



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 5, 2015

REPORT NO. PC-15-021

ATTENTION: Planning Commission, Agenda of March 12, 2015

SUBJECT: EAST CLUSTERS ENCLAVE - PROJECT NO. 339873
Process Four.

**OWNER/
APPLICANT:** SPIC DEL SUR, LLC, Owner/Applicant (Attachment 13).

SUMMARY

Issue(s): Should the Planning Commission grant approvals to increase a residential development from nineteen to twenty-seven residential lots located on a 27-acre site within the Black Mountain Ranch Subarea Plan?

Staff Recommendation(s): Approve Vesting Tentative Map No. 1197087, Planned Development Permit No. 1197093 and Site Development Permit No. 1197318.

Community Planning Group Recommendation - There is no planning group for the Black Mountain Ranch – Subarea I area. As the adjacent community, the Rancho Penasquitos Planning Board provides recommendations for development proposals in the Black Mountain Ranch area. On October 1, 2014 the Rancho Penasquitos Planning Board voted 15:0:1 to recommend approval of the project.

Environmental Review - The project has been determined to be consistent with the EIR Addendum for the East Clusters at Black Mountain Ranch project (LDR No. 99-1054), an Addendum to Environmental Impact Report No. 96-7902/SCH No. 97111070, certified by City Council on June 19, 2001 by Resolution No. R-2001-1659, and would not result in any new impacts. For reference see Attachment 7.

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 proposed project, to re-subdivide Final Map No. 15924 to increase residential development from nineteen to twenty-seven residential lots on

approximately 27 acres, is located in an area designated as Very Low Density Residential in the Black Mountain Ranch Subarea Plan. The site would allow the development of one to 27 dwelling units. The proposed project's 27 single family dwelling units would not adversely affect the residential density goals of the Black Mountain Ranch Subarea Plan. The proposed transfer of 8 units from the North Village would result in no change to the total number of housing units allowed in the Subarea. The addition of 8 dwelling units to the project site would not impact the affordable housing requirement identified in the Housing Element of the Subarea Plan. The affordable housing obligation associated with the eight dwelling units being transferred to the site has been satisfied with the Black Mountain Ranch North Village.

BACKGROUND

The Black Mountain Ranch Subarea I Plan designates the site for Very Low Density Residential development (Attachment 1). The site is located northwest of Carmel Valley Road on Chesfield Court, Valle Del Sur Court and Ardere Court north of Carmel Valley Road (Attachment 2). The site is zoned RS-1-8 for single-family residential development. The site has been previously graded in conformance with approved development and construction permits (Attachment 3). Surrounding land uses include open space and single-family development.

The Black Mountain Ranch Subarea Plan (Plan) was adopted by the City Council on July 28, 1998 by Resolution R-290525. The Plan was amended on November 27, 2001 by Resolution No. R-295792 for the 642-acre North Village to reconfigure land uses, reduce an area of amenity open space corridor and revise the circulation system with no increases in density or intensity. The Plan was amended a second time on June 18, 2002 by Resolution No. R-296698 to reconfigure and reallocate land uses in the portion of the South Village approved as part of Vesting Tentative Map 95-0173 and increase the size of an institutional site and reduce a property owners association maintenance yard. The Plan was again amended on May 19, 2009 by Resolution No. R-304918 to reconfigure the North Village land use and circulation system, shift a hotel site to North Village, relocate a future fire station, designate the northerly golf course as open space and establish a site for a residential care facility with no increases in dwelling units or development area within the Plan. Within the Plan area the East Clusters is south of the Northeast Perimeter Properties and west of the Southeast Perimeter Properties. All three areas are near or along the easterly boundary of the Plan area (Attachment 4).

DISCUSSION

Project Description

The East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots, which is currently allowed by the existing RS-1-8 zone regulations. The proposed development area is within the original approved development footprint of the original East Clusters Unit No. 2 and no additional impacts would occur.

The site is 27.3 acres. One hundred percent of the site, which has been previously graded, would be re-graded by the proposed project with an earthwork balance on site of 380,000 cubic yards.

The maximum height of the manufactured slopes would not exceed thirty feet and no retaining walls are proposed (Attachment 5).

Required Approvals

The Project requires the approval of three actions, a Vesting Tentative Map to subdivide property, a Planned Development Permit (PDP) and Site Development Permit (SDP) to amend the prior PDP and SDP and to allow deviations from the RS-1-8 zone regulations.

Deviations

The project site is within the master planned community of Black Mountain Ranch. The Black Mountain Ranch Subarea Plan designates this site for very low residential development, and all of the areas designated for residential uses surrounding the project have been approved or are under construction. The Project implements the goals and policies of the Black Mountain Ranch Subarea Plan by combining a residential community with an extensive open space, park and recreation system. The proposed re-subdivided development area is within the original development footprint and no impacts to environmentally significant areas would occur.

The existing East Clusters neighborhood, of which the Project is a part, is one of four Residential Clusters located in distinct locations within the 5,100 acres of the Black Mountain Ranch Subarea Plan. The Project location is distinct because it is surrounded by a vast resource based open space system which occupies approximately 2,240 acres. The East Clusters neighborhood contributes to this system by providing an important linkage to the open space areas that are directly adjacent. The Project proposes three deviations that contribute to creating harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan.

The Project requires the approval of three deviations from the development regulations of the RS-1-8 zone. These deviations are as follows:

| | <u>RS-1-8 Zone</u> | <u>Proposed</u> |
|---------------------------|--------------------|-------------------------|
| • Minimum Street Frontage | 100 feet | None (private driveway) |
| • Minimum Lot Size | 40,000 square feet | 22,000 square feet |
| • Minimum Front Setback | 25 feet | 15 feet |

The proposed lots would take direct access from existing private driveways in lieu of a publicly dedicated street. The lots which gain access from the private driveways have no frontage on a public street and therefore do not meet the minimum frontage requirements of the development regulations of the zone.

The Project proposes a deviation from the minimum lot size of the RS-1-8 zone which is 40,000 square feet. Of the 27 lots to be created by the Project, nineteen would be less than 40,000 square feet. These lots would range in size from 22,215 to 35,297 square feet. The Project proposes a deviation from the twenty-five foot minimum front yard setback of the RS-1-8 zone and proposes a minimum front yard setback of fifteen feet for all twenty-seven lots. The design of the future homes would be in conformance with the adopted East Clusters Design Guidelines that accompanied the prior Planned Residential Development No. 99-1054, and which included

several deviations from the prior R-1-5000 Zone. These adopted design guidelines set forth the basic design policies and describe the specific, detailed, and measureable criteria against which the future construction of lots would be evaluated. The current Project is designed to be consistent with these design guidelines (Attachment 5), and the present regulations of the RS-1-8 Zone with deviations, as allowed through the approval of a Planned Development Permit.

These deviations would create residential lots consistent with the purpose and intent of the Planned Development Permit procedures to allow greater flexibility from the strict application of the regulations and to assure the development achieves the policy goals of the applicable land use plan.

Community Plan Analysis

The project site is designated by the Black Mountain Ranch Subarea Plan as Residential, with a density of Very Low, allowing less than one dwelling unit per acre. The project proposes re-subdividing Final Map No. 15924 to increase residential development from nineteen to twenty-seven residential lots on approximately twenty-seven acres. The proposed transfer of eight units to the project site would result in a land use density of one dwelling unit per acre, consistent with the Moderately Low density residential category of the Subarea Plan. The proposed density would allow for large lot, conventional suburban housing types as identified for the Residential Clusters of the Subarea Plan. The proposal to transfer eight units from the North Village to the proposed project site is consistent with the requirements of the Implementation section and would not adversely affect the residential density goals and policies of the Subarea Plan.

The Black Mountain Ranch Subarea Plan Implementation section allows for shifts within and among the villages and perimeter properties within the same generalized land use category and requires no amendment to the Subarea Plan so long as the transfer of residential units results in no change in the designated land use or residential density category. The proposed transfer of eight units to the project site would maintain the large lot, conventional suburban design identified in the Subarea Plan.

As outlined in the Black Mountain Ranch Subarea Plan, all Perimeter Properties are required to adopt the Design Guidelines approved for the BMR Vesting Tentative Map/Planned Residential Development (VTM/PRD) or required to develop independent design guidelines in conformance with policies in the Community Design Element Subarea Plan. The independent design guidelines submitted by the applicant would be a component of the proposed project to maintain consistency with the goals and policies of the Subarea Plan and would be part of the Exhibit "A."

Conclusion

Staff has reviewed the proposed project and all issues identified through that 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 8 and 10) and draft conditions of approval (Attachments 9 and 11). Staff recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Vesting Tentative Map No. 1197087, Planned Development Permit No. 1197093 and Site Development Permit No. 1197318, **with modifications.**
2. **Deny** Vesting Tentative Map No. 1197087, Planned Development Permit No. 1197093 and Site Development Permit No. 1197318, **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 Project Manager
Development Services Department

VACCHI/JSF

Attachments:

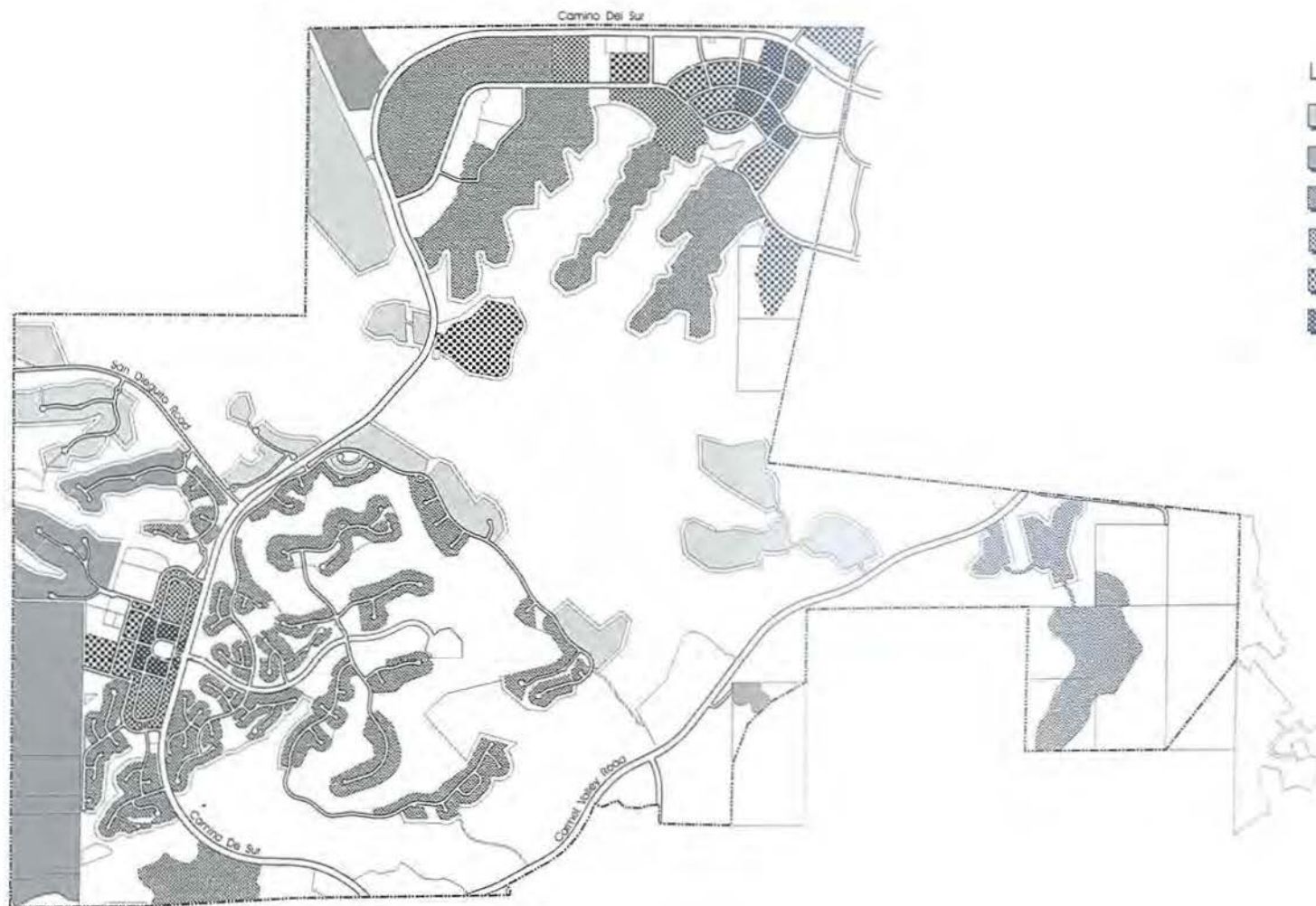
1. Black Mountain Ranch Subarea Plan Land Use Map
2. Vicinity Map
3. Aerial Photograph
4. Black Mountain Ranch Subarea Plan Figure 2.1
5. Design Guidelines (under separate cover)
6. Proposed Site Plan
7. CEQA Section 15162 Evaluation memorandum dated Jan. 22, 2015
8. Draft Vesting Tentative Map Resolution with Findings
9. Draft Vesting Tentative Map Conditions
10. Draft Permit Resolution with Findings
11. Draft Permit with Conditions
12. Rancho Penasquitos Planning Board meeting minutes
13. Remaining drawings
14. Ownership Disclosure Statement
15. Project Data Sheet
16. Project Chronology

Residential Land Use

2.4
figure

Legend

-  Very Low Residential (< 1 du/ac)
-  Moderately Low Residential (1-2 du/ac)
-  Low Residential (2-5 du/ac)
-  Peripheral Residential (5-10 du/ac)
-  Core Residential (10-25 du/ac)
-  Mixed Use Core (25-45 du/ac)



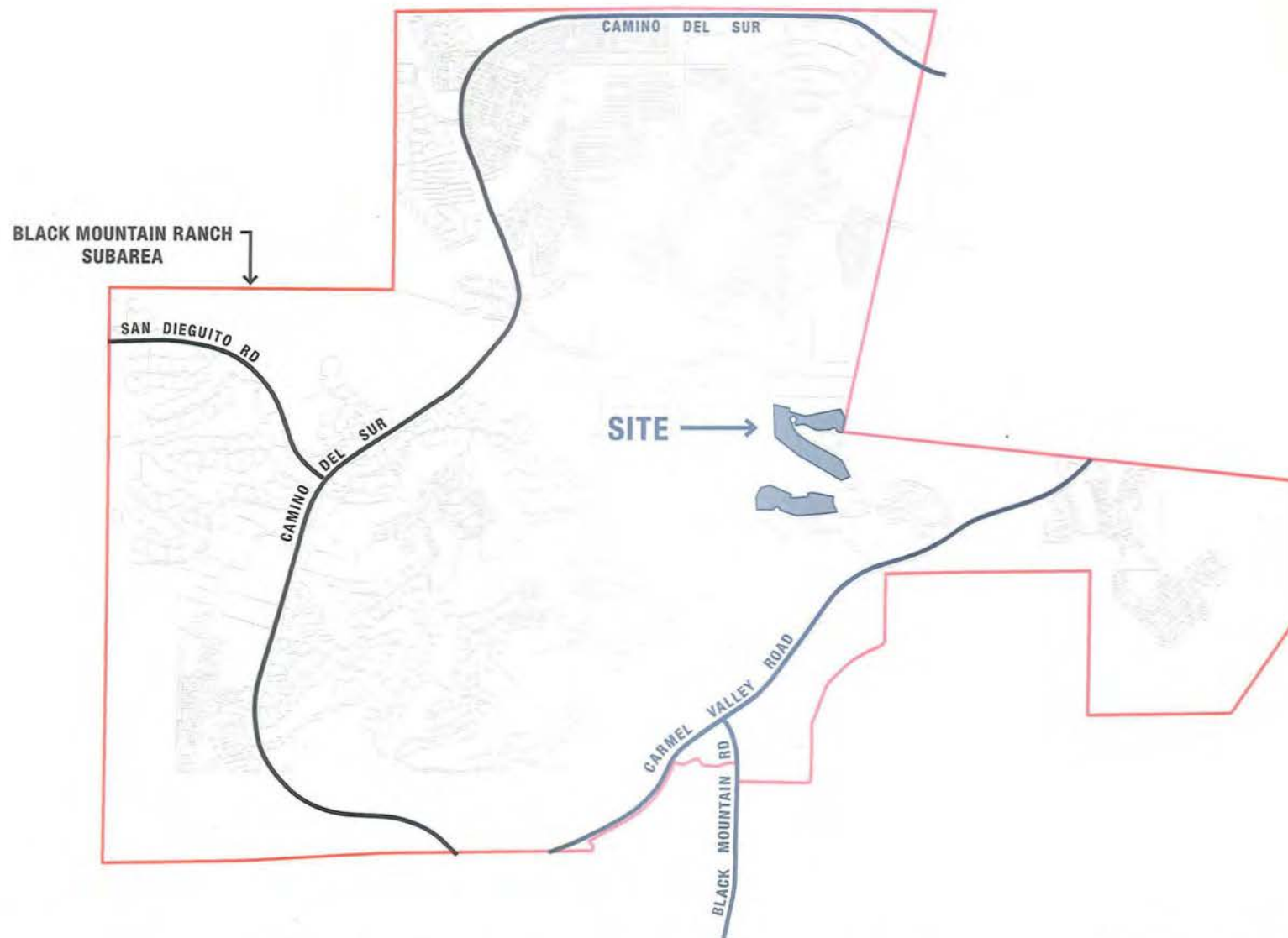
Note: Streets shown represent Collector and above
(North Village area)



May 2009

Black Mountain Ranch
Subarea Plan

ATTACHMENT 1



East Clusters Enclave at Black Mountain Ranch SUBAREA VICINITY MAP

Date of DigitalColor Aerial Photo: June 2012
 Date of Exhibit: February 23, 2015
 Scale: 1" = 1,000'
 North arrow pointing up.

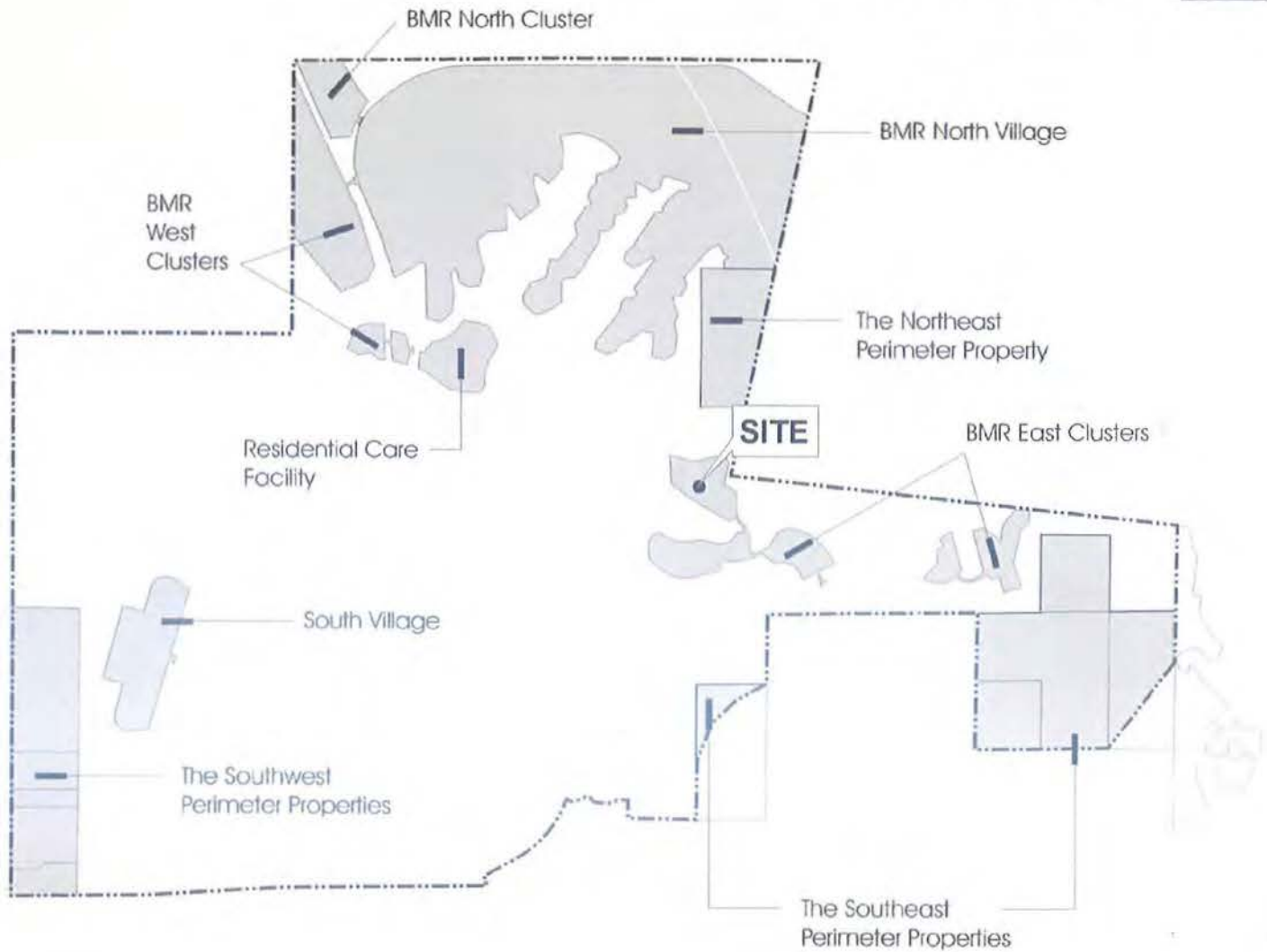
RICK
 ENGINEERING COMPANY
 Planning/Urban Design Division



East Clusters Enclave at Black Mountain Ranch SUBAREA AERIAL MAP

Date of DigitalGlobe Aerial Photo: June 2012
Date of Exhibit: February 23, 2015
Scale: Feet
0 400 800 1200
North

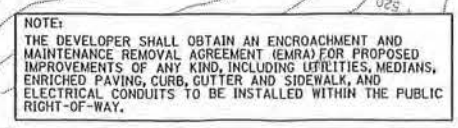
RICK
ARCHITECTURAL FIRM
PLANNING & DESIGN DIVISION

Areas of Proposed
Development*2.1
figure

* Areas not included as Planned Development within the approved Black Mountain Ranch Vesting Tentative Map (95-0173)

East Clusters Enclave Design Guidelines

(under separate cover)



Revision 14: _____
Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: 11-24-14
Revision 5: 11-20-14
Revision 4: 10-28-14
Revision 3: 9-12-14
Revision 2: 7-15-14
Revision 1: 2-27-14

Original Date: 7-08-13

Sheet 2 of 2

DEP # 339873



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: January 22, 2015

TO: City of San Diego Planning Commission

FROM: Martha Blake, Senior Planner, Land Development Review,
Development Services Department

SUBJECT: East Clusters Enclave (Project No. 339873)
California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent Environmental Impact Reports (EIRs) and Negative Declaration consistency evaluation for the proposed East Clusters Enclave project at Black Mountain Ranch, which is described in greater detail as follows.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the proposed amendments. DSD has determined that the proposed amendments are consistent with the EIR Addendum for the East Clusters at Black Mountain Ranch project (LDR No. 99-1054), an Addendum to EIR No. 96-7902/SCH No. 97111070, certified by City of San Diego City Council on June 19, 2001, Resolution No. R-2001-1659; and would not result in new impacts.

BACKGROUND

On June 19, 2001, the City of San Diego certified an EIR Addendum for the East Clusters at Black Mountain Ranch (LDR No. 99-1054), which adds certified EIR No. 96-7902 for the Black Mountain Ranch (Subarea I) Subarea Plan. The East Clusters at Black Mountain Ranch EIR Addendum includes a Mitigation Monitoring and Reporting Program (MMRP) that requires mitigation for Land Use (Multiple Habitat Planning Area [MHPA] adjacency), biological resources, hydrology/water quality, landform alteration/visual quality, historical resources (archaeology), paleontological resources, and noise.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the proposed amendments and conducted a 15162 consistency evaluation with the previously certified Addendum to an EIR. The analysis herein substantiates the conclusion that supports a determination that no subsequent document is required.

East Clusters Enclave Project vs. the East Clusters at Black Mountain Ranch Project Scope

The East Clusters at Black Mountain Ranch project scope included a Vesting Tentative Map (VTM), Rezone, and Planned Residential Development Permit to subdivide a 137.23-acre property for the development of three separate residential areas: Unit 1 (48 residential lots in three clusters covering 82.7 acres, located west of Carmel Valley Road); Unit 2 (28 residential lots in a small 13-acre cluster) and Unit 3 (62 residential lots within a 41.5-acre cluster), both located east of Carmel Valley Road, for a total of 138 residential dwelling units. The East Clusters Enclave project is located within a portion of the previously defined Unit 1. The East Clusters Enclave project proposes to resubdivide an existing 19 residential lots and one common lot into 27 new residential lots and one common lot within the development footprint approved for Unit 1 within the East Clusters at Black Mountain Ranch project site. The proposed eight lot increase will be achieved by removing eight approved lots from within the North Village at Black Mountain Ranch. This is in accordance with the implementing principles of the Subarea 1 Subarea Plan pertaining to development transfers. The project site has been partially mass graded and is currently undeveloped.

Taking into consideration the required studies and additional analysis conducted by the DSD, along with review of the previously certified environmental document, it was concluded that the East Clusters Enclave 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 East Clusters at Black Mountain Ranch 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.

Land Use (MHPA Adjacency)

The proposed project site has been cleared and partially graded. Approximately 27.3 acres of the project site would be graded as part of the East Clusters Enclave project. The project site is adjacent to native habitat set aside within the City's MHPA. As described in the EIR Addendum for the East Clusters project, Unit 1 is located adjacent to MHPA. Development within the East Clusters VTM is covered under an explicit set of design guidelines for the development, which are consistent with the Design Guidelines for Black Mountain Ranch and Subarea 1, and specify treatment of landforms, landscape, screening, and setbacks that were found to mitigate impacts to the public use of the open space within the La Jolla Valley landscape unit area and adjoining MHPA. Lots fronting MHPA open space are subject to adjacency guidelines covering barrier access controls, lighting, drainage and landscaping. This is consistent with the Design Guidelines for Black Mountain Ranch and Subarea I, which were previously approved to mitigate potential impacts to the La Jolla Valley open space unit, major roads, and other public open space. As concluded in the EIR Addendum for the East Clusters project, the low density residential development would not conflict with habitat function, configuration, or long-term viability; usage of the MHPA by sensitive species including narrow endemics; established management directives for the Subarea Plan; or cause potentially adverse edge effects. Land Use Adjacency Guidelines are incorporated into the East Clusters project design guidelines, including provisions for barrier fencing and plantings for access control; lighting restrictions; and appropriate native landscaping. Temporary noise impacts from construction on potential breeding gnatcatchers is also restricted during the breeding season. Additionally, all manufactured slopes adjacent to

undisturbed non-MHPA open space will be revegetated with native species. Specific mitigation measures to reduce impacts to Land Use (MHPA) to below a level of significance were identified in the EIR Addendum MMRP for the East Clusters project and would be applied to development of the East Clusters Enclave project. No additional mitigation would be required.

Biological Resources

The proposed project site has been cleared and partially graded. No native vegetation is present on the project site. As disclosed in the EIR Addendum for the East Clusters project, loss of native habitat on-site and non-native grasslands were included in the Resource Protection Ordinance (RPO) permit issued by the City of San Diego. No new impacts would result from implementation of the proposed project. Biological resources mitigation identified in the EIR Addendum MMRP for the East Clusters project for construction activities would be implemented in conjunction with the proposed project and would reduce impacts to below a level of significance. No additional mitigation would be required.

Hydrology/Water Quality

Updated drainage and water quality technical reports were prepared for the East Clusters Enclave project. The EIR Addendum for the East Clusters project identified specific mitigation measures to reduce impacts to Hydrology/Water Quality to below a level of significance. However, substantial changes to the hydrology and water quality regulatory framework have occurred since the certification of the EIR Addendum. Therefore, the project would be required to comply with the recommendations of the project-specific drainage and water quality technical reports. Conformance with the measures set forth in these reports would ensure that no new impacts would result from implementation of the East Clusters Enclave project.

Landform Alteration/Visual Quality

The project site has been cleared and partially graded. Approximately 27.3 acres of the project site would still need to be graded as part of the East Clusters Enclave project. Grading would entail approximately 380,000 cubic yards of cut and fill, with cut and fill slopes of up to 30 feet in height, which is consistent with the previous EIR Addendum. As disclosed in the EIR Addendum, significant impacts would result; however, no new significant impacts are identified that were not included in the previous Subarea I Plan EIR. The East Clusters at Black Mountain Ranch EIR Addendum includes landform alteration/visual quality mitigation measures that would be required to be implemented in conjunction with the project. No additional mitigation would be required.

Historical Resources (Archaeology)

Approximately 27.3 acres of the project site would still need to be graded as part of the East Clusters Enclave project. Pursuant to the East Clusters EIR Addendum, no resources are anticipated to be directly impacted by implementation of the project. However, monitoring of construction grading will be conducted to assure avoidance. Mitigation measures to reduce impacts to Historical Resources to below a level of significance would be implemented in

accordance with the Black Mountain Ranch Subarea I Plan MMRP, and the EIR Addendum MMRP for the East Clusters project. No additional mitigation would be required.

Paleontological Resources

According to the previous EIR Addendum for the East Clusters project, Unit 1 is located on Stadium Conglomerate, which could contain Eocene fossils. Therefore, grading for development of the East Clusters Enclave project would likely result in the destruction of significant fossiliferous areas. This would be a significant adverse impact on the region's paleontological resources. Mitigation measures to reduce the impact to below a level of significance would be implemented in accordance with the Black Mountain Ranch Subarea Plan MMRP, and the EIR Addendum MMRP for the East Clusters project. No additional mitigation would be required.

Noise

The EIR Addendum for the East Clusters project indicates that for Unit I, which fronts Carmel Valley Road, the residential pads would be 12 to 26 feet below Carmel Valley Road and over 300 feet from the centerline of the road at buildout. The 65 CNEL contour is estimated to be 175 feet from the road centerline without grade separation and given the distance and grade separation this noise level would not be exceeded. No significant adverse noise generation or exposure of sensitive receptors to high noise levels would result from the development of the East Clusters Enclave project. The EIR Addendum states that some lots within (the previous) Unit 1 at East Clusters would be adjacent to coastal sage scrub habitat that may be used for coastal California gnatcatchers during the breeding season. Avoidance of these potential impacts would require surveys of the adjacent noise impacted habitat during the breeding season for active nesting and noise attenuation measures or avoidance of activity during the breeding season. Measures to reduce or avoid impacts to coastal California gnatcatchers during the breeding season are included in the EIR Addendum MMRP for the East Clusters project under Land Use (MHPA).

Other Environmental Issues

A project-specific sewer study was prepared for the proposed project. The project was also reviewed for consistency with the Land Development Code and Black Mountain Ranch (Subarea 1) Subarea Plan. DSD Staff determined that the project would not result in significant environmental impacts in these areas, and no new mitigation measures would be required.

CONCLUSION

Overall, it is not anticipated that the implementation of the proposed amendments would result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified EIR Addendum. The project would not result in new impacts or changed circumstances that would require a new environmental document.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

DSD finds that none of the three criteria listed above has occurred. In addition, this evaluation supports the use of the certified EIR Addendum for the proposed project pursuant to CEQA Guidelines Section 15162.

Therefore, the certified EIR Addendum adequately covers the East Clusters Enclave project being proposed.



Martha Blake
Senior Planner

PLANNING COMMISSION RESOLUTION NUMBER R-_____

VESTING TENTATIVE MAP NO. 1197087
EAST CLUSTERS ENCLAVE - PROJECT NO. 339873

WHEREAS, SPIC DEL SUR, LLC, a Delaware Limited Liability Company, Subdivider, and JOHN D. GODDARD, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1197087 for the re-subdivision of a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, more specifically Lots 27 through 31, inclusive and 33 through 46, inclusive and lettered lot 'O' of Black Mountain Ranch East Clusters Unit No. 2, according to Map thereof No. 15924, filed June 26, 2013 for the creation of 27 lots for residential development and one lot for a homeowners association. The project site is located northwest of Carmel Valley Road on Chesfield Court, Valle Del Sur Court and Ardere Court in the RS-1-8 Zone of the Black Mountain Ranch Subarea Plan. The property is legally described as Lots 27 through 31, inclusive, 33 through 46, inclusive, and lettered lot 'O' of Black Mountain Ranch East Clusters Unit No. 2, according to Map thereof No. 15924, filed June 26, 2013; and

WHEREAS, the Map proposes the Subdivision of a 27.30 acre site into 27 lots for residential development and one lot for a homeowners association; and

WHEREAS, on January 22, 2015, 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 Environmental Impact Report Addendum for the East Clusters at Black Mountain Ranch project (LDR No. 99-1054), an Addendum to Environmental Impact Report No. 96-7902/SCH No. 97111070, certified by City Council on June 19, 2001 by Resolution No. R-2001-1659 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, on March 12, 2015, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1198583 and pursuant to San Diego Municipal Code

section(s) 125.0440 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. 1197087:

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 project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The Black Mountain Ranch Subarea Plan designates this site for very low residential development. This re-subdivision is consistent with this designation as well as the surrounding development area. The proposed re-subdivision would also implement the goal and objective of the Black Mountain Ranch Subarea Plan of combining a residential community with an extensive open space, park, and recreation system. Therefore, the proposed re-subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

While the proposed project complies with the majority of the development regulations of the zone there are requested deviations relative to lot size, minimum street frontage, and minimum front yard setbacks that are needed in order to bring the newly created single-family detached lots into conformance with the existing, and directly adjacent, 29 residential lots within the balance of East Clusters Unit No. 2, East Clusters Unit No. 1, as well as those set forth within the currently adopted Design Guidelines for the overall East Clusters development area. Therefore, the proposed re-subdivision complies with all relevant regulations of the Land Development Code, as allowed through the approval of a Planned Development Permit. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 1197093 and Site Development Permit No. 1197318. Development of the property will meet all requirements of the regulations. The plans and the Design Guidelines for the proposed project identify all other development criteria in effect for the site. In these ways the proposed

development will comply with the applicable and relevant regulations of the Land Development Code.

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 project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The site has been previously graded pursuant to prior engineering construction permit approvals. The proposed re-subdivided development area is within the original development footprint approved with the original East Clusters Unit No. 2. Therefore, the site is physically suitable for the type and density of the development.

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

The project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The proposed re-subdivided development area is within the original development footprint whereby no impacts to environmentally sensitive lands will occur as the site has been previously graded pursuant to prior permit approvals. No new development beyond that which was originally approved is proposed. There are no watercourses on or adjacent to the proposed project site. The existing East Clusters neighborhood, of which this project is a part, is one of four Residential Clusters located in distinct locations within the 5,100 acres of the Black Mountain Ranch Subarea Plan. The East Clusters location is distinct due to it being surrounded by, except for access, the Subarea Plans vast resource based open space system that occupies approximately 2,240 acres. Included within this open space are the natural resource areas of the Multi-Habitat Planning Area. This resource based open space system, coupled with additional amenity open space areas of 775 acres, golf course, public and private parks, would provide over 3,000 acres, or fifty-nine percent of the entire subarea, of active and passive recreational open space uses for visitors and community residents to appreciate and enjoy. Additionally, located within this large expanse of open space is a planned network of community-wide multi-purpose regional trails and paths for hiking, biking, and in some instances, horseback riding. This network will ultimately provide over eighteen miles of interconnected trails linking all parts of the Subarea internally and externally to trail systems in adjacent communities. The East Clusters neighborhood contributes to this system by providing an important linkage to the open space areas that are directly adjacent. Therefore, the proposed re-subdivision will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

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

The project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The proposed East Clusters Enclave re-subdivision, together with the surrounding East Clusters development, which is within a larger approved project in the Black Mountain Ranch North Village and includes a mass grading design, provision of public and private roadways, public utilities, drainage infrastructure, preservation of open space and other such improvements, have been designed to conform with the City of San Diego's codes, policies, and regulations whose primary purpose is the protection of the public's health, safety and welfare. The East Clusters Enclave project has been determined to be consistent with the Black Mountain Ranch Subarea Plan, the California Environmental Quality Act, the City's land development regulations, the Multiple Habitat Planning Area principles and guidelines and all adopted relevant City Council policies. In addition, prior to construction of structures on the subject property, the construction permit drawings will be reviewed to achieve conformance with the California Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The overall design of the original East Clusters Unit No. 2, of which this proposed re-subdivision is within, provides for a network of private easements that will be granted to a Homeowners' Association (HOA) whereby all ingress and egress improvements will be privately owned and maintained by the HOA. There are no easements acquired by the public at large for access through or use of property within the proposed subdivision. Therefore no conflict will result which would negatively affect the public at large for access through or use of the property within the proposed subdivision.

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

The project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The proposed subdivision of a 27.30 acre parcel into 27 lots for residential development and one lot for a homeowners association 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. Design guidelines have been adopted for the future construction of the single family homes; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. Within the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project proposes to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924, to increase residential development from nineteen to twenty-seven residential lots. The proposed density is allowed by the existing RS-1-8 zone regulations.

The proposed project is the subdivision of a 27.3 acre parcel into 27 lots for residential development and one lot for a homeowners association. The North City Future Urbanizing Area (NCFUA) Framework Plan and the Black Mountain Ranch Subarea Plan require new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The project proposes twenty-seven residential dwelling units, which represents an increase of eight dwellings units over that which was originally approved. This requires the transfer of eight dwelling units to the site from Lots 12, 13, 18 and 19 of Map No. 15919 in the Black Mountain Ranch North Village Town Center. The transfer of the eight dwelling units conforms with the implementation provisions of the adopted Black Mountain Subarea Plan. The affordable housing obligation associated with the eight dwelling units being transferred to the site has been satisfied within the North Village. The balance of twenty-eight dwelling units will pay the affordable housing fee as outlined in the East Clusters Affordable Housing Agreement with the San Diego Housing Commission. Balanced needs for public facilities are provided within the development of the Black Mountain Ranch Subarea Plan and the projected build-out of the Black Mountain Ranch Subarea Plan. The subdivision of this parcel into 27 lots for residential development and one lot for a homeowners association is consistent with the needs for public facilities in the community. The project design has taken into account the best use of the land to minimize grading and preserve sensitive lands. 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 27 lots for residential development and one lot for a homeowners association for private development is consistent with 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 anticipated for the Black Mountain Ranch Subarea Plan 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. 1197087, is hereby granted to SPIC DEL SUR, LLC, a Delaware Limited Liability Company, 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: Vesting Tentative Map Conditions

Internal Order No. 24004083

PLANNING COMMISSION
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1197087

EAST CLUSTERS ENCLAVE - PROJECT NO. 339873 [MMRP]

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire December 10, 2021. The Subdivider has entered into the First Amendment to the Second Amended and Restated Development Agreement (Development Agreement) adopted by the City Council on August 9, 1988 and as amended on September 13, 1988 and December 10, 2001 as Document No. 2002-0043111 recorded on January 17, 2002 of Official Records with the City that vests certain rights, rules, regulations and policies for a period of twenty years, or as provided in Paragraph 5.1 of that Development Agreement. In the event of a conflict between the conditions of this Vesting Tentative Map and the terms of the Development Agreement, the terms of the Development Agreement shall prevail.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the 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 there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 1197093 and Site Development Permit No. 1197318.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate

Project No. 339873
VTM No. 1197087

fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
7. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
8. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
9. The Final Map shall comply with the provisions of PDP No. 1197093/SDP Permit No. 1197318.
10. All driveways and curb openings shall comply with City Standard Drawings SDG-160 and SDG-164.
11. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
12. The Subdivider shall obtain a 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.
13. 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.
14. 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. R9-2013-0001. 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.

15. 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.
16. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
17. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
18. 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.
19. 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

20. "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].
21. "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."

22. Prior to the expiration of the Vesting Tentative Map, a Final Map to re-subdivide 20 residential lots and 2 lettered lots into 27 residential lots and 1 lettered lot shall be recorded in the office of the San Diego County Recorder.
23. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to Section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.
24. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6, pursuant to Section 8801 through 8819 of the California Public Resources Code.
25. 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

26. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.
27. Prior to recordation of the Final Map, the Subdivider shall provide a letter to the City which indemnifies the City in case any problem arises as a result of the operation of private pump station(s) and forcemain(s).
28. Prior to recordation of the Final Map, the Subdivider shall sign and provide to the City a letter acknowledging their obligation and intent to create, via CC&Rs on each unit's title, provisions for the continuous future operation and maintenance

of the development's private pump stations and forcemains in a manner satisfactory to the Public Utilities Director and the City Engineer.

LANDSCAPE/BRUSH MANAGEMENT

29. Prior to recordation of the Parcel Map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission 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. 24004083

Project No. 339873
VTM No. 1197087

PLANNING COMMISSION RESOLUTION NO. PC-
PLANNED DEVELOPMENT PERMIT NO. 1197093 and
SITE DEVELOPMENT PERMIT NO. 1197318
Amending Planned Residential Development Permit No. 99-1054,
Planned Development Permit No. 497493 and
Site Development Permit No. 497494
EAST CLUSTERS ENCLAVE - PROJECT NO. 339873

WHEREAS, SPIC DEL SUR, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924 for the creation of 27 lots for residential development and one lot for a homeowners association (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1197093 and 1197318), on portions of a 27.30 acre site;

WHEREAS, the project site is located northwest of Carmel Valley Road on Chesfield Court, Valle Del Sur Court and Ardere Court in the RS-1-8 Zone of the Black Mountain Ranch Subarea Plan;

WHEREAS, the project site is legally described as Lots 27 through 31, inclusive 33 through 46, inclusive and lettered lot 'O' of Black Mountain Ranch East Clusters Unit No. 2, according to Map thereof No. 15924, filed June 26, 2013;

WHEREAS, on March 12, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1197093 and Site Development Permit No. 1197318 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on January 22, 2015, 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 Environmental Impact Report Addendum for the East Clusters at Black Mountain Ranch project (LDR No. 99-1054), an Addendum to Environmental Impact Report No. 96-7902/SCH No. 97111070, certified by City Council on June 19, 2001 by Resolution No. R-2001-1659 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 March 12, 2015.

FINDINGS:

Planned Development Permit - Section 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The Black Mountain Ranch East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, which is currently comprised of 28 single family detached lots. The Project will increase the overall yield to 36 single family detached lots which is currently allowed by the Black Mountain Ranch Subarea Plan and existing RS-1-8 zone regulations.

The project site is located in the eastern section of the 5,400 acre master planned community of Black Mountain Ranch Subarea. The Project fulfills a community need by providing needed housing in the City of San Diego. The Black Mountain Ranch Subarea Plan designates this site for very low residential development, and all of the areas surrounding the project have been approved or are under construction for low and very low residential uses coupled with open space. The Project, like the originally approved East Clusters subdivision, implements the goals and policies of the Black Mountain Ranch Subarea Plan by conforming with the goal of combining a predominantly residential community with an extensive open space, park, and recreation system. The proposed development areas have been located to minimize grading and respect environmentally significant areas, most of which are within the Multi-Habitat Planning Area open space system. The Multi-Habitat Planning Area open space has been dedicated and preserved by previously approved vesting tentative maps. The proposed re-subdivided development area is within the original development footprint and no impacts to environmentally significant areas will occur. The proposed Project has been designed in harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan, and the Project will implement the goals and policies of the Subarea Plan, therefore will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Black Mountain Ranch East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, which is currently comprised of 28 single family detached lots. The Project will increase the overall yield to 36 single family detached lots which is currently allowed by the Black Mountain Ranch Subarea Plan and existing RS-1-8 zone regulations.

The proposed Project, together with the surrounding East Clusters development (mass grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The Project is consistent with the Black Mountain Ranch Subarea Plan, the California Environmental Quality Act and the City's environmental regulations, the Multiple Habitat Planning Area principles and guidelines,

landscaping and brush management policies, the Fire Departments fire protection policies, water and sewer study recommendations, the City's affordable housing policies and regulations, requirements for a healthy pedestrian environment. In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with the California Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

3. **The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.** The Black Mountain Ranch East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, which is currently comprised of 28 single family detached lots. The Project will increase the overall yield to 36 single family detached lots which is currently allowed by the Black Mountain Ranch Subarea Plan and existing RS-1-8 zone regulations.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to lot size, minimum street frontage, and minimum front yard setbacks that are requested in order to bring the newly created single family detached lots into conformance with the existing, and directly adjacent 29 residential lots within the balance of East Clusters Unit No. 2, East Clusters Unit No. 1 as well as the development standards set forth within the currently adopted Design Guidelines for the overall East Clusters development area. The proposed deviations implement design principles contained in the Framework Plan and subsequent Black Mountain Ranch Subarea Plan that promote visual and physical connectivity to open space. More specifically the deviations are as follows:

| | <u>RS-1-8 Zone</u> | <u>Proposed</u> |
|---------------------------|--------------------|-------------------------|
| • Minimum Street Frontage | 100 feet | None (private driveway) |
| • Minimum Lot Size | 40,000 square feet | 22,000 square feet |
| • Minimum Front Setback | 25 feet | 15 feet |

The project site is within the master planned community of Black Mountain Ranch. The Black Mountain Ranch Subarea Plan designates this site for very low residential development, and all of the areas designated for residential uses surrounding the project have been approved or are under construction for low and very low residential uses. The Project, like the originally approved East Clusters subdivision, implements the goals and policies of the Black Mountain Ranch Subarea Plan by conforming with the goal of combining a residential community with an extensive open space, park, and recreation system. The proposed re-subdivided development area is within the original development footprint and no impacts to environmentally significant areas would occur.

The existing East Clusters neighborhood, of which this project is a part, is one of four Residential Clusters located in distinct locations within the 5,100 acres of the Black Mountain Ranch Subarea Plan. The East Clusters location is distinct due to it being surrounded by, except for access, the Subarea Plans vast resource based open space system that occupies approximately 2,240 acres. Included within this open space are the natural resource areas of the Multi-Habitat Planning Area. This resource based open space system, coupled with additional amenity open space areas of 775

acres, golf course, public and private parks, would provide over 3,000 acres, or fifty-nine percent of the entire subarea, of active and passive recreational open space uses for visitors and community residents to appreciate and enjoy. Additionally, located within this large expanse of open space is a planned network of community-wide multi-purpose regional trails and paths for hiking, biking, and in some instances, horseback riding. This network will ultimately provide over eighteen miles of interconnected trails linking all parts of the Subarea internally and externally to trail systems in adjacent communities. The East Clusters neighborhood contributes to this system by providing an important linkage to the open space areas that are directly adjacent.

The Project proposes a deviation from the minimum lot size of the RS-1-8 zone which is 40,000 square feet. Of the twenty-seven lots to be created by the Project, nineteen would be less than 40,000 square feet. These lots would range in size from 22,215 to 35,297 square feet. The Project proposes a deviation from the twenty-five foot minimum front yard setback of the RS-1-8 zone and proposes a minimum front yard setback of fifteen feet for all twenty-seven lots. The design of the future homes would be in conformance with the adopted East Clusters Design Guidelines that accompanied the prior Planned Residential Development No. 99-1054 and which included several deviations from the prior R-1-5000 Zone. These adopted design guidelines set forth the basic design policies and describe the specific, detailed, and measureable criteria against which the future construction of lots would be evaluated. The current Project is designed to be consistent with these design guidelines and the present regulations of the RS-1-8 Zone with deviations, as allowed through the approval of a Planned Development Permit.

The proposed Project has been designed in harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan, and the Project would implement the goals and policies of the Subarea Plan. Considering the exceptional benefits created by the adoption of the Black Mountain Ranch Subarea Plan enumerated above, these deviations will create a more desirable project that is clearly distinguishable from surrounding communities than would be achieved by strict conformance with the development regulations of the applicable zone.

Site Development Permit - Section 126.0504

1. **The proposed development will not adversely affect the applicable land use plan.** The Black Mountain Ranch East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, which is currently comprised of 28 single family detached lots. The Project will increase the overall yield to 36 single family detached lots which is currently allowed by the Black Mountain Ranch Subarea Plan and existing RS-1-8 zone regulations.

The project site is within the master planned community of Black Mountain Ranch. The Project fulfills a community need by providing needed housing in the City of San Diego. The Black Mountain Ranch Subarea Plan designates this site for very low residential development, and all of the areas surrounding the project have been approved or are under construction for low and very low residential uses coupled with open space. The proposed Project has been designed in harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan, and the Project will implement the goals and policies of the Subarea Plan, therefore will not adversely affect the applicable land use plan. For additional information see PDP Finding No. 1 above.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Black Mountain Ranch East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, which is currently comprised of 28 single family detached lots. The Project will increase the overall yield to 36 single family detached lots which is currently allowed by the Black Mountain Ranch Subarea Plan and existing RS-1-8 zone regulations.

The proposed Project, together with the surrounding East Clusters development which includes mass grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, is designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The Project is consistent with the Black Mountain Ranch Subarea Plan, the California Environmental Quality Act and the City's environmental regulations, the Multiple Habitat Planning Area principles and guidelines, landscaping and brush management policies, the Fire Departments fire protection policies, water and sewer study recommendations, the City's affordable housing policies and regulations, requirements for a healthy pedestrian environment. For additional information see PDP Finding No. 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 Black Mountain Ranch East Clusters Enclave project (Project) proposes to re-subdivide a portion of East Clusters Unit No. 2, Map No. 15924, which is currently comprised of 28 single family detached lots. The Project will increase the overall yield to 36 single family detached lots which is currently allowed by the Black Mountain Ranch Subarea Plan and existing RS-1-8 zone regulations.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to minimum street frontage, lot size and minimum front yard setbacks that are requested in order to bring the newly created single family detached lots into conformance with the existing, and directly adjacent residential lots within the balance of East Clusters Unit No. 2, East Clusters Unit No. 1 as well as those development standards set forth within the currently adopted Design Guidelines for the overall East Clusters development area. The proposed deviations were originally approved and adopted to implement design principles contained in the Framework Plan and subsequent Black Mountain Ranch Subarea Plan that promote visual and physical connectivity to open space. The proposed Project has been designed in harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan, and the Project would implement the goals and policies of the Subarea Plan. Considering the exceptional benefits created by the adoption of the Black Mountain Ranch Subarea Plan enumerated above, these deviations will create a more desirable project that is clearly distinguishable from surrounding communities than would be achieved by strict conformance with the development regulations of the applicable zone. For additional information see PDP Finding No. 3 above.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1197093 and Site Development Permit No. 1197318 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. 1197093 and 1197318, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: March 12, 2015

Job Order No. 24004083

DRAFT

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004083

PLANNED DEVELOPMENT PERMIT NO. 1197093 and
SITE DEVELOPMENT PERMIT NO. 1197318
EAST CLUSTERS ENCLAVE - PROJECT NO. 339873
Amending Planned Residential Development Permit No. 99-1054,
Planned Development Permit No. 497493 and
Site Development Permit No. 497494
PLANNING COMMISSION

This Planned Development Permit No. 1197093 and Site Development Permit No. 1197318, amending Planned Residential Development Permit No. 99-1054, Planned Development Permit No. 497493 and Site Development Permit No. 497494, is granted by the Planning Commission of the City of San Diego to SPIC DEL SUR, LLC, a Delaware Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code §126.0604 and §126.0504. The 27.30 acre site is located northwest of Carmel Valley Road on Chesfield Court, Valle Del Sur Court and Ardere Court in the RS-1-8 Zone of the Black Mountain Ranch Subarea Plan. The project site is legally described as Lots 27 through 31, inclusive 33 through 46, inclusive and lettered lot 'O' of Black Mountain Ranch East Clusters Unit No. 2, according to Map thereof No. 15924, filed June 26, 2013.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to re-subdivide a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924 for the creation of 27 lots for residential development and one lot for a homeowners association described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 12, 2015, on file in the Development Services Department.

The project shall include:

- a. Re-subdivision of a portion of the East Clusters at Black Mountain Ranch Unit No. 2, Map No. 15924 for the creation of 27 lots for residential development and one lot for a homeowners association;
- b. Adoption of the East Clusters Enclave Design Guidelines for the development of individual lots;
- c. Deviations relative to minimum street frontage, lot size and minimum front setback; specifically described as:

| | <u>RS-1-8 Zone</u> | <u>Proposed</u> |
|---------------------------|--------------------|-------------------------|
| • Minimum Street Frontage | 100 feet | None (private driveway) |
| • Minimum Lot Size | 40,000 square feet | 22,000 square feet |
| • Minimum Front Setback | 25 feet | 15 feet |
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. 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 will expire December 10, 2021. The Owner/Permittee has entered into the First Amendment to the Second Amended and Restated Development Agreement (Development Agreement) adopted by the City Council on August 9, 1988 and as amended on September 13, 1988 and December 10, 2001 as Document No. 2002-0043111 recorded on January 17, 2002 of Official Records with the City that vests certain rights, rules, regulations and policies for a period of twenty years, or as provided in Paragraph 5.1 of that Development Agreement. In the event of a conflict between the conditions of this Permit and the terms of the Development Agreement, the terms of the Development Agreement shall prevail.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

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

ENGINEERING REQUIREMENTS:

13. Planned Development Permit No. 1197093 and Site Development Permit No. 1197318 shall comply with the conditions of the final map for Vesting Tentative Map No. 1197087.

LANDSCAPE REQUIREMENTS:

14. 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, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

15. 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 show, label, and dimension 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.

16. Prior to issuance of any construction permits for structures, 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 that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

17. 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.

18. 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.

19. 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 Final Inspection.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

20. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."

21. The Brush Management Program shall consist of a standard Zone One of 35 feet in width with Zone Two of 65 feet in width extending out from the structure towards the native/naturalized vegetation consistent with the Brush Management Regulations of the Land Development Code section 142.0412.

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

23. Prior to issuance of any building permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

24. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.

25. Prior to final inspection of any building permits, the approved Brush Management Program shall be implemented.

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

PLANNING/DESIGN REQUIREMENTS:

27. 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.

28. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A," the East Clusters Enclave Design Guidelines or City-wide sign regulations.

29. 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.

30. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

31. 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 Director of Public Utilities and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

32. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in

accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

33. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

34. All public water and sewer facilities are to be in accordance with the approved Water and Sewer Studies.

35. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

36. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

GEOLOGY REQUIREMENTS:

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

38. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

INFORMATION ONLY:

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

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

DRAFT

Permit Type/PTS Approval No.: PDP No. 1197093 and SDP No. 1197318
Date of Approval: March 12, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

SPIC DEL SUR, LLC,
a Delaware Limited Liability Company
Owner/Permittee

By _____
William Ostrem,
Authorized Representative

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



Rancho Peñasquitos Planning Board Meeting Minutes

October 1, 2014

Attendees: Jon Becker, Thom Clark, Bill Dumka, Stephen Egbert, John Keating, Ruth Loucks, Jack McGuire, Darren Parker, Jeanine Politte, Brian Reschke, Keith Rhodes, Mike Shoecraft, Rod Simmons, Ramesses Surban, Melinda Vasquez, Brooke Whalen

Absent: Bill Diehl, Steve Gore

Community Members & Guests (Voluntary Sign-in): Angela Abeyta, Kenny Fok, Joe Levanthal, Dale Politte, Jill Dicarlo, Anne DeBevoise-Abel, Katie Jurowski, Pam Blackwill, Ronson Kung

1. The meeting was called to order at 7:30 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum (13) was present.
2. Agenda Modifications: yes
Motion: To remove the Torrey Santa Fe Easement Vacation, PTS #384412 item from the agenda until City Parks and Recreation representatives can be present to answer questions. M/S/C – Surban/Becker/Approved, 13 in favor – 0 against – 0 abstentions/recusals.
3. APPROVAL OF MINUTES: September 3, 2014
Motion: To approve the September 3, 2014 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C – Becker/Parker/Approved, 11 in favor – 0 against – 3 abstentions (McGuire, Shoecraft, Simmons).
4. Public Safety Agencies: not present
5. Public Forum:
 - a. Joe Leventhal, parking on Via Azul in Santa Monica neighborhood next to park and Willow Grove Elementary School – Concerned with parking next to the park and school after a stranger approached a child last year and tried to get the child into their car. Local workers are parking on this street and loitering in the area. Would like RPPB to consider restricting parking to 2 hours; it's not a parking lot. Councilman Kersey's office is aware of the problem.
 - b. Rhodes said that Rhodes Crossing representatives will be meeting with the Via Panacea neighborhood before RPPB's November meeting.
6. ANNOUNCEMENTS & INFORMATION ITEMS:
 - a. San Diego City Development Services Dept. Report – Michael Prinz, not present
 - b. San Diego City Council Member Mark Kersey, District 5 Report – Garrett Hager
 - Paseo Montalban is being repaved next week between Carmel Mtn. Rd. and Via Cima Bella in time for MCHS Band Competition.
 - Surban asked if the repaving was in system as planned and what other streets in the community were on the list?
 - Hager said the rest of the street and others in the community are scheduled for overlay starting in Nov/Dec.
 - Politte asked if the repaving schedule was still being posted on City website? Yes.
 - Clark said there are 2 facets, one is filling pot holes and other is repaving.

- Keating said there might be a buffered bike lane along this road, if the different departments are communicating.
 - Seniors Helping Our Kids (SHOK) is looking for volunteers to help 1st and 2nd graders learn to read at the following elementary schools: Los Peñasquitos, Sundance, Turtleback, Westwood, Highland Ranch and Shoal Creek. Contact: Jane Radatz, 858-485-5449.
 - c. San Diego City Council Member Lorie Zapf, District 6 Report – Conrad Wear
 - Speeding on Park Village Road – City Streets Division is looking at calming measures.
 - Keating said he believed a v-calm was approved for installation at Darkwood by RPPB.
 - Canyonside Park is classified as a “Cool Zone” location when temperatures rise, but it’s not cool; facility maintenance is looking at alternatives.
 - Park Village Elementary will get some eBook tablets so they can download books from the City Library System.
 - d. San Diego County Supervisor Dave Roberts, District 3 Report – Tighe Jaffe, not present
 - e. 77th Assembly District, Member Brian Maienschein’s Office Report – Michael Lieberman, not present
 - f. 52nd District, U.S. Congressman Scott Peters’ Office Report – Hugo Carmona, not present
7. BUSINESS.
- a. **Vacancies & Appointments** – Thom Clark, RPPB (Action Item)
 - Kate Glenn was not present; Clark did not request a vote to confirm the Town Council's appointment to fill the vacant Town Council seat.
 - b. **Black Mtn. Ranch PFFP Update for 2015** – Angela Abeyta, City of San Diego (Action Item)
 - Rhodes reported, a committee of RPPB members met with Abeyta to review and make suggestions to fees, language changes and impacts on other community’s PFFPs. Rhodes said that John Tracanna recommended, the other communities come forward on their own timing.
 - Abeyta noted the PFFP was last updated in 2013. Proposing a reduction in fees of 30%, \$55,000 down to \$38,500 for a single family home. Changes are due to 3 transportation projects that were removed from the PFFP/FBA; BMR LLC is providing the funds for these projects with cash. Fees are usually paid by credits per building but the City can’t give credits ahead of time. BMR needs to get these projects completed. BMR has a 5400 unit cap, is approximately 60% complete. They are completing their infrastructure projects. A couple of footnotes were also added to the PFFP.
 - Rhodes noted there was one issue. The PFFP didn’t specifically say in the Community Plan in the notes although it was understood, the amounts for Torrey Highlands, BMR & PHR are fixed. A footnote was added.
 - Abeyta added that she plans to get this on the City Council agenda before the holidays.
 - Keating, noting that the PFFP is revised every couple years, asked if there are any foreseeable projects that could get added that would increase the amount/fees?
 - Abeyta did not see any additional projects coming forward right now.

- Rhodes said they got ahead of the curve with the Torrey Highlands PFFP. He added that RPPB's proactive approach to update the PFFPs is well received by the City.

Motion: To approve the Black Mtn. Ranch PFFP for 2015 as presented. M/S/C – Rhodes/Loucks/Approved, 15 in favor – 0 against – 1 recusal (Dumka).

c. **Black Mtn. Rd. Reclassification CPA Update** – John Keating, RPPB (Information Item) - see handout

- Keating reviewed the proposed CPA and reclassification of Black Mtn. Rd. from a 6 lane roadway to the existing 4 lanes between southern community border and Twin Trails except in the vicinity of SR-56. BMR LLC is the sponsor of the CPA Initiation. Key issues and reasoning behind the reclassification: funding to build the widened roadway is unidentified in the FBA and is there a need for 6 lanes. Impact studies being conducted focus on the impacts if the road is widened and not widened.
- Clark noted that Steve Silverman and Arnold Torma provided a handout with more information that was distributed at the LUC meeting.
- Becker noted that the Planning Commission supported the initiation of the CPA in February. The widening of Black Mtn. Rd. would change the community character as well as the transportation system. He thanked Steve Silverman and Arnold Torma.
- Egbert asked about congestion areas at SR-56 and their thoughts on extending the 3 lanes which are close to SR-56 to ease some of the congestion. He noted that drivers don't use the carpool lanes in the onramps to SR-56.
- Keating said that Caltrans' has 8 lanes on the bridge and is not being used at capacity; he's asking for restriping, adjustment to signal timing. He added that the completion of Camino del Sur will decrease traffic on Black Mtn. Rd. without widening or taking of property.
- Steve Silverman added that impact studies as 4 lanes and as 6 lanes are being done and mitigation measures being looked at.
- Egbert said that all or nothing may not be optimal.
- Vasquez asked if the traffic studies would include Park Village Rd. traffic when Camino del Sur is completed?
 - Arnold Torma said yes, it will be included in the studies (long range).
- Simmons asked about SANDAG's 2050 forecasted traffic estimates.
 - Silverman said the SANDAG model estimates usually require calibration. At this point they don't have that answer, but after running the models and in say 6 months the City will have a better idea of what those numbers will be.
 - Simmons said that he doesn't buy that they don't know, the numbers are based on development to be built.
 - Silverman said the studies include numbers, traffic impacts and if there will be any changes due to the CPAs coming forward. They use the 1st run results to calibrate future runs and continue to recalibrate their numbers, adjusting the model.
- Keating noted that we have 4 existing lanes, we aren't going to increase traffic much during peak hours. By increasing it to 6 lanes we invite more traffic through the community; we don't want to divert traffic through Rancho Peñasquitos on Black Mtn. Rd.
- Becker noted the shifts due to I-15 improvements.
- Keating added that we need to look at if this benefits the community.

- Rhodes said that RPPB voted 4 years ago to keep Black Mtn. Rd. as 4 lanes.
- Keating noted, if expanded to 6 lanes, what level of service would result, shifting to make the interchange work? Is that worth it?
- Surban noted that at the LUC meeting, Arnold Torma identified traffic study results showing that Sundance at Twin Trails and Black Mtn. Rd. at Carmel Valley Rd. will experience problems. The next step is to submit the study results.
- Silverman said, the City will decide if the submitted studies need changes made to circumstances/conditions and will require that the study models be run again until the City is satisfied; then mitigations can be evaluated.
- Surban questioned if mitigation measures that might be taken for the E level of service at those intersections would include bridge restriping and a signalized intersection at Twin Trails and Sundance?
- Silverman said that they are not at a point to definitively say what measures would be employed.
- Parker asked about State's change in the way to document studies; will new studies be done using the new requirement?
 - Torma replied no, the new state law 'vehicle miles traveled' takes effect in 2015. They do not have to address that right now.
 - Keating reviewed SB743 adding that City Planners are still working on how to implement and it won't apply to this project.

 d. **Black Mtn. Ranch East Clusters Enclave Project #339783, SAP No. 24004083, PDP, SDP & Vesting Tentative Map to re-subdivide 19 Single Family Lots to 27 on a 27.3 acre site located off Carmel Valley Rd. (specifically lots on Valle Del Sur Ct. & Chesfield Ct.) – Bill Dumka, BMR LLC (Action Item)**

- Surban reviewed the LUC presentation. The lots remain larger than ½ acre, subdividing some of the lots to increase from 19 to 27 single family lots in the Enclave neighborhood. No changes to roads. The number increase (8 units) will be deducted from the North Village total units.
- Surban added, the Land Use Committee voted to approve the project as submitted with the exception that the before/after exhibit be corrected to show the proposed minimum lot square footage of 22,000 sq. ft.
- Dumka said the area is fully graded, utilities are mostly in and development is happening. The request is to re-subdivide some of the lots into smaller lots (22,000 sq. ft) from 40,00 sq. ft. lots/pads. There are no changes to the streets, open space or access to open space.
- Vasquez asked if the additional 8 lots would impact utilities or traffic? Will any be used for duplexes or only single family?
 - Dumka said no impact. The lots will be single-family residences and . The lots are still big enough for 5,000 sq. ft. homes. He added the La Jolla Valley viewshed limits homes to a single story with elements that are slightly higher.
- Keating noted there is a net zero change.
- Reschke asked what price point the finished homes would be?
 - Dumka said price is unknown, but the Enclave are estate properties and comparable to Santaluz.
- Surban asked what the underlying motivation was for the change?
 - Dumka said it was a business decision, adding that Design Review Guidelines would be modified for the change in numbers.

- Politte inquired which sewer trunk line would be used; the newer PS #82 and back up Alamazon St. and down Peñasquitos Drive to Carmel Mtn. Rd.?
 - Dumka said it would not and showed the location on exhibit map.
- Loucks asked where in the North Village the 8 units would be removed?
 - Dumka said the undeveloped portion.
- McGuire said that part of the development is already priced at \$1 million plus home prices and they are much smaller.
- Clark, referring to the Design Guidelines, asked if our vote to approve the re-subdivision would include the redlining and language changes in the guidelines dated 9/14/14?
 - Dumka said yes, all the changes incorporate City comments.

Motion: To recommend approval of Black Mtn. Ranch East Clusters Enclave Project #339783, SAP No. 24004083, PDP, SDP & Vesting Tentative Map as presented to re-subdivide 19 single family lots into 27; with exception of the before/after exhibit which should reflect the proposed minimum lot area of 22,000 sq. ft. as noted on the tentative map. M/S/C – Surban/Vasquez/Approved, 15 in favor - 0 against - 1 recusal (Dumka).

8. REPORTS.

a. Chair Report – Thom Clark

- CPC Meeting, CP 600-24 – Clark reported that he missed the meeting, adding that CP 600-24 with City comments was to be voted on. He believes CP 600-24 was approved with the changes made by the City. The guidelines will be approved soon and may trigger various CPGs to redo their bylaws. RPPB may have to create an Ad-Hoc Committee to review Bylaws. He added that the meetings are under the Brown Act and noted a memo from former City Attorney Mike Aguirre, that CPG meetings are open to the public.
- Land Development Code changes pertaining to biology – Clark asked the members to review the information they received via email adding that the information would be valuable when reviewing EIRs.
- Roberts Rules of Order – Clark asked the members to think about whether our meetings run well enough or should we consider adding a Parliamentarian.
 - Becker asked if CP 600-24 requires a Parliamentarian?
 - Clark said it does not.
 - Vasquez said that the Parliamentarian position is optional, but sometimes necessary for very large groups (referencing Congress).

b. Vice-Chair Report – Jon Becker

- CPG expenditure reimbursement funds (up to \$500 annually) was approved by City Council for each CPG. More information coming soon.
 - Vasquez said, the Town Council received an \$8,500 grant from the City which they plan to use to revamp their website. She asked if RPPB would like to merge our website with theirs so we could take advantage of more advanced technology.
 - (i) Clark said there are different purpose and legal structures for each organization. RPPB must follow CP 600-24 guidelines. If we have a website, we have to post our agendas and documents on our website. Linking them would be something else; worth a conversation.

- (ii) Vasquez said she was thinking we might be able to share some of the costs. Beneficial for the community to have one.
 - (iii) Surban noted the grant was conditioned on promoting the development of local business; we'd need to make a compelling argument that it promotes the development of small businesses.
 - (iv) Vasquez said she was just brainstorming, they are in process of redeveloping their website and was thinking we could work together.
- Clark said, RPPB's site is up but needs someone to populate our site, possibly set up an ftp site so we can upload documents. Possibly use \$350-400 of the approved reimbursement funds to pay someone to keep the site populated.
- Keating suggested local communication to the public could be posted to the Town Council website.
- Becker said that Vasquez and the Town Council Rep will be present at RPPB meetings and could post issue information on their web.
- c. Secretary Report – Jeanine Politte
 - SANDAG email received about Ride Share month and using FasTrak[®]. Politte will email to distribution list.
 - McGuire has completed the eCOW training; Reschke and Whalen need to complete before the November RPPB meeting.
- d. Standing Committee Reports:
 - Land Use (Ramesses Surban)
 - Torrey Highlands Easement Vacation was removed from the agenda due to City staff not being present to answer questions; should reschedule when they can attend.
 - Telecomm (Darren Parker)
 - Parker reported, due to the federal Middle Class Tax Act Relief of 2012, we won't be allowed to deny telecommunication projects that request small modifications or changes. The language is very vague in regards to large and small changes.
 - o McGuire asked if it related to the whole spectrum?
 - o Parker said the intent is to streamline the process.
 - o Becker asked if localities will determine what is small?
 - o Clark said, the City Attorney will determine, pass through Planning down to us.
- e. Ad Hoc Committee Reports:
 - Doubletree Resort (Jeanine Politte)
 - Politte reported, the first committee meeting on 9/16/14 had approximately 60+ attendees, about half of them had not attended previous Laurus/Lewis presentations at RPPB meetings. It was a rehash of previous information. Some very good questions were brought up by the community. They are going to close the golf course and we don't have a say. We heard that the ownership has not offered the golf course for sale to continue being operated as a golf course. The audience wanted the golf course to remain; determined by a show of hands similar to the show of hands back in 2007. Damon Gascon told the audience that the golf industry was dying and named a number of local courses that will be closing. Neither Gascon or Lewis Corp would be involved in any of the other local closures, but Lewis is involved in the closure and redevelopment of a course in Rancho Cucamonga. The golf course is zoned RS-1-14 which would allow 5,000

sq. ft. lots. An audience member asked why Gascon was including a Civil Engineer on his team this early if they didn't already have a plan. He replied that his team needed to understand what they could do with the land. There are 3 easements across the course; SDG&E, City and Caltrans. The audience wanted proof that the ownership is losing money.

- Egbert said that he thought the hotel, while separate from the golf course, ownership wants to understand all their options and not lose control of their adjoining property (golf course).
- Politte said the initial ownership has separated the hotel/fitness center and golf course into two separate entities with similar investment partners. The ownership of the golf course is now SD Carmel Land LLC and the original ownership is the owner of the hotel/fitness parcels. There is a portion of the golf course parcel directly behind the hotel that may be sold back to the hotel for events like weddings. Concerns and impacts expressed at the meeting included traffic, schools are at capacity, safety, and access for the existing neighborhoods. Other comments were that the resort has never been a good neighbor and didn't do a good job of marketing.
- Politte reread an email that she read at the meeting which was received from Joost Bende.

"I want to make a point that as a concerned neighbor with similarly situated property: How many times over our lifetimes are we going to have to defend what is clearly called out in the community plan as open space? This is at least the second time in 10 years alone.

Frankly the discussion about any use on the golf course other than open space should be a non-starter. If the golf course is not financially viable then perhaps another commercial venture making use of the open space. If there is no such viable venture, then perhaps it is a passive park area.

But to consider anything like what we have seen before such as terraced single family residences down to the edge of the freeway or any "structural" improvements should not even be on the table. I still have the page tabbed in my copy of the community plan, and someone read it at a previous planning board meeting, the last time the DoubleTree was presented, that this is deemed to be open space and to be preserved as such.

Based on that single paragraph in the community plan I do NOT think the findings could ever be made to formally start the initiation process. I think it is a waste of DoubleTree time and money, and more importantly citizen time and City time.

By which means would they suggest the Planning Board, Planning Commission, and the City Council are able to make all 3 findings to allow an initiation of a community plan amendment to move forward."

Politte said that she asked Gascon that final question and he replied, that is part of the process and that the committee and ownership collectively will come up with a land use description that would be compelling to make the findings that the community plan can be amended. The process is to develop a concept, where the benefits of new development outweigh the alternative of private open space.

- Tentative agenda for October 16, 2014 meeting will be a presentation by the ownership and Gascon will summarize comments/questions heard at the 1st meeting, present possible uses, survey the community and summarize deliverables for the November meeting.

- Surban requested clarification on the ownership of the hotel, the golf course, Laurus Corporation's role and participation in those entities, and if there are similar members within those ownership entities.
 - Damon Gascon replied to that question directly. Laurus has a management interest in the hotel but he was unsure if they have a membership interest in the LLCs. There are some similar investors in each of the LLC.
 - Maureen Cohen added that she believes that Laurus has a small membership interest in both LLCs.
- Politte said that she would be following up on questions from the meeting pertaining to the CUP with Michael Prinz; status of the CUP if they stop using the land as a golf course, tax base, etc.
- Rhodes said that he thinks that there might be a requirement that the lots must be 8,000 sq. ft. per the community plan.
- Becker added that he thought the meeting went well, Politte did a good job controlling the meeting.
- Politte added that the community has previously said they want the golf course to stay. People feel the new owners should have done their due diligence when they bought it and it shouldn't be the community's problem. The community will put up a fight.
- Clark asked if the Phase I & II and geotechnical studies have been completed and are they making those results available?
 - Gascon reported the studies have been completed and analysis is being reviewed now; not being made available at this time.
 - Becker asked if they would be reviewed at the October committee meeting?
 - Gascon said he could discuss that, adding that the results are generally what they expected. Soil and geotechnical study results are similar to those found for Cresta Bella. At least 2 other Phase I reports have been done in the last 10 years. New information, there is a 2nd storm drain outlet on the golf course. Water and sewer distribution on the site is a hand drawing from course superintendent. There is a high pressure gas line that generally runs up against the adjacent homes' lots on the west side of the course with a distribution line that runs east under the highway. They will be asking to meet separately with adjacent home owners following the next committee meeting; approx. 77 individual home owners plus the townhome owners.
 - Clark asked if the storm drains are in the easements?
 - Gascon said there is a 60" storm drain that runs under the highway and the 2nd runs south.
- Egbert asked Gascon if the committee would get to take a tour of the golf course.
 - Gascon said that he had spoken with Politte about a tour. He added that the course management has been reducing water use, but it would be a great way to see hands on what is being done, the existing conditions, slopes, etc.
 - Politte said that she and Gascon previously discussed taking the whole committee on a tour. She suggested that we wait until Bill Diehl returned from vacation.
- Politte added that one neighbor suggested that they should look into using grey water generated by the hotel to water the course and reduce their costs.

f. Liaison and Organization Reports:

- Black Mountain Open Space Park (Bill Diehl) – Simmons said there was no meeting.
- Community Funds (Bill Diehl) – not present
- MCAS Miramar Community Leaders Forum (Stephen Egbert)
 - Egbert reported on an EOD (Explosive Ordinance Detonation) presentation.
 - The Air Show is this weekend beginning Friday night, Saturday and Sunday. It will be very hot so hydrate properly. Parking info is in the email; Politte will send the flyer/details to RPPB distribution list.
- PQ Fire Safe Council (Mike Shoecraft)
 - PERC meeting is 10/14/14 at 6:30pm at the PQ Library, topic is “Demystifying the 72 Hour Kit”.
 - Shoecraft reported, its fire season and it will be hot and dry this week. Los Angeles is under a Red Flag Warning and we might be before the weekend, so if you see smoke call 911.
- PQ Town Council (Vacant)
 - Vasquez reported, the Town Council has approved four grants.
 - Town Council co-hosted a PUSD candidate forum last night. There will be another candidate forum at PUSD headquarters on 10/5/14. She briefly described the bond and payoff issues.
 - Town Council is hosting additional candidate forums at the Doubletree. City Council District 6 candidates on 10/15/14 at 6:30pm in the Ballroom and 52nd Congressional District candidates on 10/22/14 at 7:30pm in the Ballroom.
 - Vasquez reported that she and Brian Reschke attended a Robert’s Rules of Order training; learned a lot. She is recommending that Town Council members also attend the training.
- PQ Recreation Council (Steve Gore) – not present
- Los Pen Canyon Psv CAC (John Keating)
 - There is an erosion problem on the western edge and north of the creek which is being called the Marianas Trench.
 - Camino del Sur south extension, the wildlife crossing will be studied, look at alternatives as part of the environmental documents for Camino del Sur and Merge 56. It came up at the scoping meeting, so they will have to study and address it.
- Park Village LMAD (Jon Becker)
 - They are meeting next week; Merge 56 (Camino del Sur) reps will be in attendance to discuss landscaping. Real close to completing the recycled water connection and looking for additional projects.
- Peñasquitos East LMAD (Bill Diehl) – not present
- Torrey Highlands LMAD (Darren Parker) – no meeting
- Transportation Agencies (John Keating)
 - The requested Via Fiesta stop signs have been installed. Keating checked with Patricia (BMR), no complaints.
 - o Clark reported that Shannon Matwiyoff reported the stop signs are working well to slow traffic, has not heard any complaints.
 - o Keating added, the community had a problem and suggested a solution that we disagreed with. It’s good to know our solution is working.
 - o Becker asked Joe Levanthal about the stop signs. Levanthal replied that he’s

Rancho Peñasquitos Planning Board Meeting Minutes, October 1, 2014 Page 10 of 10

- heard only good feedback.
- Blank out signs at SR-56 ramps were turned off for a couple of months while software changes to time the lights were implemented. There are now two operating blank out signs per approach.

Note: Prior to the Black Mtn. Ranch East Clusters Enclave business item, Rhodes noted that Pam Blackwill was in attendance, that she may become Rhodes Crossing's representative to RPPB and has attended at least 3 meetings.

The meeting was adjourned at 9:33 pm.

Respectfully submitted,

Jeanine Politte
RPPB Secretary

Approved 11/5/14, 11 in favor – 0 against – 2 abstentions (Gore, Diehl)

EAST CLUSTERS ENCLAVE AT BLACK MOUNTAIN RANCH VESTING TENTATIVE MAP/PDP/SDP/SITE PLAN

DEVELOPMENT SUMMARY

BULLET POINT NARRATIVE

- THE EXISTING PROJECT SITE IS CURRENTLY PARTIALLY GRADED PURSUANT TO PREVIOUSLY APPROVED GRADING AND IMPROVEMENT PERMITS.
- THE PROJECT PROPOSES RE-SUBDIVIDING 19 EXISTING SINGLE FAMILY RESIDENTIAL LOTS AND ONE LETTERED LOT WITHIN THE EAST CLUSTERS AT BLACK MOUNTAIN UNIT NO. 2 - MAP NO. 15924 INTO 27 SINGLE FAMILY RESIDENTIAL LOTS AND ONE HOA LOT "D". HOMES WILL RANGE FROM APPROXIMATELY 2,200 S.F. TO OVER 8,600 S.F. (GROSS) WITH HOMES CONFIGURED IN SINGLE AND TWO-STORY STRUCTURES.
- THE INCREASE OF 8 SINGLE FAMILY RESIDENTIAL LOTS IS WITHIN THE ALLOWABLE DENSITY PURSUANT TO THE UNDERLYING RS-1-B ZONE AND SECTION 113.0222(B) OF THE MUNICIPAL CODE.
- THIS WILL REQUIRE THE FOLLOWING PERMITS/APPROVALS: VESTING TENTATIVE MAP, SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT, GRADING PERMIT, PUBLIC IMPROVEMENT PERMIT, AND BUILDING PERMITS FOR SINGLE FAMILY RESIDENTIAL.
- THE INCREASE OF 8 LOTS BEING PROPOSED WILL BE ACHIEVED BY DECREASING 8 LOTS WITHIN THE NORTH VILLAGE AT BLACK MOUNTAIN RANCH. THIS IS IN ACCORDANCE WITH THE IMPLEMENTING PRINCIPLES OF THE SUBAREA 1 PLAN PERTAINING TO DEVELOPMENT TRANSFERS.

PROJECT TEAM

DEVELOPER/OWNER
BLACK MOUNTAIN RANCH, LLC
16010 CAMINO DEL SUR
SAN DIEGO, CA 92127
(619) 792-7061

CIVIL ENGINEER
RICK ENGINEERING COMPANY
5620 FRIARS ROAD
SAN DIEGO, CA 92110-2596
(619) 291-0707

LANDSCAPE ARCHITECT
WIMMER YAMADA AND CAUGHEY
3067 FIFTH AVENUE
SAN DIEGO, CA 92103
(619) 232-4004

GENERAL NOTES

DENSITY:

THE PROJECT PROPOSES 27 RESIDENTIAL DWELLING UNITS, WHICH REPRESENTS AN INCREASE OF 8 DWELLING UNITS OVER THAT WHICH WAS ORIGINALLY APPROVED. THIS WILL REQUIRE THE TRANSFER OF 8 DWELLING UNITS TO THE SITE FROM LOTS 12, 13, 16, AND 19 OF MAP 15919 IN THE BLACK MOUNTAIN RANCH NORTH VILLAGE TOWN CENTER (SHOWN AS LOTS 25-28 ON THE VTR/PDP/SDP). THE TRANSFER OF THE 8 DWELLINGS FROM THE BLACK MOUNTAIN RANCH NORTH VILLAGE CONFORMS WITH THE IMPLEMENTATION PROVISIONS OF THE ADOPTED BLACK MOUNTAIN RANCH SUBAREA PLAN.

THE AFFORDABLE HOUSING OBLIGATION ASSOCIATED WITH THE 8 DWELLING UNITS BEING TRANSFERRED TO THE SITE HAS BEEN SATISFIED WITHIN THE BLACK MOUNTAIN RANCH NORTH VILLAGE. THE BALANCE OF 28 LOTS WILL PAY THE IN LIEU FEE AS OUTLINED IN THE EAST CLUSTERS AFFORDABLE HOUSING AGREEMENT.

LEGAL DESCRIPTION:

A RE-SUBDIVISION OF A PORTION OF THE EAST CLUSTERS AT BLACK MOUNTAIN RANCH UNIT NO. 2 - MAP NO. 15924, MORE SPECIFICALLY LOTS 27 THROUGH 31, INCLUSIVE, 33 THROUGH 46, INCLUSIVE, AND LETTERED LOT "D", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 26, 2013.

BENCHMARK:

THE BENCHMARK FOR THIS PROJECT IS THE BRASS PLUG LOCATED AT THE NORTHWEST INTERSECTION OF BLACK MOUNTAIN RD. & STARGAZE AVE PER CITY OF SAN DIEGO VERTICAL CONTROL.

ELEVATION = 525.208 NGVD29 MSL

REFERENCE DRAWING: MAP NO. 15924

ASSESSORS PARCEL NUMBER: 312-142-06

AMBERT COORDINATES: 302-1729

BUILDING CODE USED: 2001 CBC

EXISTING ZONING: RS-1-B

SOIL CONDITION: CLEARED AND PARTIALLY GRADED (PER PREVIOUS APPROVED PERMIT)

GROSS ACREAGE: 27.30 AC

NET ACREAGE: 27.30 AC

TOTAL PROPOSED NUMBER OF LOTS: 28 LOTS

RESIDENTIAL: 27 LOTS

HOME OWNERS ASSOCIATION (HOA): 1 LOT (LOT "D")

UTILITIES:

SEWER AND WATER: CITY OF SAN DIEGO
STORM DRAIN: CITY OF SAN DIEGO
GAS AND ELECTRIC: SAN DIEGO GAS AND ELECTRIC
TELEPHONE: SBC
FIRE: CITY OF SAN DIEGO
COX COMMUNICATIONS
TELEVISION: CITY OF SAN DIEGO
SCHOOL DISTRICT: POWAY UNIFIED SCHOOL DISTRICT

NOTE: UTILITIES TO BE INSTALLED UNDERGROUND

SOURCE OF TOPOGRAPHY: RICK ENGINEERING COMPANY - JUNE 3, 2013

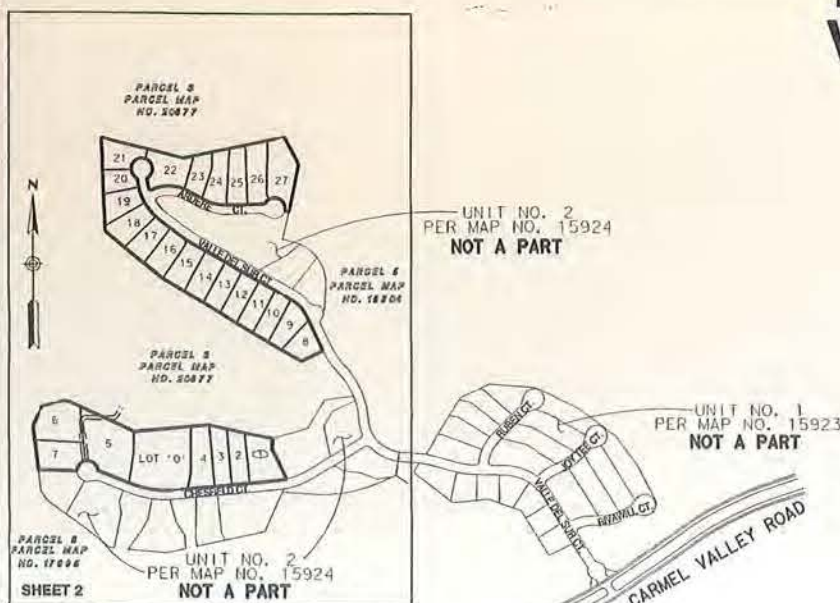
PROJECT TABULATION:

TOTAL AMOUNT OF SITE TO BE GRADED: 27.3 ACRES OF TOTAL SITE
AMOUNT OF SITE PROPOSED WITH 25% SLOPES OR GREATER: 13.9 ACRES OF TOTAL SITE (MANUFACTURED SLOPES)
RAW SLOPES: 380,000 CUBIC YARDS
RAW FILL: 380,000 CUBIC YARDS
MAXIMUM HEIGHT OF CUT SLOPE(S): 30' APPROX
MAXIMUM HEIGHT OF FILL SLOPE(S): 30' APPROX
AMOUNT OF IMPORT SOIL: 0 CUBIC YARDS
RETAINING WALL/CRIB WALL: 0 LINEAR FEET

- REFER TO THE BRUSH MANAGEMENT PLAN AS PART OF THIS PERMIT APPLICATION FOR DETAILED INFORMATION REGARDING CRITERIA (FIRE SEVERITY) GOVERNING SIZE AND LOCATION OF REQUIRED ZONES.
- MAXIMUM GRADED SLOPES ARE 2:1 EXCEPT WHEN IN ACCORDANCE WITH SECTION 542.033(B) OF THE LAND DEVELOPMENT CODE. SLOPES LESS THAN 10 FEET IN VERTICAL HEIGHT MAY BE CONSTRUCTED AT A GRADIENT OF 1.5:1. GRADING SHOWN HEREON IS APPROXIMATE AND SUBJECT TO CHANGE IN FINAL DESIGN.
- NO RETAINING WALLS ARE PROPOSED AT THIS TIME.
- GUEST QUARTERS ARE PERMITTED ACCESSORY TO SINGLE FAMILY DWELLINGS UNITS WITHIN THE EXISTING RS-1-B ZONE. USE AND OCCUPANCY WILL BE IN ACCORDANCE WITH SEC. 141.0306 OF THE SAN DIEGO MUNICIPAL CODE.
- OVERALL BUILDING COVERAGE OF THE SITE AREA SHALL NOT EXCEED 60%.

NOTE:

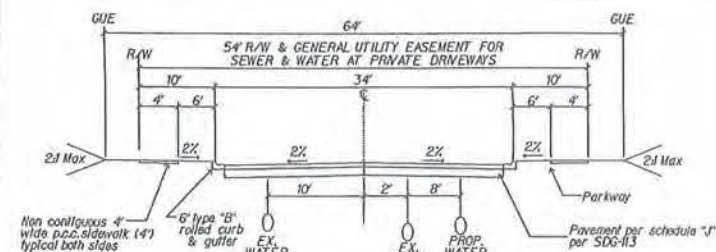
THE SUBDIVIDER AND ITS SUCCESSORS SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE PRIVATE SEWER PUMPS, FORCE MAIN(S) AND THREE PRIVATE TRANSITIONING MANHOLES, INCLUDING MITIGATION/INSTALLATION OF ODOR CONTROL DEVICE.



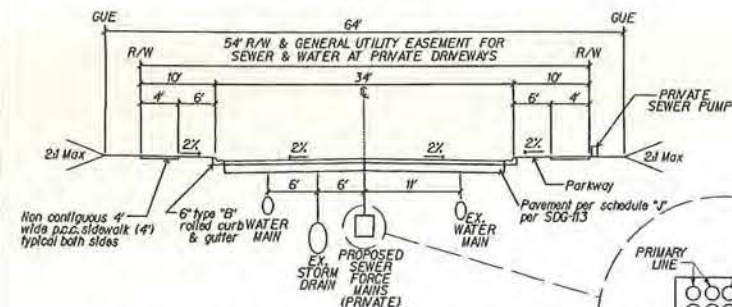
KEY MAP
SCALE: 1" = 600'

LEGEND

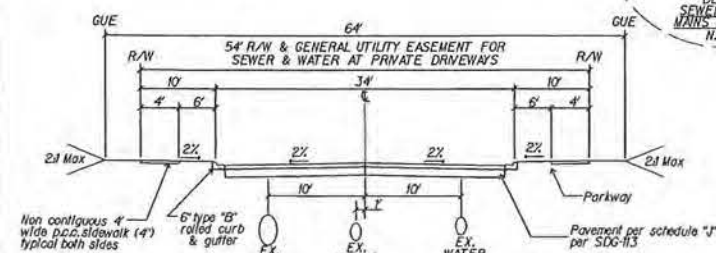
LOT NO.
SUBDIVISION BOUNDARY
LOT LINE



EXISTING PRIVATE DRIVES
PRIVATE DRIVEWAYS VALLE DEL SUR CT.
NOT TO SCALE
FOR REFERENCE ONLY



EXISTING PRIVATE DRIVES
PRIVATE DRIVEWAYS CHESFIELD CT.
NOT TO SCALE
FOR REFERENCE ONLY



EXISTING PRIVATE DRIVES
PRIVATE DRIVEWAYS ARDERE CT.
NOT TO SCALE
FOR REFERENCE ONLY

RICK
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SAN DIEGO, CA 92110
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rickengineering.com

Riverside Sacramento Orange Phoenix Tucson

EASEMENT LEGEND

FIRST AMERICAN TITLE COMPANY, ORDER NO. NHSC-4445723 (06), DATED JULY 22, 2013

| ITEM NUMBER | RECORDING DATE | DOCUMENT NO. | DESCRIPTION | COMMENTS |
|-------------|----------------|--------------|-------------------------------------|----------|
| (A) | JUNE 26, 2013 | MAP 15924 | GENERAL UTILITY AND ACCESS EASEMENT | |
| (B) | MARCH 30, 2011 | 2011-01652-4 | GENERAL UTILITIES EASEMENT | |
| (C) | JUNE 26, 2013 | MAP 15924 | BUILDING RESTRICTED EASEMENT | |

RESIDENTIAL PROPERTY DEVELOPMENT STANDARDS

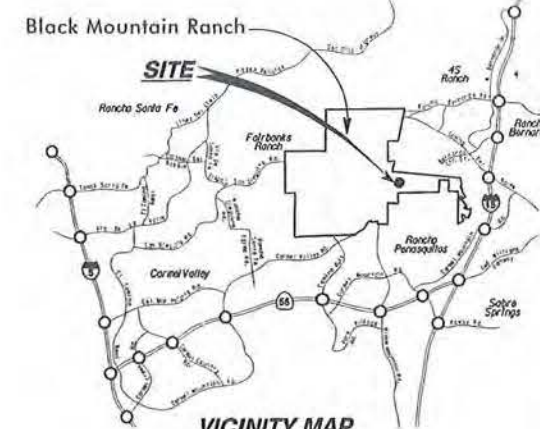
| TYPE OF MEASUREMENT | RS-1-B | PROPOSED |
|-----------------------------------|----------------------------|----------------------|
| MIN. LOT AREA | 40,000 S.F. | 22,000 S.F. |
| MIN. LOT WIDTH (INTERIOR) | 100' | 100' |
| MIN. LOT WIDTH (CORNER) | 110' | 110' |
| MIN. LOT DEPTH | 100' | 100' |
| MIN. STREET FRONTAGE ON CURVES | 60' | 50' (1) |
| MAX. FLOOR AREA RATIO | 0.45 | 0.45 |
| MIN. RESIDENT/OFF STREET PARKING | 2 SPACES | 2 SPACES |
| MIN. GUEST/ON STREET PARKING | 1 SPACE | 1 SPACE |
| MAX. BUILDING HEIGHT | 35' | 35' (3) |
| MIN. FRONT YARD SETBACK | 25' | 15' (1) (2) |
| MIN. SIDE YARD SETBACK | 10' | 10' |
| MIN. STREET SIDE YARD SETBACK | 20' | 20' |
| MIN. REAR YARD SETBACK | 10' | 10' (3) |
| MIN. PRIVATE USABLE OPEN SPACE | 7,000 S.F. | SEE SECTION 143.0420 |
| SIDE YARD BRUSH MANAGEMENT-ZONE 1 | SEE BRUSH MANAGEMENT PLANS | |
| REAR YARD BRUSH MANAGEMENT-ZONE 1 | SEE BRUSH MANAGEMENT PLANS | |

(1) REPRESENTS A DEVIATION FROM THE EXISTING RS-1-B ZONE.

(2) ALL GARAGES FRONTING THE STREET SHALL BE SET BACK A MINIMUM OF 25'.

(3) SEE FIGURES 3.9 AND 3.12, AND PAGES 3.18 & 3.20 FOR LA JOLLA VALLEY VIEWED LOT EXCEPTIONS SHOWN WITHIN THE COMPANION DESIGN GUIDELINES.

NOTE: ALL VALUES SHOWN EXPRESSED AS MINIMUM.



VICINITY MAP
NO SCALE

Prepared By:

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Address: 5620 FRIARS RD.

SAN DIEGO, CA 92110

Phone #: (619) 291-0707 FAX: (619) 291-4165

Project Address:

VALLE DEL SUR CT. AND CHESFIELD CT.

Project Name:

East Clusters Enclave

at Black Mountain Ranch

Site Development Permit/

Site Plan

Original Date: 7-08-13

Sheet Title:

Vesting Tentative Map/

Planned Development Permit/

Site Development Permit/

Site Plan

DEP # 339873

OWNER / DEVELOPER

SPIC DEL SUR, LLC
16010 CAMINO DEL SUR
SAN DIEGO, CA 92117
PHONE: (619) 792-7061

BILL OSTREM, PRESIDENT

DATE 12/17/14

ENGINEER OF WORK

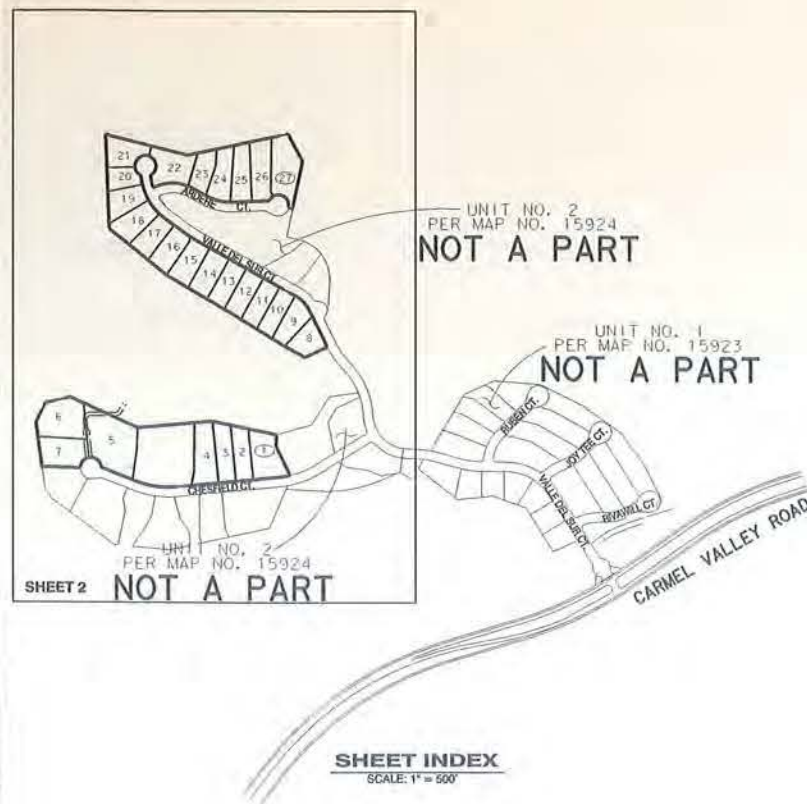
RICK ENGINEERING
5620 FRIARS ROAD
SAN DIEGO, CA 92110
PHONE: (619) 291-0707

JOHN D. GODDARD, JR.

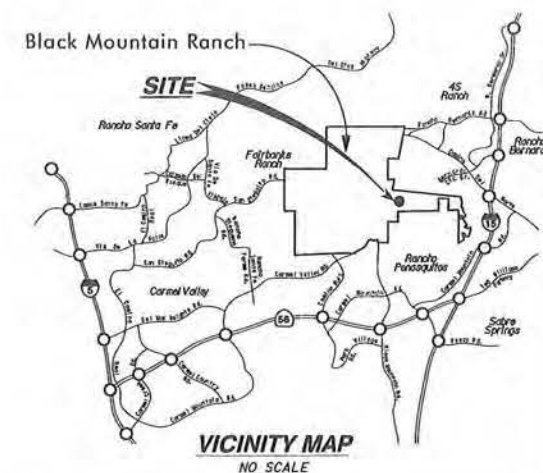
R.C.E. 33033

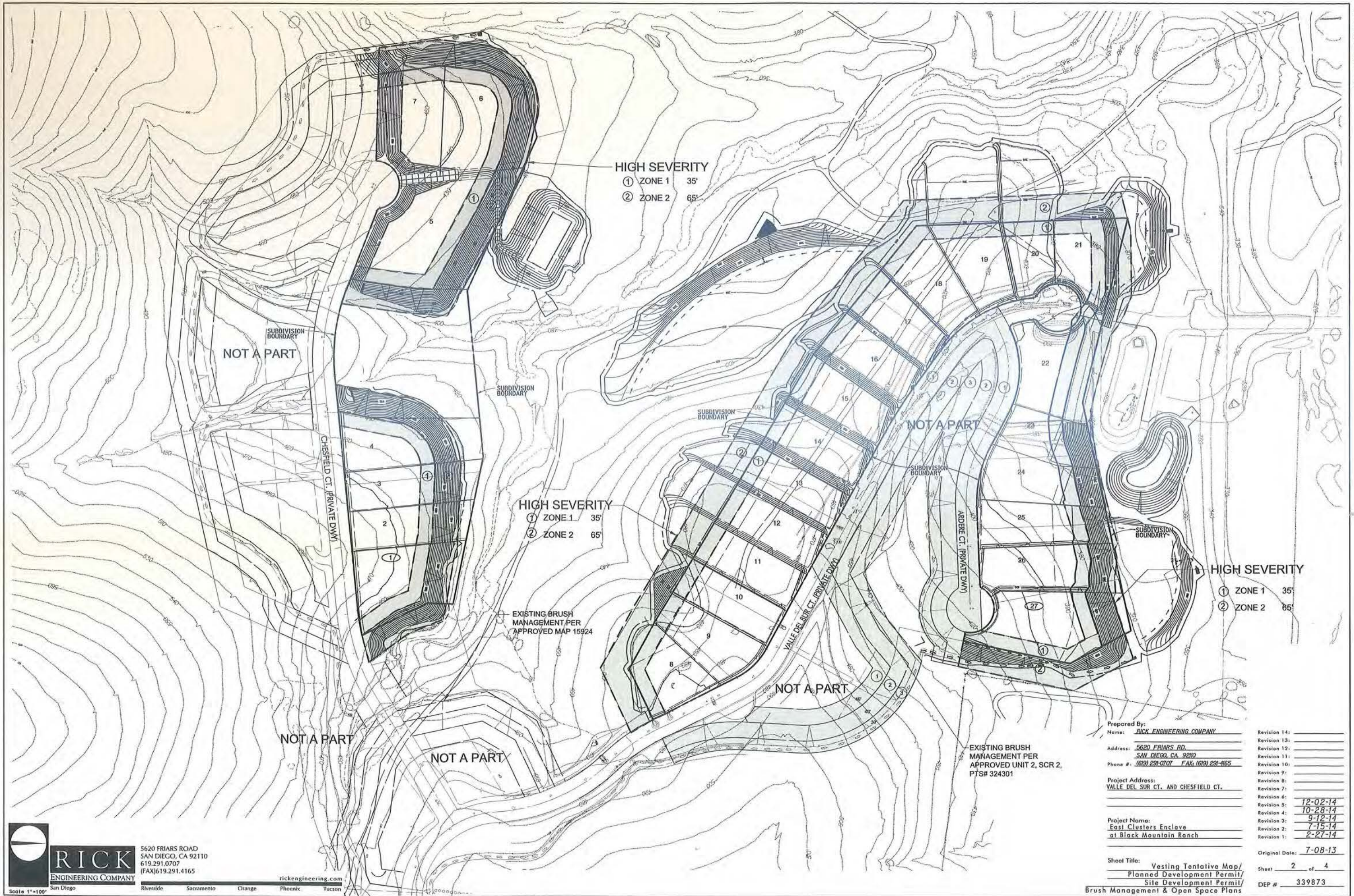
DATE 12/18/14





- 3.2-3.01 Individual non-irrigated plant groupings over 24 inches in height may be retained provided they do not exceed 400 square feet in area and their combined coverage does not exceed 30 percent of the total Zone 2 area.

DEP # 339873



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Riverside Sacramento Orange Phoenix Tucson

Scale 1"=100'

Prepared By:
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Phone #: (619) 291-0707 FAX: (619) 291-4165

Project Address:
VALLE DEL SUR CT. AND CHESTFIELD CT.

Project Name:
East Clusters Enclave
at Black Mountain Ranch

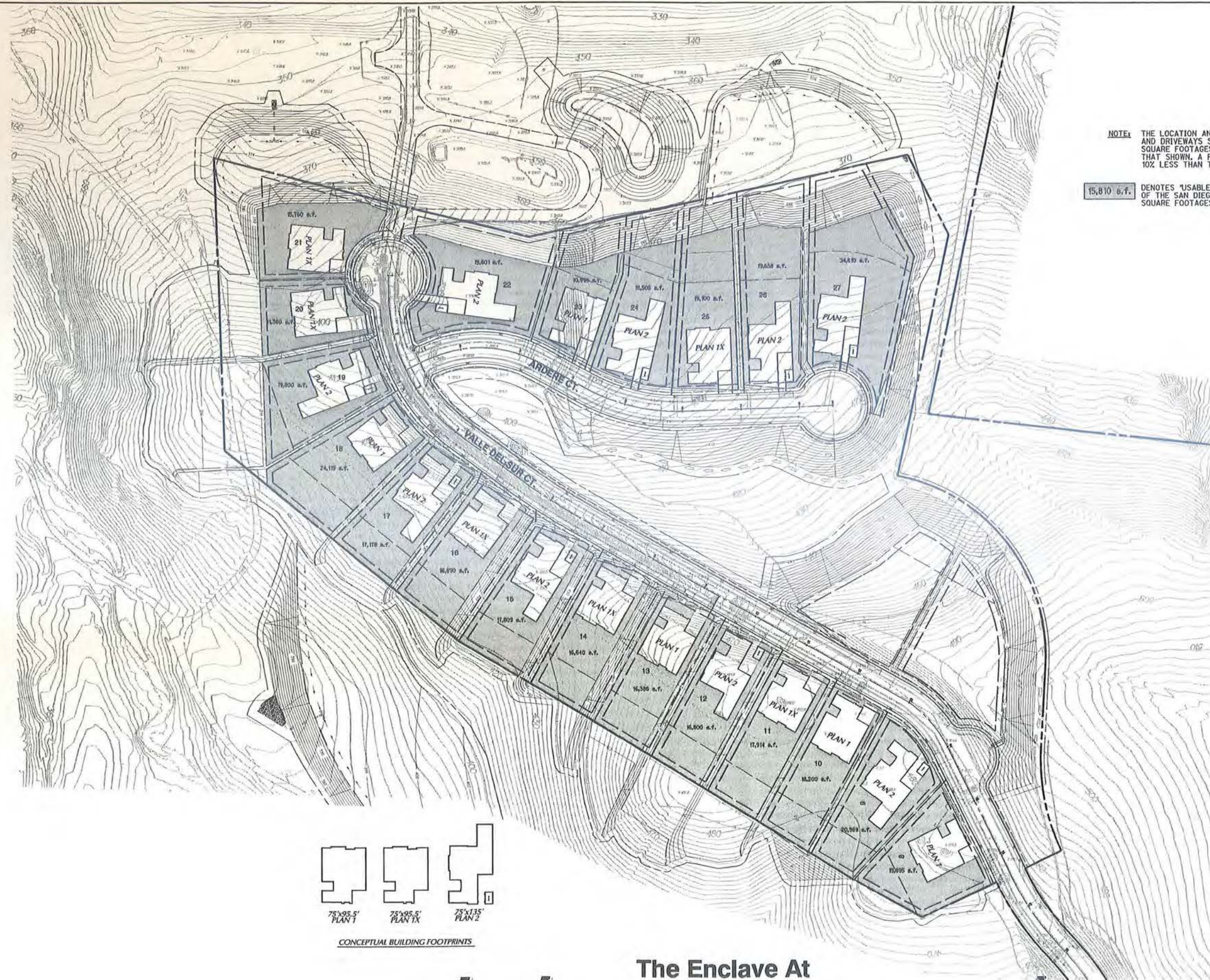
Sheet Title:
Vesting Tentative Map/
Planned Development Permit/
Site Development Permit/
Brush Management & Open Space Plans

Original Date: 7-08-13

Sheet 2 of 4

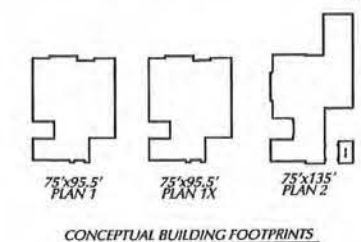
DEP # 339873

| | |
|--------------|-----------------|
| Revision 14: | |
| Revision 13: | |
| Revision 12: | |
| Revision 11: | |
| Revision 10: | |
| Revision 9: | |
| Revision 8: | |
| Revision 7: | |
| Revision 6: | |
| Revision 5: | <u>12-02-14</u> |
| Revision 4: | <u>10-28-14</u> |
| Revision 3: | <u>9-12-14</u> |
| Revision 2: | <u>7-15-14</u> |
| Revision 1: | <u>2-27-14</u> |



NOTE: THE LOCATION AND CONFIGURATION OF THE BUILDING FOOTPRINTS AND DRIVEWAYS SHOWN MAY VARY IN FINAL DESIGN WHEREBY THE SQUARE FOOTAGES OF THE USABLE OPEN SPACE MAY DIFFER FROM THAT SHOWN. A REDUCTION IN AREA SHOULD BE NO GREATER THAN 10% LESS THAN THAT INDICATED.

15,810 s.f. DENOTES "USABLE" OPEN SPACE AS DEFINED IN SECTION 143.0420 (a)(4) OF THE SAN DIEGO MUNICIPAL CODE. THE SQUARE FOOTAGES SHOWN WITHIN EACH RESIDENTIAL LOT WITH SQUARE FOOTAGES SHOWN.



The Enclave At
Black Mountain Ranch



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Scale 1"=80'

Riverside Sacramento Orange Phoenix Tucson

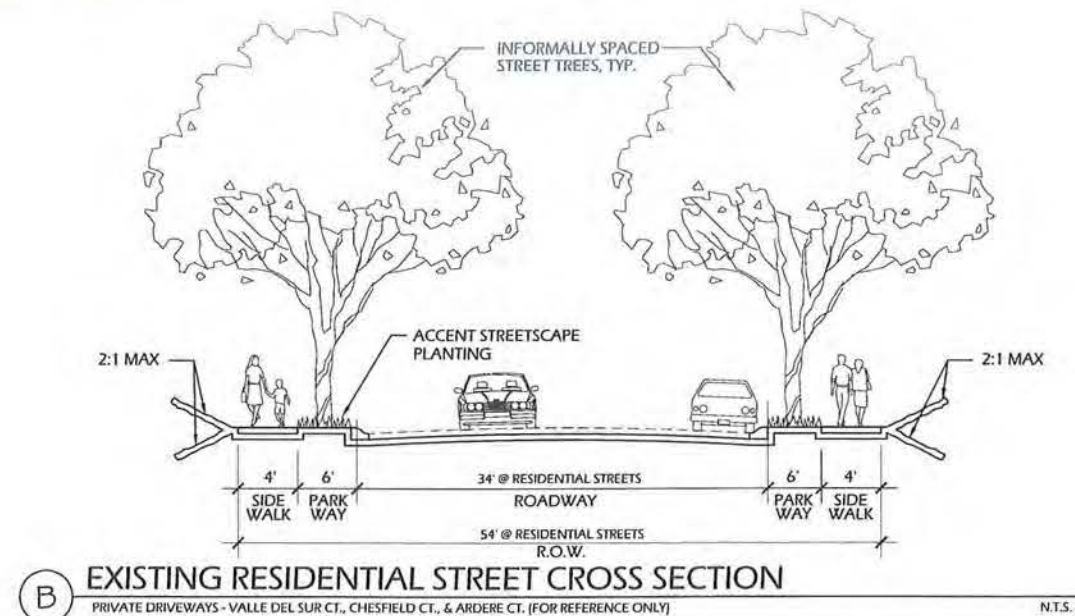
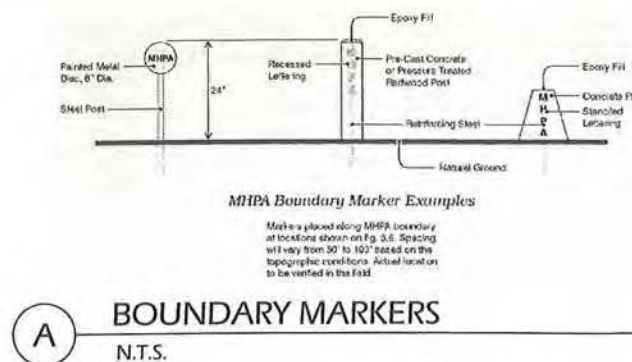
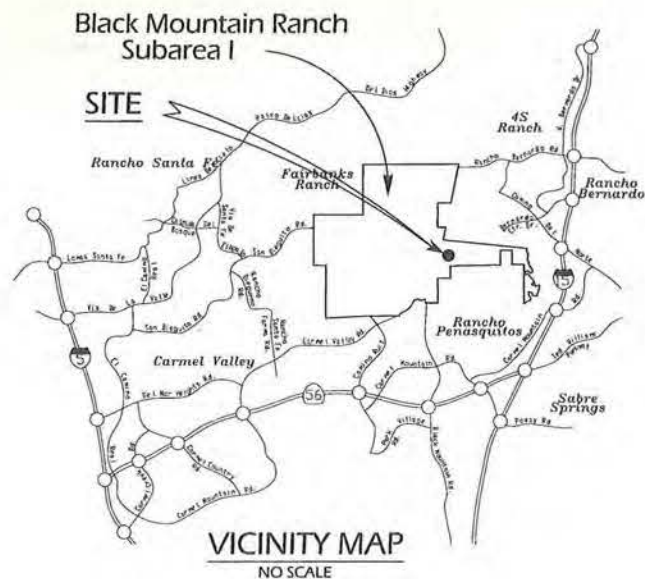
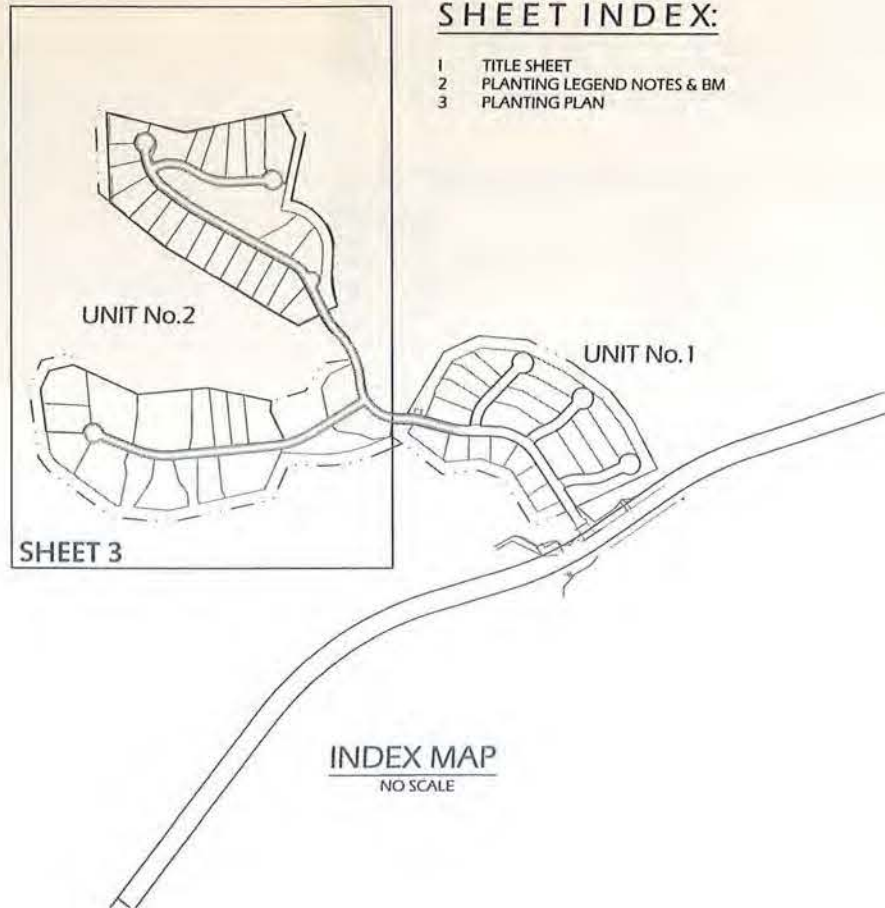
| | | | |
|------------------|--|--------------|--|
| Prepared By: | NAME: <u>RICK ENGINEERING COMPANY</u> | Revision 14: | |
| Address: | <u>5620 FRIARS RD.</u> <u>SAN DIEGO, CA 92110</u> | Revision 13: | |
| Phone #: | <u>(619) 291-0707 FAX: (619) 291-4165</u> | Revision 12: | |
| Project Address: | <u>VALLE DEL SUR CT. AND CHESFIELD CT.</u> | Revision 11: | |
| Project Name: | <u>East Clusters Enclave</u> <u>at Black Mountain Ranch</u> | Revision 10: | |
| Sheet Title: | <u>Vesting Tentative Map/</u> <u>Planned Development Permit/</u> <u>Site Development Permit/</u> <u>Brush Management & Open Space Plans</u> | Revision 9: | |
| Original Date: | <u>12-02-14</u> | Revision 8: | |
| Sheet | <u>3</u> of <u>4</u> | Revision 7: | |
| DEP # | <u>339873</u> | Revision 6: | |
| | | Revision 5: | |
| | | Revision 4: | |
| | | Revision 3: | |
| | | Revision 2: | |
| | | Revision 1: | |

NOTES:

1. SEE BRUSH MANAGEMENT PLANS AND MATRIX FOR BRUSH MANAGEMENT ZONES AND LOTS.
 2. REFER TO THE E.I.R. AND DESIGN GUIDELINES FOR ADDITIONAL INFORMATION.
 3. ALL SLOPES, OTHERWISE NOT CALLED OUT AS NATURAL SLOPE RESTORATION THAT ARE AT A GRADIENT STEEPER THAN 6:1 AND IN EXCESS OF FIVE FEET VERTICAL HEIGHT SHALL BE REVEGETATED PER THE PERMANENTLY IRRIGATED SLOPE RESTORATION SECTION 7.2-3 OF THE LANDSCAPE TECHNICAL MANUAL.
 4. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE TECHNICAL MANUAL AND ALL OTHER APPLICABLE CITY AND REGIONAL STANDARDS FOR LANDSCAPE INSTALLATION AND MAINTENANCE.
 5. VOLATILE AND INVASIVE SPECIES SHALL NOT BE PLANTED WITHIN THE BRUSH MANAGEMENT ZONE.
 6. THESE PLANS WORK IN CONJUNCTION WITH THE DESIGN GUIDELINES. REFER TO THE DESIGN GUIDELINES FOR ADDITIONAL INFORMATION CONCERNING COVERAGE RATES, DESIGN INTENT, ETC.
 7. FINAL PLANS WILL ADDRESS INDIVIDUAL PLANT COMMUNITIES FOUND WITHIN SPECIFIC AREAS OF THIS PROJECT AND WILL PROVIDE MORE DETAILED DESCRIPTIONS OF PLANT PALETTES, SIZES AND SPECIFICATIONS.
 8. NO STRUCTURES OR LANDSCAPING THAT WOULD INHIBIT VEHICULAR ACCESS SHALL BE INSTALLED IN OR OVER ANY SEWER ACCESS EASEMENTS.
 9. BARRIERS WILL BE INSTALLED TO REDUCE IMPACTS TO THE MHPA AND WILL BE CONSISTENT WITH CHAPTER 3 OF THE BLACK MOUNTAIN RANCH SUBAREA PLAN. REFER TO DESIGN GUIDELINES FOR FENCING AT TRAILHEADS TO RESTRICT ACCESS TO THE MHPA. BARRIERS WILL ALSO BE PROVIDED FOR ROADS AND RESIDENTIAL LOTS ALONG THE PERIMETER OF THE MHPA BOUNDARY OR ALTERNATIVELY AT THE TOP OF SLOPE FOR LOTS WHERE GRADED SLOPES ARE ADJACENT TO THE PRESERVE WITH MHPA BOUNDARY MARKED. BARRIERS MAY CONSIST OF NON-INVASIVE VEGETATION, ROCKS/BOULDERS, FENCES, WALLS, AND/OR SIGNAGE.
 10. NO STRUCTURES OR LANDSCAPING, INCLUDING PRIVATE SEWER FACILITIES AND ENHANCED PAVING, SHALL BE INSTALLED IN OR OVER ANY EASEMENT PRIOR TO THE APPLICANT OBTAINING AN ENCROACHMENT REMOVAL AGREEMENT.
- MINIMUM STREET TREE SEPARATION DISTANCE:
- | IMPROVEMENT: | MINIMUM DISTANCE TO STREET TREE: |
|--|----------------------------------|
| TRAFFIC SIGNALS (STOP SIGN) | 20 FEET |
| UNDERGROUND UTILITY LINES | 5 FEET |
| ABOVE GROUND UTILITY STRUCTURES | 10 FEET |
| DRIVEWAY (ENTRIES) | 7 FEET |
| INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) | 25 FEET |
| SEWER LATERAL AND MAIN LINES | 10 FEET |
11. IMPROVEMENTS SUCH AS DRIVEWAYS, UTILITIES, DRAINS, AND WATER AND SEWER LATERALS SHALL BE DESIGNED SO AS TO NOT PROHIBIT THE PLACEMENT OF STREET TREES, ALL TO THE SATISFACTION OF THE CITY MANAGER.
 12. INSTALL ALL APPROVED LANDSCAPE AND OBTAIN ALL REQUIRED LANDSCAPE INSPECTIONS, AND OBTAIN A NO FEE STREET TREE PERMIT FOR ALL STREET TREES, AND NOTIFY AND OBTAIN SIGNATURES, FROM ANY SUBSEQUENT PROPERTY OWNER, ON A NO FEE STREET TREE PERMIT FROM PRIOR TO ANY TRANSFER OF OWNERSHIP OF THE PROPERTY. COPIES OF THESE APPROVED DOCUMENTS MUST BE SUBMITTED TO THE CITY MANAGER.
 13. GRADED PAD AREAS SHALL BE HYDROSEED TO PREVENT EROSION, IN THE EVENT THAT CONSTRUCTION OF BUILDING(S) DOES NOT OCCUR WITHIN 30 DAYS FOLLOWING GRADING.
 14. IRRIGATION: AN IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT AND MAINTENANCE OF THE VEGETATION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
 15. MAINTENANCE: THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT. MAINTENANCE RESPONSIBILITIES ARE DIVIDED INTO THE FOLLOWING:
- | RESPONSIBLE ENTITY: | AREA(S) RESPONSIBLE FOR: |
|-----------------------------|--|
| INDIVIDUAL PROPERTY OWNER | RESIDENTIAL PROPERTIES |
| PROPERTY OWNERS ASSOCIATION | POA COMMON AREAS, BRUSH MANAGEMENT ZONE #2, PRIVATE STREETS AND ENTRY SIGNAGE AND LANDSCAPING. |
| PUBLIC AGENCY MAINTENANCE | PUBLIC STREET MEDIANS AND PARKWAYS |
16. REFER TO DETAIL 'A' FOR MHPA BOUNDARY MARKER ELEVATIONS.

SHEET INDEX:

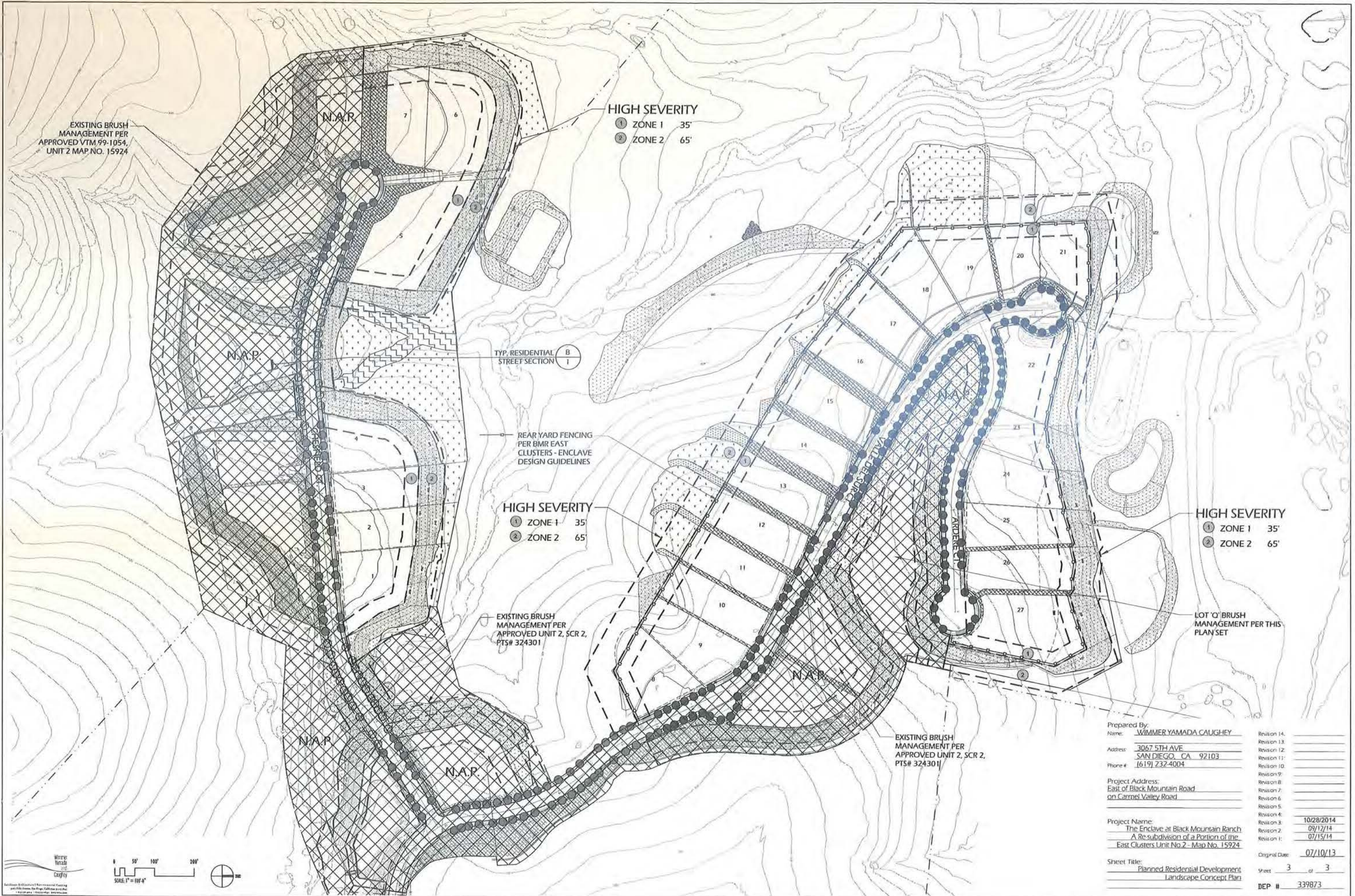
1. TITLE SHEET
2. PLANTING LEGEND NOTES & BM
3. PLANTING PLAN



The Enclave at
Black Mountain Ranch

Prepared By:
Name: WIMMER YAMADA CAUGHEY
Address: 3067 5TH AVE
SAN DIEGO, CA 92103
Phone #: (619) 232-4004
Project Address:
East of Black Mountain Ranch
on Carmel Valley Road
Project Name:
The Enclave at Black Mountain Ranch
A Re-subdivision of a Portion of the
East Clusters Unit No. 2 - Map No. 15924
Sheet Title:
Planned Residential Development
Landscape Concept Plan

Revision 14:
Revision 13:
Revision 12:
Revision 11:
Revision 10:
Revision 9:
Revision 8:
Revision 7:
Revision 6:
Revision 5:
Revision 4:
Revision 3:
Revision 2:
Revision 1:
Original Date:
10/28/2014
09/12/14
07/15/14
07/10/13
Sheet 1 of 3
DEP # 339873



Prepared By: WIMMER YAMADA CAUGHEY
Name: _____
Address: 3057 5TH AVE
SAN DIEGO, CA 92103
Phone #: (619) 232-4004
Project Address: East of Black Mountain Road
on Carmel Valley Road
Project Name: The Enclave at Black Mountain Ranch
A Re-subdivision of a Portion of the
East Clusters Unit No. 2 - Map No. 15924
Sheet Title: Planned Residential Development
Landscape Concept Plan

| | |
|----------------|------------|
| Revision 14: | |
| Revision 13: | |
| Revision 12: | |
| Revision 11: | |
| Revision 10: | |
| Revision 9: | |
| Revision 8: | |
| Revision 7: | |
| Revision 6: | |
| Revision 5: | |
| Revision 4: | |
| Revision 3: | 10/28/2014 |
| Revision 2: | 09/12/14 |
| Revision 1: | 07/15/14 |
| Original Date: | 07/10/13 |
| Sheet | 3 of 3 |
| DEP # | 339873 |



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 _____

Project Title

Project No. For City Use Only

East Clusters Enclave

Project Address:

Chesfield Court, Valle Del Sur Court & Ardera Court San Diego CA 92127

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:

| | |
|--|--|
| Project Title: East Clusters Enclave | 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):
 SPIC Del Sur LLC c/o Black Mountain Ranch LLC

☒ Owner ☐ Tenant/Lessee

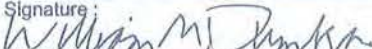
Street Address:
 16010 Camino Del Sur

City/State/Zip:
 San Diego CA 92127

Phone No: (858) 618-4910 Fax No: (858) 618-4911

Name of Corporate Officer/Partner (type or print):
 William M. Dumka

Title (type or print):
 Authorized Representative

Signature :  Date: 2/23/2015

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:

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:

1. Preliminary Report - SCAL

CLTA Preliminary Report Form
(Rev. 11/06)

Order Number: NHSC-4702263 (rh)
Page Number: 1



First American Title

First American Title Company

4380 La Jolla Village Drive, Ste 20
San Diego, CA 92122

Bill Dumka
Black Mountain Ranch, LLC
16010 Camino Del Sur
San Diego, CA 92127

Customer Reference: Resubd East Clusters Unit 2
Order Number: NHSC-4702263 (rh)

Title Officer: Ranny Harper
Phone: (858)410-1308
Fax No.:
E-Mail: rharper@firstam.com
Buyer:
Property: Vacant Land
San Diego, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

First American Title

Order Number: NHSC-4702263 (rh)

Page Number: 2

Dated as of August 05, 2014 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

TO BE DETERMINED

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

SPIC DEL SUR, LLC, A DELAWARE LIMITED LIABILITY COMPANY

The estate or interest in the land hereinafter described or referred to covered by this Report is:

A fee.

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2014-2015, a lien not yet due or payable.
2. General and special taxes for the fiscal year 2013-2014, are unsegregated at this time.
3. The lien of special tax assessed pursuant to Chapter 2.5 commencing with Section 53311 of the California Government Code for Community Facilities District No. 4 (Black Mountain Ranch Villages), as disclosed by Notice of Special Tax Lien recorded December 1, 2000 as Instrument No. 2000-0653392 of Official Records.

Document(s) declaring modifications thereof recorded August 7, 2002 as Instrument No. 2002-0665501 of Official Records.

4. The lien of special tax assessed pursuant to Chapter 2.5 commencing with Section 53311 of the California Government Code for Community Facilities District No. 12 (Black Mountain Ranch Phase II-Southern Village and the Clusters, as disclosed by Notice of Special Tax Lien recorded February 19, 2003 as Instrument No. 2003-0184116 of Official Records.
5. The lien of special tax assessed pursuant to Chapter 2.5 commencing with Section 53311 of the California Government Code for Community Facilities District No. 14, as disclosed by Notice of Special Tax Lien recorded February 1, 2006 as Instrument No. 2006-0076724 of Official Records.

First American Title

DELAWARE

SPIC Del Sur, LLC, a ~~California~~ Limited Liability Company:

SPIC Del Sur, LLC has one member:

1. Standard Pacific Investment Corp., a Delaware Corporation

Officers & Authorized Representatives:

Scott D. Stowell, Chief Executive Officer & President
 Jeffrey J. McCall, Principal Financial & Accounting Officer & Treasurer
 Peter J. Kiesecker, Senior Vice President - Mergers & Acquisitions
 Alan V. Vitug, Corporate Controller
 Bryan Kakimoto, Assistant Corporate Controller
 John P. Babel, Secretary
 David Vazquez, Assistant Treasurer
 Thomas Atkin, Authorized Representative
 Michael C. Battaglia, Authorized Representative
 Brian K. Bencz, Authorized Representative
 Kurt Bruskotter, Authorized Representative
 Jeffrey Buffington, Authorized Representative
 David J. Bulloch, Authorized Representative
 Douglas G. Campbell, Authorized Representative
 Salvador Carlos, Authorized Representative
 Cheryl DeLaCruz-McDonald, Authorized Representative
 William Dumka, Authorized Representative
 Suzanne Ek, Authorized Representative
 Leslie A. Goodale, Authorized Representative
 Kimberly Ann Hooper, Authorized Representative
 Gary A. Jones, Authorized Representative
 Martin P. Langpap, Authorized Representative
 Lorrie Leger, Authorized Representative
 Laura D. Massas, Authorized Representative
 Edward T. McKibbin, Authorized Representative
 Ken W. Melvin, Authorized Representative
 Sandra D. Mindt, Authorized Representative
 William Ostrem, Authorized Representative
 Todd J. Palmaer, Authorized Representative
 Connie Phillips, Authorized Representative
 Penny S. Roper, Authorized Representative
 Matthew S. Schemenauer, Authorized Representative
 Steven Seibert, Authorized Representative
 Brandon Sharp, Authorized Representative
 Jon Alan Willingham, Authorized Representative
 Rick M. Wood, Authorized Representative
 Stephanie Yee, Authorized Representative

Black Mountain Ranch LLC, a California Limited Liability Company:

Black Mountain Ranch LLC has one member:

1. **BMR Communities LLC, a California Limited Liability Company**

BMR Communities LLC has one member:

Standard Pacific Investment Corp., a Delaware Corporation

Officers & Authorized Representatives:

Scott D. Stowell, Chief Executive Officer & President
 Jeffrey J. McCall, Principal Financial & Accounting Officer & Treasurer
 Peter J. Kiesecker, Senior Vice President - Mergers & Acquisitions
 Alan V. Vitug, Corporate Controller
 Bryan Kakimoto, Assistant Corporate Controller
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 Jeffrey Buffington, Authorized Representative
 David J. Bulloch, Authorized Representative
 Douglas G. Campbell, Authorized Representative
 Salvador Carlos, Authorized Representative
 Cheryl DeLaCruz-McDonald, Authorized Representative
 William Dumka, Authorized Representative
 Suzanne Ek, Authorized Representative
 Leslie A. Goodale, Authorized Representative
 Kimberly Ann Hooper, Authorized Representative
 Gary A. Jones, Authorized Representative
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 Ken W. Melvin, Authorized Representative
 Sandra D. Mindt, Authorized Representative
 William Ostrem, Authorized Representative
 Todd J. Palmaer, Authorized Representative
 Connie Phillips, Authorized Representative
 Penny S. Roper, Authorized Representative
 Matthew S. Schemenauer, Authorized Representative
 Steven Seibert, Authorized Representative
 Brandon Sharp, Authorized Representative
 Jon Alan Willingham, Authorized Representative
 Rick M. Wood, Authorized Representative
 Stephanie Yee, Authorized Representative

**UNANIMOUS WRITTEN CONSENT OF
THE BOARD OF DIRECTORS OF
STANDARD PACIFIC INVESTMENT CORP.**

The undersigned, constituting all of the directors of Standard Pacific Investment Corp., a Delaware corporation (the "Corporation"), take the following action by written consent in lieu of a meeting of the Board of Directors pursuant to Section 141(f) of the General Corporation Law of the State of Delaware:

ELECTION OF OFFICERS

RESOLVED, that the following persons hereby are elected as officers of this Corporation, to such office as appears opposite their respective names, their terms of office to commence immediately and to continue until their successors shall be duly chosen and qualified or until their earlier resignation or removal:

| | |
|-------------------|--|
| Scott D. Stowell | Chief Executive Officer & President |
| Jeffrey J. McCall | Principal Financial & Accounting Officer & Treasurer |
| John P. Babel | Secretary |
| David Vazquez | Assistant Treasurer |
| Alan V. Vitug | Corporate Controller |
| Bryan Kakimoto | Assistant Corporate Controller |

RESOLVED FURTHER, that the above-listed persons be, and each of them hereby is, authorized to negotiate, approve, execute and deliver, as designated officers of the Corporation, land purchase and option agreements, joint venture agreements, financing agreements, development, land use and other entitlement applications and agreements, and all other agreements and documents relating to the real estate development and construction business conducted by this Corporation (including in its capacity as a partner in a partnership or member of a limited liability company), and

RESOLVED FURTHER, that the foregoing persons and positions are the only officers of the Corporation at this time and any other officers of the Corporation are hereby removed from office.

AUTHORIZED REPRESENTATIVES

RESOLVED FURTHER, that the following persons are elected as authorized representatives of this Corporation for the limited purpose of executing real estate development and construction related documents.

| Name | Title | Geographic Assignment |
|----------------------|--------------------------------------|--------------------------------|
| Todd J. Palmaer | Regional President | California & Southwest Regions |
| Edward T. McKibbin | President | Southern California Coastal |
| Michael C. Battaglia | Vice President - Project Development | Southern California Coastal |
| David J. Bulloch | Vice President - Operations | Southern California Coastal |
| Suzanne Ek | Vice President - Sales & Marketing | Southern California Coastal |
| Gary A. Jones | Vice President - Land Acquisition | Southern California Coastal |
| Ken W. Melvin | Vice President - Project Development | Southern California Coastal |
| Douglas G. Campbell | Director - Customer Care | Southern California Coastal |
| Laura D. Massas | Director of Sales | Southern California Coastal |
| Leslie A. Goodale | Escrow Manager | Southern California Coastal |
| Peter Hemphill | Project Manager | Southern California Coastal |
| Martin P. Langpap | Division Manager | Southern California Inland |
| Jeffrey Buffington | Vice President - Customer Service | Southern California Inland |
| Steven Seibert | Vice President - Construction | Southern California Inland |

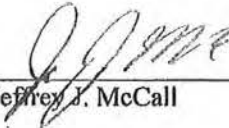
| Name | Title | Geographic Assignment |
|--------------------------|--------------------------------------|----------------------------|
| Lorrie Yates Leger | Vice President - Sales & Marketing | Southern California Inland |
| Rick M. Wood | Vice President - Project Development | Southern California Inland |
| Matthew S. Schemenauer | Area Sales Manager | Southern California Inland |
| Penny S. Roper | Closing Manager | Southern California Inland |
| Brandon Sharp | Vice President - Finance | Southern California Region |
| Jon A. Willingham | Regional Vice President - Purchasing | Southern California Region |
| Brian K. Bencz | Vice President - Land Development | Southern California Region |
| Salvador Carlos | Regional Purchasing Agent | Southern California Region |
| Sandra D. Mindt | Regional Purchasing Agent | Southern California Region |
| Kimberly A. Hooper | Regional Purchasing Agent | Southern California Region |
| Cheryl DeLaCruz-McDonald | Regional Purchasing Agent | Southern California Region |
| Connie Phillips | Purchasing Agent | Southern California Region |
| Stephanie Yee | Offsite Purchasing Agent | Southern California Region |
| William Ostrem | President | Black Mountain Ranch |
| Thomas Atkin | VP of Finance | Black Mountain Ranch |
| William Dumka | VP of Forward Planning | Black Mountain Ranch |
| Kurt Bruskotter | VP of Construction | Black Mountain Ranch |

RESOLVED FURTHER, that the above-listed persons be, and each of them hereby is, authorized to negotiate, approve, execute and deliver, as authorized representatives of the Corporation, deeds, development, land use and other entitlement applications and agreements, and all other agreements and documents relating to the real estate development and construction business conducted by this Corporation.

IN WITNESS WHEREOF, the undersigned have executed this Unanimous Written Consent as of the 14th day of August, 2013.



Scott D. Stowell



Jeffrey J. McCall

PROJECT DATA SHEET

| | | |
|--|---|--------------------------|
| PROJECT NAME: | East Clusters Enclave | |
| PROJECT DESCRIPTION: | Re-subdivide to create 27 lots where 19 were approved. | |
| COMMUNITY PLAN AREA: | Black Mountain Ranch | |
| DISCRETIONARY ACTIONS: | Vesting Tentative Map, Planned Development Permit, Site Development Permit | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Very Low Density Residential | |
| <u>ZONING INFORMATION:</u> ZONE: RS-1-8 HEIGHT LIMIT: 35-foot maximum height limit. LOT SIZE: 40,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.45 maximum. FRONT SETBACK: 25 feet. SIDE SETBACK: 10 feet. STREETSIDE SETBACK: 20 feet. REAR SETBACK: 10 feet. PARKING: 2 spaces required per lot. | | |
| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE |
| NORTH: | Open Space; AR-1-1 | Open Space |
| SOUTH: | Open Space; AR-1-1 | Open Space |
| EAST: | Open Space; AR-1-1 | Open Space |
| WEST: | Open Space; AR-1-1 | Open Space |
| DEVIATIONS OR VARIANCES REQUESTED: | Three; minimum street frontage, minimum lot size and minimum front setback. | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On October 1, 2014, the Rancho Penasquitos Planning Board voted 15:0:1 to recommend approval. | |

DEVELOPMENT SERVICES
Project Chronology
East Clusters Enclave - PTS# 339873

| Date | Action | Description | City Review Time | Applicant Response |
|-----------------------------------|-------------------------|------------------------------------|------------------------------|---------------------------|
| 10/21/13 | First Submittal | Project Deemed Complete | | |
| 01/02/14 | First Assessment Letter | | 43 days | |
| 03/05/14 | Second Submittal | | | 44 days |
| 04/03/14 | Second Review Complete | | 21 days | |
| 07/25/14 | Third Submittal | | | 81 days |
| 08/19/14 | Third Review Complete | | 17 days | |
| 09/16/14 | Fourth Submittal | | | 20 days |
| 10/14/14 | Fourth Review Complete | | 20 days | |
| 10/30/14 | Fifth Submittal | | | 12 days |
| 12/09/14 | Fifth Review Complete | | 28 days | |
| 12/09/14 | Issues Resolved | | | |
| 03/12/15 | Public Hearing | | 67 days | |
| TOTAL STAFF TIME | | | 196 days | |
| TOTAL APPLICANT TIME | | | | 157 days |
| TOTAL PROJECT RUNNING TIME | | Deemed Complete to Issues Complete | 11 months and 18 days | |