



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 11, 2015 REPORT NO. PC-15-067

ATTENTION: Planning Commission, Agenda of June 18, 2015

SUBJECT: DEL SUR COURT - PROJECT NO. 340862. PROCESS 5.

OWNER/
APPLICANT: SPIC DEL SUR, LLC, Owner/Applicant (Attachment 15).

SUMMARY

Issue(s): Should the Planning Commission recommend the City Council grant approvals to develop a 206 unit age-restricted residential project located on a 38.40 acre site within the Black Mountain Ranch Subarea Plan?

Staff Recommendation(s):

1. **Recommend** the City Council **Certify** Addendum to Environmental Impact Report No. 96-7902 and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Recommend** the City Council **Approve** Vesting Tentative Map No. 1198583, Planned Development Permit No. 1198582, Site Development Permit No. 1198581 and Easement Vacation No. 1451202.

Community Planning Group Recommendation – The Black Mountain Ranch community does not have an active local planning group. The Rancho Penasquitos Planning Board is the adjacent neighborhood planning group and was sent plans and information concerning the proposed project. On February 4, 2015 the Rancho Penasquitos Planning Board voted 15:0:1 to recommend approval of the project.

Environmental Review – An Addendum to Environmental Impact Report No. 96-7902 has been prepared for the project in accordance with the State of California Environmental Quality Act Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

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 construct 206 age-restricted (55 years old and over) dwelling units on approximately 38.40 acres, is located in an area designated as Residential in the Black Mountain Ranch Subarea Plan. The site is identified as Core Residential at a density range of ten to twenty-five dwelling units per acre and the Subarea Plan identified a maximum of 300 dwelling units on the project site. The proposed project's 206 dwelling units would result in a land use density of just over five dwelling units per acre, consistent with the Peripheral Residential density category of the Subarea Plan. The proposed density would not adversely affect the residential density goals of the Black Mountain Ranch Subarea Plan. The project proposes the transfer of 94 units from the project site to the North Village Town Center and would result in no change to the total number of housing units allowed in the Subarea. The transfer of 94 dwelling units from the project site would not impact the affordable housing requirement identified in the Housing Element of the Subarea Plan pursuant to the North City Future Urbanizing Area Framework Plan. The affordable housing obligation is being provided within the Black Mountain Ranch Subarea per the Black Mountain Ranch Master Affordable Housing Agreement.

BACKGROUND

The Black Mountain Ranch Subarea I Plan designates the site for Core Residential development (Attachment 1). The site is located easterly of Camino Del Sur, approximately one mile north of San Dieguito Road in the Black Mountain Ranch Subarea Plan (Attachment 2). The site is zoned RM-2-6 for multi-family residential development. The 38.40 acre 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.

DISCUSSION

Project Description

The Del Sur Court project (Project) proposes an Easement Vacation to vacate a general utility and access easement, Planned Development Permit (PDP) and Site Development Permit (SDP) to amend Planned Residential Development/Resource Protection Ordinance Permit No. 95-0173 and PDP No. 497493 & SDP No. 497494 and an Amended Vesting Tentative Map to subdivide and develop 206 age-restricted dwelling units and amend the Black Mountain Ranch North Village Community Design Guidelines on a 38.40 acre site located east of Camino Del Sur in the RM-2-6 Zone within the Black Mountain Ranch Community Plan area (Attachment 4).

Of the 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, and 1 condominium lot with 3 units. The Project would also create 12 lots for a future homeowners association. The Project would have four recreation areas with amenities for residents. The largest recreation area would include a swimming pool, spa, recreation center building, a patio area with tables with seating and barbeques and an overhead structure with solar panels and landscaping. The second smaller recreation area would have landscaping and tables with seating under an overhead structure. The third recreation area would have be a landscaped area with a barbeque and table with seating. The fourth and smallest recreation amenity would be a landscaped area with a concrete path and benches. The Project would have several overlooks out into the community open space adjacent to the site and would provide access to the community open space trail and a private homeowners trail adjacent to the open space (Attachment 5).

Development of the individual buildings would comply with the requirements of the proposed Black Mountain Ranch North Village Community Design Guidelines (Design Guidelines) as amended with the application. The proposed amendments to the Design Guidelines are provided in Attachment 6 and includes only the “existing” and “proposed” pages to be changed.

Deviations

The Project site, within the master planned community of Black Mountain Ranch, is designated for Residential development. All of the areas surrounding the Project site, designated for residential uses, 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 prior approved development footprint.

The Project site is located in the North Village neighborhood 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 Del Sur Court neighborhood contributes to this system by providing an important linkage to the open space areas directly adjacent to the site.

The Project requires the approval of eight deviations from the development regulations of the RM-2-6 Zone. The deviations are as follows:

	<u>RM-2-6 Zone</u>	<u>Proposed</u>
• Minimum Street Frontage	50 feet	None (private driveway)
• Minimum Lot Size	6,000 square feet	1,250 – 4,000 square feet
• Lot Width	50 feet	20, 30 & 40 feet
• Lot Depth	90 feet	40 and 50 feet
• Minimum Front Setback	15 feet	5 feet
• Minimum Side Setback	5 feet	3 feet
• Minimum Street Side Setback	10 feet	4 and 5 feet
• Minimum Rear Setback	15 feet	5 and 10 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. These deviations would create residential lots consistent with the purpose and intent of the Planned Development Permit procedures and regulations 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. The requested deviations are consistent and harmonious with other developments in the North Village of the Black Mountain Ranch Subarea Plan and would result in a better project by achieving the policy goals of the land use plan and harmony with other existing developments in the North Village.

Community Plan Analysis

The Project site has a land use designation of Residential as identified in the Black Mountain Ranch Subarea Plan Land Use Map Figure 3.2 (Attachment 7). The Residential Land Use designation is identified as Core Residential with a density that allows between 10 and 25 dwelling units per acre not to exceed 300 dwelling units as identified in the Land Use element of the Subarea Plan. The project proposes to construct 206 age restricted (55 years old and over) dwelling units on approximately 38 acres, resulting in a land use density of just over five dwelling units per acre for the Project site, consistent with the Peripheral Residential density category of the Subarea Plan.

The proposal to develop 206 dwelling units is consistent with the requirements of the Black Mountain Ranch Subarea Implementation section and would not adversely affect the residential density goals and policies of the Subarea Plan. The Implementation section allows for shifts in development through the conversion of land uses. Conversions are shifts in the quantity/intensity of development, measured in equivalent dwelling units, within the same generalized land use for, example, retail commercial to office commercial or visitor commercial. The proposal to develop 206 age-restricted dwelling units would not change the Residential land use designation for the Project site.

The Subarea Plan identifies the site for a ‘Residential Care Facility’ that would allow up to 300 residential dwelling units specifically designed to serve the needs of the elderly, which could

also include skilled nursing or assisted living units. The identification of a Residential Care Facility was established by the 2009 Subarea Plan amendment, which reconfigured the North Village land use and circulation system. The site was previously identified for a resort hotel and the 2009 Subarea Plan amendment revised the designation to allow for a facility providing a continuum of care. As previously addressed, the Subarea Plan Implementation section provides the ability to convert the Residential Care Facility use to a Single Family residential use without the need for a plan amendment.

The proposed Project also includes the transfer of 94 dwelling units from the site to the North Village Town Center. The proposal to develop 206 dwelling units and transfer the remaining development of 94 dwellings units allocated for the site is also consistent with the requirements of the Implementation section and would not adversely affect the residential density goals and policies of the Subarea Plan.

The Subarea Plan Implementation section allows for the transfer of development entitlements, measured in equivalent dwelling units, 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 96 dwelling units from a property that allows residential development to properties within the North Village that allow residential development would be consistent with the provisions of the Implementation Section. The proposed transfer provides for additional housing within and near the Mixed Use Core consistent with the Goals and Policies of the Subarea Plan Land Use and Housing Elements.

As outlined in the Black Mountain Ranch Subarea Plan, all Residential Cluster sites and Perimeter Properties are required to adopt the Design Guidelines approved for the BMR Vesting Tentative Map/Planned Residential Development (VTM/PRD) or develop independent design guidelines in conformance with policies in the Community Design Element Subarea Plan. The site and proposed dwelling unit product types are subject to the North Village Community Design Guidelines and residential design standards 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 development permit 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, 9 and 11) and draft conditions of approval (Attachments 10 and 12). Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Recommend the City Council **Approve** Vesting Tentative Map No. 1198583, Planned Development Permit No. 1198582, Site Development Permit No. 1198581 and Easement Vacation No. 1451202, **with modifications**.

2. Recommend the City Council **Deny** Vesting Tentative Map No. 1198583, Planned Development Permit No. 1198582, Site Development Permit No. 1198581 and Easement Vacation No. 1451202, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

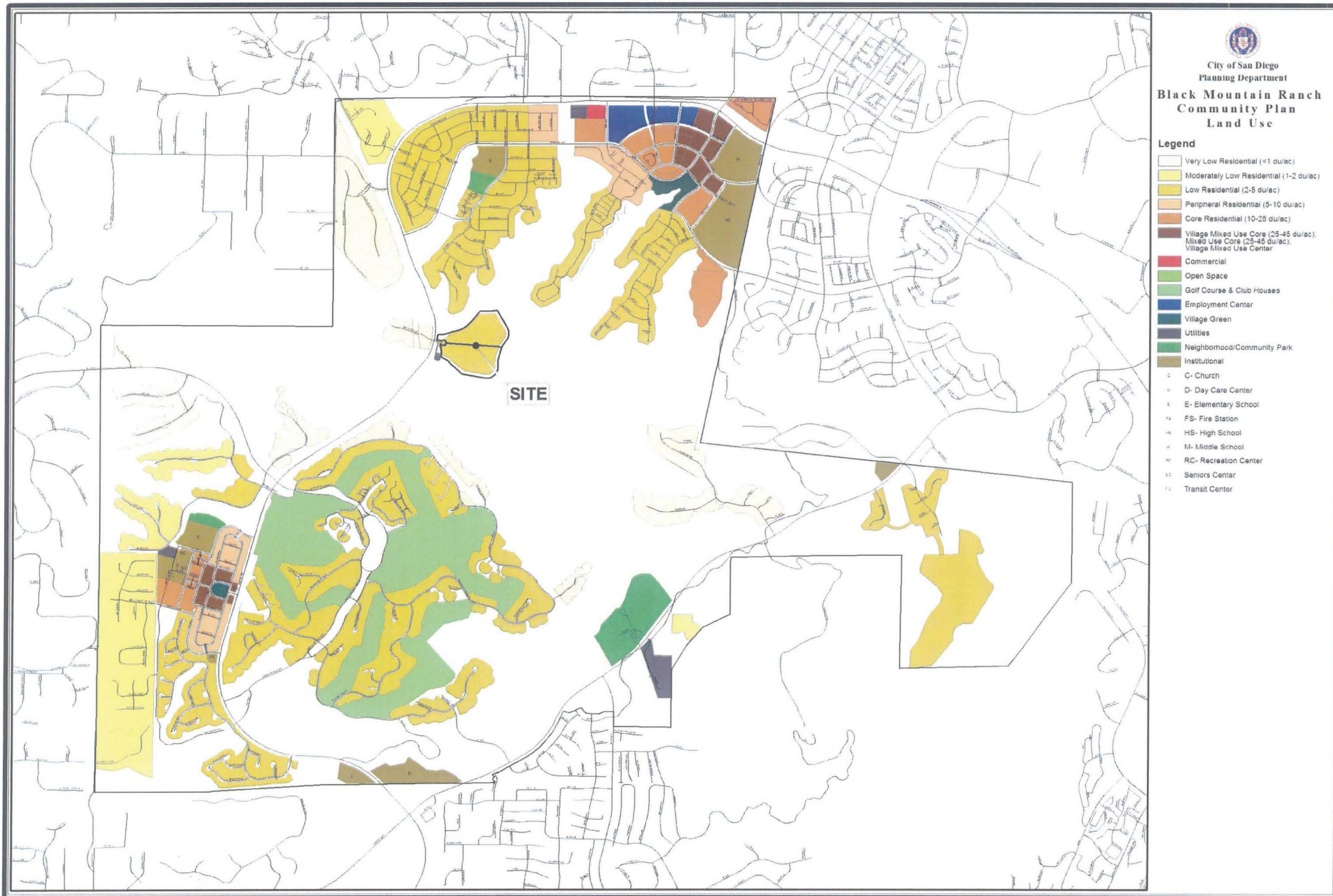

Mike Westlake
Assistant Deputy Director
Development Services Department

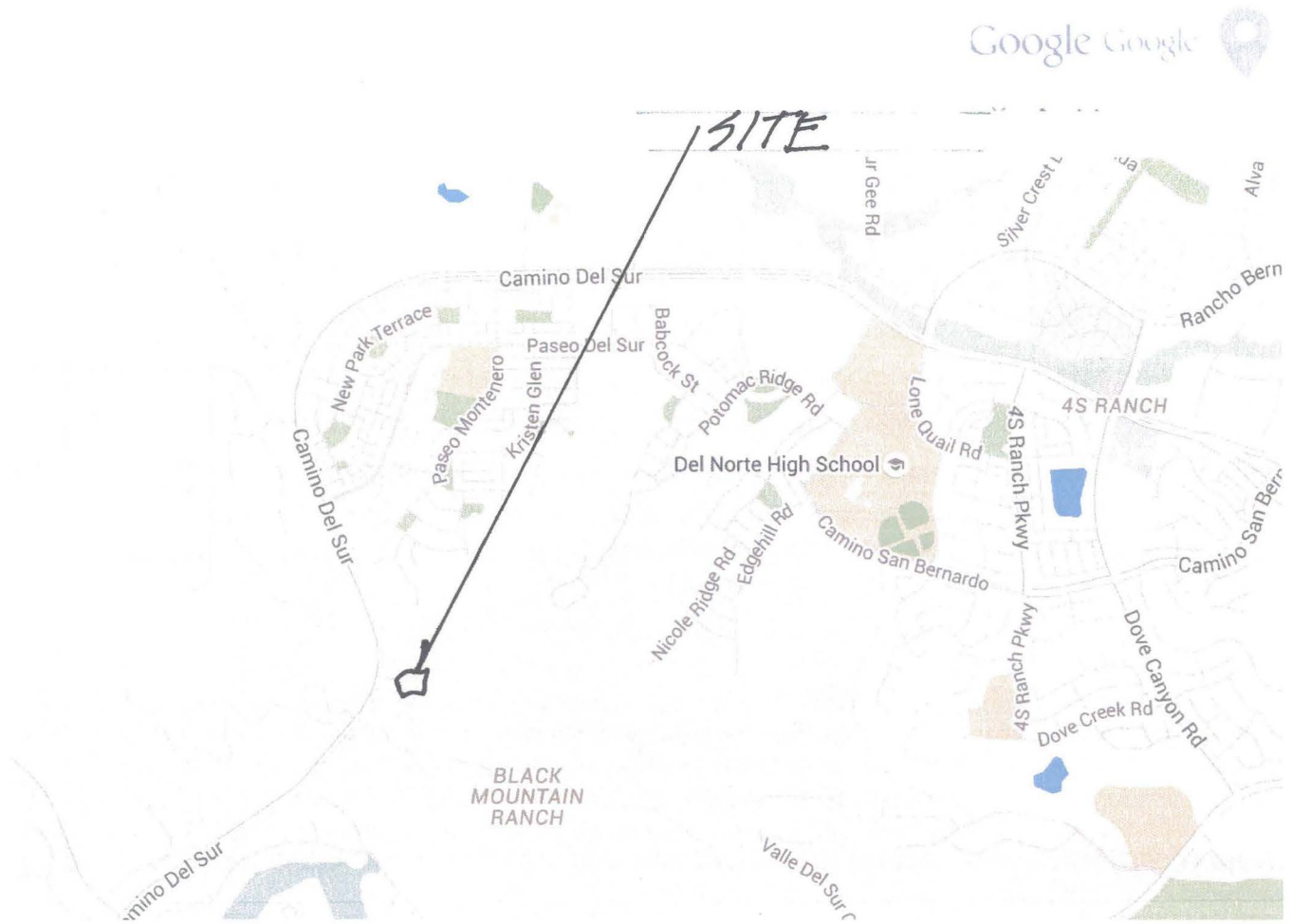

John S. Fisher
Development Project Manager
Development Services Department

VACCHI/JSF

Attachments:

1. Black Mountain Ranch Subarea Plan Land Use Map
2. Vicinity Map
3. Aerial Photograph
4. Site Plan, sheets 1-3
5. Landscape Plan, sheets 5-7
6. North Village Community Design Guidelines, Proposed & Existing (under separate cover)
7. Land Use Map Figure 3.2
8. Draft CEQA Resolution
9. Draft Vesting Tentative Map Resolution with Findings
10. Draft Vesting Tentative Map Conditions
11. Draft Permit Resolution with Findings
12. Draft Permit with Conditions
13. Rancho Penasquitos Planning Board meeting minutes
14. Remaining drawings
15. Ownership Disclosure Statement
16. Project Data Sheet
17. Project Chronology





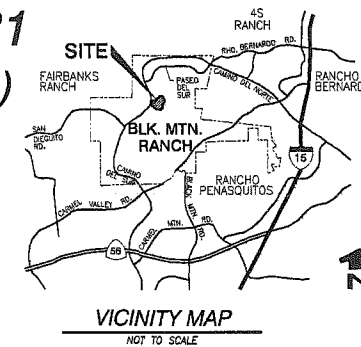


VTM 1198583, PDP 1198582 AND SDP 1198581
(AMENDING VTM 497492, PDP 497493 AND SDP 497494)

DEL SUR COURT

(BLACK MOUNTAIN RANCH NORTH VILLAGE)

CITY OF SAN DIEGO, CALIFORNIA



SCOPE OF WORK

THE PROJECT CONSISTS OF A 39.05 ACRE SITE LOCATED WITHIN THE BLACK MOUNTAIN RANCH NORTH VILLAGE SUBAREA PLAN. THE PROPOSED SUBDIVISION WILL REQUIRE APPROVAL OF AN AMENDED VESTING TENTATIVE MAP 497492, PLANNED DEVELOPMENT PERMIT 497493, SITE DEVELOPMENT PERMIT 497494, AMENDMENT TO THE NORTH VILLAGE COMMUNITY DESIGN GUIDELINES AND PUBLIC EASEMENT VACATION.

PROJECT DEVIATIONS

DEL SUR COURT INCLUDES THREE RESIDENTIAL LOT CONFIGURATIONS AS ILLUSTRATED ON THIS SHEET. THE BUILDING SETBACKS ILLUSTRATED DEVIATE FROM THOSE OF THE UNDERLYING RM-2-6 ZONE BUT CONFORM TO PREVIOUSLY APPROVED DESIGN STANDARDS. THESE DESIGN STANDARD DEVIATIONS FROM THE UNDERLYING SETBACK REQUIREMENTS WERE GRANTED FOR DEVELOPMENT WITHIN THE NORTH VILLAGE AT BLACK MOUNTAIN RANCH, OF WHICH DEL SUR COURT IS A PART. PURSUANT TO RESOLUTIONS R-265763, DATED NOVEMBER 2001, AND R-304920, DATED SEPTEMBER 2009, THESE APPROVED DEVIATIONS WERE INCORPORATED INTO THE NORTH VILLAGE COMMUNITY DESIGN GUIDELINES, POP NO. 1213793, AT THE TIME OF APPROVAL AS RESIDENTIAL DESIGN STANDARDS. THESE STANDARDS ARE BASED ON AND HAVE BEEN ORGANIZED BY LOT TYPE.

THE FOLLOWING TABLE PROVIDES A COMPARISON BETWEEN THE UNDERLYING RM-2-6 DEVELOPMENT REGULATIONS PER SEC. 131.0430 TABLE 131.043 OF THE MUNICIPAL CODE AND THE APPROVED DEVIATIONS CONTAINED IN THE APPLICABLE DESIGN STANDARDS OF THE NORTH VILLAGE COMMUNITY DESIGN GUIDELINES.

TABLE A

TYPE OF MEASUREMENT	LOT TYPE			
	RM-2-6 ZONE	A	B	C
MIN. LOT AREA (SF)	6,000	4,000	4,000	1,250
MIN. LOT DIMENSIONS				
LOT WIDTH (FT)	50'	40'	30'	20'
STREET FRONTAGE (FT)	50'	40'	30'	20'
LOT WIDTH (CORNER) (FT)	50'	40'	30'	20'
LOT DEPTH (FT)	90'	50'	50'	40'
SETBACK REQUIREMENTS				
MIN. FRONT SETBACK (FT)	15'	5'	5'	5'
STD. FRONT SETBACK (FT)	20'			
MIN. SIDE SETBACK (FT)	5'	3'/0	3'/0	0'
STD. SIDE SETBACK (FT)	8'			
MIN. STREET SIDE SETBACK (FT)	10'	5'	4'	5'
MIN. REAR SETBACK (FT)	15'	10'	5'	5'
MAX. STRUCTURE HEIGHTS (FT)	40'	35'	35'	35'
MAX. FLOOR AREA RATIO	1.5	0.8	0.8	0.8
ACCESSORY USES AND STRUCTURES (SEE SECTION 131.0446)	APPLIES	APPLIES	APPLIES	APPLIES
STORAGE REQUIREMENTS (SEE SECTION 131.0454)	APPLIES	APPLIES	APPLIES	APPLIES
PRIVATE EXTERIOR OPEN SPACE (SEE SECTION 131.0455(b))	APPLIES	APPLIES	APPLIES	APPLIES
COMMON OPEN SPACE (SEE SECTION 131.0456)	APPLIES	500	500	300
ARCHITECTURAL PROJECTIONS AND ENCROACHMENTS (SEE SECTION 131.0461(c))	PERMITTED	PERMITTED	PERMITTED	PERMITTED
SUPPLEMENTAL REQUIREMENTS				
SECTION 131.0454(a)(1)	APPLIES	APPLIES	APPLIES	APPLIES
SECTION 131.0454(a)(2)	APPLIES	APPLIES	DT	APPLIES
SECTION 131.0454(a)(3)	APPLIES	D2	APPLIES	APPLIES
SECTION 131.0454(a)(4)	APPLIES	APPLIES	APPLIES	APPLIES
REFUSE & RECYCLABLE MAT. STORAGE (SEE SECTION 142.0905)	APPLIES	APPLIES	APPLIES	APPLIES

- D1 THE PROJECT REQUESTS A DEVIATION TO ELIMINATE THE GARAGE SETBACK FROM THE BUILDING FACADE FOR LOTS 57, 60, 61, 64, 65, 68, 69, 72, 73, 76, 77, 85, 81, 84, 85, 88, 92-100, 103, 104, 107, 108, 111-115, 118, 119, 123, 126, 127 & 130.
- D2 THE PROJECT REQUESTS A DEVIATION TO PROVIDE 40% OF THE LENGTH OF BUILDING FACADE AS HABITABLE AREA FOR LOTS GREATER THAN 50 FEET WIDE FOR LOTS 23-26, 28-30, 36, 40-42, 46, 55 & 56.

PUBLIC UTILITIES/DISTRICTS

WATERCITY OF SAN DIEGO
SEWERCITY OF SAN DIEGO
FIRE AND POLICECITY OF SAN DIEGO
GAS & ELECTRICITYSDGE
SCHOOL DISTRICTSPOWAY UNIFIED SCHOOL DISTRICT

PROJECT TEAM

ENGINEER:
HUNSAKER & ASSOC. SAN DIEGO, INC.
9707 MAPLES STREET
SAN DIEGO, CA 92121
(658) 558-4500

LANDSCAPE ARCHITECT:
GILLESPIE WOODY PATTERSON, INC.
4125 SORRENTO VALLEY BLVD., SUITE D
SAN DIEGO, CA 92121
(658) 558-9977

LEGAL DESCRIPTION

BASED ON A PRELIMINARY REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY AS ORDER NO. HNSC-4823669 DATED JANUARY 28, 2015.

PARCELS 1 AND 2 OF PARCEL MAP NO. 21213, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JANUARY 28, 2015 AS FILE NO. 2015-7000018 OF OFFICIAL RECORDS.

OWNER/APPLICANT

SPIC DEL SUR LLC
c/o BLACK MOUNTAIN RANCH LLC
6010 CAMINO DEL SUR
SAN DIEGO, CA 92127
(619) 291-0707

UNIT TRANSFER

THE BLACK MOUNTAIN RANCH NORTH VILLAGE VESTING TENTATIVE MAP NUMBER 49-7492 CURRENTLY ALLOCATES 300 DWELLING UNITS TO THE DEL SUR COURT SITE. THE DEL SUR COURT PROJECT PROPOSES 206 DWELLING UNITS ON SITE AND THE TRANSFER OF 96 DWELLING UNITS TO LOTS 12, 13, 18 AND 19 OF MAP 15919 LOCATED IN THE BLACK MOUNTAIN RANCH NORTH VILLAGE TOWN CENTER RESULTING IN NO NET CHANGE TO THE TOTAL NUMBER OF DWELLING UNITS WITHIN THE LIMITS OF VESTING TENTATIVE MAP 49-7492.

GENERAL NOTES

- GROSS PROJECT AREA: 1,701,036 S.F. / 39.05 AC.
- PROPOSED DENSITY: 3.3 DU/AC (206 UNITS / 39.05 AC)
- TOTAL NUMBER OF EXISTING LOTS: 2
- TOTAL NUMBER OF PROPOSED LOTS: 155 (130 SINGLE FAMILY, 13 MF CONDO, 12 HOA LOTS)
- TOTAL NUMBER OF DWELLING UNITS: 206
- MINIMUM LOT SIZE ALLOWED PER BMR NORTH VILLAGE DESIGN GUIDELINES
- ALL PROPOSED ON-SITE WATER IS PUBLIC AND SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN DIEGO STANDARDS AND BE MAINTAINED AND OPERATED BY THE CITY OF SAN DIEGO.
- ALL PROPOSED ON-SITE STORM DRAIN IS PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- GRADING AND MODEL UNITS MAY BE CONSTRUCTED PRIOR TO FINAL MAP RECDATION.
- ALL PROPOSED ON-SITE SEWER IS PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION. ON-SITE SEWER FACILITIES SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CALIFORNIA UNIFORM PLUMBING CODE AND SHALL BE REVIEWED AS PART OF THE BUILDING PERMIT PLAN CHECK.
- NO EXISTING STRUCTURES ARE LOCATED ON SITE.
- NO OVERHEAD UTILITIES EXIST ON OR ADJACENT TO PROJECT SITE.
- ASSESSOR'S PARCEL NUMBERS: 287-150-33-00 AND 287-150-34-00.
- EXISTING ZONING: RM-2-6
- PROPOSED ZONING: RM-2-6
- EXISTING LAND USE: VACANT LAND
- PROPOSED LAND USE: SENIOR HOUSING (SINGLE FAMILY, MF AND HOA)
- EXISTING STRUCTURES: NONE, VACANT LAND.
- GEOLOGIC HAZARD CATEGOR: S3
- THERE ARE NO BUS STOPS ON PROPERTY OR ADJACENT.
- BUILDER TO PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PUP POLICY P-00-06.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE.
- 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.
- NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY SHALL BE INSTALLED WITHIN TEN FEET OF ANY PUBLIC SEWER FACILITIES AND WITHIN FIVE FEET OF ANY PUBLIC WATER FACILITIES.
- THE OWNER/PERMITTEE SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO CITY OF SAN DIEGO WATER AND SEWER FACILITIES IN THE VICINITY OF THE PROJECT SITE, DUE TO THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT, IN ACCORDANCE WITH MUNICIPAL CODE SECTION 145.0007. IN THE EVENT THAT ANY SUCH FACILITY LOSTS INTEGRITY THEN, THE OWNER/PERMITTEE SHALL REPAIR OR RECONSTRUCT ANY DAMAGED PUBLIC WATER AND SEWER FACILITY IN A MANNER SATISFACTORY TO THE DIRECTOR OF PUBLIC UTILITIES AND THE CITY ENGINEER.
- THE SUBDIVIDER SHALL PROCESS ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENTS, FOR ALL ACCEPTABLE ENCROACHMENTS INTO THE WATER AND SEWER FACILITIES, INCLUDING BUT NOT LIMITED TO STRUCTURES, EXHIBED PAVING, OR LANDSCAPING. NO STRUCTURES OR LANDSCAPING OF ANY KIND SHALL BE INSTALLED IN OR OVER ANY VEHICULAR ACCESS ROADWAY.
- THE PROJECT SHALL CONFORM WITH THE REQUIRED CITYWIDE REFUSE & RECYCLABLE STORAGE REGULATIONS AS SPECIFIED BY CHAPTER 14, ARTICLE 2 DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE. ALL PROPOSED DWELLING UNITS SHALL BE INDIVIDUAL PICK UP WITH REFUSE & RECYCLING CARTS STORED IN PRIVATE YARDS.

BUILDING COVERAGE

0.33 (1,701,036 SF SITE AREA / 560,904 SF BLDG.)
0.6 MAX PER 143.04204

CONDOMINIUM NOTE

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF DWELLING UNITS IS 76 (6 UNITS EACH FOR LOTS 131-136, 7 UNITS FOR LOT 139, 6 UNITS FOR LOT 140, 3 UNITS FOR LOT 141, 6 UNITS EACH FOR LOTS 142 AND 143).

GRADING TABULATIONS

- TOTAL AMOUNT OF SITE TO BE GRADED: 34 ACRES, 91% OF SITE
- AMOUNT OF CUT: 70,454 CY
- MAXIMUM DEPTH OF CUT: 7 FEET
- AMOUNT OF FILL: 70,454 CY
- MAXIMUM DEPTH OF FILL: 7 FEET
- MAXIMUM HEIGHT OF FILL SLOPES: 7 FEET, 2:1 MAX.
- MAXIMUM HEIGHT OF CUT SLOPES: 2.5 FEET, 2:1 MAX.
- AMOUNT OF IMPORT/EXPORT: 0 CY
- RETAINING/CRIB WALLS LENGTH: 3,217 FEET
- RETAINING/CRIB WALL HEIGHT: 2.33 FEET

OWNER / SUBDIVIDER

PARCEL 1 & 2:
SPIC DEL SUR LLC
A DELAWARE LLC
18010 CAMINO DEL SUR
SAN DIEGO, CA 92127
(658) 618-4910

Bill Ostrem
BILL OSTREM, PRESIDENT

ENGINEER OF WORK

HUNSAKER & ASSOCIATES SAN DIEGO, INC.
9707 MAPLES STREET
SAN DIEGO, CA 92121
(658) 558-4500

Ramond L. Martin
RAMOND L. MARTIN

SHEET INDEX

- CIVIL TITLE SHEET
- CIVIL SITE PLAN
- CIVIL SITE PLAN
- RECORD BOUNDARY AND ENCUMBRANCES
- LANDSCAPE PLAN OVERALL
- LANDSCAPE PLAN PROJECT ENTRY
- LANDSCAPE PLAN COMMON AREAS
- LANDSCAPE PLAN LEGEND
- LANDSCAPE PLAN FENCE & WALL

PTS NO. 340862

PREPARED BY:	REVISION	DATE	BY
 HUNSAKER & ASSOCIATES SAN DIEGO, INC. PLANNING: 9707 Maples Street SAN DIEGO, CA 92121 ENGINEERING: 9707 Maples Street SAN DIEGO, CA 92121 SURVEYING: 9707 Maples Street SAN DIEGO, CA 92121	ORIGINAL	11-04-13	HMA
	REV. LOTS & GRADING	4-23-14	HMA
	REV. PER CITY COMMENTS	7-11-14	HMA
	REV. TYP. SF DETAIL	8-24-14	HMA
	REV. EAST EDGE GRADING, BFPD	10-17-14	HMA
	REV. NOTES	12-19-14	HMA
	REV. CONDO NOTE	1-13-15	HMA
	REV. NOTES	1-30-15	HMA
	REV. NEW PARCEL MAP	2-17-15	HMA

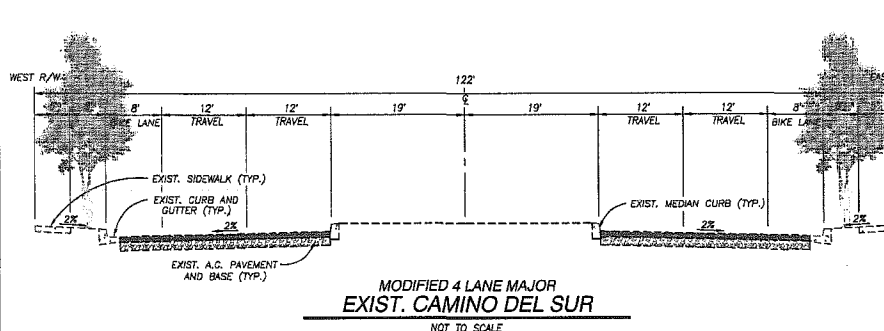
VESTING TENTATIVE MAP/PDP/SDP

TITLE SHEET

DEL SUR COURT

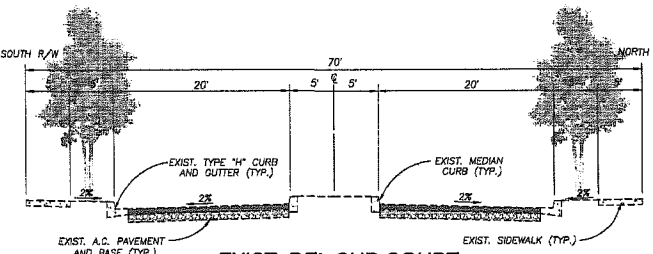
CITY OF SAN DIEGO, CALIFORNIA

SHEET
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OF
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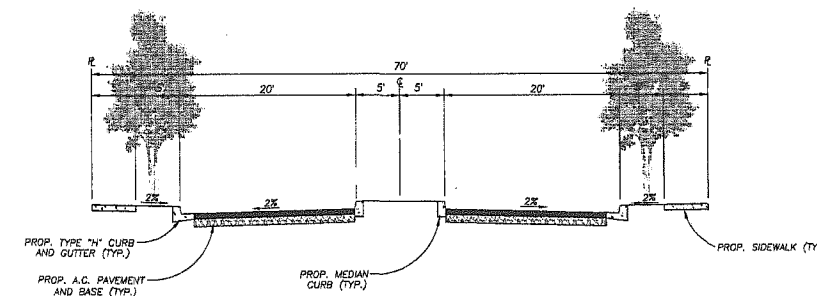
MODIFIED 4 LANE MAJOR
EXST. CAMINO DEL SUR

NOT TO SCALE



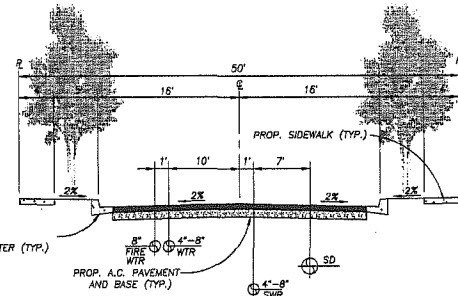
EXST. DEL SUR COURT

NOT TO SCALE



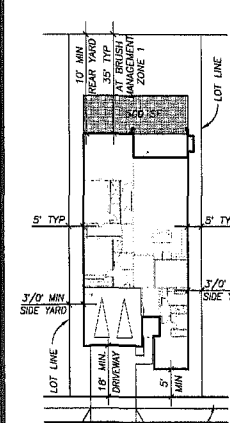
TYP. PVT. DRIVEWAY "A"

NOT TO SCALE

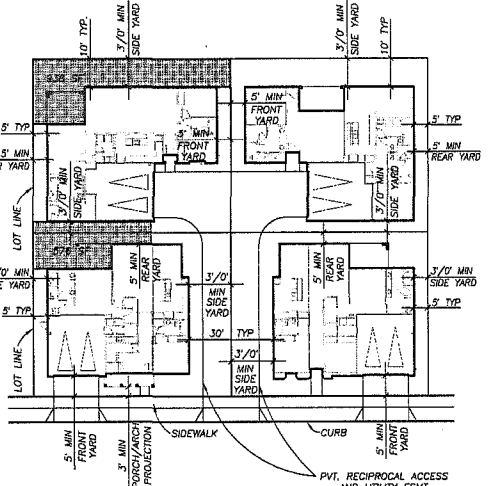


PVT. DRIVEWAY "B" & "C"

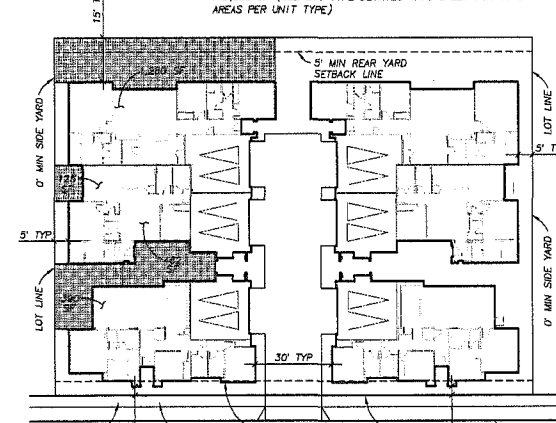
NOT TO SCALE



LOT TYPE "A"
SINGLE FAMILY DETACHED
(56 DU)
NOT TO SCALE



LOT TYPE "B"
SINGLE FAMILY DETACHED
4-PAC
(74 DU)
NOT TO SCALE



LOT TYPE "C"
SINGLE FAMILY DETACHED/SEMI-ATTACHED
6-PAC
(76 DU)
NOT TO SCALE

USEABLE / TOTAL OPEN SPACE

REQUIRED
67,800 SF (76 UNITS X 300 SF, 22,800 SF, / 130 UNITS X 500 SF = 65,000)
THE REQ. OPEN SPACE IS BASED ON THE DESIGN GUIDELINES AND IS GREATER THAN THE RM-2-6 REQ. OF 155 SF PER UNIT

PROVIDED
143,973 SF (0.5, LOT B, D & E 300 SF & 500 SF PER UNIT)

PRIVATE EXTERIOR OPEN SPACE

REQUIRED
12,380 SF (206 UNITS X 60 SF PER 131.0455b)

PROVIDED
140,833 SF (SEE LOT TYPE DETAILS THIS SHEET FOR TYP. AREAS PER UNIT TYPE)

KEY MAP

NOT TO SCALE

LEGEND

- SUBDIVISION BOUNDARY
TOPO CONTOUR
LOT NUMBER
OPEN SPACE LOT
PAD ELEV.
SLOPE (2:1 MAX.)
PERCENT OF GRADE
STREET ELEVATION
SEWER MAIN
WATER MAIN
FIRE HYDRANT
STORM DRAIN
RETAINING WALL
TOP OF WALL ELEV.
FINISHED SURFACE ELEV.
STREET LIGHT
EASEMENT CALLOUT
EASEMENT LINE
DISABLED PARKING
EXISTING TRAIL

TOPOGRAPHIC SOURCE/DATUM

TOPO IS BASED ON GRADING PLAN 33783-D
WHP STARGAZER AVENUE AND BLACK MOUNTAIN ROAD
ELEV: 525.208
DATUM: M.S.L.

PARKING

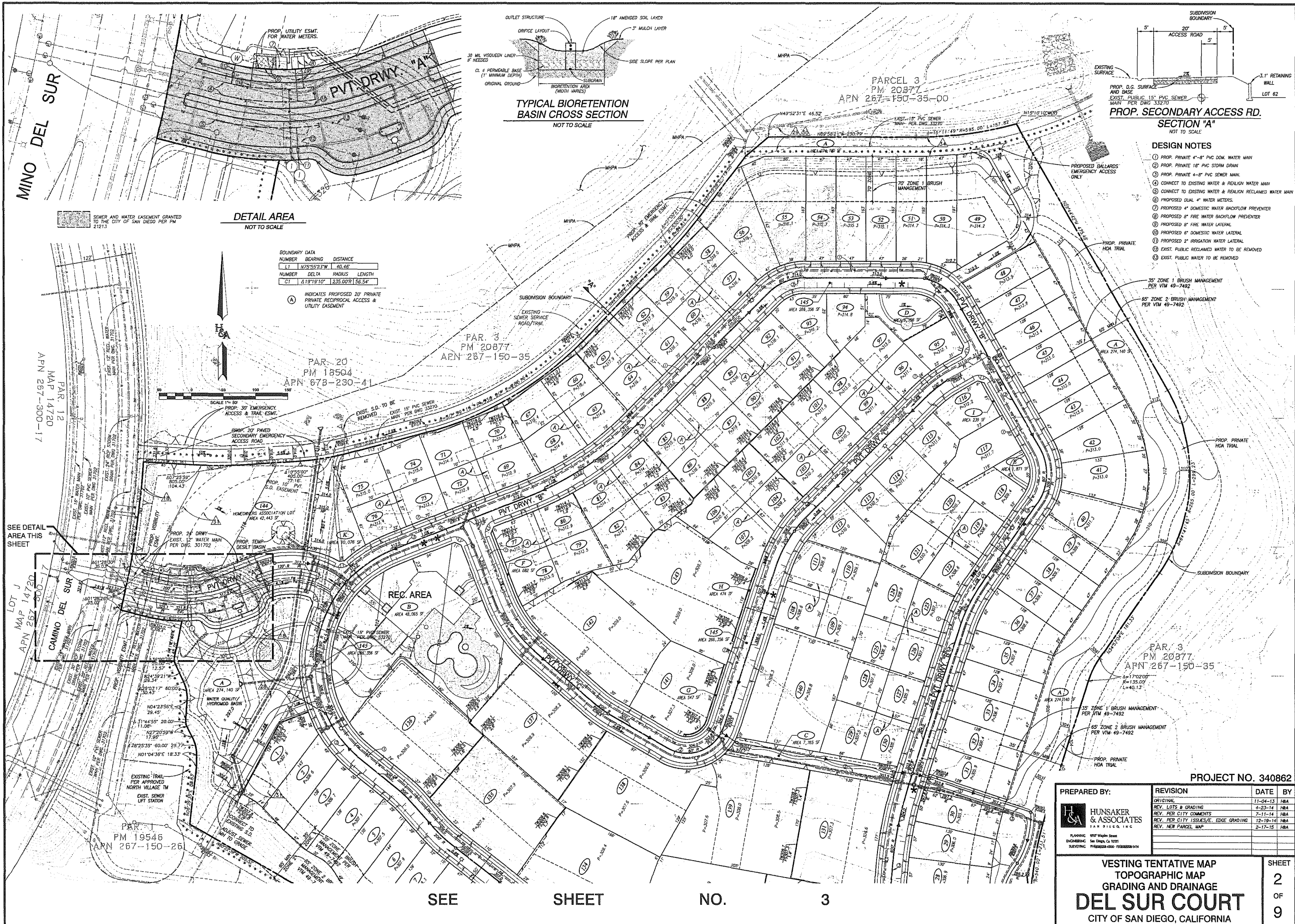
REQUIRED
412 SPACES (2 SPACES PER UNIT PER DESIGN GUIDELINES)

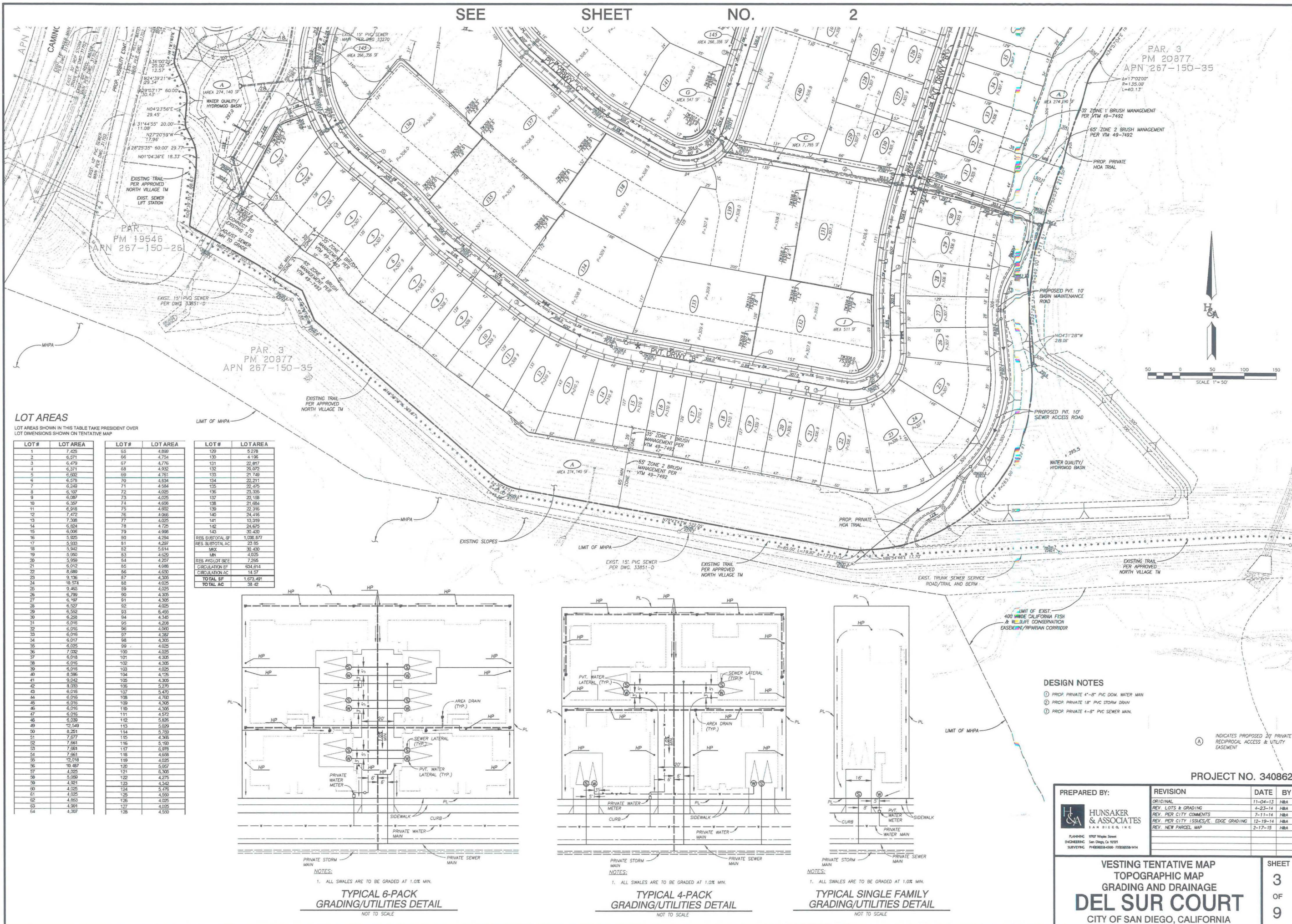
PROVIDED
610 SPACES (412 GARAGE, 192 PARALLEL, 6 DISABLED)

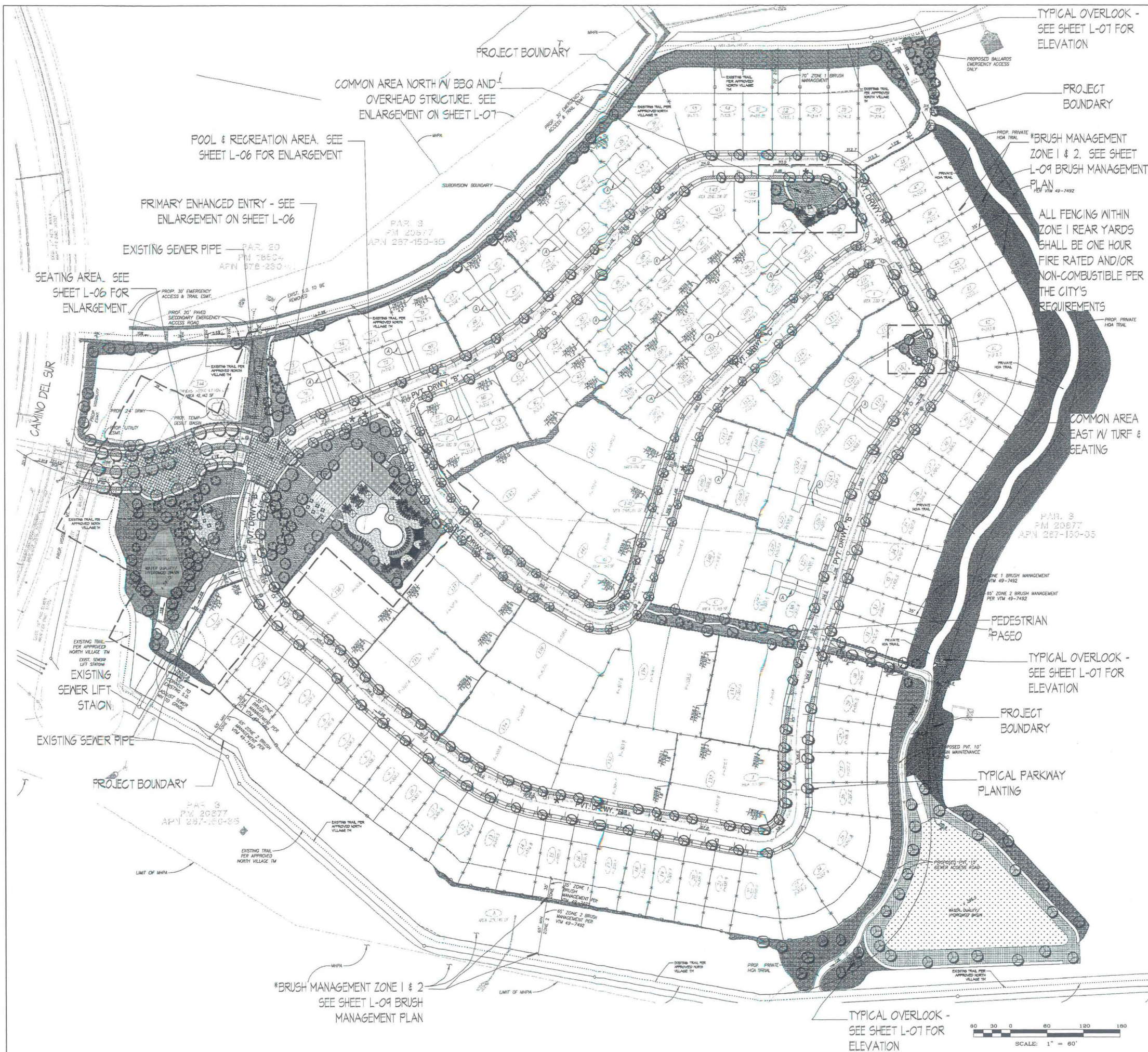
PARKING DISABLED

REQUIRED
6 SPACES (BASED ON 198 PARALLEL SPACES PROVIDED)

PROVIDED
6 SPACES (PROVIDED AS DISABLED PARALLEL SPACES)







NOTE:
TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE ROOT BARRIER WILL NOT WRAP AROUND THE ROOT BALL.

IRRIGATION - AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE. THE INTENDED IRRIGATION SYSTEM WILL BE A DRIP SYSTEM.

MAINTENANCE - ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION AS SET UP BY THE PROPERTY OWNER. 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.

ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO'S LAND DEVELOPMENT CODE, LANDSCAPE REGULATIONS; THE LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS; THE CORE SUB-AREA DESIGN MANUAL; AND ALL OTHER CITY AND REGIONAL STANDARDS.

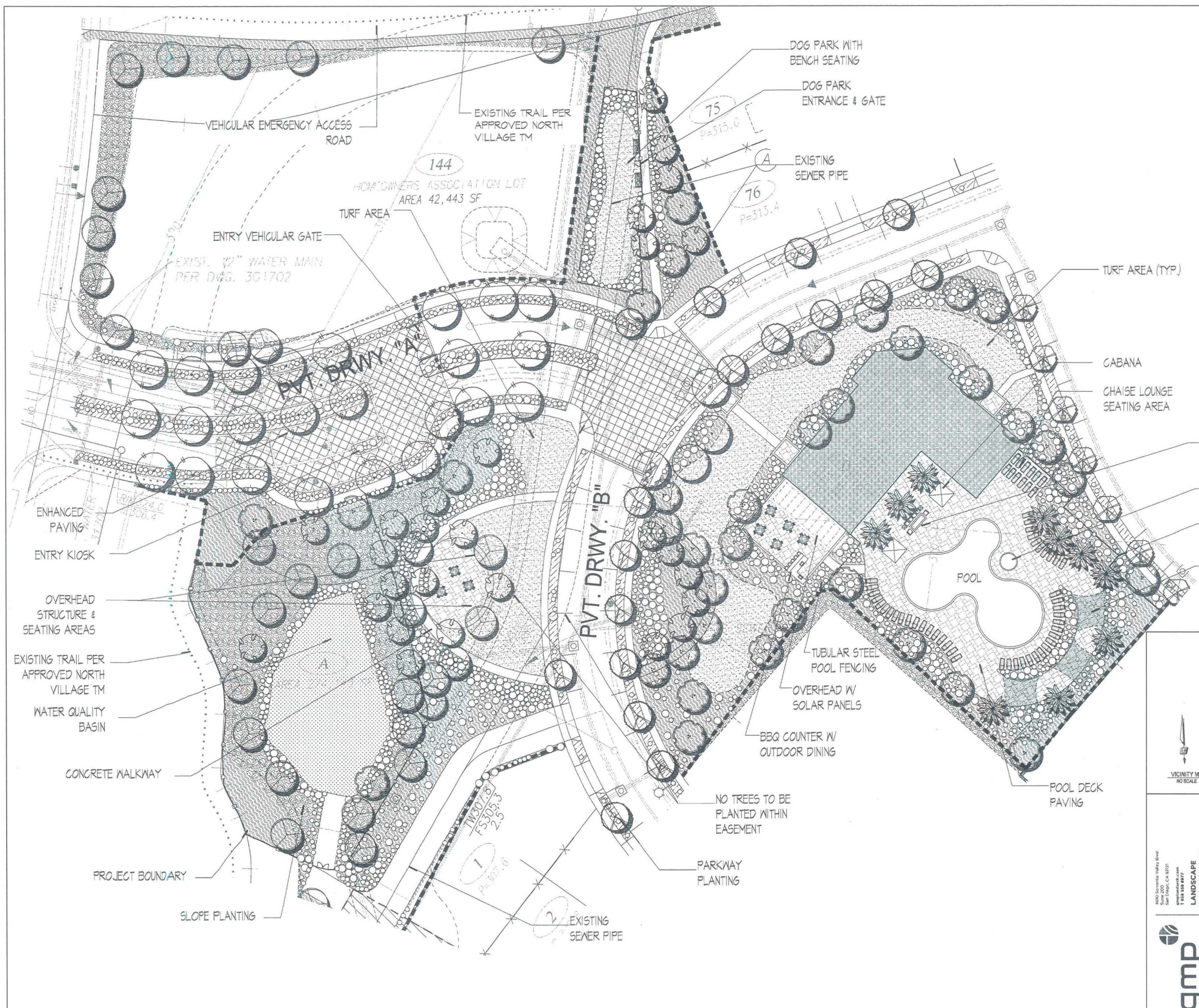
GRADED PAD AREAS SHALL BE HYDRO-SEEDED TO PREVENT EROSION, IN THE EVENT THAT CONSTRUCTION OF BUILDING(S) OR PERMANENT PLANTING DOES NOT OCCUR WITHIN 30 DAYS OF GRADING. HYDRO-SEED SHALL BE IRRIGATED OR REAPPLIED AS NECESSARY TO ESTABLISH GROWTH.

NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY SHALL BE INSTALLED WITHIN TEN FEET OF ANY SEWER FACILITIES AND WITHIN FIVE FEET OF ANY WATER FACILITIES.

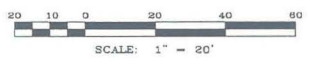
*SEE SHEET L-03 FOR LEGEND

VICINITY MAP NO SCALE		PROJECT NAME: DEL SUR COURT	
Prepared By:	Name: GMP	Revision 11:	
Address: 4010 SORRENTO VALLEY BLVD.	SUITE 200	Revision 10:	
Phone #: (858) 558-8977	SAN DIEGO, CA 92121	Revision 9:	
Project Address:	CAMINO DEL SUR	Revision 8:	
	SAN DIEGO, CA	Revision 7:	
Project Name:	DEL SUR COURT	Revision 6:	
		Revision 5:	
		Revision 4:	
		Revision 3:	12-22-14
		Revision 2:	07-17-14
		Revision 1:	04-11-14
Sheet Title:	LANDSCAPE CONCEPT PLAN	Original Date:	
		Sheet	05 OF 09
		DCP#	
		PTS	XXXXXXXXXXXX

*SEE SHEET L-08 FOR LEGEND



PROJECT ENTRY, BBQ-TOTLOT AREA & POOL AREA



VICINITY MAP
NO SCALE

PROJECT NAME:
DEL SUR COURT

Prepared By:
Name: GMP
Address: 4010 SORRENTO VALLEY BLVD.
SUITE 200
SAN DIEGO, CA 92121
Phone #: (858) 558-8977

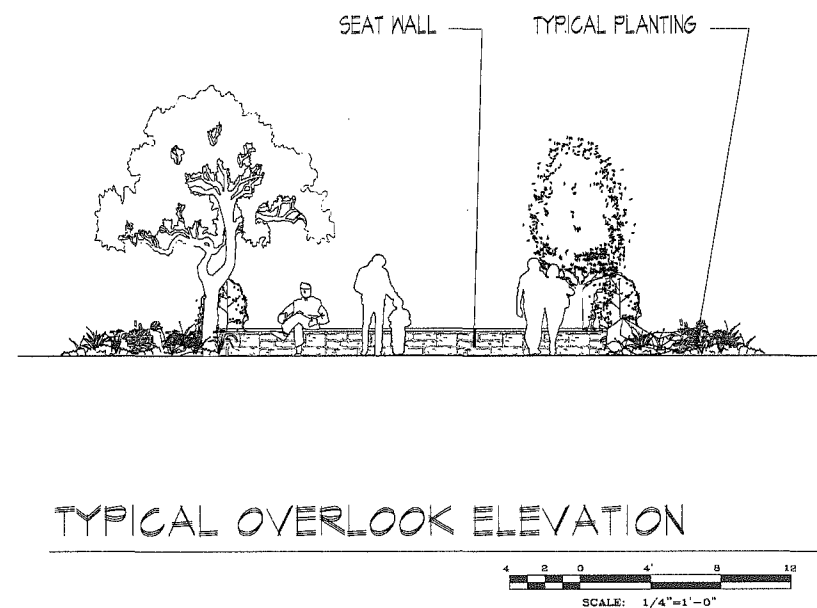
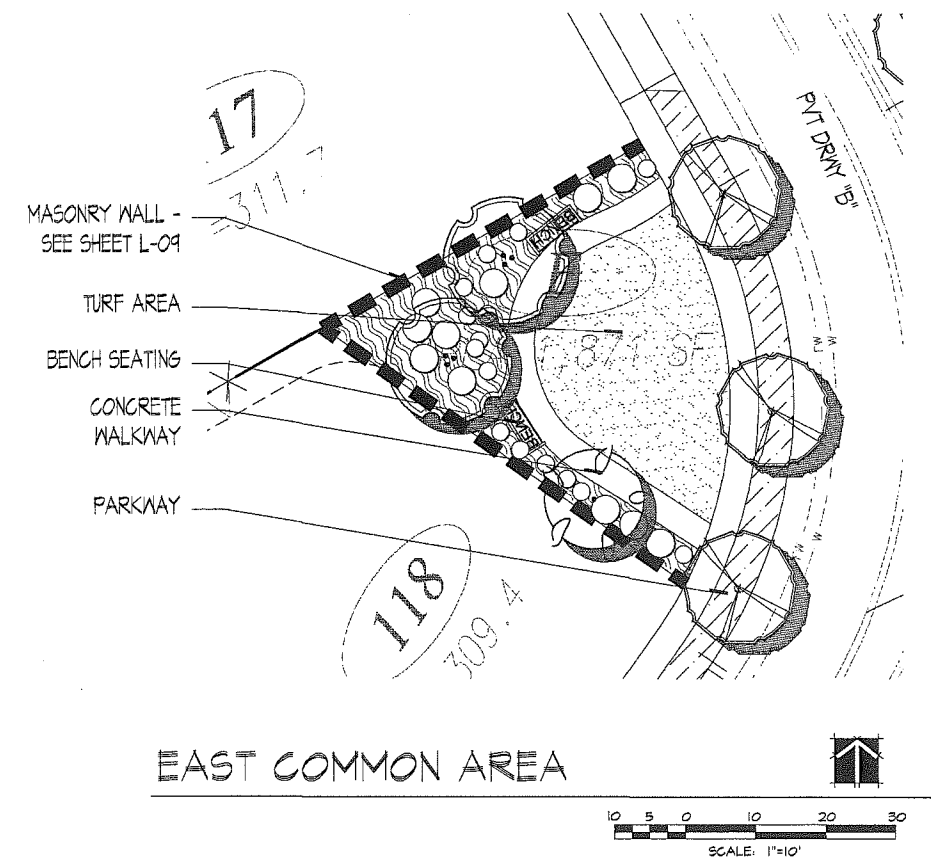
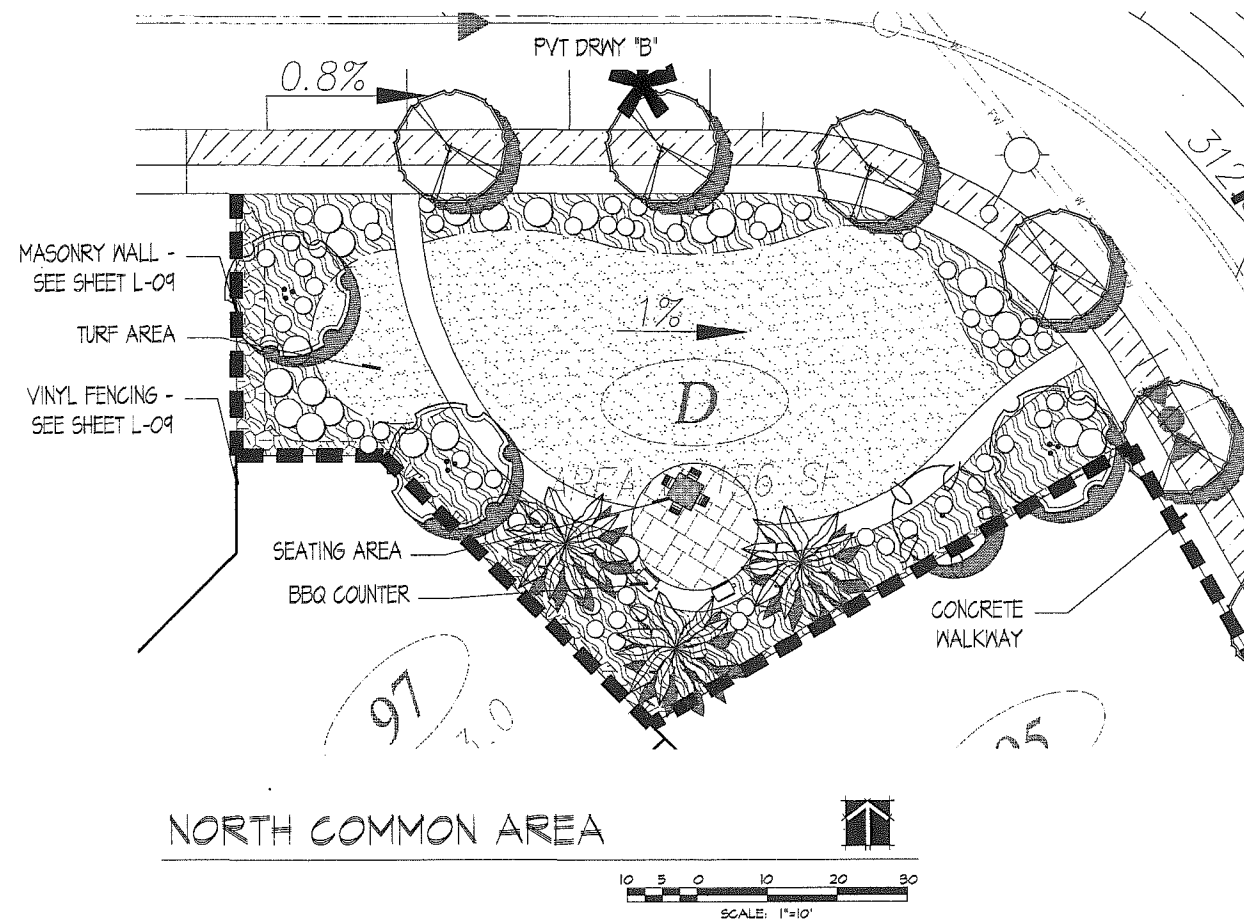
Project Address:
CAMINO DEL SUR
SAN DIEGO, CA

Project Name:
DEL SUR COURT



Sheet Title:
LANDSCAPE CONCEPT PLAN

Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: _____
Revision 5: _____
Revision 4: _____
Revision 3: 12-22-14
Revision 2: 07-17-14
Revision 1: 04-11-14

Original Date: _____
Sheet: 06 OF 09
DEP# _____
PTS: xxxxxxxxxxxx



*SEE SHEET L-08 FOR LEGEND

 VICINITY MAP NO SCALE	PROJECT NAME: DEL SUR COURT	
	Prepared By: Name: GMP Address: 4010 SORRENTO VALLEY BLVD. SUITE 200 SAN DIEGO, CA 92121 Phone #: (858) 558-8977	
 4010 Sorrento Valley Blvd. San Diego, CA 92121 (858) 558-8977 LANDSCAPE ARCHITECTURE & PLANNING	Project Address: CAMINO DEL SUR SAN DIEGO, CA	Revision 11: _____ Revision 10: _____ Revision 9: _____ Revision 8: _____ Revision 7: _____ Revision 6: _____ Revision 5: _____ Revision 4: _____ Revision 3: 12-22-14 Revision 2: 07-17-14 Revision 1: 04-11-14 Original Date: _____
	Project Name: DEL SUR COURT	Sheet Title: LANDSCAPE CONCEPT PLAN DEP # _____ PTS xxxxxxxxxxxx

Del Sur Court

PTS# 340862

North Village Community Design Guidelines

(under separate cover)

Open Space

3.2
Figure

Legend

-  Resource Based Open Space (2240 ac)
 - Natural resource areas including MHPA
-  Amenity Open Space (775 ac)
 - Golf Course, Property Owner Association Open Space, Detention Basins and Brush Management Lots
-  Active Use Open Space (50 ac)
 - Parks, plazas, and active use open space areas
-  Existing or Future Developed Land



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



May 2009

Black Mountain Ranch
Subarea Plan

RESOLUTION NUMBER R-

ADOPTED ON

WHEREAS, on November 22, 2013, SPIC DEL SUR, LLC, a Delaware Limited Liability Company, Owner/Permittee submitted an application to Development Services Department for an Easement Vacation, Planned Development Permit, Site Development Permit and an Amended Vesting Tentative Map for the Del Sur Court (Project); and

WHEREAS, on July 28, 1998, the City Council of the City of San Diego adopted Ordinance No. 0-26291, certifying Environmental Impact Report No. 96-7902, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on November 22, 2013, SPIC DEL SUR, LLC, a Delaware Limited Liability Company, Owner/Permittee submitted an application to the Development Services Department for approval of minor technical changes or additions to the Project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Environmental Impact Report if such Addendum meets the requirements of CEQA; and

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

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

1. That the information contained in Environmental Impact Report No. 96-7902 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in Environmental Impact Report for the Project.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in Environmental Impact Report No.96-7902 along with the Addendum thereto or that any significant effects previously examined will be substantially more severe than shown in Environmental Impact Report No .96-7902.
4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.
5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts final Addendum to Environmental Impact Report No.96-7902 with respect to the Project, a copy of which is on file in the office of the City Clerk.
6. That pursuant to CEQA Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.
7. That City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN GOLDSMITH

By: _____
Shannon Thomas, Deputy City Attorney

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Vesting Tentative Map No. 1198583, Planned Development Permit No. 1198582, Site Development Permit No. 1198581 and Easement Vacation No. 1451202

PROJECT NO. 340962

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Environmental Impact Report No. 96-7902 shall be made conditions of Vesting Tentative Map No. 1198583, Planned Development Permit No. 1198582, Site Development Permit No. 1198581 and Easement Vacation No. 1451202 as may be further described below.

AIR QUALITY (CONSTRUCTION)

In order to avoid potential construction-related air quality impacts, the following mitigation measures shall be implemented by the project applicant:

1. The area being graded at any one time would be minimized. Also, if possible, low pollutant-emitting construction equipment would be used and the equipment would be equipped with prechamber diesel engines or their equivalent. Electrical construction equipment would be used, if feasible.
2. In addition, dust control during construction and grading operations would be regulated in accordance with the rules of the San Diego APCD. The following measures would reduce fugitive dust impacts:
 - a. All unpaved construction areas would be sprinkled with water or other acceptable San Diego APCD dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents would be applied during dry weather or windy days until dust emissions are not visible.
 - b. Trucks hauling dirt and debris would be covered to reduce windblown dust and spills
 - c. On dry days, dirt and debris spilled onto paved surfaces would be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites would be cleaned daily of construction-related dirt in dry weather.
 - d. On-site stockpiles of excavated material would be covered or watered.
3. To reduce construction-related vehicle emissions, ride share opportunities would be encouraged and construction vehicle access would be limited to roads determined in a temporary traffic congestion management plan. In addition, construction staging areas

would be as far away from existing or completed residences as possible. Construction activities would also be limited to the hours of 7AM to 7PM Monday through Saturday under San Diego's Noise Ordinance Section 36.410 for operating construction equipment.

PALEONTOLOGICAL RESOURCES

In order to avoid potential direct paleontological resources impacts, the following mitigation measures shall be implemented by the project applicant:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or

suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above Mitigation Monitoring and Reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates or occupancy and/or final maps to ensure the successful completion of the monitoring program.

CITY COUNCIL RESOLUTION NUMBER R-_____

AMENDED VESTING TENTATIVE MAP NO. 1198583
DEL SUR COURT - PROJECT NO. 340862 [MMRP]

WHEREAS, SPIC DEL SUR, LLC, a California Limited Liability Company, Subdivider, and Raymond L. Martin, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1198583 for the subdivision of a 39.05 acre site into 130 lots for single family residential, 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units, and 12 homeowner association lots. The project site is located east of Camino Del Sur at Del Sur Court in the RM-2-6 Zone of the Black Mountain Ranch Subarea Plan; and

WHEREAS, the property is legally described as Parcels 1 and 2 of Parcel Map No. 21213, according to Parcel Map No. 21213 filed in the Office of the County Recorder of San Diego County January 28, 2015; and

WHEREAS, the Map proposes the subdivision of a 39.05 acre site into 130 lots for single family residential units, 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units, and 12 lots for a future homeowners association.; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is seventy-six; and

WHEREAS, the design of the proposed, privately-owned underground utilities will be constructed within the subdivision and are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240-Underground Conversion of Utility Lines at Developers Expense; and

WHEREAS, on April 20, 2015, the City of San Diego, as Lead Agency, prepared Addendum to Environmental Impact Report No. 96-7902, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.);

WHEREAS, on June 18, 2015, the Planning Commission of the City of San Diego considered Amended Vesting Tentative Map No. 1198583, and pursuant to Resolution No. PC-015-(to be filled in) voted to recommend approval of the Amended Vesting Tentative Map; and

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

WHEREAS, on (date to be filled in), 2015, the City Council of the City of San Diego considered Amended 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 City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Amended Vesting Tentative Map No. 1198583:

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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age- restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The Project site has a land use designation of Residential as identified in the Black Mountain Ranch Subarea Plan Land Use Map Figure 3.2 (Attachment 8). The Residential Land Use designation is identified as Core Residential with a density that allows between 10 and 25 dwelling units per acre not to exceed 300 dwelling units as identified in the Land Use element of the Subarea Plan. The project proposes to construct 206 age restricted (55 years old and over) dwelling units on approximately 38 acres, resulting in a land use density of just over five dwelling units per acre for the Project site, consistent with the Peripheral Residential density category of the Subarea Plan and will transfer 94 dwelling units to the North Village Mixed Use Core. The Project is consistent with the requirements of the Black Mountain Ranch Subarea Implementation section and would not adversely affect the residential density goals and policies of the Subarea Plan as it relates to density within the community. The Black Mountain Ranch Subarea Plan Implementation section allows for the transfer of development entitlements, measured in equivalent dwelling units, 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 96 dwelling units from a property that allows residential development to properties within the North Village that allow residential development will be consistent with the provisions of the Implementation Section of the Subarea Plan. The proposed transfer provides for additional housing within and near the Mixed Use Core consistent with the Goals and Policies of the Subarea Plan Land Use and Housing Elements. The Project is consistent with the goals and policies of the Black Mountain Ranch Subarea Plan by proposing a predominantly residential community with an extensive open space, park, and

recreation system. The proposed development areas have been located to minimize grading and preserve environmentally sensitive 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 Project development area is within the original development footprint of the previously approved project which has been graded in accordance with legally issued construction permits and only minor additional impacts to environmentally sensitive areas will occur and will be mitigated as required by the City's adopted Biology Guidelines. The proposed Project will be harmonious with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan. The Project will implement the goals and policies of the Black Mountain Ranch Subarea Plan relevant to the site and therefore will not adversely affect the applicable land use plan. Therefore, the proposed 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to lot area and lot dimensions, street frontage and minimum yard setbacks that are consistent with the currently adopted Black Mountain Ranch North Village Community Design Guidelines. The deviations are consistent with and implement the principles of the approved Community Design Guidelines, approval of these deviations will allow a project design that is with the existing and developing character of the community than a project which might be required to strictly adhere to zoning regulations of the zone. 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.

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. These deviations would create residential lots consistent with the purpose and intent of the Planned Development Permit procedures and regulations 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. The requested deviations are consistent with other developments in the North Village of the Black Mountain Ranch Subarea Plan.

The Project proposes a deviation from the minimum lot size of the RM-2-6 zone which is 6,000 square feet. Of the 143 residential lots to be created by the Project, 130 would be less than 6,000 square feet. These lots would range in size from 4,025 to 5,959 square feet. The Project proposes a deviation from the 15 foot minimum front yard setback of the RM-2-6 zone and proposes a minimum front yard setback of 5 feet for all 143 residential lots. The design of the future homes would be in conformance with the adopted Black Mountain Ranch North Village Community Design Guidelines. 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 Project will be consistent with these design guidelines and the present regulations of the RM-2-6 Zone with deviations, as allowed through the approval of a Planned Development Permit.

The project site is within the master planned community of Black Mountain Ranch. The Black Mountain Ranch Subarea Plan designates this site for core 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 density residential uses. The Project, implements the goals and policies of the Black Mountain Ranch Subarea Plan by combining a residential community within 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 Del Sur Court location is unique by being surrounded by, except for access, the Subarea Plan's 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, provides 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. 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 Del Sur Court neighborhood contributes to this system by providing an important linkage to the open space areas directly adjacent to the site.

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, as allowed by the Planned Development Permit regulations.

In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes 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 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age- restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The site has been previously graded pursuant to prior construction permit approvals. The proposed re-subdivided development area is within the original development footprint. The applicant's consultant submitted an Addendum to Update Geotechnical Investigation, Black Mountain Ranch Senior Housing Site prepared by Geocon Inc., dated October 27, 2008 and Update Geotechnical Investigation, Black Mountain Ranch Senior Housing Site prepared by Geocon Inc., dated August 10, 2007, and a Drainage Study and Water Quality Technical Report which find the site is physically suitable for the type and density of the proposed development. 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age- restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The vesting tentative map development area is within a previously approved development footprint. A minimal amount of impact to environmentally sensitive lands will occur as the site has been previously graded pursuant to prior construction permit approvals. No development beyond that which was originally approved is proposed by the vesting tentative map. There are no watercourses on or adjacent to the proposed project site. Therefore, the proposed 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units

and 76 would be condominium age- restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations. Technical studies prepared for the vesting tentative map conclude the site is appropriate for the proposed development and will not be detrimental to the public health, safety, and welfare. The conditions of approval will assure all development meets or exceeds the requirements of the federal, state and local regulations as these regulations address the subdivision of property.

The proposed Del Sur Court, together with the surrounding open space and 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 Del Sur Court 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age- restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The design of the vesting tentative map provides for a network of private easements that will be granted to a Homeowners' Association whereby all ingress and egress improvements will be privately owned and maintained by the Homeowners' Association. 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The vesting tentative map 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 dwelling units and these Design Guidelines will 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 amended vesting tentative map proposes to subdivide Del Sur Court, a portion of Parcel Map No. 21213, to develop 206 dwelling units, 130 would be single family age-restricted units and 76 would be condominium age-restricted units all within a gated community on private driveways. The 130 single family units would be on fee simple lots. The 76 condominium units would be on 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units and 12 lots for a future homeowners association. The proposed density is allowed by the existing RM-2-6 zone regulations.

The Black Mountain Ranch Subarea Plan requires new development to provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Commission. The project proposes 206 residential dwelling units. The affordable housing obligation has been satisfied within the North Village area of the Black Mountain Ranch Subarea Plan. Balancing the needs for public facilities are provided within the development of the Black Mountain Ranch Subarea Plan and assured through the Public Facilities Financing Plan and 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 DOC No. 2002-0043111 recorded on January 17, 2002 of official records of the San Diego County Recorder's Office. The vesting tentative map 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 determined the effects of the proposed subdivision on the housing needs of the region will create a positive effect. Furthermore the decision maker has determined those needs are balanced against the needs for public services and the available fiscal and environmental resources and found the proposed subdivision 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 City Council, Amended Vesting Tentative Map No. 1198583, is hereby granted to SPIC DEL SUR, LLC, a California Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN GOLDSMITH

By: Shannon Thomas, Deputy City Attorney

ATTACHMENT: Amended Vesting Tentative Map Conditions

Internal Order No. 24004098

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1198583

DEL SUR COURT - PROJECT NO. 340862 [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 DOC No. 2002-0043111 recorded on January 17, 2002 of official records of the San Diego County Recorder's Office 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. Prior to the expiration of the Tentative Map, a Final Map to subdivide lots shall be recorded in the office of the County Recorder.
3. 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.
4. 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.
5. The final map shall conform to the provisions of Planned Development Permit No. 1198582 and Site Development Permit No. 1198581.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section

Project No. 340862
VTM No. 1198583

66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. 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.
10. 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.
11. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
12. 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.
13. 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

14. 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.
15. Prior to the recordation of the Final Map, the thirty foot emergency access easement shown outside of the map boundary shall be granted to the City. A legal description, drawing and deed shall be recorded at the office of the County Recorder's office.
16. "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].
17. "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."
18. 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

19. The Subdivider shall grant water and sewer easements, as shown on the approved tentative map, satisfactory to the Public Utilities Director and the City Engineer.

20. The Subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments into the water and sewer easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
21. For any portion of the subdivision which will have gated access, the Subdivider shall provide keyed access to the Water Operations Branch and Wastewater Collection Divisions of the Public Utilities Department in a manner satisfactory to the Public Utilities Director. The City will not be responsible for any issues that may arise relative to the availability of keys.

TRANSPORTATION

22. The Subdivider shall indicate on the final map all property owners shall have a right of joint use and mutual access on private driveways "A," "B," and "C" as shown on the Vesting Tentative Map, satisfactory to the City Engineer.
23. The Subdivider shall indicate on the final map all condominium lots shall have a private reciprocal access and utility easement on each private driveway for the benefit of future owners of said condominium lots, satisfactory to the City Engineer.

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. 24004098

Project No. 340862
VTM No. 1198583

CITY COUNCIL RESOLUTION NO. R-
PLANNED DEVELOPMENT PERMIT NO. 1198582 and
SITE DEVELOPMENT PERMIT NO. 1198581
Amending Planned Development Permit No. 497493 and
Site Development Permit No. 497494
DEL SUR COURT - PROJECT NO. 340862

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 subdivide and develop the Del Sur Court project for the creation of 130 lots for single family residential, 11 condominium lots with 6 residential units per lot, 1 condominium lot with 7 units, 1 condominium lot with 3 units, and 12 homeowner association lots (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1198582 and 1198581), on portions of an approximately 38.40 acre site;

WHEREAS, the project site is located easterly of Camino Del Sur, approximately one mile north of San Dieguito Road in the RM-2-6 Zone of the Black Mountain Ranch Subarea Plan;

WHEREAS, the project site is legally described as Parcel 1 and 2 of Parcel Map 21213, filed January 28, 2015;

WHEREAS, on April 20, 2015, the City of San Diego, as Lead Agency, prepared Addendum to Environmental Impact Report No. 96-7902, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.);

WHEREAS, on June 18, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1198582 and Site Development Permit No. 1198581, and pursuant to Resolution No. PC-015-(to be filled in) voted to recommend approval of the Permit;

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

Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on (to be filled in) 2015 , testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

That the City Council adopts the following written Findings on (to be filled in) 2015 .

FINDINGS:

Planned Development Permit - Section 126.0604

1. **The proposed development will not adversely affect the applicable land use plan.** The Del Sur Court project (Project) proposes to subdivide and develop 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) and amend the Black Mountain Ranch North Village Community Design Guidelines.

The project site is located in the north village 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 Core Residential development uses at a density range of ten to twenty-five dwelling units per acre. The Project proposes a density range of 5.4 dwelling units per acre and will transfer 94 dwelling units to the North Village Mixed Use Core, is consistent with the requirements of the Black Mountain Ranch Subarea Implementation section and would not adversely affect the residential density goals and policies of the Subarea Plan as it relates to density within the community. The Black Mountain Ranch Subarea Plan Implementation section allows for the transfer of development entitlements, measured in equivalent dwelling units, 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 96 dwelling units from a property that allows residential development to properties within the North Village that allow residential development would be consistent with the provisions of the Implementation Section of the Subarea Plan. The proposed transfer provides for additional housing within and near the Mixed Use Core consistent with the Goals and Policies of the Subarea Plan Land Use and Housing Elements.

The Project is consistent with the goals and policies of the Black Mountain Ranch Subarea Plan by proposing a predominantly residential community with an extensive open space, park, and recreation system. The proposed development areas have been located to minimize grading and preserve environmentally sensitive 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 Project development area is within the original development footprint of previously approved project which has been graded by

legally issued construction permits and only minor additional impacts to environmentally sensitive areas will occur and will be mitigated as required by the City's adopted Biology Guidelines. The proposed Project will achieve harmony with the immediately adjacent neighborhood as well as the Black Mountain Ranch Subarea Plan.

As outlined in the Black Mountain Ranch Subarea Plan, all Residential Cluster sites and Perimeter Properties are required to adopt the Design Guidelines approved for the Black Mountain Ranch Vesting Tentative Map/Planned Residential Development or are required to develop independent design guidelines in conformance with policies in the Community Design Element Subarea Plan. The proposed project site and proposed dwelling unit product types will be subject to the North Village Community Design Guidelines and residential design standards in conformance with policies in the Community Design Element Subarea Plan. The Project will implement the goals and policies of the Black Mountain Ranch Subarea Plan relevant to the site and 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 Del Sur Court project (Project) proposes to subdivide and develop 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) and amend the Black Mountain Ranch North Village Community Design Guidelines.

The proposed Project 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 Department's fire protection policies, water and sewer study recommendations and the City's affordable housing policies and regulations. In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes 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 Del Sur Court project (Project) proposes to subdivide and develop 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) and amend the Black Mountain Ranch North Village Community Design Guidelines.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to lot area and lot dimensions, street frontage and minimum yard setbacks that are consistent with the currently adopted Black Mountain Ranch North Village Community Design Guidelines. The deviations are consistent with and implement the principles of the approved Community Design Guidelines, approval of these deviations will allow a project design that is with the existing and developing character of the community than a project which might be required to strictly adhere to zoning regulations of the zone. 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:

The Project requires the approval of eight deviations from the development regulations of the RM-2-6 Zone. These deviations are as follows:

	<u>RM-2-6 Zone</u>	<u>Proposed</u>
• Minimum Street Frontage	50 feet	None (private driveway)
• Minimum Lot Size	6,000 square feet	1,250 – 4,000 square feet
• Lot Width	50 feet	20, 30 and 40 feet
• Lot Depth	90 feet	40 and 50 feet
• Minimum Front Setback	15 feet	5 feet
• Minimum Side Setback	5 feet	3 feet
• Minimum Street Side Setback	10 feet	4 and 5 feet
• Minimum Rear Setback	15 feet	5 and 10 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. These deviations would create residential lots consistent with the purpose and intent of the Planned Development Permit procedures and regulations 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. The requested deviations are consistent with other developments in the North Village of the Black Mountain Ranch Subarea Plan.

The Project proposes a deviation from the minimum lot size of the RM-2-6 zone which is 6,000 square feet. Of the 143 residential lots to be created by the Project, 130 would be less than 6,000 square feet. These lots would range in size from 4,025 to 5,959 square feet. The Project proposes a deviation from the 15 foot minimum front yard setback of the RM-2-6 zone and proposes a minimum front yard setback of 5 feet for all 143 residential lots. The design of the future homes would be in conformance with the adopted Black Mountain Ranch North Village Community Design Guidelines. 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 Project will be consistent with these design guidelines and the present regulations of the RM-2-6 Zone with deviations, as allowed through the approval of a Planned Development Permit.

The project site is within the master planned community of Black Mountain Ranch. The Black Mountain Ranch Subarea Plan designates this site for core 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 density residential uses. The Project, implements the goals and policies of the Black Mountain Ranch Subarea Plan by combining a residential community within 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 Del Sur Court location is unique by being surrounded by, except for access, the Subarea Plan's 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, provides 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. 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 Del Sur Court neighborhood contributes to this system by providing an important linkage to the open space areas directly adjacent to the site.

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, as allowed by the Planned Development Permit regulations.

Site Development Permit - Section 126.0504

1. **The proposed development will not adversely affect the applicable land use plan.** The Del Sur Court project (Project) proposes to subdivide and develop 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) and amend the Black Mountain Ranch North Village Community Design Guidelines.

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 core residential development, and all of the areas surrounding the project have been approved or are under construction for low and very low density 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, and 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 Del Sur Court project (Project) proposes to subdivide and develop 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) and amend the Black Mountain Ranch North Village Community Design Guidelines.

The proposed Project 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 Department's fire protection policies, water and sewer study recommendations, the City's affordable housing policies and regulations. 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 Del Sur Court project (Project) proposes to subdivide and develop 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) and amend the Black Mountain Ranch North Village Community Design Guidelines.

While the Project complies with the majority of the development regulations of the applicable zone there are requested deviations relative to lot area and lot dimensions and minimum yard setbacks that are consistent with the currently adopted Design Guidelines for the North Village 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 City Council, Planned Development Permit No. 1198582 and Site Development Permit No. 1198581 are hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1198582 and 1198581, a copy of which is attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH

By: _____
Shannon Thomas, Deputy City Attorney

Job Order No. 24004083

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004098

PLANNED DEVELOPMENT PERMIT NO. 1198582 and
SITE DEVELOPMENT PERMIT NO. 1198581

DEL SUR COURT PROJECT NO. 340862 [MMRP]

Amending Planned Residential Development/Resource Protection Ordinance Permit No.95-0173
and Planned Development Permit No. 497493 and Site Development Permit No. 497494

CITY COUNCIL

This Planned Development Permit No. 1198582 and Site Development Permit No. 1198581, amending Planned Residential Development/Resource Protection Ordinance Permit No.95-0173 and Planned Development Permit No. 497493 and Site Development Permit No. 497494, is granted by the City Council of the City of San Diego to SPIC DEL SUR, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code §126.0604 and §126.0504. The 38.40 acre site is located east of Camino Del Sur at Del Sur Court in the RM-2-6 Zone of the Black Mountain Ranch Subarea Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 21213, according to Parcel Map No. 21213 filed in the Office of the County Recorder of San Diego County January 28, 2015.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop a 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) project described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 18, 2015, on file in the Development Services Department.

The project shall include:

- a. Develop a 206 age-restricted dwelling units (130 single family age-restricted units & 76 condominium age-restricted units) project on 130 single family fee simple lots, 13 lots for residential condominium development and 12 lots for a future homeowners association;

- b. Adoption of the amended Black Mountain Ranch North Village Community Design Guidelines for the development of individual lots;
- c. Eight deviations relative to minimum street frontage, lot size, width and depth and minimum setbacks, specifically described as:

	<u>RM-2-6 Zone</u>	<u>Proposed</u>
• Minimum Street Frontage	50 feet	None (private driveway)
• Minimum Lot Size	6,000 square feet	1,250 – 4,000 square feet
• Lot Width	50 feet	20, 30 & 40 feet
• Lot Depth	90 feet	40 and 50 feet
• Minimum Front Setback	15 feet	5 feet
• Minimum Side Setback	5 feet	3 feet
• Minimum Street Side Setback	10 feet	4 and 5 feet
• Minimum Rear Setback	15 feet	5 and 10 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 must be utilized by 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 DOC No. 2002-0043111 recorded on January 17, 2002 at the San Diego County Recorder's Office 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

14. The mitigation measures specified in the MMRP and outlined in Addendum to Environmental Impact Report No. 96-7902 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 96-7902, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Land Use (MSCP)

Biology

Air Quality

ENGINEERING REQUIREMENTS:

16. The Planned Development Permit and Site Development Permit shall comply with all conditions of the Tentative Map No. 1198583.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, on the construction plans or in the specifications.

18. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

19. Prior to the issuance of any construction permit, the Owner/Permittee 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.

20. 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.

21. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

22. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2013-0001. 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.

23. The Owner/Permittee 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.

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

LANDSCAPE REQUIREMENTS:

25. 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 and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

26. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit complete Landscape Construction Documents showing the brush management zones on the property in substantial conformance with Exhibit "A" in accordance with the Landscape Standards and to the satisfaction of the Development Services Department.

27. 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.

28. 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 show, label, and dimension a forty square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

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

30. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

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

32. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

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

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

TRANSPORTATION REQUIREMENTS:

35. Prior to the issuance of any building permit, the project shall demonstrate conformance with the Black Mountain Ranch Transportation Phasing Plan and EIR satisfactory to the City Engineer.

36. A minimum of 610 automobile parking spaces including 6 disabled (with 412 automobile parking spaces required) shall be permanently maintained on the property within the approximate location shown on the Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

37. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water, sewer and recycled water facilities as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

38. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of two 12-inch diameter water mains and a 12-inch diameter recycled water main and must abandon portions of the two existing 12-inch diameter

water mains and recycled water main as shown on approved Exhibit “A,” in a manner satisfactory to the Public Utilities Director and the City Engineer.

39. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

40. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Public Utilities Director and the City Engineer. All irrigation systems must be designed to utilize reclaimed water.

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

42. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event any such facility loses integrity, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Director and the City Engineer.

43. 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.

44. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

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 City Council of the City of San Diego on (to be filled in), 2015 by Resolution No. R-2015-XCX.

DRAFT

Permit Type/PTS Approval No.: PDP No. 1198582 and SDP No. 1198581

Date of Approval: (to be filled in)

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 California 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

February 4, 2015

Attendees: Jon Becker, Thom Clark, Bill Diehl, Bill Dumka, Stephen Egbert, Steve Gore, John Keating, Ruth Loucks, Jack McGuire, Darren Parker, Darshana Patel (appointed 2/4/15), Jeanine Politte, Brian Reschke, Keith Rhodes, Mike Shoecraft, Rod Simmons, Ramesses Surban, Brooke Whalen

Absent: none

Community Members & Guests (Voluntary Sign-in): Leslie Lucas, Tim Lucas, Stephanie Craghead, Greg & Genny Chase, Barry Martin, Chris Brady, Aurelio Ramos, Barbara Camarillo, Gloria Kuramoto, Audrey Blenkle, Frank Xu, Lisa Arnold, Linda Ann Brady, Christine Schaffer, Cindy Monzingo, Trina Gerdes-Hughes, John Groll, Paul Hoover, Denise Bryan, Sasha Harvey, Pam Blackwill, Mary Alice Schmidt, Anne DeBevoise, Don Bledsoe, Karlene Blackburn

1. The meeting was called to order at 7:34 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum (17) was present.
2. Agenda Modifications: none
3. Public Safety Agencies: none present
4. Public Forum:
 - a. Tim Lucas encouraged residents to get involved in their community and the process; the planning board members are all volunteers and put in a lot of effort in supporting the community. He urged attendees to sign up for the email list, attend meetings regularly and even run for a board seat. He's been involved in his community for many years.
 - b. Gloria Kuramoto asked the members to consider the big picture of all developments when reviewing Merge 56 and Rhodes Crossing, not just the individual projects; impacts will be felt by all of Rancho Peñasquitos and Torrey Highlands and along SR-56.
 - c. Anne DeBevoise said that she misspoke last month. Her property is not land-locked, but utilities to their property will come through other properties owned by others, via the roads.
5. APPROVAL OF MINUTES: November 5, 2014 & January 7, 2015
Motion: To approve the November 5, 2014 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Shoecraft/Becker/Approved, 16 in favor – 0 against – 1 abstention (Loucks).
Motion: To approve the January 7, 2015 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Shoecraft/Reschke/Approved, 13 in favor – 0 against – 4 abstentions (Egbert, Loucks, Simmons, Whalen).
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
 - Pothole crews will be in District 5 on 2/11/15 and 2/25/15; residents can report potholes or cracks on the Council District 5's website, Streets Division by phone or website or contact Hager to get community potholes on the list.
 - Becker inquired if the potholes need to be reported prior to the crews scheduled outing?
 - Hager said yes.
 - Surban asked for clarification on the more effective ways to report potholes so

Antennas as presented with the following conditions: 1) increase height 3 feet with maximum foliage and shape, 2) add 5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees in the grove. M/S/C – Gore/Rhodes/Discussion.

- Reschke suggested an amendment to change the faux eucalyptus to a mono-pine tree.
- Politte asked if his amendment was to change the tree or ask the City to explore a mono-pine as an option? Reschke said to change it.
- Gore and Rhodes agreed to accept the amendment to change the tree to a mono-pine.
- Rhodes asked, which tree hides the antenna array better, the pine or eucalyptus? He added that we don't want a tree that won't hide the antenna.
- Whalen said the additional trees are not going to be big enough to hide the tree initially. She asked to amend the motion by removing the mono-pine and change it back to the faux Eucalyptus. It would blend better with the existing and the new additional trees. Gore and Rhodes agreed to change the tree type back to Eucalyptus.
- Egbert asked if all the other previous conditions have been included in the revised plans? Yes.
- Discussion on maintaining the new trees until established as there is no irrigation.
- Keating asked for clarification that the motion was for a faux eucalyptus? Yes.
- Dumka suggested that we recommend that somehow the site be conditioned that additional carriers on this site be required to come to RPPB for approval.
- Becker rephrased that if additional carriers to this site, that they be required to come before RPPB. Amendment was accepted by Gore and Rhodes.

Motion: To approve the Verizon Wireless Communication Facility (WCF), PTN #379009 at Ridgewood Park, 12604 La Tortola for a proposed Faux Eucalyptus Tree with Twelve Antennas as presented with the following conditions: 1) increase height 3 feet with maximum foliage and shape, 2) add 5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees in the grove, and 3) require that future wireless carriers to this site must come to RPPB. M/S/C – Gore/Rhodes/**Approved**, 11 in favor – 7 against (B. Diehl, Loucks, Patel, Politte, Shoecraft, Simmons, Surban) – 0 recusals/abstentions.

** Parker excused himself and left; 17 members present.

c. **Del Sur Court Vesting Tentative Map, Planned Development Permit and Site Development Permit for 206 age restricted dwellings on an approximately 38 acre site in Black Mtn. Ranch** – Bill Dumka, Standard Pacific (Action Item)

- Dumka recused himself.
- Dumka reviewed the project. The site is located just off Camino del Sur north of Lusardi Creek. The entry is at Del Sur Court, a signaled intersection. The site is surrounded by single family homes with motor court style homes in the center. The homes will be for 55 and older residents. There will be 2 bedroom units up to 3 bedroom units, some with lofts. Sizes range between 1300 s.f. up to just under 3,000 s.f. It's a gated community with private streets, common landscaped areas. This site is under the umbrella of the North Village Tentative Map. The site is already graded. They received cycle comments last week. It was previously designated for 300 units and this proposal is 206 units.
- Reschke asked if this was originally the hotel/golf course site?
 - Dumka said the site was originally planned for the hotel/golf course, then re-designated as a multi-family residential site and proposed for continuing care retirement community. Then they looked at other alternatives and came back with the age restricted project for 206 units.

- Loucks asked where the golf course is currently planned and when would that go in?
 - Dumka said the golf course is not going in; the remaining lands will be revegetated and is designated as open space.
- McGuire noted that the 2014 fire came down the southern edge of the parcel.
 - Dumka said the trail connection around this parcel provide access to the backside of these homes for the fire department to access a wildfire.
- Gore asked if the units would have a Mello Roos?
 - Dumka said yes, but it would be different/reduced because there will be seniors and no need to fund schools for these parcels. It would end up at 1.5% for infrastructure.
- Patel asked about parking availability for guest and unit parking.
 - Dumka said each unit will have a 2 car garage, plus the single family units will also have driveways. The public will park on the street, parking on both sides.
- Politte inquired if the streets were 2 lanes?
 - Dumka replied yes.
 - Keating asked, how wide? The City will allow at a minimum 32 feet wide up to 40 feet curb to curb.
 - Dumka said it is 32 feet wide.
- Rhodes asked if they would be processing both a condo map and a single family map?
 - Dumka said there is a condo map for the 6 unit clusters because 2 of the units in the clusters are attached. All other units are single family.
 - Rhodes asked for clarification on the initial unit count approved by the voters and inquired about the timeline when the parcel was changed to the golf course?
 - Dumka said 5400 units were approved by the voters. The golf course and hotel were in the original vote and not counted as units. They won't be above the approved number of units in all of BMR.
- Clark said he received a letter dated 10/23/14 noticing a street vacation. Is this the same project and what has happened since then? What are we approving?
 - Dumka said the project is smaller and they need approval of the tentative map which includes a PDP and SDP. This is project #340862. The street vacation was actually done a few years ago, but there will be some utility easements that need to be vacated in the cleanup.
- Politte asked if the design is similar to Camelot and asked for clarification on the original 300 units at this site? She said she thought we had shifted the senior housing up to the North Village.
 - Dumka said there is more variety of the product types and less intense than Camelot, most of this is detached housing. The remaining 94 senior units were shifted to the North Village.
 - Politte noted that the residents would need to park in their garage and won't be able to park in the motor court. How is trash pickup going to work?
 - Dumka said it will be private.
 - She added that on one of the exhibits, it showed bollards blocking access to the North Village Trail, but it wasn't shown on the landscape design. Did they intend to keep the bollards?
 - Dumka said the bollards would remain and that the trail is the secondary exit in case of emergency.

- Politte noted that the trail would need to be fenced so the older seniors stay on the path and added that she felt the street widths of 32 were a bit narrow for a senior community that will be driving. Architecture illustrations weren't provided, why?
- Dumka said it is all covered in the Design Guidelines. Camelot was not included in the guidelines, that's why RPPB was asked to look at it.

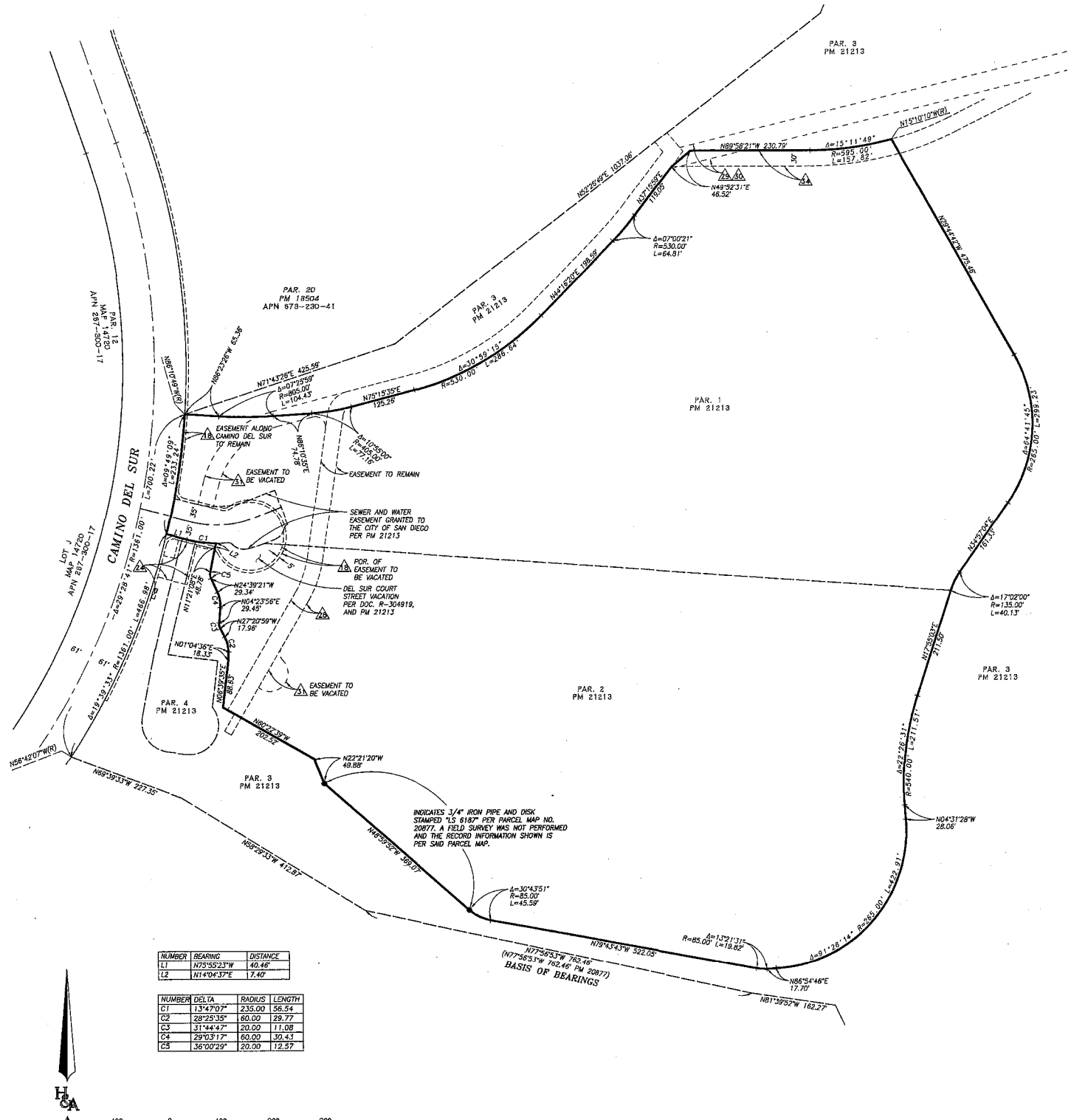
Motion: To approve the Del Sur Court Vesting Tentative Map, Planned Development Permit and Site Development Permit for 206 age restricted dwellings on an approximately 38 acre site in Black Mtn. Ranch as presented. M/S/C – Surban/Loucks/ Discussion.

- Keating noted there is very limited parking near the clubhouse. This site is far removed from the town center and we're isolating seniors.
 - Dumka said they are rearranging to provide 12 spaces in a revised map at the clubhouse.
- Patricia (BMR) asked if there has been a change in City requirements for access to public transportation, grocery stores, etc?
 - Dumka said there is language addressing what Keating is suggesting and other language addressing the need for diverse senior community solutions.
- Dumka added that the community center would be 10,000 s.f. which is pretty extensive. This will be more of an active seniors community.
- With no further discussion, Clark called for a vote on the motion as follows:

Motion: To approve the Del Sur Court Vesting Tentative Map, Planned Development Permit and Site Development Permit for 206 age restricted dwellings on an approximately 38 acre site in Black Mtn. Ranch as presented. M/S/C – Surban/Loucks/Approved, 15 in favor – 0 against – 1 abstention (Patel) – 1 recusal (Dumka).

** Keating excused himself and left; 16 members present.

- d. **Authorize expenditures from the Community Planners budget for printing and website domain renewal** – Jon Becker, RPPB (Action Item)
- Becker noted that the CPC have \$500 for this year which we can use to reimburse members for expenses through this June 30th or we lose it. We have renewal of our 3 domain names coming due with GoDaddy and he was thinking that it might be a good idea to pay for Carbonite for cloud storage as an annual fee. Domains will run approximately \$15 ea x 3 domains. He is requesting authorization to renew and submit the invoice.
 - Gore said that Google Drive has 15 Gigs of space which is plenty of room for our files and there is no need for Carbonite. He thinks it might be better to spend it on hours for someone outside the board to upload.
 - Patel noted that the Town Council is putting up a few proposals, they have been approached by a community member who volunteered to do the Town Council website and offered to help RPPB (Frank Xu has people who want to do community service work). She suggested that RPPB check into whether we might need to deal with worker's comp and other issues if we hire someone to do the work.
 - Politte said, the Google website needs to be populated with documents before we publish that we have a website.
 - Gore noted that it might not be appropriate for someone outside the group to have access to some of our documents and that we would probably need to develop policy/



LEGAL DESCRIPTION (PARCELS 1 & 2)


BASED ON A PRELIMINARY REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY AS ORDER NO. NMSC-4823669 DATED JANUARY 28, 2015.
PARCELS 1 AND 2 OF PARCEL MAP NO. 21213, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF
FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JANUARY 28, 2015 AS FILE NO. 2015-7000018 OF OFFICIAL RECORDS.
APN: 267-150-00-00 AND 267-150-00-00

TITLE REPORT EXCEPTIONS

THE FOLLOWING IS A LIST OF EXCEPTIONS PER A PRELIMINARY REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY AS ORDER NO. NMSC-4823669 DATED JANUARY 28, 2015.

- GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2015-2016, A LIEN NOT YET DUE OR PAYABLE.
- GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 2014-2015, ARE UNSEPARATED AT THIS TIME.
- GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2014-2015.
FIRST INSTALLMENT: \$54,422.50, PAID
PENALTY: \$0.00
SECOND INSTALLMENT: \$54,422.50, OPEN
PENALTY: \$0.00
TAX RATE AREA: 08050
A.P.N.O.: 267-150-33-00
AFFECTS: PARCEL 1 ALONG WITH OTHER PROPERTIES
- GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2014-2015.
FIRST INSTALLMENT: \$54,422.50, PAID
PENALTY: \$0.00
SECOND INSTALLMENT: \$54,422.50, OPEN
PENALTY: \$0.00
TAX RATE AREA: 08050
A.P.N.O.: 267-150-34-00
AFFECTS: PARCEL 2 ALONG WITH OTHER PROPERTIES
- 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. 2 (SANTALITO), AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED MARCH 24, 2000 AS INSTRUMENT NO. 2000-148590 OF OFFICIAL RECORDS.
- 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. 2000-063392 OF OFFICIAL RECORDS. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED AUGUST 7, 2002 AS INSTRUMENT NO. 2002-066501 OF OFFICIAL RECORDS.
- 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 11-SOUTHERN VILLAGES AND THE CLUSTERS), AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED FEBRUARY 19, 2003 AS INSTRUMENT NO. 2003-0184116 OF OFFICIAL RECORDS.
- 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 (DEL SUR), AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED FEBRUARY 1, 2006 AS INSTRUMENT NO. 2006-0076724 OF OFFICIAL RECORDS.
- 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 (DEL SUR), AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED FEBRUARY 1, 2006 AS INSTRUMENT NO. 2006-0076725 OF OFFICIAL RECORDS.
- 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. 15 (DEL SUR EAST), AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED DECEMBER 27, 2012 AS INSTRUMENT NO. 2012-0818721 OF OFFICIAL RECORDS.
- 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. 15 (DEL SUR EAST) IMPROVEMENT AREA B, AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED DECEMBER 27, 2012 AS INSTRUMENT NO. 2012-0818723 OF OFFICIAL RECORDS.
- THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT RUNNING WITH LAND" RECORDED JANUARY 05, 1998 AS INSTRUMENT NO. 1998-0006505 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT" RECORDED JUNE 30, 1997 AS INSTRUMENT NO. 1997-007774 OF OFFICIAL RECORDS. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT, ASSUMPTION AND RELEASE AGREEMENT" RECORDED JULY 02, 1998 AS INSTRUMENT NO. 1998-0411481 OF OFFICIAL RECORDS. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT, ASSUMPTION AND RELEASE AGREEMENT" RECORDED JULY 02, 1998 AS INSTRUMENT NO. 1998-0411488 OF OFFICIAL RECORDS. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JANUARY 17, 2002 AS INSTRUMENT NO. 2002-0043111 OF OFFICIAL RECORDS. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT, ASSUMPTION AND RELEASE AGREEMENT" RECORDED APRIL 25, 2003 AS INSTRUMENT NO. 2003-0498228 OF OFFICIAL RECORDS. DOCUMENT RE-RECORDED JUNE 17, 2003 AS INSTRUMENT NO. 2003-0714002 OF OFFICIAL RECORDS. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT AGREEMENT (ASSIGNMENT, ASSUMPTION AND RELEASE AGREEMENT (SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT)" RECORDED JUNE 19, 2003 AS INSTRUMENT NO. 2003-0724450 OF OFFICIAL RECORDS. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT RECORDED APRIL 17, 2013 AS INSTRUMENT NO. 2013-0238547 OF OFFICIAL RECORDS.
- AN OPTION IN FAVOR OF BLACK MOUNTAIN RANCH DEVELOPERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS CONTAINED IN OR DISCLOSED BY A DOCUMENT RECORDED JUNE 16, 1998 AS INSTRUMENT NO. 1998-0367087 OF OFFICIAL RECORDS. DOCUMENT RE-RECORDED JANUARY 26, 1999 AS INSTRUMENT NO. 1999-0044581 OF OFFICIAL RECORDS.
- AN EASEMENT FOR ACCESS AND INCIDENTAL PURPOSES, RECORDED JUNE 16, 1998 AS INSTRUMENT NO. 1998-0367089 OF OFFICIAL RECORDS.
IN FAVOR OF: BLACK MOUNTAIN RANCH DEVELOPERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
AFFECTS: AS DESCRIBED THEREIN. DOCUMENT RE-RECORDED JANUARY 26, 1999 AS INSTRUMENT NO. 1999-0044583 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUBAREA 1 BLACK MOUNTAIN RANCH PHASE 8 SCHOOL IMPACT MITIGATION AGREEMENT" RECORDED OCTOBER 20, 1998 AS INSTRUMENT NO. 1998-0876558 OF OFFICIAL RECORDS. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MARCH 24, 2003 AS INSTRUMENT NO. 2003-0323125 OF OFFICIAL RECORDS. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "PLANNED RESIDENTIAL DEVELOPMENT, RESOURCE PROTECTION ORDINANCE ALTERNATIVE COMPLIANCE (HILLSIDE REVIEW) PERMIT NO. 95-0173 BLACK MOUNTAIN RANCH" RECORDED JULY 22, 1999 AS INSTRUMENT NO. 1999-0508332 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT" RECORDED AUGUST 19, 2003 AS INSTRUMENT NO. 2003-1008292 OF OFFICIAL RECORDS.
- AN EASEMENT FOR GENERAL UTILITIES AND ACCESS AND INCIDENTAL PURPOSES, RECORDED JUNE 01, 2004 AS INSTRUMENT NO. 2004-0505802 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF SAN DIEGO
AFFECTS: AS DESCRIBED THEREIN
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "JOINT USE AGREEMENT" RECORDED JUNE 01, 2004 AS INSTRUMENT NO. 2004-0505805 OF OFFICIAL RECORDS.
- AN EASEMENT FOR PUBLIC UTILITIES, INGRESS, EGRESS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 07, 2005 AS INSTRUMENT NO. 2005-0099993 OF OFFICIAL RECORDS.
IN FAVOR OF: SAN DIEGO GAS & ELECTRIC COMPANY
AFFECTS: AS DESCRIBED THEREIN
- AN EASEMENT FOR PUBLIC UTILITIES, INGRESS, EGRESS AND INCIDENTAL PURPOSES, RECORDED JULY 26, 2005 AS INSTRUMENT NO. 2005-0631316 OF OFFICIAL RECORDS.
IN FAVOR OF: SAN DIEGO GAS & ELECTRIC COMPANY
AFFECTS: AS DESCRIBED THEREIN
- A NOTICE OF ASSESSMENT RECORDED FEBRUARY 07, 2006 AS INSTRUMENT NO. 2006-0096367 OF OFFICIAL RECORDS, EXECUTED BY CITY OF SAN DIEGO.
- COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, ASSESSMENTS, LIENS, CHARGES, TERMS AND PROVISIONS IN THE DOCUMENT RECORDED MARCH 14, 2006 AS INSTRUMENT NO. 2006-0175143 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION, OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, GENETIC INFORMATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SOURCE OF INCOME (AS DEFINED IN CALIFORNIA GOVERNMENT CODE § 12955(P)) OR ANCESTRY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 U.S.C. § 3604(C) OR CALIFORNIA GOVERNMENT CODE § 12955. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
NOTE: YOU MAY WISH TO CONTACT THE HOMEOWNERS ASSOCIATION REFERRED TO IN THE ABOVE DOCUMENT FOR INFORMATION REGARDING ASSESSMENTS, TRANSFER REQUIREMENTS OR OTHER MATTERS.
- A DECLARATION OF ANNEXATION RECORDED AUGUST 01, 2007 AS INSTRUMENT NO. 2007-0515300 OF OFFICIAL RECORDS, BUT DELETING ANY COVENANT, CONDITION, OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, GENETIC INFORMATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SOURCE OF INCOME (AS DEFINED IN CALIFORNIA GOVERNMENT CODE § 12955(P)) OR ANCESTRY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 U.S.C. § 3604(C) OR CALIFORNIA GOVERNMENT CODE § 12955. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
- AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED JULY 20, 2006 AS INSTRUMENT NO. 2006-0512334 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF SAN DIEGO
AFFECTS: AS DESCRIBED THEREIN
- AN EASEMENT FOR GENERAL UTILITIES AND ACCESS AND INCIDENTAL PURPOSES, RECORDED MARCH 08, 2007 AS INSTRUMENT NO. 2007-0163869 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF SAN DIEGO
AFFECTS: AS DESCRIBED THEREIN
- AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED MARCH 09, 2007 AS INSTRUMENT NO. 2007-0163968 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF SAN DIEGO
AFFECTS: AS DESCRIBED THEREIN
- AN EASEMENT FOR ACCESS AND INCIDENTAL PURPOSES, RECORDED MARCH 24, 2011 AS INSTRUMENT NO. 2011-0153202 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF SAN DIEGO
AFFECTS: AS DESCRIBED THEREIN
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEL SUR COMMUNITY ENHANCEMENT FEE AGREEMENT" RECORDED APRIL 17, 2013 AS INSTRUMENT NO. 2013-0238545 OF OFFICIAL RECORDS.
- THE LIEN FOR THE PAYMENT OF A TRANSFER FEE AS IMPOSED BY THE DOCUMENT ENTITLED "PAYMENT OF TRANSFER FEE REQUIRED PURSUANT TO SECTION 1098.5 OF THE CALIFORNIA CIVIL CODE" EXECUTED BY DEL SUR COMMUNITY SERVICES COUNCIL, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION AND SPIC DEL SUR, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED APRIL 17, 2013 AS INSTRUMENT NO. 2013-0238546 OF OFFICIAL RECORDS, AND SUBJECT TO THE TERMS, CONDITIONS, AND PROVISIONS CONTAINED THEREIN, THE IMPOSITION OF A TRANSFER OR CONVEYANCE FEE IS CONTAINED WITHIN THE DOCUMENT. THE PROVISIONS FOR SUCH A FEE REQUIRE IT TO BE PAID UPON TRANSFER OR CONVEYANCE OF THE LAND. SUCH IMPOSITION MAY INCLUDE A CONVEYANCE RESULTING FROM A FORECLOSURE OF AN INTEREST IN THE LAND AND ANY SUBSEQUENT TRANSFER, WHETHER OR NOT DERIVED THROUGH SUCH FORECLOSURE. NOTE: NO TRANSFER OF TITLE SHALL BE INSURED UNTIL PROVISIONS HAVE BEEN MADE FOR PAYMENT OF ANY APPLICABLE TRANSFER OR CONVEYANCE FEE. THE DOCUMENT MUST BE THOROUGHLY REVIEWED AND COMPLIED WITH PRIOR TO THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE.
- AN EASEMENT FOR SEWER FACILITIES, INGRESS, EGRESS AND INCIDENTAL PURPOSES, RECORDED AUGUST 6, 2013 AS INSTRUMENT NO. 2013-0492987 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF SAN DIEGO
AFFECTS: AS DESCRIBED THEREIN
- THE LIEN FOR THE PAYMENT OF A TRANSFER FEE AS IMPOSED BY THE DOCUMENT ENTITLED "PAYMENT OF TRANSFER FEE REQUIRED" EXECUTED BY DEL SUR COMMUNITY SERVICES COUNCIL, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION AND SPIC DEL SUR, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED APRIL 17, 2014 AS INSTRUMENT NO. 2014-0153445 OF OFFICIAL RECORDS, AND SUBJECT TO THE TERMS, CONDITIONS, AND PROVISIONS CONTAINED THEREIN, THE IMPOSITION OF A TRANSFER OR CONVEYANCE FEE IS CONTAINED WITHIN THE DOCUMENT. THE PROVISIONS FOR SUCH A FEE REQUIRE IT TO BE PAID UPON TRANSFER OR CONVEYANCE OF THE LAND. SUCH IMPOSITION MAY INCLUDE A CONVEYANCE RESULTING FROM A FORECLOSURE OF AN INTEREST IN THE LAND AND ANY SUBSEQUENT TRANSFER, WHETHER OR NOT DERIVED THROUGH SUCH FORECLOSURE. NOTE: NO TRANSFER OF TITLE SHALL BE INSURED UNTIL PROVISIONS HAVE BEEN MADE FOR PAYMENT OF ANY APPLICABLE TRANSFER OR CONVEYANCE FEE. THE DOCUMENT MUST BE THOROUGHLY REVIEWED AND COMPLIED WITH PRIOR TO THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE.
- AN EASEMENT SHOWN OR DEDICATED ON THE MAP AS REFERRED TO IN THE LEGAL DESCRIPTION
FOR: WATER AND SEWER AND INCIDENTAL PURPOSES.
AFFECTS: PARCEL 1
- WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- RIGHTS OF PARTIES IN POSSESSION, PRIOR TO THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE, THE COMPANY WILL REQUIRE.

PROJECT NO. 340862


PREPARED BY:	REVISION	DATE	BY
 HUNSAKER & ASSOCIATES SAN DIEGO, CA PLANNING: 507 Wagon Street ENGINEERING: San Diego, CA 92101 SURVEYING: P:\000000-000-1500000-000	ORIGINAL	11-04-13	H&A
	REV. PER CITY COMMENTS	4-23-14	H&A
	REV. PER CITY COMMENTS	7-11-14	H&A
	REV. NEW PARCEL MAP	12-16-14	H&A

RECORD BOUNDARY
AND ENCUMBERANCES
DEL SUR COURT
CITY OF SAN DIEGO, CALIFORNIA

SHEET
4
OF
9

CONCEPTUAL WATER CALCULATIONS

4000 Sovereign Valley Blvd.
Suite 200, CA 92621
gmp@earthlink.net
714 554 5497

 **LANDSCAPE
ARCHITECTURE
& PLANNING**

Prepared By: _____

Name: GMP

Address: 4010 SORRENTO VALLEY BLVD.
SUITE 200
SAN DIEGO, CA 92121

Phone #: (858) 558-8977

Project Address: _____
CAMINO DEL SUR
SAN DIEGO, CA

Project Name: _____
DEL SUR COURT

Sheet Title: _____
LANDSCAPE CONCEPT PLAN

Revision 11: _____

Revision 10: _____

Revision 9: _____

Revision 8: _____

Revision 7: _____

Revision 6: _____

Revision 5: _____

Revision 4: _____

Revision 3: 12-22-14

Revision 2: 07-17-14

Revision 1: 04-11-14

Original Date: _____

Sheet 08 OF 09

DEP # _____

PTS xxxxxxxxxxxxxx



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**

Del Sur Court, Black Mountain Ranch North Village

340862

Project Address:

Intersection of Camino Del Sur & Del Sur 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: Del Sur Court, Black Mountain Ranch North Village	Project No. (For City Use Only) <u>340862</u>
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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? CA 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

<div style="border-bottom: 1px solid black; padding-bottom: 5px;">Corporate/Partnership Name (type or print): <u>SPIC Del Sur LLC c/o Black Mountain Ranch LLC</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address: <u>16010 Camino Del Sur</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City/State/Zip: <u>San Diego, CA 92127</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Phone No: _____ Fax No: _____ <u>(858) 618-4911</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name of Corporate Officer/Partner (type or print): <u>William M. Dumka</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Title (type or print): <u>Authorized Representative</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Signature: <u></u> Date: <u>9-19-2013</u></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City/State/Zip:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Phone No: _____ Fax No: _____</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name of Corporate Officer/Partner (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Title (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Signature : _____ Date: _____</div>	<div style="border-bottom: 1px solid black; padding-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City/State/Zip:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Phone No: _____ Fax No: _____</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name of Corporate Officer/Partner (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Title (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Signature : _____ Date: _____</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City/State/Zip:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Phone No: _____ Fax No: _____</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name of Corporate Officer/Partner (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Title (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Signature : _____ Date: _____</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City/State/Zip:</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Phone No: _____ Fax No: _____</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name of Corporate Officer/Partner (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Title (type or print):</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Signature : _____ Date: _____</div>
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3/4/15
SPIC DEL SUR

**SECRETARY'S CERTIFICATE
OF
STANDARD PACIFIC INVESTMENT CORP.**

I, the undersigned, hereby certify that I am John P. Babel, Secretary of Standard Pacific Investment Corp., a company duly organized and existing under the laws of the State of Delaware (the "Company"). I further certify as follows:

1. The Company is the sole and managing member of SPIC Del Sur, LLC, and, as such, is authorized to act on its behalf.
2. The following Resolutions were duly adopted by the Board of Directors of the Company on March 3, 2015, are now in full force and effect, and have not been amended, modified or revoked:

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.

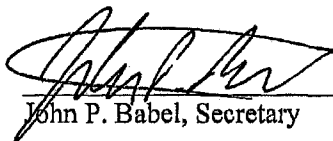
<u>Name</u>	<u>Title</u>	<u>Geographic Assignment</u>
Todd J. Palmaer	Regional President	No. Cal., Colorado, Texas
Edward T. McKibbin	Regional President	So. Cal., Arizona, Nevada
Elliot A. Mann	Division President	Southern California Coastal
Michael C. Battaglia	Vice President - Project Development	Southern California Coastal
Suzanne Ek	Vice President - Sales & Marketing	Southern California Coastal
Gary A. Jones	Vice President - Land Acquisition	Southern California Coastal
David R. Prolo	Vice President - Operations	Southern California Coastal
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Douglas G. Campbell	Vice President - Customer Care	Southern California Coastal
Leslie A. Goodale	Escrow Manager	Southern California Coastal
Sean Doyle	Director - Project Planning	Southern California Coastal
Richard Whitt Hollis	Director - Land Acquisition	Southern California Coastal
Crystal Burckle	Project Manager	Southern California Coastal
Dana Bieber	Project Manager	Southern California Coastal
Martin P. Langpap	Division President	Southern California Inland
Jeffrey Buffington	Director - Customer Service	Southern California Inland
Steven Seibert	Vice President - Construction	Southern California Inland
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Penny S. Roper	Closing Manager	Southern California Inland
Wendy L. Fisher	Area Sales 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	Regional Vice President - Land Operations	Southern California Region
Salvador Carlos	Purchasing Manager	Southern California Region
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Stephanie Yee	Offsite Purchasing Agent	Southern California Region
Jaren Nuzman	Regional Purchasing Agent	Southern California Region
Yessenia Santana	Regional Purchasing Agent	Southern California Region
Johnna Dalby	Offsite Purchasing Agent	Southern California Region
Ryan Cummins	Offsite Purchasing Agent	Southern California Region
William Ostrem	Division President	San Diego
Thomas Atkin	Vice President - Finance	San Diego
William Dumka	Vice President - Forward Planning	San Diego
Kurt Bruskotter	Vice President - Construction	San Diego

SPIC DEL SUR

David L. James	Vice President - Construction	San Diego
Laura D. Massas	Vice President - Sales & Marketing	San Diego
Alexander L. Plishner	Vice President - Project Management	San Diego
Heidi McBroom	Project Manager	San Diego
Jessica Damschen	Project Manager	San Diego
Richard Keller	Purchasing Agent	San Diego
Dorothy S. Willingham	Escrow Manager	San Diego
Erin Harden	Area Sales Manager	San Diego

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, I hereunto subscribe my name and affix the seal of the Company on this 4th day of March, 2015.


John P. Babel, Secretary

3/4/15
BMR LLC

**SECRETARY'S CERTIFICATE
OF
STANDARD PACIFIC INVESTMENT CORP.**

I, the undersigned, hereby certify that I am John P. Babel, Secretary of Standard Pacific Investment Corp., a company duly organized and existing under the laws of the State of Delaware (the "Company"). I further certify as follows:

- (1) That the Company owns 100% of the membership interests of BMR Communities, LLC, a California limited liability company ("BMR Communities").
- (2) That BMR Communities owns 100% of the membership interests of Black Mountain Ranch, LLC, a California limited liability company ("BMR").
- (3) That the officers of the Company are authorized to act on behalf of BMR Communities and BMR.
- (4) That the following Resolutions were duly adopted by the Board of Directors of the Company on March 3, 2015 are now in full force and effect, and have not been amended, modified or revoked:

RESOLVED, that the following persons hereby are elected as officers of this Company, 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:

OFFICERS

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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
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BMR LLC

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AUTHORIZED REPRESENTATIVES

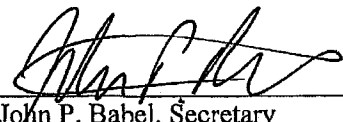
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BMR LLC

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IN WITNESS WHEREOF, I hereunto subscribe my name on this 4th day of March, 2015.



John P. Babel, Secretary

3/3/15
SPIC

**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

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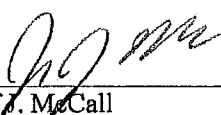
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IN WITNESS WHEREOF, the undersigned have executed this Unanimous Written Consent as of the 3rd day of March, 2015.


 Scott D. Stowell


 Jeff J. McCall

PROJECT DATA SHEET

PROJECT NAME:	Del Sur Court	
PROJECT DESCRIPTION:	A 206 unit age-restricted residential project	
COMMUNITY PLAN AREA:	Black Mountain Ranch	
DISCRETIONARY ACTIONS:	Vesting Tentative Map, Planned Development Permit, Site Development Permit and Easement Vacation	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<u>ZONING INFORMATION:</u> ZONE: RM-2-6 Zone HEIGHT LIMIT: 40 foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 1.5. FRONT SETBACK: 15 feet. SIDE SETBACK: 5 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 610 parking spaces including 6 disabled spaces.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Open Space & Residential	Open Space & Residential
SOUTH:	Open Space	Open Space
EAST:	Open Space	Open Space
WEST:	Open Space & Residential	Open Space & Residential
DEVIATIONS OR VARIANCES REQUESTED:	Eight deviations from the development regulations of the RM-2-6 Zone	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 4, 2015 the Rancho Penasquitos Planning Board voted 15:0:1 to recommend approval.	

DEVELOPMENT SERVICES
Project Chronology
Del Sur Court - PTS# 340862

Date	Action	Description	City Review Time	Applicant Response
11/22/13	First Submittal	Project Deemed Complete		
01/14/14	First Assessment Letter		27 days	
05/01/14	Second Submittal			77 days
05/29/14	Second Review Complete		20 days	
07/25/14	Third Submittal			41 days
08/27/14	Third Review Complete		23 days	
12/22/14	Fourth Submittal			83 days
02/11/15	Fourth Review Complete		32 days	
02/11/15	All Issues Resolved			
06/18/15	Public Hearing		91 days	
TOTAL STAFF TIME			193 days	
TOTAL APPLICANT TIME				201 days
TOTAL PROJECT RUNNING TIME		Deemed Complete to Issues Complete	13 months and 4 days	