existing residential lots to form a "front-porch" corridor along Drycliff Trail and Corum Court, which are private drives, commercial retail and office lots that relate directly to adjacent Carmel Country Road and Carmel Mountain Road, combined vehicle access that does not impact traffic flows along these adjacent major streets, pedestrian paths that lead from the existing neighborhood into the proposed commercial retail/office center and bicycle racks to encourage pedestrian mobility and alternative modes of travel, and architectural details that relate the proposed development with the existing neighborhood. Therefore, the proposed subdivision and its design or improvement would be 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 proposed subdivision complies with the development regulation of the underlying Carmel Valley Planned District - Neighborhood Commercial Zone and all applicable development regulations of the Land Development Code. As allowed in the Land Development Code, a Planned Development Permit may authorize certain deviations to provide flexibility in achieving a zone-equivalent project design that will be consistent with the intent of the base zone. Three deviations are approved with the approval of the Planned Development Permit. The deviations are necessary to allow three buildings exceed the maximum height of thirty feet, restrictions that prohibit residential uses on the ground floor in the front half of lots in the Neighborhood Commercial Zone of the Carmel Valley Planned District and an alternative to the requirement of providing trees within the vehicular use area.

The height limit of the Neighborhood Commercial Zone is thirty feet. The commercial retail/office Buildings 1, 2, and 3 will exceed this height by up to a maximum of five feet for a maximum height of thirty-five feet. The areas of Buildings 1, 2 and 3 where the deviation will occur are identified on Sheets A3.0, A3.1, and A4.0 of the Exhibit "A" plans. The height deviation will accommodate a pitched roof and will be in character with the surrounding

residential development and will screen the rooftop mechanical equipment. Further, the additional height distinguishes the neighborhood commercial center from the surrounding residential development. These commercial retail/office buildings are located at the south end of the project, near Carmel Mountain Road, away from the Highlands Village residences.

The second deviation will allow residential uses on the ground floor in the front half of lots. Allowing residential uses on the ground floor in the front half of lots supports providing residential dwelling units to be provided on the site which will have private patios enclosed by low fences facing the street. This design will enliven the pedestrian streetscape and will provide another market rate housing product type in the neighborhood. Each of the two deviations will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the Neighborhood Commercial Zone of the Carmel Valley Planned District. The proposed development will comply with all other applicable requirements including density, floor area ratio, street design, grading and landscaping of the Neighborhood Commercial Zone of the Carmel Valley Planned District, as allowed through a Planned Development Permit reflecting the desired goals and objectives for the site as described in the Carmel Valley Neighborhood 10 Precise Plan. The proposed project has been determined to not interfere with the airspace regulated by the Federal Aviation Administration and Marine Corps Air Station Miramar or local airport land use regulations.

The third deviation will allow a shade trees, distributed twenty-four feet on center, along the edge of the vehicular use area within Lot 2, rather than within the vehicular use area as required by the Land Development Code section 142.0406. The proposed trees are within three feet of the vehicular use area and will provide substantial shade coverage, consistent with the purpose of the requirement to provide shade trees over parking areas. The location of the trees adjacent to, yet outside of, the vehicular use area provides shade to the vehicular use area and also to the pedestrian walkway serving the commercial buildings. Placing the trees within the vehicular use area would reduce the parking provided by the project by four spaces where the project proposes to maximize parking through shared parking arrangement based on updated Urban Land Institute parking ratios. The shared parking strategy is consistent with Parking Management policies of the General Plan to provide parking that is reasonably available when and where it is needed for multiple users, and to reduce the amount of land devoted to parking, specifically referenced in the General Plan, Mobility Element, Goals, Table ME-3-Parking Strategies Toolbox, and Policies ME-C.8 b; ME-E6; and ME-G2(a and b). Meeting the tree location and spacing requirement for the vehicular use area would compromise the parking provided by the project, in particular the retail portion of the mixed-use development, without a substantial increase in providing shade or enhancement of the project landscape aesthetics and allowing the deviation will meet the purpose and intent of the landscape vehicular use area requirement.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The subdivision is designed to accommodate development consistent with the use and development regulations of the Carmel Valley Planned District - Neighborhood Commercial Zone and Planned Development Permit regulations of the Land Development Code. The subdivision design is consistent with the design guidelines outlined in the Carmel Valley Neighborhood 10 Precise Plan. The site was previously graded in preparation for a prior

development which was not completed and limited additional grading is required to implement the proposed design. Existing adjacent public rights-of-way are fully improved and utilities are available to serve the proposed development. The geotechnical evaluation concluded the site is suitable for the proposed development and there are no environmentally sensitive resources on the project site that would preclude the proposed development. Therefore, the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

5. An Initial Study was conducted for the proposed subdivision in accordance with the California Environmental Quality Act that determined the project would have no adverse impacts not already identified by a previous environmental impact report. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

6. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The proposed subdivision will create seven lots to develop the site with a mixed-use development of twenty-two multi-family units and ground floor commercial retail and office on six lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The proposed subdivision will not be detrimental to public health, safety and welfare because the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations, will assure the continued health, safety and general welfare of persons residing or working in the area.

7. 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed subdivision will vacate the majority portion of an existing public general utility and access easement traversing the site. This utility easement is no longer required as private

utilities are being proposed as part of the project. There are no existing improvements within the easement to be vacated. Other existing public utility and access easements located along the perimeter of the site shall remain, as shown on the Vesting Tentative Map No. 311061. Based on the above, the proposed subdivision will not conflict with any public utility and/or access easement.

8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed subdivision of a 4.11-acre parcel into seven lots for residential and commercial development will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands.

9. 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed project is the subdivision of a 4.11-acre parcel into seven lots for residential and commercial development. The North City Future Urbanizing Area Framework Plan and the Carmel Valley Neighborhood 10 Precise Plan require new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The Subdivider has chosen the option of paying an in-lieu fee to meet their affordable housing requirement rather than provide deed restricted dwelling units on the site. Balanced needs for public facilities were taken into consideration with the development of the Carmel Valley Community Plan and the projected build-out with the applied zone designations. The subdivision of this parcel into seven lots is consistent with the adopted Neighborhood 10 Precise Plan. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine 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 and found that the addition of twenty-two residential condominium dwelling units and commercial development is consistent with the housing needs anticipated for the Carmel Valley Community Planning area.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 1090743 is hereby granted to CR CARMEL VALLEY, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By

John S. Fisher
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24003541

DRAFT

RESOLUTION NUMBER _____

DATE OF FINAL PASSAGE _____

A RESOLUTION VACATING A GENERAL UTILITY AND
ACCESS EASEMENT PROJECT NO. 311061.

WHEREAS, San Diego Municipal Code section 125.1010(a) provides a procedure for the vacation of public easements by City staff designated by the City Manager; and

WHEREAS, CR CARMEL VALLEY, LLC, a Delaware limited liability company, Subdivider, and TRUDI LIM, Engineer, filed an application to vacate a General Utility and Access Easement, located at the northwest corner of Carmel Mountain Road and Carmel Country Road; and

WHEREAS, it is proposed the general utility and access easement located at the northwest corner of Carmel Mountain Road and Carmel Country Road be vacated, Easement Vacation No. 1122089 shall be vacated; and

BE IT RESOLVED, by the Development Services Department, that with respect to the general utility and access easement located at the northwest corner of Carmel Mountain Road and Carmel Country Road, the Development Services Department finds that:

(a) 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.

The general utility and access easement proposed to be vacated was granted to the City of San Diego on Lot 1 Carmel Highlands Village, Map thereof No. 15714, filed September 9, 2008 to facilitate general utilities and access for a prior development. The proposed Merge project is amending the approval of the prior development and as such there is no present or prospective use for the general utility and access easement for general utilities and access or for any other public use of a like nature. The proposed Merge project will provide all necessary utilities and

access by means of reciprocal easements for the benefit of owners and residents. Dedication of public easements are not required to serve the proposed Merge project. Therefore, there is no present or prospective 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.

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

The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and ground floor commercial retail and office on six lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The site is designated Commercial Employment, Retail, and Services in the General Plan and is designated Neighborhood Commercial in the Carmel Valley Neighborhood 10 Precise Plan. The public will benefit from the abandonment of the existing easement in that the proposed design of the Merge project will utilize land restricted by the easement for the development of twenty-two residential dwelling units and ground floor commercial retail and office on six lots on a site where no development has occurred. The public will benefit through the commercial retail and office space by the goods and services provided to the neighborhood and community, by the increase in the property taxes paid to the city's and county's general fund which provides neighborhood and community services, and by the development of the last vacant parcel in the Carmel Valley Neighborhood 10 Precise Plan.

(c) The vacation is consistent with any applicable land use plan.

The general utility and access easement proposed to be vacated was granted to the City of San Diego on Lot 1 Carmel Highlands Village, Map thereof No. 15714, filed September 9, 2008 to facilitate general utilities and access for a prior development. The proposed Merge project is amending the approval of the prior development. The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and ground floor commercial retail and office on six lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The site is designated Commercial Employment, Retail, and Services in the General Plan and is designated Neighborhood Commercial in the Carmel Valley Neighborhood 10 Precise Plan. Consistent with the Precise Plan the site is zoned Neighborhood Commercial in the Carmel Valley Planned District, which allows retail, commercial services, office and residential uses. The proposed mixed-use development consisting of commercial retail and office uses and twenty-two multi-family dwelling units will not adversely affect the General Plan or the Carmel Valley Neighborhood 10 Precise Plan and the vacation of the existing general utility and access easement will be consistent with the Carmel Valley Neighborhood 10 Precise Plan.

(d) 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.

The general utility and access easement proposed to be vacated was granted to the City of San Diego on Lot 1 Carmel Highlands Village, Map thereof No. 15714, filed September 9, 2008 to facilitate general utilities and access for a prior development. The proposed Merge project is amending the approval granted for the prior development and in that the prior development for which the easement was granted was not constructed and there is no public facility or remaining purpose for the easement as originally acquired, vacating the easement will not be detrimental to any public facility in that no such facilities exist and the purpose for which the easement was originally acquired no longer exists.

BE IT FURTHER RESOLVED, that the general utility and access easement located at the northwest corner of Carmel Mountain Road and Carmel Country Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37997-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a quitclaim deed with an attached copy of this resolution and any exhibits, in the Office of the County Recorder releasing to the property owner, all rights title and interest in said easement.

John S. Fisher
Development Project Manager
Development Services

Adopted on: V27 - DATE OF APPROVAL

Job Order No. 24003541

PLANNING COMMISSION RESOLUTION NO. PC-014-XXX
PLANNED DEVELOPMENT PERMIT NO. 1090744 and
SITE DEVELOPMENT PERMIT NO. 1090742
Amending Site Development Permit No. 423678
MERGE PROJECT NO. 311061

WHEREAS, CR CARMEL VALLEY, LLC, a Delaware limited liability company, Owner, and SEA BREEZE INVESTMENTS III, LLC, a California limited liability corporation, Permittee, filed an application with the City of San Diego for a permit to amend Site Development Permit No. 423678 to develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1090744 and 1090742), on portions of a 4.11 acre site;

WHEREAS, the project site is located at the northwest corner of Carmel Mountain Road and Carmel Country Road in the Neighborhood Commercial Zone of the Carmel Valley Planned District of the Carmel Valley Neighborhood 10 Precise Plan;

WHEREAS, the project site is legally described as Lot 1 of Carmel Highlands Village, according to Map thereof No. 15714, filed September 19, 2008;

WHEREAS, on V13 - DATE, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1090744 and Site Development Permit No. 1090742, amending Site Development Permit No. 423678, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 19, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination the project is within the scope of Final Addendum to Environmental Impact Report No. 91-0834 and Subsequent EIR No. 96-0736/96-0737, certified on September 4, 2007 and this report adequately describes the activity for the purposes of CEQA;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated V19 - DATE.

FINDINGS:

Planned Development Permit - Section 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that

allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The site is designated Commercial Employment, Retail, and Services in the General Plan and is designated Neighborhood Commercial in the Carmel Valley Neighborhood 10 Precise Plan. Consistent with the Precise Plan the site is zoned Neighborhood Commercial in the Carmel Valley Planned District, which allows retail, commercial services, office and residential uses. The proposed mixed-use development consisting of commercial retail and office uses and twenty-two multi-family dwelling units will not adversely affect the General Plan or the Carmel Valley Neighborhood 10 Precise Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The Merge project will not be detrimental to public health, safety and welfare because the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations, will assure the continued health, safety and general welfare of persons residing or working in the area.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District, a deviation to allow residential uses on the ground floor in the front half of lots and a deviation to allow an alternative to the requirement of providing trees within the vehicular use area. The proposed development complies with the regulations of the Neighborhood Commercial Zone of the Carmel Valley Planned District and site-specific development regulations for the property, as allowed with the approval of a Planned Development Permit.

In order to create a more desirable project, implement the goals of the Neighborhood Commercial Zone of the Carmel Valley Planned District and not adversely affect the General Plan, three deviations are necessary to allow three buildings exceed the maximum height of thirty feet, restrictions that prohibit residential uses on the ground floor in the front half of lots in the Neighborhood Commercial Zone of the Carmel Valley Planned District and an alternative to the

requirement of providing trees within the vehicular use area. The proposed building will exceed the maximum height in limited specific locations as described on the approved Exhibit "A" drawings. The height limit of the Neighborhood Commercial Zone of the Carmel Valley Planned District is thirty feet, the proposed project will have portions of the buildings 1, 2 and 3 observing a maximum height of thirty-five feet. The deviation will allow a pitched roof design and will be consistent with the existing character of the neighborhood. The additional height will also distinguish the development from the surrounding residential developments which will assist in creating a unique and distinct identity of the project.

The second deviation will allow residential uses on the ground floor in the front half of lots. Allowing residential uses on the ground floor in the front half of lots supports providing residential dwelling units to be provided on the site which will have private patios enclosed by low fences facing the street. This design will enliven the pedestrian streetscape and will provide another market rate housing product type in the neighborhood. Each of the two deviations will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the Neighborhood Commercial Zone of the Carmel Valley Planned District. The proposed development will comply with all other applicable requirements including density, floor area ratio, street design, grading and landscaping of the Neighborhood Commercial Zone of the Carmel Valley Planned District, as allowed through a Planned Development Permit reflecting the desired goals and objectives for the site as described in the Carmel Valley Neighborhood 10 Precise Plan. The proposed project has been determined to not interfere with the airspace regulated by the Federal Aviation Administration and Marine Corps Air Station Miramar or local airport land use regulations.

The third deviation will allow trees, distributed twenty-four feet on center, along the edge of the vehicular use area within Lot 2, rather than within the vehicular use area as required by the Land Development Code section 142.0406. The proposed trees are within three feet of the vehicular use area and will provide substantial shade coverage, consistent with the purpose of the requirement to provide shade trees over parking areas. The location of the trees adjacent to, yet outside of, the vehicular use area provides shade to the vehicular use area and also to the pedestrian walkway serving the commercial buildings. Placing the trees within the vehicular use area would reduce the parking provided by the project by four spaces where the project proposes to maximize parking through shared parking arrangement based on updated Urban Land Institute parking ratios. The shared parking strategy is consistent with Parking Management policies of the General Plan to provide parking that is reasonably available when and where it is needed for multiple users, and to reduce the amount of land devoted to parking, specifically referenced in the General Plan, Mobility Element, Goals, Table ME-3-Parking Strategies Toolbox, and Policies ME-C.8 b; ME-E6; and ME-G2 (a and b). Meeting the tree location and spacing requirement for the vehicular use area would compromise the parking provided by the project, in particular the retail portion of the mixed-use development, without a substantial increase in providing shade or enhancement of the project landscape aesthetics and allowing the deviation will meet the purpose and intent of the landscape vehicular use area requirement.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. **The proposed development will not adversely affect the applicable land use plan.** The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The site is designated Commercial Employment, Retail, and Services in the General Plan and is designated Neighborhood Commercial in the Carmel Valley Neighborhood 10 Precise Plan. Consistent with the Precise Plan the site is zoned Neighborhood Commercial in the Carmel Valley Planned District, which allows retail, commercial services, office and residential uses. The proposed mixed-use development consisting of commercial retail and office uses and twenty-two multi-family dwelling units will not adversely affect the General Plan or the Carmel Valley Neighborhood 10 Precise Plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. The Merge project will not be detrimental to public health, safety and welfare because the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. For additional information, see Planned Development Permit Finding 2 above.

3. **The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The Merge project will develop the site with a mixed-use development of twenty-two multi-family units and approximately 32,355 square feet of neighborhood serving retail and office uses on seven lots with a deviation to allow buildings to observe a maximum height greater than that allowed by the Neighborhood Commercial Zone of the Carmel Valley Planned District and a deviation to allow residential uses on the ground floor in the front half of lots. In order to create a more desirable project, implement the goals of the Neighborhood Commercial Zone of the Carmel Valley Planned District and not adversely affect the General Plan, three deviations are necessary to allow three buildings exceed the maximum height of thirty feet, restrictions that prohibit residential uses on the ground floor in the front half of lots in the Neighborhood Commercial Zone of the Carmel Valley Planned District and an alternative to the requirement of providing trees within the vehicular use area. For additional information, see Planned Development Permit Finding 3 above.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1090744 and Site Development Permit No. 1090742 is

hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1090744 and 1090742, a copy of which is attached hereto and made a part hereof.

By

John S. Fisher
Development Project Manager
Development Services Department

VESTING TENTATIVE MAP NO. 1090743 AND
EASEMENT VACATION NO. 1122089
MERGE - PROJECT NO. 311061 MMRP

ADOPTED BY PLANNING COMMISSION RESOLUTION NO. PC-014-XXX 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 recording the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into six lots shall be recorded in the Office of the San Diego County Recorder.
4. Prior to recording the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Final Map shall conform to the provisions of Planned Development Permit No. 1090744 and Site Development Permit No. 1090742.
6. 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

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Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
8. 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.
9. The Final Map shall comply with the conditions of the Site Development Permit No. 1090742 and Planned Development Permit No. 1090744.
10. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. The Subdivider shall install a City standard street light, adjacent to the project site on Carmel Country Road.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

15. "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].

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16. "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."
17. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES

18. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenances (meters, blow offs, valves, fire hydrants, et cetera) for all public water facilities not located within fully improved public right-of-ways. Easements, as shown on the approved vesting tentative map, will require modification based on standards and final engineering.
19. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water 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.

GEOLOGY

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

LANDSCAPE

Project No. 311061
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21. Prior to the recordation of the final map, the Owner/Subdivider shall submit complete landscape construction documents, including plans, details, and specifications, including a permanent automatic irrigation system unless otherwise approved, for the required right-of-way and median improvements, and revegetation of all disturbed land in accordance with the Landscape Standards, to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit "A." The Owner/Subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.

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. 24003541

Project No. 311061
VTM No. 1090743

Remaining Project Plans

(under separate cover)



CITY OF SAN DIEGO M E M O R A N D U M

DATE: March 19, 2014

TO: City of San Diego Planning Commission

FROM: Martha Blake, Senior Planner, Entitlements Division, *MB*
Development Services Department

SUBJECT: Merge Mixed Use Project (Project No. 311061)
California Environmental Quality Act – 15162 Evaluation

The Development Services Department has completed a California Environmental Quality Act 15162 evaluation for the Merge Mixed Use Project which is described in greater detail as follows.

Previously Certified CEQA Document

On September 4, 2007 the City of San Diego certified an Environmental Impact Report Addendum for the Carmel Highlands Village project (Project No. 72522), which addends certified Environmental Impact Report No. 91-0834 and Subsequent EIR Nos. 96-0736 and 96-0737 for the Carmel Valley Neighborhood 10 Precise plan and Parkview East and West Vesting Tentative Maps. The Carmel Highlands Village EIR Addendum includes a Mitigation Monitoring and Reporting Program (MMRP) that requires mitigation for biological resources, land use (MHPA adjacency), landform alteration/visual quality and paleontological resources.

Carmel Highlands Village vs. Merge Project Scope

The Carmel Highlands Village project scope included construction of 169 residential condominium units, a recreational building and 5 commercial buildings totaling 28,000 square feet on a 21-acre site at the northwest corner of Carmel Mountain/Carmel Country Road intersection. The Merge project proposes 22 town home units and three retail commercial/office buildings totaling 32,555 square feet on a 4.11-acre site that is within the

development footprint approved for the Carmel Highlands Village project. The project site has been mass graded and is currently undeveloped.

Taking into consideration the required studies and additional analysis conducted by the Development Services Department along with review of the previously certified environmental document, it was concluded that the Merge project complies with all of the requirements, is of approximately the same type and intensity of land use, and takes place within the development footprint area established in the Carmel Highlands Village EIR Addendum. The project would not result in new impacts or changed circumstances that would require a new environmental document as described in the following mitigation measure/environmental issue sections.

Biological Resources & Land Use (MHPA Adjacency)

As the proposed project site has been mass graded and the surrounding properties within the Carmel Highlands Village project area have been developed with residential uses there are no biological resources present on site or adjacent to the subject property. Therefore, the Merge project would not result in significant impacts to biological resources or land use (MHPA Adjacency) and no mitigation is required in these environmental issue areas.

Landform Alteration/Visual Quality

The landform alteration/visual quality mitigation measures of the Carmel Highlands Village EIR Addendum require contour grading for slopes greater than 10 feet in height and that fill has been minimized on canyon slopes. Since the project site has been mass graded, has no slopes greater than 10 feet, and does not propose any fill of canyon slopes, no significant landform alteration/visual quality impacts would result and no mitigation would be required.

Paleontological Resources

The Merge project proposes soil excavation for precise grading and underground parking so paleontological monitoring will be required during grading operations consistent the Carmel Highlands Village EIR Addendum MMRP. Paleontological monitoring will reduce potential impacts to paleontological resources to a less than significant level.

Other Environmental Issues

A Traffic Impact Analysis, Water Quality Technical Report, Drainage Study, and Geotechnical Investigation were prepared for the proposed project. The project was also reviewed for consistency with the Land Development Code and Carmel Valley Neighborhood 10 Precise

plan. Development Services Department Staff determined that the project would not result in significant environmental impacts in these areas and no mitigation measures would be required.

Section 15162 Criteria

Section 15162 of the California Environmental Quality Act Guidelines states that when an Environmental Impact Report has been certified or a Negative Declaration adopted for a project, no subsequent or supplemental Environmental Impact Report or Negative Declaration shall be prepared for that project unless one or more of the following events occur:

1. Substantial changes are proposed to the project
2. Substantial changes occur with respect to circumstances under which the project is being undertaken
3. New information, which was not known or could not have been known at the time the Environmental Impact Report or Negative Declaration was certified as complete, becomes available.

None of the three above criteria have occurred; therefore Development Services Department did not find the need to prepare a subsequent or supplemental environmental document for the Merge Mixed Use Project. All project issues and mitigation for significant impacts have been adequately addressed pursuant to the California Environmental Quality Act for the project.

Martha Blake
Senior Planner



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

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

MERGE

Project Address:

NW corner of Carmel Mountain and Carmel Country Roads, Carmel Valley Neighborhood 10 - APN: 308-030-52

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

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

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

NEXT →

Project Title:

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership**Legal Status (please check):**

☐ Corporation ☒ Limited Liability -or- ☐ General) What State? DE Corporate Identification No. _____
☐ Partnership

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

Corporate/Partnership Name (type or print):

CR Cannel Valley, LLC

☒ Owner ☐ Tenant/Lessee

Street Address:

444 West Beech Street Suite 300

City/State/Zip:

San Diego, CA 92101

Phone No:

(858) 490-2343

Fax No:

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

Graeme Gabriel

Title (type or print):

Managing Member

Signature:

Date:

1/28/14

Corporate/Partnership Name (type or print):

Sea Breeze Investments III, LLC (Applicant)

☐ Owner ☐ Tenant/Lessee

Street Address:

3525 Del Mar Heights Road #246

City/State/Zip:

San Diego, CA 92130

Phone No:

(858) 361-8555

Fax No:

(858) 755-1209

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

Gary Levitt

Title (type or print):

Managing Member

Signature:

Date:

1/28/2014

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature:

Date:

Ownership Disclosure Statement

MERGE Project No. 311061

Owner: CR Carmel Valley LLC, a Delaware limited liability company

Carmel Valley LV Investors, LLC, a Nevada limited liability company
CR Carmel Valley Associates, LLC, a Delaware limited liability company
Colin Seid 2004 Separate Property Trust
The Gabriel Family Trust
Barry Galgut and Brigitte Galgut 2000 Trust
The Graeme Gabriel and Simone Elise Kanter Living Trust
The Danny and Dana Gabriel Family Trust
ColRich Employee Fund I, LLC
Peterson Family Trust dated May 14, 2001
Mark Cunningham
Alan C. and Agnes B. Mendelson Family Trust
BCP Partners, LLC
2002 Carey Family Trust
Liel Investments, Inc.
Camps Bay Investment Ltd.
Jolie Investments, LLC
The David Klein Trust
Richard Annis Trust dated 5/3/99
Kadreja Holdings, Inc.
The Betsy Sorkin Separate Property Trust dated 8-11-04
M and D Two Limited
Annis-Sharaun Family Trust
George S. Scher
Scher Family 2008 Living Trust
Froboese Financial Corp Defined Benefit Pension Pla
Don B. Blenko, Jr.
William John Hanna and Rosanne Ketter Hanna, Co-Trustees, U.T.D. July 27, 1994
Michan Family Trust dated May 12, 1989
Sunrise Capital Resources, LLC
La Jolla MJ Management, LL
Sonny Patidar
ColRich California LLC

Applicant: Sea Breeze Investments III, LLC, a California limited liability company

Sea Breeze Properties LLC as 100% owner of Sea Breeze Investments III, LLC
Gary Levitt as 50% owner of Sea Breeze Properties LLC
Cheryl Levitt as 50% owner of Sea Breeze Properties LLC

PROJECT DATA SHEET

PROJECT NAME:	Merge	
PROJECT DESCRIPTION:	Mixed-use development	
COMMUNITY PLAN AREA:	Carmel Valley	
DISCRETIONARY ACTIONS:	Easement Vacation, VTM, PDP & SDP	
COMMUNITY PLAN LAND USE DESIGNATION:	Neighborhood Commercial	
<p align="center"><u>ZONING INFORMATION:</u></p> <p>ZONE: CVPD-NC Zone</p> <p>HEIGHT LIMIT: 30 foot maximum height limit.</p> <p>LOT SIZE: 5,000 minimum lot size</p> <p>FLOOR AREA RATIO: 1.0 maximum</p> <p>FRONT SETBACK: N/A</p> <p>SIDE SETBACK: 10/0 (Minimum/Optional) feet.</p> <p>STREETSIDE SETBACK: N/A</p> <p>REAR SETBACK: 10/0 (Minimum/Optional) feet.</p> <p>PARKING: 168 parking spaces required – 195 parking spaces provided</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-family/MF1	Multi-family
SOUTH:	Single family/SF2	Single family
EAST:	Single family/SF3	Single family
WEST:	Multi-family/MF1	Multi-family
DEVIATIONS OR VARIANCES REQUESTED:	Three; Land Development Code (LDC) sections 1.) 142.0406, Table 142-04D and 142.0407(B); 2.) 131.0540(C); 3.) 131.0531	
COMMUNITY PLANNING GROUP RECOMMENDATION:	Carmel Valley Community Planning Board, on October 24, 2013, voted 7:2:1, to recommend approval of the project, with concerns.	

DEVELOPMENT SERVICES
Project Chronology
Merge - PTS# 311061

Date	Action	Description	City Review Time	Applicant Response
02/15/13	First Submittal	Project Deemed Complete		
04/12/13	First Assessment Letter		40 days	
11/21/13	Second Submittal			154 days
01/08/14	Second Review Complete		30 days	
02/04/14	Third Submittal			19 days
03/03/14	Third Review Complete		19 days	
03/26/14	Fourth Submittal			17 days
04/10/14	Fourth Review Complete		11 days	
04/21/14	Fifth Submittal			7 days
04/28/14	Fifth Review Complete		7 days	
04/28/14	Issues Complete			
05/22/14	Public Hearing		18 days	
TOTAL STAFF TIME			125 days	
TOTAL APPLICANT TIME				197 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission	10 months and 22 days	