

THE CITY OF SAN DIEGO

### Report to the Planning Commission

DATE ISSUED: November 23, 2016

REPORT NO. PC-16-092

HEARING DATE: December 1, 2016

SUBJECT: SOUTHVIEW EAST, Process Five Decision

PROJECT NUMBER: 371807

OWNER/APPLICANT: Southview Development Partners, L.P.

### SUMMARY:

<u>Issues:</u> Should the Planning Commission recommend approval to the City Council of an 86unit multi-family condominium project on a 21.2-acre site located east of the intersection of Airway Road and Caliente Avenue at the terminus of Airway Road, in the Otay Mesa Community Plan area?

### Staff Recommendations:

- Recommend the City Council ADOPT the Addendum No. 371807 to the Otay Mesa Community Plan <u>Final Environmental Impact Report No. 30330/304302</u> and adopt the Mitigation, Monitoring and Reporting Program; and
- 2. Recommend the City Council APPROVE Rezone No. 1299346; and
- 3. Recommend the City Council APPROVE Tentative Map No. 1299345; and
- 4. Recommend the City Council APPROVE Planned Development Permit No. 1299342; and
- 5. Recommend the City Council APPROVE Site Development Permit No. 1821449, amending Site Development Permit No. 25170.

<u>Community Planning Group Recommendation</u>: On August 17, 2016, the Otay Mesa Community Planning Group voted 9-1 to recommend approval of the project with no conditions (Attachment 13). Environmental Review: Addendum No. 371807 to the Otay Mesa Community Plan Final Environmental Impact Report (OMCP FEIR) No. 30330/304032 has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project. The Addendum determined that there are no new significant environmental impacts not considered in the OMCP FEIR; no substantial changes have occurred with respect to the circumstances under which the project was undertaken; and there is no new information of substantial importance to the project.

<u>Fiscal Impact Statement</u>: None with this action. All costs are recovered through a deposit account funded by the applicant.

<u>Housing Impact Statement</u>: The Otay Mesa Community Plan designates the 21.2-acre project site for Residential Medium use at a density of 15 to 29 dwelling units per acre (du/ac). The project would develop 5.6 acres of the site with residential condominium units, with the remainder of the site consisting of storm water treatment basins, manufactured slopes and conserved open space. The development of 86 units on 5.6 acres equals 15.4 du/ac, which meets the minimum density of 15 du/ac recommended by the Community Plan. Therefore, the proposed project would be consistent with the Otay Mesa Community Plan land use designation for the project site. All 86 units would be market rate for-sale units. The project will pay the inclusionary affordable housing fee pursuant to the Inclusionary Housing regulations.

### BACKGROUND

The undeveloped 21.2-acre site is located east of the intersection of Airway Road and Caliente Avenue, at the cul-du-sac terminus of Airway Road, just south of State Route (SR) 905 and 0.2 mile east of San Ysidro High School. The existing site is a single lot bisected by developed and undeveloped portions of Airway Road with 12.7 acres located north of Airway Road and 8.5 acres south of Airway Road.

The Otay Mesa Community Plan designates the site for Residential Medium Density use at a rate of 15 to 29 du/ac or 84 to 162 units allowed on the proposed 5.6-acre residential development portion of the site. The site is zoned AR-1-1 which is an Agricultural/Residential zone that accommodates agricultural uses and allows one single-family unit per lot. The site is also located in the Brown Field Airport Influence Area (Review Area 2) and the Federal Aviation Administration (FAA) Part 77 Noticing Area.

The majority of the site consists of flat to gently inclined ground surfaces with a portion of Spring Canyon located in the northeast portion of the site. Onsite elevations range from a high of approximately 529 feet Mean Sea Level (MSL) in the western portion of the site to approximately S05 M5L in the eastern central portion of the site. The project site contains Environmentally Sensitive Lands (E5L) in the form of disturbed, upland, wetland/riparian and vernal pool habitats. The most environmentally sensitive portions of the site are located to the east which includes 5.1 acres of onsite Multiple Habitat Planning Area (MHPA). The subject site was originally a part of the approved Southview project (PTS No. 2204, Attachment 12), which was a Rezone, Tentative Map and Site Development Permit for the development of 538 multi-family condominium units on a 42.6-acre parcel. In addition to the development lots, the original Southview project included a 21.2-acre undeveloped remainder lot, which is the current project site. The remainder lot was not developed at that time due to private litigation related to the presence of fairy shrimp on the subject site and changes related to the City's permit coverage and take authority with the United States Fish and Wildlife Service for vernal pool species. The litigation has been resolved and the applicant is now moving forward with development of the project site.

Through a subsequent Substantial Conformance Review and the Southview Lot 1 Planned Development Permit (PDP) and Site Development Permit (SDP) (PTS 370044), the original Southview project was divided into two development lots; one north and one south of Airway Road and the total unit count was reduced to 277. The original 42.6-acre site, including the 21.2-acre project site, remains under the same ownership. The current project is considered a continuation of the previously approved Southview development.

In addition to the Southview development to the west described above, the project is bordered by undeveloped MHPA and non-MHPA open space lands to the east and SR-905 to the north. Directly south of the project site is the Candlelight development, Project No. 40329, which consists of 500 residential units that are the subject of a discretionary application currently under review.

### DISCUSSION

### Project Description:

The project would subdivide the 21.2-acre site into six lots for the development of 86 multi-family condominium units, leaving 12.9 acres as open space. The project site is bisected by Airway Road, creating north and south project sections. The six lots would include residential development, Homeowners Association (HOA) and open space lots as shown in the table below:

| Lot: | Description:   | Area in Acres: |  |
|------|--|----------------|--|
| 1    | Multi-Family Residential Condos (north of Airway Rd) | 3.1            |  |
| 2    | Multi-Family Residential Condos (south of Airway Rd) | 2.5            |  |
| 3    | HOA (north of Airway Rd)                             | 1.4            |  |
| 4    | HOA (south of Airway Rd)                             | 1.2            |  |
| 5    | MHPA/Open Space (north of Airway Rd)                 | 8.2            |  |
| 6    | MHPA/Open Space (south of Airway Rd)                 | 4,7            |  |
|      | Gross Area:  | 21.2           |  |

#### TABLE 1 – PROPOSED LOTS

**Lots 1-2** – These lots would contain the 86 residential condominium units and would be clustered on the west side of the project site, adjacent to similar approved multi-family development and away from the MHPA lands to the east. The residential lots total 5.6 acres, which is the basis for the project density calculations.

As discussed in the "Rezone" section below, project implementation would change the zoning of the development area from AR-1-1 to RM-2-6. Therefore, the project has been analyzed utilizing the RM-2-6 zone development regulations, which allows multi-family dwelling units at a rate of one unit per 1,250 square feet of lot area and would implement the Residential Medium Density land use designation of the OMCP.

All units would be three stories with a maximum height of 40 feet and include a two-car garage and private yard areas. Three- and four-bedroom units are proposed ranging from 1,417 square feet to 1,831 square feet. The project includes a system of interconnected sidewalks that provide pedestrian access to all units as well as scenic overlooks, landscaped areas and benches facing the open space to the east, which includes MHPA, Spring Canyon and the Covenant of Easement (COE) lands to be preserved as open space. The building design, elevations and floor plans proposed are the same as those approved for the adjacent multi-family developments to the west, of which this project is a continuation. That attached elevations and floor plans labeled "Tesoro" would be constructed on Lot 1 and those labeled "Esperanza" would be constructed on Lot 2.

**Lots 3-4** – These lots contain the manufactured slopes and storm water biofiltration/storage basins that are to be maintained by the HOA.

**Lots 5-6** – These lots include the onsite preservation of 12.9 acres of open space within a COE, which includes 5.1 acres of MHPA and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, the project is conditioned such that a Habitat Manager must be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All required project biological impact mitigation would occur onsite within the COE.

**Development North of Airway** - The portion of the project located north of Airway Road (Lots 1, 3 & 5) would be a continuation of the adjacent under-construction Southview Lot 1 (Tesoro) Project to the west and would annex into that HOA. A total of 46 units in 11 buildings building would be constructed. A total of 125 parking spaces, which includes private garages, open parking and guest parking would be provided, in compliance with the San Diego Municipal Code (SDMC) regulations. Access to these units would be provided from the approved Tesoro internal private street system with no additional driveways onto Airway Road required. A maximum eight-foot tall sound wall would be provided as a project feature adjacent to SR-905 to ensure the General Plan Noise Compatibility Guidelines for interior noise levels are met.

**Development South of Airway -** The portion of the project located south of Airway Road (Lots 2, 4 & 6) would be a continuation of the adjacent under-construction Southview (Vista del Sur) Project to the west and would annex into that HOA. A total of 40 units in eight buildings would be constructed. Access to these units would be provided from the approved Vista del Sur internal private street system with no additional driveways onto Airway Road required. A total of 108 parking spaces, which includes private garages, open parking and guest parking would be provided, in compliance with the SDMC regulations.

Project grading would include 1,516 cubic yards of cut and 133,490 cubic yards of fill with a maximum fill height of 24.7 feet and a maximum cut depth of 4.1 feet. The fill material required would be provided from the adjacent Southview and Southview Lot 1 projects that are under construction. The grading has been designed to account for the approximately 24-foot onsite grade differential and the fill needed to align the site with the adjacent developments and ensure site drainage is directed away from the MHPA, as required by the MHPA Adjacency Guidelines.

In order to comply with the City's storm water runoff requirements, appropriately sized detention and filtration basins/tanks have been provided. Appropriate drought-tolerant landscaping including street trees, ground cover and ornamental plantings would be provided as shown on the attached landscape plan to enhance the project and to comply with the City's MHPA adjacency guidelines and brush management requirements. A brush management plan is included to ensure appropriate Zone One and Two brush management zones are incorporated into the project.

Airway Road currently terminates in a cul-de-sac in the west-central portion of the site and does not resume until approximately two miles to the east at the intersection of Cactus Road. To facilitate the future construction of Airway Road, the project includes an Irrevocable Offer of Dedication (IOD) for the approximately 760 linear feet of undeveloped Airway Road located onsite. The impacts of roadway installation have been analyzed in the project's EIR Addendum and fees for future road construction will be collected as part of the impact fees required at ministerial permit issuance.

The project is located within the FAA Part 77 Noticing Area, however FAA noticing is not required because the proposed structures would not exceed the height threshold requiring FAA notification. The site is also located in the Brown Field Airport Influence Area 2. Because the project is compatible with the Otay Mesa Community Plan land use designation, is not within the Airport Approach Overlay Zone (AAOZ) and is located outside of the 60 decibel (dB) Community Noise Equivalent Level (CNEL) as depicted in the 2010 Airport Land Use Compatibility Plan (ALUCP), the use is considered compatible and a Consistency Determination was not required from the Airport Land Use Commission (ALUC).

### Required Approvals:

**Rezone** – The site is currently zoned AR-1-1, which is an Agricultural/Residential zone that accommodates a range of agricultural uses and single-family residential development at a very low density with a minimum lot size of 10 acres. This low-density zoning designation is inconsistent with the Otay Mesa Community Plan land use designation for the site, which calls for Residential Medium Density development at a rate of 15 to 29 du/ac. The project would rezone the 16.1 acres of the site located outside of the MHPA to RM-2-6 and the 5.1 acres inside the MHPA to OR-1-2.

The RM-2-6 zone allows multiple dwelling unit development at a rate of one unit per 1,250 square feet of lot area. Lots 1 and 2 which are designated for residential the units total 5.6 acres (230,868 sq/ft), which would allow a maximum of 185 units. The OR-1-2 is an Open Space zone compatible with MHPA land preservation. Staff is supportive of the requested Process 5 Rezone as it allows implementation of the Community Plan land use and density, is consistent with the adjacent multi-family developments and protects the existing onsite MHPA lands.

**Tentative Map** – The requested Process Four Tentative Map (TM) is required to create the six lots, the 86 residential condominium units and to dedicate the right-of-way (ROW) for the onsite portion of the future Airway Road. Staff is supportive of the TM as all SDMC and Subdivision Map Act requirements have been met. For more information please see the draft TM findings (Attachment 7) and conditions (Attachment 8).

**Planned Development Permit** – The applicant is requesting the approval of deviations from the perimeter setback and wall height regulations, which requires the approval of a Process Four Planned Development Permit (PDP). The perimeter setback deviation for Lot 1 would allow a 15-foot front yard setback where 20 feet is required and a 10-foot interior side yard setback where 94 feet (10% of lot width) is required. For Lot 2 the deviation would allow a 15-foot front yard setback where 20 feet is required and a 10-foot interior side yard setback where 68 feet (10% of lot width) is required and a 10-foot interior side yard setback where 68 feet (10% of lot width) is required. The setback deviations allow the project to integrate more seamlessly with the adjacent projects to the west, of which this project is a continuation. Additionally, this deviation allows the development area to be shifted west, away from the more sensitive open space and MHPA areas to the east. Based on the overall design staff is supportive of the setback deviations.

The retaining wall deviation would allow a maximum wall height of eight feet where six feet is allowed. The area of deviation would be the noise attenuation wall along the SR-905 frontage. Staff is supportive of the deviation as the wall would be appropriately landscaped with a mix of ground cover, four- to eight-foot high shrubs, trees and vines and would mitigate noise impacts from SR-905. For more information please see the draft PDP findings (Attachment 5) and conditions (Attachment 6)

**Site Development Permit** – The project includes a Site Development Permit to amend approved Site Development Permit (SDP) No. 25170 for the adjacent Vista del Sur project, PTS No. 2204. This amendment is to allow the biofiltration water quality basin located on Lot 4 of this project to extend onto the Vista del Sur site. This modification does not change the approved unit count or internal circulation of the Vista del Sur project site. As the properties involved are under the same ownership and the subject project would be annexed into the Vista del Sur HOA, staff is supportive of the amendment.

The SDP is also required due to the presence of ESL on the project site. As proposed the project would mitigate for all biological and habitat impacts onsite, securing 12.9 acres of open space onsite within a Covenant of Easement (COE), which includes 5.1 acres of existing MHPA. The development area has been clustered next to similar development to the west, on the least-sensitive portion of the site, designating the more sensitive eastern areas for preservation. As proposed and conditioned, all required wetland habitat buffers and MHPA adjacency guidelines would be satisfied with project implementation.

Based on the project design, required permit and map conditions and the completed Addendum No. 371807 to the OMCP FEIR No. 30330/304032 and associated MMRP, staff believes the findings to approve the SDP can be met. For more information please see the draft SDP findings (Attachment 5) and conditions (Attachment 6)

### General and Community Plan Analysis:

**Land Use Designation** - The Otay Mesa Community Plan designates the 21.2-acre project site for Residential Medium Density use at a density of 15 to 29 dwelling units per acre. According to the project's developable site area within Lots 1 and 2 of 5.6 acres, 84 to 162 dwelling units would be allowed. The proposed residential development consisting of 86 dwelling units would implement the existing land use designation.

**View Corridors & Conservation** - Otay Mesa is surrounded by unique systems of open space, canyons, and preserves. To the east of the proposed project is an extensive canyon system and environmentally sensitive lands, which are part of the community's open space and the City's Multiple Habitat Planning Area (MHPA). The Otay Mesa Community Plan discusses preserving these lands and the views of these canyons systems. The proposed project has designed overlooks for viewing the canyon systems and the open space to the east, including existing MHPA lands and additional habitat area to be conserved under a Covenant of Easement, which is a project condition. The project implements the policies in the Urban Design Element and Conservation Element of the Community Plan for protecting and enhancing view corridors and preserving open space.

**Pedestrian Connectivity** - The Otay Mesa Community Plan recommends pedestrian-oriented design and incorporating connectivity and walkability in the design of the street network. By proposing a project circulation network with internal streets and sidewalk connections to adjacent development and Airway Road, the project would implement the pedestrian orientation and walkability policies within the General Plan and the Community Plan.

**Noise** - The General Plan establishes noise compatibility guidelines for land uses by category. According to the noise compatibility guidelines, Residential (Multiple Units) uses in locations with exterior noise exposure above 60 dBA Community Noise Equivalent Level (CNEL) are conditionally compatible provided that exterior noise attenuation is provided to ensure an interior noise level of 45 dBA CNEL for all occupied areas. An acoustical study for the project was conducted by dBF Associates, Inc., which recommended that sound mitigation be provided along the north side of development adjacent to the SR-905 due to the projected exterior noise levels. The project implements that recommendation with the proposed planted sound wall along the project's boundary adjacent to the SR-905 right-of-way.

### Environmental Analysis:

Addendum No. 371807 to the OMCP FEIR No. 30330/304032 has been prepared for this project. The OMCP FEIR was prepared for the Otay Mesa Community Plan update that was approved by the City Council in March 2014. The Addendum determined that there are no new significant environmental impacts not considered in the OMCP FEIR; no substantial changes have occurred with respect to the circumstances under which the project was undertaken; and there is no new information of substantial importance to the project. Mitigation is required for project-level impacts related to Biological Resources, Historical Resources and Noise, as described in the MMRP that was prepared as part of EIR Addendum for this project and summarized below:

**Biological Resources** – The project would result in 10.32 acres of direct impacts to biological resources. These impacts would be mitigated onsite within the 12.9 acres of open space to be conserved with a Covenant of Easement (COE). The MMRP requires a Habitat Management Plan and manager for the COE area to ensure the open space is projected and properly maintained. The project incorporates the required MHPA Adjacency Guidelines and a 100-foot wetland buffer to protect the onsite and adjacent ESL.

**Historical Resources** – An Archeological Survey and Evaluation Report was prepared which determined the project would be required to implement monitoring for historical resources during grading activities due to the proximity of known archeological sites and the general sensitivity of the area for archeological resources, as identified in the OMCP FEIR.

**Noise** – An Exterior Noise Analysis was prepared for the project which determined that mitigation is required for potential impacts to outdoor areas of frequent use, interior habitable rooms and construction noise generated during the California Gnatcatcher breeding season. As proposed the project includes an eight-foot high noise barrier along the north slope facing SR-905 to ensure the General Plan Noise Compatibility Guidelines for interior noise levels are met. MMRP measures related to construction activities adjacent to MHPA lands and habitat have been included to mitigate for construction noise impacts.

**Transportation** – A Trip Generation and Signal Warrant Analysis were prepared for the project which determined that the project would not result in impacts beyond those anticipated by the OMCP FEIR and no project-level mitigation is required.

In addition to the issue areas described above, the OMCP FEIR also identified significant impacts to Land Use, Air Quality/Odor, Greenhouse Gas Emissions, Human Health/Public Safety/Hazardous Materials, Hydrology/Water Quality, Geology/Soils, Paleontological Resources, Traffic/Circulation and Utilities. The EIR Addendum prepared for this project determined that this project would not result in significant additional impacts to these areas and no project-specific mitigation is required.

### Conclusion:

The project as conditioned complies all applicable regulations and policy documents and all staff issues identified through the review process have been resolved. Staff has provided draft findings and conditions to support approval of the project and recommends the Planning Commission recommend approval to the City Council.

### **ALTERNATIVES**

- Recommend the City Council Approve Rezone No. 1299346, Tentative Map No. 1299345, Planned Development Permit No. 1299342 and Site Development Permit No. 1821449, with modifications.
- Recommend the City Council Deny Rezone No. 1299346, Tentative Map No. 1299345,
  Planned Development Permit No. 1299342 and Site Development Permit No. 1821449, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Elyse W. Lowe

Deputy Director Development Services Department

LOWE/PBG

Paul Godwin Development Project Manager Development Services Department

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- Project Location Map
- Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Draft Map Resolution with Findings
- 8. Draft Map Conditions
- 9. EIR Addendum Resolution with MMRP
- 10. Draft Rezone Ordinance
- 11. Rezone B Sheet
- 12. Copy of Recorded Site Development Permit No. 25170
- 13. Community Planning Group Recommendation
- 14. Ownership Disclosure Statement
- 15. Existing Site Photos
- 16. Deviation Location Exhibit
- 17. Typical Residential Unit Plans & Color Elevations
- 18. Site Plan, Grading Plan, Tentative Map and Landscape Plans



North

**ATTACHMENT 1** 

Aerial Photo Southview East PROJECT NO. 371807







# Land Use Map

PROJECT NO. 371807



ATTACHMENT 2





### **Project Location Map**

Southview East PROJECT NO. 371807



ATTACHMENT 3

|   | PROJECT DATA   | SHEET                                   |  |
|---|--|---|--|
| PROJECT NAME:                                   | Southview East   |   |  |
| PROJECT DESCRIPTION:                            | Construction of 86 multi-family residential condominium units  |   |  |
| COMMUNITY PLAN AREA:                            | Otay Mesa  |   |  |
| DISCRETIONARY ACTIONS:                          | Rezone, Tentative Map, Planned Development Permit and Site<br>Development Permit   |   |  |
| COMMUNITY PLAN LAND<br>USE DESIGNATION:         | Residential Medium, 15-29 dwelling units per acre  |   |  |
|   | ZONING INFORMAT  | ION:                                    |  |
| HEIGHT LIMIT:<br>LOT SIZE:<br>FLOOR AREA RATIO: | 0.63<br>15 feet provided, 20 feet required (deviation requested)<br>10 feet provided, 68 & 94 feet required (deviation requested)<br>Not applicable<br>15 feet provided and required |   |  |
| ADJACENT PROPERTIES:                            | LAND USE DESIGNATION &<br>ZONE   | EXISTING LAND USE                       |  |
| NORTH:  | NA   | State Route 905                         |  |
| SOUTH:  | Residential Medium; zone   | Vacant, in review for multi-family      |  |
| EAST:   | Open Space; zone   | MHPA and non-MHPA open space            |  |
| WEST:   | Residential Medium; zone   | Multi-family, existing and under const. |  |
| DEVIATION REQUESTED:                            | Deviations to wall height and perimeter setbacks.  |   |  |
| COMMUNITY PLANNING<br>GROUP<br>RECOMMENDATION:  | On August 17, 2016, the Otay Mesa Community Planning Group voted 9-1 to recommend approval of the project with no conditions.  |   |  |

### **ATTACHMENT 5**

#### CITY COUNCIL RESOLUTION NUMBER R-\_\_\_

SITE DEVELOPMENT PERMIT NO. 1821449 AMENDING SITE DEVELOPMENT PERMIT NO. 25170 PLANNED DEVELOPMENT PERMIT NO. 1299342 SOUTHVIEW EAST - PROJECT NO. 371807 [MMRP]

WHEREAS, Southview Development Partners, L.P., Owner/Permittee, filed an application with the City of San Diego for Site Development Permit No. 1821449 and Planned Development Permit No. 1299342, to subdivide a vacant 21.2-acre site for the development of 86 multi-family residential condominium units, including a Rezone to change the site zoning from AR-1-1 to RM-2-6 and OR-1-2, a Planned Development Permit to allow deviations from the development standards and a Site Development Permit for Environmentally Sensitive Lands and to amend existing Site Development Permit No. 25170, known as the Southview East project, located east of the intersection of Airway Road and Caliente Avenue, south of State Route 905. The site is legally described as the remainder lot of Southview, Map No. 15984, dated July 16, 2014, in the Otay Mesa Community Plan area, in the RM-2-6 and OR-1-2 zones (previously referred to as the AR-1-1 zone which is proposed to be rezoned with this project); and

WHEREAS, on December 1, 2016, the Planning Commission of the City of San Diego considered Site Development Permit No. 1821449 and Planned Development Permit No. 1299342, and pursuant to Resolution No. [INSERT Planning Commission Resolution Number] voted to recommend City Council approval of the Permit; 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, the matter was set for public hearing on \_\_\_\_\_\_, testimony

having been heard, evidence having been submitted, and the City Council having fully considered

the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings

with respect to Site Development Permit No. 1821449 and Planned Development Permit No.

1299342:

### PLANNED DEVELOPMENT PERMIT - SDMC Section 126.0604

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

The undeveloped 21.2-acre project site would be subdivided into six lots for the development of 86 multi-family residential condominium units. The site contains Environmentally Sensitive Lands (ESL), including wetland, upland and disturbed habitats. The project is located in the Southwest District of the Otay Mesa Community Plan (OMCP) which designates the site for Residential Medium Density at a rate of 15 to 29 dwelling units per acre (du/ac). The project would develop 5.6 acres of the site with residential condominium units (Lots 1 and 2), with the remainder consisting of storm water treatment areas and manufactured slopes (Lots 3 and 4) and conserved open space (Lots 5 and 6). The development of 86 units on 5.6 acres equals 15.4 du/ac, which meets the minimum density of 15 du/ac recommended by the OMCP.

The project includes onsite preservation of 12.9 acres of open space within a Covenant of Easement (COE) (Lots 5 and 6), which includes 5.1 acres of Multiple Habitat Planning Area (MHPA) and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, the project is conditioned to require that a Habitat Manager will be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All project biological impacts would be mitigated onsite within the COE, as described in the EIR Addendum and Mitigation, Monitoring and Reporting Program (MMRP) prepared for this project. The project has been designed to comply with the MHPA land use adjacency guidelines and incorporates a 100-foot wetland buffer. The project features described above further the OMCP Recreation Element Policy No. 7.2-1 to maintain Spring Canyon in its natural state, the Conservation Element Policy No. 8.1-2 to preserve a network of open and relatively undisturbed canyons and No. 8.1-5 to implement City regulations and Biology Guidelines for preservation, acquisition, restoration, management and monitoring of biological resources.

The project includes a system of interconnected sidewalks that provide pedestrian access to all units as well as scenic overlooks, landscaped areas and benches facing the open space to the east, which includes MHPA, Spring Canyon and the non-MHPA open space to be conserved as part of this project. The project has been designed to use the open space as a focal point, providing residents with amenities that connect with the natural environment. These features further the OMCP's Open Space and Parks Policy No. 2.6-2 to create a close relationship between the natural environment of Spring Canyon and development, the Mobility Element goal to create a pedestrian sidewalk network that allows for safe and comfortable walking through the community, Recreation Policy No. 7.2-4 to locate scenic overlooks adjacent to Spring Canyon and the Urban Design Element goal for an urban form that reflects land and topography as an amenity.

The project would be accessed from the adjacent project's private street systems, providing connectivity between the neighborhood streets and sidewalks which furthers the OMCP Mobility Element Policy No. 3.3-1 to provide interconnected streets and project circulation systems. The project furthers the Mobility Element Policy No. 3.3-8 to acquire needed Airway Road right-of-way (ROW) by dedicating the required onsite ROW with an Irrevocable Offer of Dedication (IOD). Airway Road currently terminates in a cul-du-sac in the west-central portion of the site and does not resume until approximately two miles east at the intersection of Cactus Road. The impacts of roadway installation have been analyzed in the project's EIR Addendum and payment of the Facilities Benefit Assessment (FBA) fees for the Otay Mesa Public Facilities Financing Plan (PFFP), which includes Airway Road, is required at ministerial permit issuance.

The project includes a noise wall adjacent to SR-905 to ensure the General Plan Noise Compatibility Guidelines for interior noise levels are met. Incorporation of the noise wall furthers the OMCP Noise Element Goal to minimize exposure of residential uses to excessive motor vehicle traffic noise. The requested deviation to allow an eight-foot wall where six feet is allowed facilitates implementation of the noise wall. Please see Planned Development Permit Finding No. 3 for additional information regarding project deviations.

The project furthers implementation of both the General Plan Conservation Element and OMCP Conservation and Sustainability Element's goals by incorporating design features and standards such as compliance with Title 24 standards as of 2013, which are estimated to exceed Title 24 standards as of 2008 by 15%; installation of low-flow fixtures, water-efficient landscaping, and water-efficient irrigation systems to minimize water usage indoors and outdoors as required by the City Landscape Water Conservation Ordinance; installation of cool roofs and energy-efficient appliances that meet EnergyStar requirements to minimize energy usage indoors; use construction products that meet California requirements for low-VOCs in various types of construction materials to minimize indoor emissions; use recycled/sustainable materials for construction materials to reduce waste; compliance with the City's ordinances related to C&D debris, recyclable materials storage and recycling to reduce solid waste generated during construction/occupancy; and installation of electric vehicle charging infrastructure in the parking areas to encourage use of alternative fuels for occupant's automobiles. The project would also incorporate drought-tolerant and low-water demand landscaping with extensive street trees to reduce the urban heat island effect. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project will not be detrimental to the public health, safety and welfare in that the permit controlling the development and continued use of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area.

Conditions of approval require compliance with operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations, and the inspection of construction to assure building permits are implemented in accordance with the approved plans, and inspections to ensure the final product complies with the regulations.

An Addendum to the Otay Mesa Community Plan Final EIR No. 30330/304032 (OMCP FEIR) has been prepared for this project. The Addendum determined that there are no new significant environmental impacts not considered in the OMCP FEIR; no substantial changes have occurred with respect to the circumstances under which the project was undertaken and there is no new information of substantial importance to the project. Mitigation is required for project-level impacts related to Biological Resources, Historical Resources and Noise, as described in the Mitigation, Monitoring and Reporting Program (MMRP) which would be implemented with the project to reduce potential impacts to below a level of significance. All biological impacts associated with the development would be mitigated onsite.

The project is located within the FAA Part 77 Noticing Area, however FAA noticing is not required because the proposed structures would not exceed the height threshold requiring FAA notification. The site is also located in the Brown Field Airport Influence Area 2. Because the project is compatible with the Otay Mesa Community Plan land use designation, is not within the Airport Approach Overlay Zone (AAOZ) and is located outside of the Airport Land Use Compatibility Plan (ALUCP) 60 decibel (dB) Community Noise Equivalent Level (CNEL), the use is considered compatible and a Consistency Determination was not required from the Airport Land Use Commission (ALUC). Therefore, the proposed subdivision or the type of improvement would not be detrimental to the public 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 site is currently zoned AR-1-1, which is an Agricultural/Residential zone that accommodates a range of agricultural uses and single-family residential development at a very low density with a minimum lot size of 10 acres. This low-density zoning designation is inconsistent with the Otay Mesa Community Plan land use designation for the site, which calls for Residential Medium Density development at a rate of 15 to 29 du/ac.

The project would rezone the 16.1 acres of the site located outside of the MHPA to RM-2-6 and the 5.1 acres inside the MHPA to OR-1-2, allowing implementation of the Community Plan land use and density, consistency with the adjacent multi-family developments, and protection of the onsite MHPA lands.

As proposed and conditioned, the project complies with the majority of the applicable development regulations of the proposed zones, including density, height, floor area ratio, internal setbacks, parking and useable private open space requirements of the proposed RM-2-6 zone. The project includes two deviation requests to the perimeter setback and wall height requirements, as allowed with the approval of a Planned Development Permit (PDP).

The deviations requested are reasonable and will result in a better project consistent with the purpose and intent of the PDP regulations. The purpose of the PDP regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would result in a less desirable project. The intent of the PDP regulations is to accommodate an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements and public benefits.

The site is unique in that there are four main constraints. The SR-905 is located north of the project site which generates traffic noise that impacts the ability of the project to comply with the General Plan Noise Compatibility Guidelines for interior noise levels. The project site also includes existing MHPA and non-MHPA open space lands to the east that would be preserved in a COE. Also, the project is considered a continuation of the under-construction multi-family developments to the west and as such must be integrated in a complimentary and harmonious manner.

The perimeter setback deviation for Lot 1 would allow a 15-foot front yard setback where 20 feet is required and a 10-foot interior side yard setback where 94 feet (10% of lot width) is required. For Lot 2 the deviation would allow a 15-foot front yard setback where 20 feet is required and a 10-foot interior side yard setback where 68 feet (10% of lot width) is required. Based on the overall design and that this project is a continuation of the approved developments to the west, reducing the setbacks will allow the project to better integrate with the adjacent multi-family projects. Additionally, the reduced setback will allow the development area to shift to the west, closer to the existing development and away from the open space and MHPA lands to the east.

The retaining wall deviation would allow a maximum wall height of eight feet where six feet is allowed. The areas of deviation would be the noise attenuation wall along the SR-905 frontage and portions of the downslope walls which face the open space areas. The walls will be appropriately landscaped and will help mitigate noise impacts from SR-905. The project is consistent with the *General Development Regulations for Planned Development Permit* described in SDMC Section 143.0410, will integrate well with the adjacent developments, will protect residents from SR-905 noise impacts and shift development away from ESL and open space areas. The requested deviations are appropriate for this location will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

### SITE DEVELOPMENT PERMIT – SDMC Section 126.0504

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

The project is located in the Southwest District of the Otay Mesa Community Plan which designates the site for Residential Medium Density at a rate of 15 to 29 dwelling units per acre (du/ac). The project would develop 5.6 acres of the site with residential condominium units, with the remainder consisting of storm water treatment areas, manufactured slopes and conserved open space. The development of 86 units on 5.6 acres equals 15.4 du/ac, which meets the minimum density of 15 du/ac recommended by the Community Plan. Please refer to Planned Development Permit Finding No. 1 above for more information.

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

The project will not be detrimental to the public health, safety and welfare in that the permit controlling the development and continued use of the project for this site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Please refer to Planned Development Permit Finding No. 2 above for more information.

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

As proposed and conditioned, the project complies with the majority of the applicable development regulations of the proposed zones, including density, height, floor area ratio, internal setbacks, parking and useable private open space requirements. The project scope includes three deviation requests, as allowed with the approval of a Planned Development Permit (PDP). The deviations requested are reasonable 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, consistent with the purpose and intent of the PDP regulations. Please refer to Planned Development Permit Finding No. 3 above for more information.

### SITE DEVELOPMENT PERMIT - Supplemental Findings for Environmentally Sensitive Lands

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

The 21.2-acre project site is located in a developing area and is surrounded by existing or underconstruction development to the west, SR-905 to the north, an under-review, a 500-unit multi-family residential development to the south and undeveloped MHPA and non-MHPA open space lands to the east. The majority of the site consists of flat to gently inclined ground surfaces with a portion of Spring Canyon located in the northeast portion of the site. Onsite elevations range from a high of approximately 529 feet Mean Sea Level (MSL) in the western portion of the site to approximately 505 MSL in the eastern central portion of the site. The project site contains Environmentally Sensitive Lands (ESL) in the form of disturbed, upland, wetland/riparian and vernal pool habitats. The most environmentally sensitive portions of the site are located to the east which includes 5.1 acres of onsite Multiple Habitat Planning Area (MHPA).

The project design clusters the development on the western half of the site, adjacent to similar multi-family development. The more sensitive eastern half of the site would remain undeveloped in a 12.9-acre Covenant of Easement (COE), which would include the existing 5.1 acres of MHPA and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, the project is conditioned to require a Habitat Manager be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). The 10.32 acres of direct biological project impacts identified in Addendum to EIR No. 30330/304032 would be mitigated onsite within the COE.

The project review required the submission of several technical reports prepared by individuals qualified to practice in their respective technical fields. These reports included a Biological Technical Report prepared by Alden Environmental, an Archeological Survey and Evaluation Report prepared by ASM Affiliates, a Storm Water Quality Management Plan (SWQMP) prepared by SB&O, Inc., a Geotechnical Investigation prepared by Geocon Incorporated, an Exterior Noise Analysis prepared by dBF and Associates and a Trip Generation and Signal Warrant Analysis prepared by Kimley-Horn. These reports were reviewed and accepted by City staff.

Based on the project's location adjacent to existing multi-family and freeway development, the conclusions of the technical studies and the overall project design which preserves the most sensitive onsite habitat, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

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

A Geotechnical Investigation was prepared by Geocon Incorporated for the project site and accepted by staff. The project site is designated as Category 53: Level to sloping terrain, unfavorable geologic structure, and low to moderate risk by the City of San Diego Seismic Safety Study. No known active, potentially active, or inactive faults are located on the site. Potential geologic impacts will be reduced to an acceptable level by design and construction in accordance with prevailing building codes and the recommendations discussed in the Geotechnical Investigation. The project will comply with the recommendations of the investigation and the applicable building and grading regulations to ensure that less than significant geologic impacts will result with project implementation.

The majority of the site consists of flat to gently inclined ground surfaces with a small portion of Spring Canyon located in the northeast portion of the site. Onsite elevations range from a high of approximately 529 feet Mean Sea Level (MSL) in the western portion of the site to approximately 505 MSL near the edge of the canyon in the eastern central portion of the site. The project includes the creation of manufactured slopes with a maximum height of approximately 20 feet, which is the minimum amount necessary to integrate with existing development to the west and prevent runoff into the MHPA. All slopes will be stabilized and planted with appropriate vegetation to prevent erosion by wind, rainfall or drainage. The plant species used in erosion control will be selected for their variation of rooting depth to provide additional stability in addition to the engineering practices and standards applied in the creation of artificial slopes.

As designed and conditioned, the slopes to be created next to the MHPA will comply with the MHPA Adjacency Guidelines for drainage, toxics, lighting, noise, barriers, invasive species, brush management and grading/land development.

In order to comply with the City's storm water runoff requirements, appropriately sized detention and filtration basins/tanks have been provided as necessary for both subdivisions, as analyzed in the Storm Water Quality Management Plan (SWQMP) prepared by SB&O, Inc. The site is not located within or adjacent to a flood way, flood plain or Federal Emergency Management Agency designated flood zone.

The project landscape plan incorporates brush management zones and a complete brush management plan to protect the development from fire hazards to the extent possible. Brush Management Zone Two is not allowed to encroach into the MHPA at any time. The project will also be required to comply with all relevant fire warning and suppression requirements identified in the California Uniform Building Code. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

The project site is located in a developing area and is surrounded by existing, under-construction or future planned development on three of four sides, including under-construction multi-family development to the west, SR-905 to the north and an under-review 500-unit multi-family residential development to the south. To the east of the site are environmentally sensitive open space lands and MHPA lands.

The project design clusters proposed development on the western half of the site, which is less environmentally sensitive and is located adjacent to existing multi-family developments. The project grading is designed to direct drainage away from the MHPA and adjacent landscape areas would be non-invasive, drought tolerant plantings compatible with sensitive vegetation. Adjacent environmentally sensitive lands are further protected from the development by the project's incorporation of the MHPA Adjacency Guidelines and the inclusion of appropriate wetland buffers. The project includes onsite preservation of 12.9 acres of open space within a Covenant of Easement (COE) (Lots 5 and 6), which includes 5.1 acres of MHPA and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, a Habitat Manager will be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP).

The project includes a Rezone which would change the zoning of the MHPA area from AR-1-1, which allows for agricultural and single-family residential uses, to OR-1-2 which is an open space zone more compatible with the preservation of MHPA lands. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

### 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

As proposed and conditioned, the project would not impact the existing 5.1 acres of MHPA lands located along the eastern edge of the project site and would comply with all MHPA Adjacency Guidelines as discussed in the EIR Addendum and required in the MMRP. The project design clusters the development away from the MHPA on the western half of the site, which is less environmentally sensitive and immediately adjacent to existing multi-family developments. The more sensitive eastern half of the site would remain undeveloped in a 12.9-acre Covenant of Easement (COE), which would include the existing 5.1 acres of MHPA and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, a Habitat Manager will be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP).

Compliance with the MHPA Adjacency Guidelines would be assured through implementation of the landscape plan which prohibits invasive species, adherence to the City's Storm Water requirements to direct drainage away from the MHPA, implementation of the project's Brush Management Plan and compliance with the grading plan and construction best management practices. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

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

The project site is located approximately seven miles east of the Pacific Ocean. Implementation of the drainage system design and storm water filtration measures approved for this project, in addition to compliance with the current State of California water quality control standards will, assure the development will not contribute to the erosion on public beaches or adversely impact local shoreline sand supply.

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

All of the mitigation measures required as conditions of the permit are appropriate and proportional for the project in consideration of the current accepted best practices and scientific analysis standards. None of the mitigation measures are without rational basis in fact or accepted best practices and scientific analysis standards. Staff has appropriately utilized the SDMC, Land Development Manual, Community Plan, General Plan, CEQA Significance Thresholds and technical studies prepared for the development to determine project impacts and required mitigation. The mitigation ratios applied to project impacts to biological resources have been properly adjusted and reflect a mix of impacts and mitigation both in and out of the MHPA. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1821449 and Planned Development Permit No. 1299342, is granted to Southview Development Partners, L.P., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution. RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO CITY CLERK MAIL STATION 2A

INTERNAL ORDER NUMBER 24004729

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 1299342 SITE DEVELOPMENT PERMIT NO. 1821449 AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 25170 REZONE NO. 1299346

### SOUTHVIEW EAST - PROJECT NO. 371807 [MMRP] CITY COUNCIL

This Planned Development Permit No. 1299342 and Site Development Permit No. 1821449, amending Site Development Permit No. 25170, is granted by the City Council of the City of San Diego to Southview Development Partners, L.P., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0502 (Site Development Permit) and 126.0602 (Planned Development Permit). The 21.2-acre site is located east of the intersection of Airway Road and Caliente Avenue, in the in the RM-2-6 and OR-1-2 zones (previously referred to as the AR-1-1 zone, project includes Rezone to RM-2-6 and OR-1-2 zones) of the Otay Mesa Community Plan. The project site is legally described as remainder Lot of Southview, Map No. 15984, filed July 16, 2014.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide a parcel into six lots for the development of 86 residential condominium units on a vacant site which contains environmentally sensitive lands, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development 5ervices Department. The project shall include:

- The construction of 86 residential condominium units in 19 multi-unit buildings, with three- and four-bedroom units totaling 180,990 square feet and a maximum height of 35 feet.
- The approval of two deviations as shown on the Exhibit "A", to maximum retaining wall heights and subdivision perimeter setbacks;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. A total of 233 off-street parking spaces; and

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

### STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE typically 3 years, including the appeal time].

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, 10. and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. All conditions of approval for Site Development Permit No. 25170, Project No. 2204, that are not modified by this permit shall remain in effect.

### MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)

12. 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, in accordance with Section 17.1D of the IA.

13. Prior to the issuance of any grading permits, the on-site MHPA and remainder non-MHPA Open Space lands located on Lot 5 and Lot 6, shall be conveyed to the City's MSCP preserve through recordation of a covenant of easement granted in favor of the City and wildlife agencies. Lot 5 and Lot 6 shall be managed and maintained in perpetuity in accordance with Southview East Project Habitat Management Plan (HMP; Alden 2016a).

14. Prior to certificate of occupancy, the applicant shall identify a Habitat Manager pursuant to the Southview East Project Habitat Management Plan (HMP; Alden 2016a), to be approved by the City of San Diego, and submit evidence that a funding source has been secured to fully implement the HMP in perpetuity. Management of the land shall be performed by the approved Habitat Manager, as directed by the HMP.

### ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. 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.

16. The mitigation measures specified in the MMRP and outlined in Addendum to Environmental Impact Report No. 30330/304032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 30330/304032, 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:

Biological Resources, Historical Resources (Archeology) and Noise.

### AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

### AIRPORT REQUIREMENTS:

19. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520

### ENGINEERING REQUIREMENTS:

20. The Planned Development Permit and Site Development Permit shall comply with all Conditions of the Final Map for the Tentative Map No.1299345.

21. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

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

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

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

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

26. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

27. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

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

29. Prior to the issuance of any building permit, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the Right-of-Way due to the treatment of runoff for storm water quality.

### LANDSCAPE REQUIREMENTS:

30. 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 City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

31. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permitee 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 40 sq-ft 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.

32. 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,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a 40 sq-ft area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

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

34. 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.

35. 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.

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

### BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

37. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A' Brush Management Plan on file in the Office of the Development Services Department.

38. The Brush Management Program shall be based on a standard Zone One of 35 feet in width with Zone Two of 65 feet in width, extending out from the structure towards the native/naturalized vegetation, consistent with the Brush Management Regulations of the Land Development Code, section 142.0412. Zone One shall range from 15 feet to 80+ feet with a corresponding Zone Two of 65+ feet to 0 feet, exercising Zone Two reduction options under 142.0412(f). In no case shall Zone Two extend into the MHPA for this project. Where the full defensible space is not provided, alternative compliance measures shall include opening protection upgraded to dual-glazed, dual-tempered panes along those walls facing the fuel load with a 10-foot perpendicular return along adjacent wall faces, consistent with Exhibit 'A'.

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

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

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

42. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

43. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

44. Prior to final inspection, the approved Brush Management Program shall be implemented.

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

### PLANNING/DESIGN REQUIREMENTS:

46. Owner/Permittee shall maintain a minimum of 233 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

47. Prior to issuance of any grading permits, a Covenant of Easement shall be granted on the site for all biologically sensitive areas, as required by Land Development Code Sections 143.0140(a), 143.0141(a)(3), 143.0142, and 143.0152.

48. 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.

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

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

51. 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

52. Prior to the issuance of the first building permit, the Owner/Permittee shall grant an Irrevocable Offer to Dedicate (I.O.D) for 122 foot right-of-way plus slope easements for Airway Road along the project frontage to station 19+00, as shown on Exhibit "A", satisfactory to the City Engineer.

### PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

53. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public-rightof-way or public easement.

54. In lieu of designing and constructing either alone or in conjunction with other developers similarly conditioned to construct the next pending phase of the Otay Mesa Trunk Sewer (OMTS). Prior to the issuance of Certificate of Occupancy, the Owner/Permittee shall design and construct one segment of the OMTS just to the south of existing manhole no. 200 where the pipe size changes from newly constructed 42" to an existing 10" in a manner satisfactory to the Public Utilities Director and the City Engineer.

55. The proposed development is currently subject to the following sewer reimbursement fee: The Otay Mesa Sewer Surcharge fee of \$1821.75 per living unit plus 6% simple interest from 3 12 08 (21351-D-O).

56. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

57. All on-site water and sewer facilities shall be private.

58. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check or public standards per the City of San Diego Sewer Design Guide.

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

### **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 [INSERT Approval Date] and [Approved Resolution Number].

### **ATTACHMENT 6**

Permit Type/PTS Approval No.: SDP No. 1821449 PDP No. 1299342 Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Paul Godwin 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.

Southview Development Partners, L.P. Owner/Permittee

By

NAME TITLE

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

### **ATTACHMENT 7**

#### CITY COUNCIL RESOLUTION NUMBER R-\_

TENTATIVE MAP NO. 1299345 SOUTHVIEW EAST - PROJECT NO. 371807 [MMRP]

WHEREAS, Southview Development Partners, L.P., Subdivider, and SB&O Inc., Engineer, submitted an application to the City of San Diego for a Tentative Map No. 1299345 for the subdivision of a vacant 21.2-acre site and the development of 86 multi-family condominium units, including a Rezone to change the site zoning from AR-1-1 to RM-2-6 and OR-1-2, a Planned Development Permit to allow deviations from the development standards, a Site Development Permit for Environmentally Sensitive Lands and to amend existing Site Development Permit No. 25170. The project site is located east of the intersection of Airway Road and Caliente Avenue, south of State Route 905, in the AR-1-1 Zone (RM-2-6 and OR-1-2 Zones proposed with project Rezone) within the Otay Mesa Community Plan area. The property is legally described as the remainder lot of Southview, Map No. 15984, dated July 16, 2014; and

WHEREAS, the Map proposes the Subdivision of a 21.2-acre site into six lots for residential development (two residential lots, two open space lots and two homeowners association lots); 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 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 86; and WHEREAS, on December 1, 2016, the Planning Commission of the City of San Diego considered Tentative Map No. 1299345, and pursuant to Resolution No. [INSERT Planning Commission Resolution No.], the Planning Commission voted to recommend City Council approval of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the 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 \_\_\_\_\_\_, the City Council of the City of San Diego considered Tentative Map No. 1299345, and pursuant to San Diego Municipal Code section 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 Tentative Map No. 1299345:

## 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The undeveloped 21.2-acre project site would be subdivided into six lots for the development of 86 multi-family residential condominium units. The site contains Environmentally Sensitive Lands (ESL), including wetland, upland and disturbed habitats. The project is located in the Southwest District of the Otay Mesa Community Plan (OMCP) which designates the site for Residential Medium Density at a rate of 15 to 29 dwelling units per acre (du/ac).
The project would develop 5.6 acres of the site with residential condominium units (Lots 1 and 2), with the remainder consisting of storm water treatment areas and manufactured slopes (Lots 3 and 4) and conserved open space (Lots 5 and 6). The development of 86 units on 5.6 acres equals 15.4 du/ac, which meets the minimum density of 15 du/ac recommended by the Community Plan.

The project includes onsite preservation of 12.9 acres of open space within a Covenant of Easement (COE) (Lots 5 and 6), which includes 5.1 acres of Multiple Habitat Planning Area (MHPA) and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, a Habitat Manager must be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All project biological impacts would be mitigated onsite within the COE, as described in the EIR Addendum and Mitigation, Monitoring and Reporting Program (MMRP) prepared for this project. The project has been designed to comply with the MHPA land use adjacency guidelines and incorporates a 100-foot wetland buffer. The project features described above further the OMCP Recreation Element Policy No. 7.2-1 to maintain Spring Canyon in its natural state, the Conservation Element Policy No. 8.1-2 to preserve a network of open and relatively undisturbed canyons and No. 8.1-5 to implement City regulations and Biology Guidelines for preservation, acquisition, restoration, management and monitoring of biological resources.

The project includes a system of interconnected sidewalks that provide pedestrian access to all units as well as scenic overlooks, landscaped areas and benches facing the open space to the east, which includes MHPA, Spring Canyon and the non-MHPA open space to be conserved as part of this project. The project has been designed to use the open space as a focal point, providing residents with amenities that connect with the natural environment. These features further the OMCP's Open Space and Parks Policy No. 2.6-2 to create a close relationship between the natural environment of Spring Canyon and development, the Mobility Element goal to create a pedestrian sidewalk network that allows for safe and comfortable walking through the community, Recreation Policy No. 7.2-4 to locate scenic overlooks adjacent to Spring Canyon and the Urban Design Element goal for an urban form that reflects land and topography as an amenity.

The project would be accessed from the adjacent project's private street systems, providing connectivity between the neighborhood streets and sidewalks which furthers the OMCP Mobility Element Policy No. 3.3-1 to provide interconnected streets and project circulation systems. The project furthers the Mobility Element Policy No. 3.3-8 to acquire needed Airway Road right-of-way (ROW) by dedicating the required onsite ROW with an Irrevocable Offer of Dedication (IOD). Airway Road currently terminates in a cul-de-sac in the west-central portion of the site and does not resume until approximately two miles east at the intersection of Cactus Road. The impacts of roadway installation have been analyzed in the project's EIR Addendum and payment of the Facilities Benefit Assessment (FBA) fees for the Otay Mesa Public Facilities Financing Plan (PFFP), which includes Airway Road, is required at ministerial permit issuance.

The project includes a noise wall adjacent to SR-905 to ensure the General Plan Noise Compatibility Guidelines for interior noise levels are met. Incorporation of the noise wall furthers the OMCP Noise Element Goal to minimize exposure of residential uses to excessive motor vehicle traffic noise. The requested deviation to allow an eight-foot wall where six feet are allowed facilitates implementation of the noise wall. Please see Planned Development Permit Finding No. 3 for additional information regarding project deviations.

The project furthers implementation of both the General Plan Conservation Element and OMCP Conservation and Sustainability Element's goals by incorporating design features and standards such as compliance with Title 24 standards as of 2013, which are estimated to exceed Title 24 standards as of 2008 by 15%;

installation of low-flow fixtures, water-efficient landscaping, and water-efficient irrigation systems to minimize water usage indoors and outdoors as required by the City Landscape Water Conservation Ordinance; installation of cool roofs and energy-efficient appliances that meet EnergyStar requirements to minimize energy usage indoors; use construction products that meet California requirements for low-VOCs in various types of construction materials to minimize indoor emissions; use recycled/sustainable materials for construction materials to reduce waste; compliance with the City's ordinances related to C&D debris, recyclable materials storage and recycling to reduce solid waste generated during construction/occupancy; and installation of electric vehicle charging infrastructure in the parking areas to encourage use of alternative fuels for occupant's automobiles. The project would also incorporate drought-tolerant and low-water demand landscaping with extensive street trees to reduce the urban heat island effect. Therefore, the proposed development will not adversely affect 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 site is currently zoned AR-1-1, which is an Agricultural/Residential zone that accommodates a range of agricultural uses and single-family residential development at a very low density with a minimum lot size of 10 acres. This low-density zoning designation is inconsistent with the Otay Mesa Community Plan land use designation for the site, which calls for Residential Medium Density development at a rate of 15 to 29 du/ac. The project would rezone the 16.1 acres of the site located outside of the MHPA to RM-2-6 and the 5.1 acres inside the MHPA to OR-1-2. Staff is supportive of the requested Rezone as it allows implementation of the Community Plan land use and density, is consistent with the adjacent multi-family developments and protects the onsite MHPA lands.

As proposed and conditioned, the project complies with the majority of the applicable development regulations of the proposed zones, including density, height, floor area ratio, internal setbacks, parking and useable private open space requirements of the proposed RM-2-6 zone. The project includes two deviation requests to the perimeter setback and wall height standards, which may be allowed with the approval of a Planned Development Permit (PDP). The deviations requested are reasonable and will result in a better project consistent with the purpose and intent of the PDP regulations. The purpose of the PDP regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would result in a less desirable project. The intent of the PDP regulations is to accommodate an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements and public benefits.

The site is unique in that is there are four main constraints. The SR-905 is located north of the project site which generates traffic noise that impacts the ability of the project to comply with the General Plan Noise Compatibility Guidelines for interior noise levels. The project site also includes existing MHPA and non-MHPA open space lands to the east that would be preserved in a Covenant of Easement (COE). Also, the project is considered a continuation of the under-construction multi-family developments to the west and as such must be integrated in a complimentary and harmonious manner.

The perimeter setback deviation for Lot 1 would allow a 15-foot front yard setback where 20 feet is required and a 10-foot interior side yard setback where 94 feet (10% of lot width) is required. For Lot 2 the deviation would allow a 15-foot front yard setback where 20 feet is required and a 10-foot interior side yard setback where 68 feet (10% of lot width) is required. Based on the overall design and that this project is a continuation of the approved developments to the west, staff is supportive of the setback deviations. Reducing the setbacks allows the project to better integrate with the adjacent Tesoro and Vista del Sur projects. The reduced setback also allows the development area to shift to the west, closer to the existing development and away from the open space and MHPA lands to the east.

The retaining wall deviation would allow a maximum wall height of eight feet where six feet is allowed. The areas of deviation would be the noise attenuation wall along the SR-905 frontage and portions of the downslope walls which face the open space areas. Staff is supportive of the deviation as the walls would be appropriately landscaped and help mitigate noise impacts from SR-905. Therefore, 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

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

The undeveloped 21.2-acre project site would be subdivided into six lots for the development of 86 multi-family residential condominium units. The site contains Environmentally Sensitive Lands (ESL), including wetland, upland and disturbed habitats. The project is located in the Southwest District of the Otay Mesa Community Plan (OMCP) which designates the site for Residential Medium Density at a rate of 15 to 29 dwelling units per acre (du/ac). The project would develop 5.6 acres of the site with residential condominium units (Lots 1 and 2), with the remainder consisting of storm water treatment areas and manufactured slopes (Lots 3 and 4) and conserved open space (Lots 5 and 6). The development of 86 units on 5.6 acres equals 15.4 du/ac, which meets the minimum density of 15 du/ac recommended by the Community Plan.

The project site is located in a developing area and is surrounded by existing or under-construction development to the west, SR-905 to the north, an under-review, a 500-unit multi-family residential development to the south and undeveloped MHPA and non-MHPA open space lands to the east. The majority of the site consists of flat to gently inclined ground surfaces with a small portion of Spring Canyon located in the northeast portion of the site. Onsite elevations range from a high of approximately 529 feet Mean Sea Level (MSL) in the western portion of the site to approximately 505 MSL in the eastern central portion of the site.

Access to the residential units would be provided from the approved private internal street systems of the adjacent multi-family projects to the west with no additional driveways onto Airway Road required. All utility facilities required to serve the subdivision are private and available from the adjacent developments. The more sensitive eastern half of the site would remain undeveloped in a 12.9-acre Covenant of Easement (COE), which would include the existing 5.1 acres of MHPA and 7.8 acres of non-MHPA open space.

To ensure the COE area is properly maintained and protected, a Habitat Manager must be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All biological impacts associated with the development would be mitigated onsite in the COE area. Based on the relatively level terrain of the site, its proximity to existing similar development, the availability of site access and required utilities and the ability to preserve the most environmentally sensitive areas, the site is physically suitable for the type and density of development.

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

The 21.2-acre project site is located in a developing area and is surrounded by existing or underconstruction development to the west, SR-905 to the north, an under-review, a 500-unit multi-family residential development to the south and undeveloped MHPA and non-MHPA open space lands to the east. The subdivision design locates the residential parcels on the western half of the site, adjacent to existing multi-family developments. The subdivision has been designed to take access from the adjacent project's private street systems, providing connectivity between the neighborhood streets and sidewalks without requiring additional road improvements and associated environmental impacts.

The more sensitive eastern half of the site which includes Wetland, Riparian and Upland habitats would remain undeveloped in a 12.9-acre Covenant of Easement (COE), which would include the existing 5.1 acres of MHPA and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, a Habitat Manager must be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). The 10.32 acres of direct biological project impacts identified in Addendum to EIR No. 30330/304032 would be mitigated onsite within the COE. The subdivision facilitates the protection of the COE open space described above through the creation of Lots 5 and 6.

The subdivision includes the creation of Lots 3 and 4, which would contain the storm water retention and filtration basins required for compliance with the City's storm water runoff requirements. These basins direct runoff away from the MHPA, protecting the adjacent habitat from storm water runoff and erosion. Lots 3 and 4 also include the project's manufactured slope areas, which would be stabilized and planted with appropriate drought-tolerant and non-invasive vegetation in compliance with the City's MHPA adjacency guidelines and brush management requirements. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area.

Conditions of approval require compliance with operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations, and the inspection of construction to assure construction permits are implemented in accordance with the approved plans, and that the final product will comply with all regulations.

An Addendum to the Otay Mesa Community Plan Final EIR No. 30330/304032 (OMCP FEIR) has been prepared for this project. The Addendum determined that there are no new significant environmental impacts not considered in the OMCP FEIR; no substantial changes have occurred with respect to the circumstances under which the project was undertaken and there is no new information of substantial importance to the project. Mitigation is required for project-level impacts related to Biological Resources, Historical Resources and Noise, as described in the Mitigation, Monitoring and Reporting Program (MMRP) which would be implemented with the project to reduce potential impacts to below a level of significance. All biological impacts associated with the development would be mitigated onsite.

Access to these units would be provided from the approved private internal street systems of the adjacent Tesoro and Vista del Sur projects to the west with no additional driveways onto Airway Road required. All utility facilities required to serve the subdivision are private and available from the adjacent projects as well. Therefore, the proposed subdivision or the type of improvement would not be detrimental to the public health, safety and welfare.

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

The 21.2-acre project site is located in a developing area and is surrounded by existing or underconstruction development to the west, SR-905 to the north, an under-review, a 500-unit multi-family residential development to the south and undeveloped MHPA and non-MHPA open space lands to the east. The site is bisected by Airway Road, which currently terminates in a cul-de-sac in the westcentral portion of the site and does not resume until approximately two miles to the east at the intersection of Cactus Road. To facilitate construction of the unfinished portion of Airway Road an irrevocable Offer of Dedication (IOD) for the approximately 760 linear feet of undeveloped road located onsite is required. The impacts of roadway installation have been analyzed in the project's EIR Addendum and payment of the Facilities Benefit Assessment (FBA) fees for the Otay Mesa Public Facilities Financing Plan (PFFP), which includes Airway Road, is required at ministerial permit issuance.

The project would be accessed from the adjacent project's private street systems, providing connectivity between the neighborhood streets and sidewalks, with no additional driveways onto Airway Road required. All utility facilities required to serve the subdivision are private and are available from the adjacent developments and there are no easements acquired by the public at large for access through or use of the property within the proposed subdivision.

The project is located within the FAA Part 77 Noticing Area, however FAA noticing is not required because the proposed structures would not exceed the height threshold requiring FAA notification. The site is also located in the Brown Field Airport Influence Area 2. Because the project is compatible with the Otay Mesa Community Plan land use designation, is not within the Airport Approach Overlay Zone (AAOZ) and is located outside of the Airport Land Use Compatibility Plan (ALUCP) 60 decibel (dB) Community Noise Equivalent Level (CNEL), the use is considered compatible and a Consistency Determination was not required from the Airport Land Use Commission (ALUC).

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

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

The proposed subdivision of a 21.2-acre parcel into six lots for the construction of 86 multi-family residential condominium units 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 preserve environmentally sensitive lands. The majority of the structures are oriented in a north-south direction with private driveways and courtyards separating the structures, which allows sunlight exposure and air circulation. Building placement will not impede or inhibit any future passive or natural heating and cooling opportunities and allows for cross-ventilation from the prevailing winds. With the independent design of 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.

The undeveloped 21.2-acre project site would be subdivided into six lots for the development of 86 multi-family residential condominium units. The project design clusters the development on the western half of the site, immediately adjacent to existing multi-family developments, minimizing impacts to available onsite environmental resources. The more sensitive eastern half of the site would remain undeveloped in a 12.9-acre Covenant of Easement (COE), which would include the existing 5.1 acres of MHPA and 7.8 acres of non-MHPA open space. To ensure the COE area is properly maintained and protected, a Habitat Manager will be identified and funded in perpetuity pursuant to the project's Habitat Management Plan (HMP). All biological impacts associated with the development would be mitigated within the onsite COE.

The effect of the proposed subdivision on the housing needs of the region will be to provide 86 new market-rate, multi-family residential condominium units, and meeting these housing needs are balanced against the needs for public services and the available fiscal and environmental resources. The applicant will satisfy the SDMC Inclusionary Housing regulations via payment of the inclusionary affordable housing fee pursuant to the Inclusionary Housing regulations. Development Impact fees related to public improvements will be paid at the ministerial permit phase.

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, Tentative Map No. 1299345 is hereby granted to Southview Development Partners, L.P. subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

[Attorney] Deputy City Attorney

[Initials]:[Initials] [Month]/[Day]/[Year] Or.Dept:[Dept] R-**Error! Reference source not found.** 

Attachment: Tentative Map Conditions

Internal Order No. 24004729

# **ATTACHMENT 8**

### CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 1299345

# SOUTHVIEW EAST - PROJECT NO. 371807 [MMRP]

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

#### GENERAL

- 1. This Tentative Map will expire (three years from approval date)
- Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
- 3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 4. The Final Map shall conform to the provisions of Planned Development Permit No. 1299342, Site Development Permit No. 1821449 and Rezone No. 1299346.
- 5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

## AIRPORT

6. Prior to recordation of the Final Map, the Subdivider shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520

# ENGINEERING

- Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new street light adjacent to the site at the northeast corner of Private Driveway "L" and Airway Road, satisfactory to the City Engineer.
- 8. The Subdivider 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. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
- The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
- 10. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

## MAPPING

- 11. "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].
- 12. "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."
- 13. 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.
- 14. 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.
  - Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances).

All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

15. The Irrevocable Offer to Dedicate (I.O.D) for 122 foot right-of-way plus slope easements for Airway Road along the project frontage to station 19+00, as shown on Exhibit "A" shall be granted on the Final Map to the satisfaction of the City Engineer.

# PUBLIC UTILITIES

- 16. Prior to the recordation of the Final Map, the Subdivider shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public- right-of-way or public easement.
- 17. Prior to Recordation of the Final Map, the Subdivider shall sign and provide to the City a letter acknowledging their obligation and intent to create, via CC&Rs on each Unit's title, provisions for the continuous future operation and maintenance of the development's private sewer main in a manner satisfactory to the Public Utilities Director and the City Engineer.
- The proposed development is currently subject to the following sewer reimbursement fee: The Otay Mesa Sewer Surcharge fee of \$1821.75 per living unit plus 6% simple interest from 3 12 08 (21351-D-O).
- All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
- 20. All on-site water and sewer facilities shall be private.
- 21. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check or public standards per City of San Diego Sewer Design Guide.
- 22. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer and five feet of any water facilities.

## GEOLOGY

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

# LANDSCAPE/BRUSH MANAGEMENT

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

# INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this 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 Tentative Map, may protest the imposition within ninety days of the approval of this 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. 24004729

## **RESOLUTION NUMBER R-**

# ADOPTED ON

WHEREAS, on <u>March 25, 2014</u>, the City Council of the City of San Diego considered an update to the Otay Mesa Community Plan; and

WHEREAS, on <u>March 25, 2014</u>, as part of that consideration, the City of San Diego City Council adopted Resolution No. <u>308809</u>, certifying the Environmental Impact Report <u>30330/304032</u>, <u>SCH No.</u> <u>2004651076</u>, 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 August 18, 2014, Cornerstone Communities Corporation 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

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

1. That the information contained in the final Environmental Impact Report No. 30330/304032 along with the Addendum thereto, 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 the 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 the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report.

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 at 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 Addendum to Environmental Impact Report No. <u>30330/304032</u> with respect to the Project, a copy of which is on file in the office of the Development Services Department.

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 Development Services Staff 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, CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

By: [NAME], [DEPUTY CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

# **EXHIBIT A**

#### MITIGATION MONITORING AND REPORTING PROGRAM

#### Rezone, Planned Development Permit, Site Development Permit and Tentative Map PROJECT NO. <u>371807</u>

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. <u>30330/304032, SCH No. 2004651076</u> shall be made conditions of Rezone, Planned Development Permit, Site Development Permit and Tentative Map as may be further described below.

# V. MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

The Southview East Project shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified OMCP FEIR No. 30330/304032, SCH No. 2004651076 and the Project-specific subsequent technical studies required in accordance with the OMCP FEIR Mitigation Framework. The following MMRP identifies measures which specifically apply to this Project.

## A. GENERAL REQUIREMENTS - PART I Plan Check Phase (prior to permit issuance)

- Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
- In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this Project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
- 3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

http://www.sandiego.gov/development-services/industry/standtemp.shtml

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. SURETY AND COST RECOVERY – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying Projects.

# B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

 PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

> Qualified Biologist Qualified Archoeologist Native American Monitar

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division 858-627-3200
- For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call RE and MMC at 858-627-3360
- 2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) Number <u>371807</u> and /or Environmental Document Number <u>371807</u>, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining

documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency. **NOT APPLICABLE** 

# 4. MONITORING EXHIBITS

All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying Projects.

# 5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

# **Document Submittal/Inspection Checklist**

| Issue Area       | Document submittal                    | Assoc Inspection/Approvals/Notes                       |  |
|------------------|---------------------------------------|--|--|
| General          | Consultant Qualification Letters      | Prior to Pre-construction Meeting                      |  |
| General          | Consultant Const. Monitoring Exhibits | Prior to or at the Pre-Construction<br>meeting         |  |
| Biology          | Biology Reports                       | Biology site observation                               |  |
| Archeology       | Archaeology Reports                   | Archaeology/Historic site observation                  |  |
| Noise            | Acoustical Reports                    | Noise mitigation features inspection                   |  |
| Waste Management | Waste Management Reports              | Waste management inspection                            |  |
| Bond Release     | Request for Bond Release letter       | Final MMRP inspections prior to Bond<br>Release Letter |  |

# C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

# HISTORICAL RESOURCES (CULTURAL RESOURCES/ARCHAEOLOGY)

In order to avoid potential historical resources impacts due to grading activities, the following mitigation measures shall be implemented by the Project applicant:

# I. Prior to Permit Issuance

A. Entitlements Plan Check

- 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 Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
  - 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 archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
  - MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
  - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

# II. Prior to Start of Construction

- A. Verification of Records Search
  - The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was inhouse, a letter of verification from the PI stating that the search was completed.
  - The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
  - The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
  - Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological 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
    - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction

documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

- b. The AME 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

# III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

- The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. 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 AME.
- The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
- 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
- 4. The archaeological and Native American consultant/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
  - In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
- No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
  - The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - 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.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, 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. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
    - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

## IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
  - Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
  - 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
  - Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
  - 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

- If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
  - 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
  - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  - The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
  - The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  - 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are NOT Native American
  - 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  - If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.
- V. 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 of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM of 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 and/or weekend 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.

# VI. 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 Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
    - For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources

Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

- 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 Artifacts
  - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  - The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  - 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
  - The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  - 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.
  - 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
  - The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  - The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

# I. BIOLOGICAL RESOURES

In order to avoid potential direct and indirect biological resources impacts, the following mitigation measures shall be implemented by the Project applicant:

I. Prior to Construction

A. **Biologist Verification**: The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) Section stating that a Project Biologist (Qualified Biologist),

as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the Project Project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the Project.

B. **Pre-construction Meeting:** The Qualified Biologist shall attend a preconstruction meeting, discuss the Project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, Project permit conditions; CEQA; endangered species acts; and/or other local, State or Federal requirements.

D. **Biological Construction Mitigation/Monitoring Exhibit:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit which includes the biological documents in C, above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements, (e.g. coastal cactus wren, plant salvage, burrowing owls exclusions, etc.) avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director/MMC. The Biological Construction Mitigation/Monitoring Exhibit shall include a site plan, written and graphic depiction of the Project's biological mitigation/monitoring program, and a schedule. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by MMC and referenced in the construction documents.

E. Avian Protection Requirements: To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur (based on construction timing) during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City Development Services Department for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City Development Services Department for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident Engineer, and Qualified Biologist shall verify and approve that all measures identified in the report or

mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the preconstruction survey, no further mitigation is required.

F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance and verify compliance with any other Project conditions as shown on the Biological Construction Mitigation/Monitoring Exhibit. This phase shall include, as applicable, flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an onsite educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian buffers and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction Monitoring-

All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the Biological Construction Mitigation/Monitoring Exhibit. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the preconstruction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to Mitigation Monitoring Coordination on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

A. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all Project activities that directly impact the resource shall be delayed until species specific local, State or Federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL Ordinance and MSCP, CEQA, and other applicable local, State and Federal laws. The Qualified Biologist shall submit a final Biological Construction Mitigation/Monitoring Exhibit /report to the satisfaction of the City Assistant Deputy Director /MMC within 30 days of construction completion.

## **Mitigation for Direct Impacts**

Mitigation Measure BIO-1 from the OMCP FEIR requires that Projects resulting in impacts to sensitive upland Tier I, II, IIIA, or IIIB habitats implement mitigation in accordance with the City's Biology Guidelines.

The following mitigation measures have been formulated to satisfy the requirements of the City's MSCP Subarea Plan and Biology Guidelines. The mitigation ratios used in this report follow the City's ESL Regulations five-tier system for impacts to sensitive upland vegetation/habitat communities (there are no impacts to wetlands). The ratios used in this report are as follows.

• Tier I: Southern foredunes, Torrey pines forest, coastal bluff scrub, maritime succulent scrub, maritime chaparral, scrub oak chaparral, native grasslands and oak woodlands (mitigation ratios range from 1:1 to 2:1).

• Tier II: Coastal sage scrub (1:1 to 2:1) and coastal sage scrub/chaparral ecotone (1:1 to 1.5:1). There are no Tier II habitats on site.

• Tier IIIA: Mixed chaparral and chamise chaparral (0.5:1 to 1:1). There are no Tier IIIA habitats on site.

• Tier IIIB: Non-native grasslands (0.5:1 for impacts outside the MHPA and mitigation inside the MHPA. 1:1 for impacts and mitigation both outside the MHPA).

Tier IV: Disturbed, agricultural, and eucalyptus (0:1).

Any errant construction impacts (i.e., any that were to occur outside an impact footprint; see Section 6.2.7, Grading/Land Development) shall be mitigated in accordance with the requirements of the section below, Mitigation for Direct Impacts.

# Mitigation for Direct Impacts to Upland Vegetation Communities

The Project will meet all required upland habitat mitigation through on-site preservation. Prior to the issuance of any construction permits, Project upland impacts shall be mitigated in accordance with the City's LDC Biology Guidelines thorough placement of a covenant of easement (in favor of the City, CDFW and USFWS) over the preserved mitigation land on-site, as presented in Table 1. This table presents the mitigation for significant, direct impacts to maritime succulent scrub (Tier I) and non-native grassland (Tier IIIB). The lands on-site proposed for mitigation are either already in the MHPA. Therefore, the ratios presented in Table 1 are consistent with all mitigation occurring in the MHPA, as listed in the Biology Guidelines.

| Vegetation<br>Communit<br>Y    | Existing<br>(Inside/Outsid<br>e MHPA) | Impacts<br>(Inside/Outsid<br>e MHPA) | Mitigatio<br>n Ratio   | Required<br>Mitigation<br>(Inside/Outsid<br>e MHPA) | Remaining On<br>Site<br>(Inside/Outsid<br>e MHPA) |
|--------------------------------|---------------------------------------|--------------------------------------|------------------------|---|---|
| Maritime<br>succulent<br>scrub | 1.0/                                  | 0.01/                                | 2:1/                   | 0.02/   | 0.97/   |
| Non-native<br>grassland        | 3.7/13.6                              | 0.8/8.0                              | 1:1/0.5:1 <sup>2</sup> | 0.8/4.0 [Total<br>4.8]                              | 2.1/1.6 [Total<br>3.7]                            |
| TOTAL                          | 4.7/13.6                              | 0.81/8.0                             | -                      | 0.82/4.0 [Total<br>4.82]                            | 3.07/1.6 [Total<br>4.67]                          |

# Table 1 - Mitigation for Direct Impacts to Vegetation Communities

Direct impacts to 0.01 acre of maritime succulent scrub from the future Airway Road extension are proposed to be mitigated through the preservation of 0.02 acre of maritime succulent scrub in the MHPA on site. There would be 0.97 acre of surplus Tier I maritime succulent scrub preserved.

Direct impacts to 8.8 acres of non-native grassland (6.9 acres from the subdivision Project and 1.9 acres from the future extension of Airway Road) are proposed to be mitigated through the preservation of 4.8 acres of non-native grassland on site. The preservation would include 0.8 acre that is already in the MHPA. Under this scenario (i.e., the burrowing owl is absent), there would be 3.7 acres of non-native grassland not required for mitigation that would be preserved as surplus. Should the burrowing owl be found during the pre-construction/take avoidance surveys, however, (see Section 7.2.2, Mitigation for Direct Impacts to Sensitive Animal Species), the required mitigation for impacts to non-native grassland outside the MHPA would double. Therefore, the total required mitigation could be 8.8 acres, which would be 0.3 acre less than the available non-native grassland on site. If this was to occur, it is proposed that 0.3 acre of disturbed habitat on site would be used to satisfy this mitigation.

Ownership in fee title will be maintained by the subdivision Owner/Permittee. Prior to certificate of occupancy, the applicant shall identify a Habitat Manager pursuant to the Southview East Project Habitat Management Plan (HMP; Alden 2016a), to be approved by the City of San Diego, and submit evidence that a funding source has been secured to fully implement the HMP in perpetuity. Management of the land will be performed by the approved Habitat Manager, as directed by the HMP. The purpose of the HMP is to identify methods and means necessary to maintain and enhance habitat (and related wildlife) values of the preserved land in perpetuity. Table 2 lists the surplus preserved land by vegetation community based on the absence or presence of the burrowing owl.

| Vegetation Community     | Tier | Surplus Acreage if<br>Burrowing Owl is<br>Absent | Surplus Acreage if<br>Burrowing Owl is<br>Present |
|--------------------------|------|--|---|
| Vernal pool              |      | 0.02   | 0.02  |
| Road pool                |      | 0.05   | 0.05  |
| Freshwater marsh         |      | 0.08   | 0.08  |
| Southern willow scrub    |      | 0.04   | 0.04  |
| Maritime succulent scrub | I    | 0.97   | 0.97  |
| Non-native grassland     | IIIB | 3.70   | 0.00  |
| Disturbed habitat        | IV   | 1.10   | 0.80  |
| Developed                |      | 0.00   | 0.00  |
| TOTAL                    |      | 5.96   | 1.96  |

## Table 2 – Surplus Land On Site

## Mitigation for Direct Impacts to Sensitive Animal Species

#### San Diego Fairy Shrimp

Mitigation Measure BIO-4 from the FEIR states that impacts to fairy shrimp shall require either a section 10(a)1(A) permit or Section 7 consultation Biological Opinion from USFWS. If the vernal pool Habitat Conservation Plan is adopted, the City will receive take authorization for the seven vernal

pool species. Mitigation for direct impacts to four road pools (0.01 acre, 476 sq ft) supporting San Diego fairy shrimp from the future extension of Airway Road could include on-site or off-site (or a combination thereof) enhancement of existing pools as well as restoration of additional pools capable of supporting San Diego fairy shrimp. The mitigation shall include a five-year maintenance and monitoring period as well as a long-term habitat management plan. A conceptual vernal pool mitigation plan has been prepared that provides a potential on site mitigation solution for impacts to road pools with San Diego fairy shrimp. The final mitigation will be determined if/when the roadway extension Project moves forward through either the USFWS consultation process or through the City, if it implements the vernal pool Habitat Conservation Plan and enters into an Implementing Agreement for a new Federal Incidental Take Permit that covers the San Diego fairy shrimp. Implementation of this plan would be a requirement of the entity who is responsible for building the Airway Road extension.

## San Diego Black-tailed Jackrabbit, Raptor Foraging, and California Horned Lark

Direct impacts to San Diego black-tailed jackrabbit, raptor foraging, and California horned lark nonnative grassland habitat from the subdivision Project and future extension of Airway Road shall be mitigated through the on-site preservation of habitat as described above in *Mitigation for Direct Impacts to Upland Vegetation Communities*.

#### **BURROWING OWLS**

Preconstruction Survey Element

#### Prior to Permit or Notice to Proceed Issuance:

1. As this Project site has been determined to be burrowing owl occupied or to have burrowing owl occupation potential, the Permit Holder shall submit evidence to the Assistant Deputy Director of Entitlements verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.

2. The Qualified burrowing owl Biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's burrowing owl requirements and subsequent survey schedule.

# Prior to Start of Construction:

1. The Permit Holder and Qualified Biologist must ensure that initial preconstruction/take avoidance surveys of the Project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading regardless of the time of the year. "Site" means the Project site and the area within a radius of 450 feet of the Project site. The report shall be submitted and approved by the Wildlife Agencies (WAs) and/or City MSCP staff prior to construction or burrowing owl eviction(s) and shall include maps of the Project site and burrowing owl locations on aerial photos.

2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report -Appendix D (please note, in 2013, CDFG became California Department of Fish and Wildlife). 3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of pre-construction/take avoidance surveys. Verification shall be provided to the City's Mitigation Monitoring and Coordination (MMC) Section. If results of the pre-construction surveys have changed and burrowing owl are present in areas not previously identified, immediate notification to the City and WAs shall be provided prior to ground disturbing activities.

#### During Construction:

1. **Best Management Practices**-shall be employed as burrowing owl are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction Projects which are burrowing owl occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied burrowing owl areas, should undertake measures to discourage burrowing owls from re-colonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

2. On-going burrowing owl Detection - If burrowing owls or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If burrowing owls or burrows are detected during the pre-construction surveys, Section "B" shall be followed. Neither the MSCP subarea plan nor this mitigation section allows for any burrowing owls to be injured or killed outside or within the MHPA; in addition, impacts to burrowing owls within the MHPA must be avoided.

A. Post Survey Follow-Up if burrowing owl and/or Signs of Active Natural or Artificial Burrows Are Not Detected During the Initial Pre-Construction Survey. Monitoring the site for new burrows is required using Appendix D protocol for the period following the initial pre-construction survey until construction is scheduled to be complete and is complete (NOTE - Using a Projected completion date [that is amended if needed] will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol)

1) If no active burrows are found but burrowing owls are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.

2) If no active burrows are found but burrowing owls are observed during follow-up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's MMC Section shall be notified, and any portion of the site where owls have been observed and that has not been graded or otherwise disturbed shall be avoided until further notice.

3) If a burrowing owl begins using a burrow on the site at any time after the initial preconstruction survey, procedures described in Section B must be followed.

4) Any actions other than these require the approval of the City and the WAs.

B. Post Survey Follow-Up if burrowing owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey- Monitoring the site for new burrows is required using the Appendix D CDFG 2012 Staff Report for the period following the initial pre-construction survey until construction is scheduled to be complete and is complete (NOTE - Using a Project Projected completion date [that is amended if needed] will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol).

1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – all direct and indirect impacts to burrowing owls within the MHPA SHALL be avoided.

2) If one or more burrowing owls are using any burrows (including pipes, culverts, debris piles etc.) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the WAs regarding eviction/collapsing burrows and shall enlist appropriate City biologist for on-going coordination with the WAs and the Qualified burrowing owl Biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the WAs. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography and other physical and biological characteristics.

a) **Outside the Breeding Season** - If the burrowing owl is using a burrow on site outside the breeding season (i.e., September 1 – January 31), the burrowing owl may be evicted after the qualified burrowing owl biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the WAs for eviction is obtained prior to implementation.

b) **During Breeding Season** - If a burrowing owl is using a burrow on site during the breeding season (February 1– August 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls can be evicted. Eviction requires written concurrence from the WAs prior to implementation.

3. **Survey Reporting During Construction** - Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC Section and the WAs and must be provided in writing (as by e-mail) and acknowledged to have been received by the required agencies and Development Services Department Staff member(s).

### **Post Construction:**

1. Details of the all surveys and actions undertaken on site with respect to burrowing owls (i.e., occupation, eviction, locations, etc.) shall be reported to the City's MMC Section and the WAs within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site, maps of the Project site, and burrowing owl locations on aerial photos.

#### **Avian Protection**

Mitigation Measure BIO-2 from the OMCP FEIR requires implementation of mitigation to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, California Fish and Game Code, and/or the ESL Regulations. To protect nesting birds, vegetation clearing for the subdivision Project and future extension of Airway Road shall take place outside the general avian breeding season (which generally occurs from February 1 through September 15). See Avian Protection, Subsection I.E, Avian Protection Requirements, above, for more details.

## MITIGATION FOR INDIRECT IMPACTS

Mitigation for Indirect Impacts Associated with MHPA Land Use Adjacency and Raptor Nesting Mitigation Measure LU-2 from the OMCP FEIR requires that Projects adjacent to the MHPA comply with the Land Use Adjacency Guidelines of the MSCP. Therefore, to mitigate for significant edge effect impacts due to grading/land development, drainage, toxics, lighting, public access, invasive plant species, and noise, the following measures shall be required. While these measures are meant to protect the MHPA, they are also required to vernal pools and road pools that support fairy shrimp and nesting raptors (potentially northern harrier and burrowing owl) in the MHPA.

Mitigation for drainage and toxics impacts is required for construction of the Southview East subdivision Project. Mitigation for drainage and toxics is required for construction and operation of the future extension of Airway Road.

Mitigation for lighting impacts is required for construction and operation of the subdivision Project and the future extension of Airway Road.

Mitigation (barriers) for public access impacts is required for the operation of the future extension of Airway Road.

Mitigation for noise, invasive plant species, grading/land development, and raptor nesting impacts is required for construction of both the subdivision Project and the future extension of Airway Road.

1. Prior to issuance of any construction permit or notice to proceed, Development Services Department /Land Development Review, and/or MSCP staff shall verify the applicant has accurately represented the Project's design in or on the Construction Documents (CDs/CDs consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's MSCP MHPA Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CDs of the following:

A. **Grading/Land Development/MHPA Boundaries:** MHPA boundaries on site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the

MHPA. For Projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.

B. **Drainage**: The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall be used to reduce potential impacts associated with construction. The Project design shall comply with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the MHPA, vernal pools, and road pools.

C. **Toxics/Project Staging Areas/Equipment Storage:** No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CDs that states: "All construction related activity that may have potential for leakage or intrusian shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."

No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA, vernal pools, or road pools.

No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.

D. Lighting: Lighting within or adjacent to the MHPA shall be directed away/shielded and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.

E. **Barriers:** New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinylcoated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

F. **Invasive Plant Species:** No invasive, non-native plant species shall be introduced to the site during construction (e.g., on the undercarriages of vehicles). Vehicles and equipment brought to the site shall be washed at an appropriate offsite location/facility prior to entering the site.

G. Noise: Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the coastal California Gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, USFWS protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season

for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring. When applicable (i.e., habitat is occupied or if presence of the Covered Species is assumed), adequate noise reduction measures shall be incorporated as follows:

<u>COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)</u> Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following Project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of the MHPA between March 1 and August 15 (gnatcatcher breeding season) until the following requirements have been met to the satisfaction of the City Manager:

A. A qualified biologist (possessing a valid FESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the MHPA that lie within 500 feet of the Project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the gnatcatcher. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present within the MHPA, the following conditions must be met:

I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a qualified biologist; or

III. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the gnatcatcher. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

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

B. If gnatcatchers are not detected within the MHPA during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable wildlife agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

I. If evidence indicates high potential for gnatcatcher presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above.II. If evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

H. **Raptor Nesting**: Due to the potential for the northern harrier and burrowing owl to nest in the MHPA, a 900-foot impact avoidance area shall be maintained for any active northern harrier nest, and a 300-foot impact avoidance area shall be maintained for any active burrowing owl burrow in the MHPA. See Avian Protection, Subsection I.E, Avian Protection Requirements and Mitigation for Direct Impacts to Sensitive Animal Species, Burrowing Owl

## NOISE

In order to avoid potential interior noise impact due to transportation noise from SR-905, the following mitigation measure shall be implemented by the Project applicant:

An interior noise analysis would be required to be approved by the City's Building Inspection Department upon application for a building permit. This interior noise analysis must identify the sound transmission loss requirements for building façade elements (windows, walls, doors, and exterior wall assemblies) necessary to limit interior noise in habitable rooms to 45 dBA CNEL or below. Upgraded windows and/or doors with Sound Transmission Class (STC) ratings of 30 or higher may be necessary. If the interior noise limit can be achieved only with the windows closed, the building design must include mechanical ventilation that meets California Building Code (CBC) requirements. Worst-case noise levels, either existing or future, must be used.

With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the California Code of Regulations, Title 24: Noise Insulation Standard City of San Diego General Plan Noise Compatibility Guidelines requirement.

All HVAC units shall be placed over 40 feet from Project property lines, or HVAC units shall produce a sound power level of 63 dBA Leq or below, which would reduce property line noise levels to 45 dBA Leq or below.

Prior to commencement of Project construction, placement of a 10-foot-high noise barrier along the full west property line shall be completed, or time restrictions on construction activity within 315 feet of the west property line shall be implemented to reduce construction noise levels at the west Project property line to 75 dBA Leq (12 hours) or below. With this noise mitigation, Project construction noise levels would comply with City of San Diego construction noise limits.

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 of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Addendum Resolution Form for Any Decision Maker Revised 03/09/2012 nmf

# **ATTACHMENT 10**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 21.2 ACRES LOCATED EAST OF THE INTERSECTION OF AIRWAY ROAD AND CALIENTE AVENUE, SOUTH OF STATE ROUTE 905, WITHIN THE OTAY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 ZONE INTO THE RM-2-6 AND OR-1-2 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE CHAPTER 13 ARTICLE 1 DIVISIONS 2 (OR-1-2) AND 4 (RM-2-6); AND REPEALING ORDINANCE NO. R-301263 (NEW SERIES), ADOPTED FEBRUARY 28, 2006, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTSHEREWITH.

WHEREAS, under Charter section 280(a)(2) this ordinance 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 evidence presented; NOW, THEREFORE,

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

Section 1. That 21.2 acres located east of the intersection of Airway Road and Caliente Avenue, south of State Route 905 and legally described as remainder lot of Southview, Map No. 15984, dated July 16, 2014, in the Otay Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4318, filed in the office of the City Clerk as Document No. OO-

\_\_\_\_\_\_, are rezoned from the AR-1-1 zone into the RM-2-6 and OR-1-2 zones, as the zones described and defined by San Diego Municipal Code Chapter 13 Article 1 Divisions 2 (OR-1-2) and 4 (RM-2-6). This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

# **ATTACHMENT 10**

Section 2. That Ordinance No. R-301263 (New Series), adopted February 22, 2006, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land. Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN GOLDSMITH, City Attorney

By \_\_\_\_\_ Attorney name Deputy City Attorney

Initials~ Date~ Or.Dept: INSERT~ Case No.INSERT PROJECT NUMBER~ O-INSERT~ Form=inloto.frm(61203wct)

Rev 10-05-09 hmd document11


THE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON SEP 21, 2012 DOCUMENT NUMBER 2012-0572899 Emest J Dronenburg, Jr., COUNTY RECORDER SAN DIEGO COUNTY RECORDER'S OFFICE TIME: 9:32 AM

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

PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ų.

INTERNAL ORDER NUMBER: 23420290

## SITE DEVELOPMENT PERMIT NO. 25170 SOUTHVIEW - PROJECT NO. 2204 [MMRP] CITY COUNCIL

This Site Development Permit No. 25170 is granted by the City Council of the City of San Diego to Southview, LLC, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections126.0501 through 126.0505 and 143.0101 through 143.0160. The 42.62-acre site is located at the southeast corner of Caliente Road and Airway Road, south of Otay Mesa Road and west of Spring Canyon in the AR-1-1 zone of the Otay Mesa Community Plan. The project site is legally described as a portion of the SE ¼ of the NE ¼ of Section 31, T18S, R1W, and, a portion of the W'LY ½ of the NW ¼ Section of 32, T18S, R1W, SBBM of San Diego County; and

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide a parcel into three lots for the future development of 538 multi-family condominium units where a portion of the site contains environmentally sensitive lands, and creating a Remainder Parcel which is not proposed for development (project implementation requires approval of Tentative Map No. 025169 and Rezone No. 025168), described and identified by size dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated\_\_\_\_\_\_, on file in the Development Services Department. The project shall include:

a. The three lot subdivision of a 42.62-acre site pursuant to Tentative Map No. 025169 and Rezone No. 025168 for the future construction of a maximum of 538 multifamily condominium units located on environmentally sensitive lands as noted in the table below. The maximum density of 538 units is consistent with the Otay Mesa Community Plan's Medium-Residential Land Use designation:

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|       | Acreage | # of Units |
|-------|---------|------------|
| Lot 1 | 5.06    | 152        |
| Lot 2 | 7.01    | 210        |
| Lot 3 | 5.88    | 176        |

- b. Conceptual Architectural Plans (AS.1 through AS.3);
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.
- d. Remainder Parcel: No development proposed.

## STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

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.).

In accordance with authorization granted to the City of San Diego from the United States 7. 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 Game [CDFG] pursuant to California Fish and Game 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 CDFG, 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 Site Development Permit shall comply with the provisions of Tentative Map No. 025169.

13. This Site Development Permit is conditioned upon the adoption of Rezone No. 025168.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

14. 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.

15. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 2204, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 2204, 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/MHPA) Biological

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Historic (Archaeology) Transportation/Circulation Noise Paleontology Utilities

#### AFFORDABLE HOUSING REQUIREMENTS:

17. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

#### LANDSCAPE REQUIREMENTS:

18. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas arc consistent with the Exhibit "A" Landscape Development Plan.

19. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. 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.

20. Prior to issuance of any engineering pennits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 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.

21. Prior to the issuance of any engineering permits for grading or improvement the Permittee shall complete a Maintenance Assessment District Agreement form for early confirmation.

22. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A" Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

23. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements 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. In this case, a Landscape Establishment & Maintenance Agreement (LEMA) may be required.

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24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manger within 30 days of damage or Certificate of Occupancy.

25. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulations and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

26. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

27. Graded pad areas shall be hydro-seeded to prevent erosion, in the event that construction of building(s) does not occur within 30 days of grading. Hydro-seed shall be irrigated or reapplied as necessary to establish growth.

#### BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

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

29. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," on file in the Development Services Department and shall comply with the Uniform Fire Code (SDMC section 55.0889.0201) and the Land Development Manual Landscape Standards.

30. Within Zone One combustible accessory structures (including but not limited to decks, trellises, gazebos, etc.) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to the Fire Chief and City Manager's approval.

31. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

32. Prior to final inspection for any building pennit, the approved Brush Management Program shall be implemented.



33. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Chapter 14 Landscape Regulations and with the Land Development Manual Landscape Standards.

34. The Fire Chief has approved the following Modified Brush Management Program:

Lot 1 - Zone One of 35 feet on the east and no Zone Two.

Lot 2 - Zone One of 35 feet on the south and no Zone Two.

Lot 3 - Zone One of 58 feet on the east and no Zone Two, and Zone One of 35 feet on the south and no Zone Two.

#### **MULTIPLE SPECIES CONSERVATION PROGRAM:**

35. The issuance of this permit by the City of San Diego does not authorize the 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 (EAS) and any amendments thereto (16 U.S.C. Section 1531 et seq.).

36. In accordance with authorization granted to the City of San Diego from the USFWS pursuant to Sec. 10(a) of the ESA and by the CDFG pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon 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 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.

37. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant 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 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 CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA.

38. 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 Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

#### PLANNING/DESIGN REQUIREMENTS:

39. 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 hetween 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.

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

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

42. 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.

43. Development of Lots 1, 2 and 3 shall be consistent with the underlying zoning and the provisions of the Exhibit "A", *Conceptual Architectural Plans* numbered AS.1 through AS.3.

44. The Remainder Parcel shall have no development rights with this current action. Future development proposals will require discretionary actions.

45. Prior to issuance of the first construction permits for each building, construction documents shall fully illustrate the incorporation of the following sustainable design features on the new structures and on the site plan, floor plans, roof plan, and elevations, where applicable to achieve a 29.4% reduction in Greenhouse Gas Emissions:

- a. Increase home energy efficiency beyond California Code of Regulations, Title 24 (2008 standard) by 20% through the installation of energy-efficient lighting and lighting control systems;
- b. Installation of energy-efficient heating and cooling systems, appliances and equipment and control systems;
- c. Implement a comprehensive water conservation strategy appropriate for the project and location, to include installation of water-efficient fixtures and appliances such as waterless urinals and low-flow toilets in building restrooms and low-flow bathroom fixtures in residential dwellings, plus other innovative measures that are appropriate to the specific project;
- d. Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers in public areas:
- e. Recycle and/or salvage 50% of nonhazardous construction and demolition waste, and develop and implement a construction waste management plan;
- f. Use building products that have a minimum 10% recycle content; and
- g. Work with SDG&E to make room for the electric/hybrid vehicle charging stations which will require a 240V/20amp (or 40amp) dedicated circuit connected to a breaker. The charger will need to be hand-wired directly to the circuit.

#### **TRANSPORTATION REQUIREMENTS**:

46. Prior to issuance of any construction permit, Owner/Permittee shall contribute 50 percent of the cost of the installation of a traffic signal at the intersection of the six-lane Caliente Avenue and the four-lane Airway Road, satisfactory to the City Engineer.

47. Prior to issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the widening of the east side of Caliente Avenue, from the intersection of Airway Road to the southerly project property line, as a 6-lane major roadway with a 24 foot wide raised center median and 59 feet curb-to-centerline tapering to a 16 foot wide raised center median and 50 feet curb to centerline approximately 700 feet south of Airway Road, a 22 foot parkway, new curb, gutter, and a minimum five foot wide non-contiguous sidewalk, satisfactory to the City Engineer. A temporary cul-de-sac turnaround with a minimum 50 foot radius shall be provided at the southerly end of Caliente Avenue.

48. Prior to issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the widening of the east side of Caliente Avenue, from the intersection of Airway Road to the northerly project property line, as a 6-lane major roadway with any necessary median improvements, 60 feet curh-to-centerline and a 22 foot parkway, new curb, gutter, and a minimum five foot wide non-contiguous sidewalk, satisfactory to the City Engineer.

49. Prior to the issuance of any construction permit the Owner/Permittee shall assure by permit and bond the full width construction of Airway Road as a 4-lane major roadway from Caliente Avenue to the easterly project property line, satisfactory to the City Engineer. Owner/Permittee shall provide a cul-de-sac at the east end of Airway Road and provide a deferred improvement agreement to install a traffic signal at the intersection of the easterly driveway of Lot 3 and Airway Road when warranted.

50. Prior to issuance of any construction permit, the Owner/Permittee shall contribute 5.7 percent towards the widening of the intersection of Caliente Avenue/Ocean View Hills Parkway/Otay Mesa Road to provide an additional northbound right turn lane, resulting in a total of one exclusive northbound left turn lane, two northbound through lanes, and two northbound exclusive right turn lanes, satisfactory to the City Engineer.

51. Prior to the issuance of the first certificate of occupancy, SR-905 Phase IB shall be completed, satisfactory to the City Engineer.

52. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

## **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

53. Prior to the issuance of any grading or building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) for all improvements, including private utilities, installed in or over any public street right of way.

54. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Director of Public Utilities, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownersbip.

55. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

56. Proposed private underground sewer facilities located within a single lot 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.

57. Prior to the issuance any construction permit the Owner/Permittee shall execute a written agreement acceptable to the City, that the Owner/Permittee will perform one of the following three activities (activities 58, 59, and 60) at the subsequent direction of the City to provide for funding and construction of the Otay Mesa Trunk Sewer System. The Owner/Permittee will secure performance of the agreement by providing a performance bond acceptable to the City prior to the issuance of any public improvement permit.

58. The Owner/Permittee shall design and construct, either alone or in conjunction with other developers similarly conditioned, the next pending improvement phase of the Otay Mesa Sewer System as identified in the Otay Mesa Sewer Master Plan Revisions dated December 2008. The improvements are those that will provide capacity to serve the development by splitting the current drainage basin.

59. If the Owner/Permittee's cost of the improvement exceeds the fair share attributable to the development, the Owner/Permittee will enter into a written agreement acceptable to the City that provides for reimbursement to the Owner/Permittee for the costs (including interest) in excess of the fair share, as it is collected from future development in the area benefiting from the improvement.

60. The Owner/Permittee will participate in and not object to the formation of a Community Facilities District (CFD) or other mechanism, to fund or reimburse the construction of the improvement phases as identified in the Otay Mesa Master Plan Revisions, dated December 2008.

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



## PARK AND RECREATION REQUIREMENTS:

62. Prior to approval of the final map a Maintenance Assessment District (MAD) shall be formed for the public improvements within the public right of way, for Caliente Avenue and Airway Road, to the satisfaction of the City of San Diego.

63. If a Maintenance Assessment District is not formed. All landscape improvements installed as a part of this project shall be maintained by a private entity (HOA).

64. The Owner/Permittee shall ensure that all Maintenance Assessment District irrigation systems and water meter are separate from HOA irrigation systems and water meter. All MAD irrigation shall be designed and installed per the City of San Diego Park Design and Development Guidelines (2011).

65. The Owner/Permittee shall ensure that all Maintenance Assessment District improvements are separated from Home Owner Association improvements by a concrete mow curh constructed to City standards.

66. Prior to the issuance of the first building permit, Public Improvement Plans shall be reviewed and approved by the Park & Recreation Department.

#### **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 \_\_\_\_\_UL 2 3 2012 by Resolution No. 12-307597.

Doc. No. 398312

Permit Type/PTS Approval No.: SDP/ 25170 Date of Approval: July 23, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Mike Westlake Assistant Deputy Director

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.

SOUTHVIEW, LLC, a California Limited Liability Corporation Owner/Permittee

By\_ NAME: TITLE:

-NOTE:-Notary-acknowledgmentsmust be attached per Civil Code section 1189 et seq.

ORIGINAL

Doc. No. 398312

| tate of California  |   |
|---|---|
| County of San Diego   | {   |
| September 7, 2012   | S. S. Wenceslao, Notary Public<br>Here insert Name and Title of the Officer   |
| Date Detote the,  | Here Insert Name and Title of the Officer   |
| personally appeared   | Mike Westlake   |
|   | nemets) or argnores   |
| S, S. WENCESLAD<br>Commission # 1964827<br>Notary Public - California<br>San Diego County | who proved to me on the basis of satisfactory<br>evidence to be the person(e) whose name(e) is/are<br>subscribed to the within instrument and acknowledged<br>to me that he/she/they executed the same in<br>his/her/their authorized capacity(ies), and that by<br>his/her/their signature(s), on the instrument the<br>person(s), or the entity upon behalf of which the<br>person(s) acted, executed the instrument. |
| My Comm. Expires Dec 24, 2015   | 1 certify under PENALTY OF PERJURY under the<br>laws of the State of California that the foregoing<br>paragraph is true and correct.  |
|   | WITNESS my hand and official seal.  |
| Pisce Notery Seel Above   | PTIONAL Signature of Notary Public  |
| Though the information below is not required<br>and could prevent fraudulent rem          | d by law, it may prove valuable to persons relying on the document<br>oval and realischment of this form to another document.   |
| Description of Attached Document Title or Type of Document:                               | Southview - PTS #2204   |
|   |   |
|   | Number of Pages:  |
| Signer(s) Other Than Named Above:   |   |
| Capacity(ies) Claimed by Signer(s)  |   |
| Signer's Name:  |   |
| Corporate Officer — Title(s):   |   |
| I Individual  |   |
| Partner Limited General Top of the     Top of the   |   |
| Attorney In Fact  | Attorney In Fact  |
|   |   |
| C Trustee   |   |
| Trustee     Guardian or Conservator   | Guardian or Conservator   |
| Trustee   | Other:  |

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| State of California  | )   |
|--|---|
| County of Sch Dicero   | Denise Huerta Noteny Public<br>Hare insert Name and Title of the Oliber<br>n Abrams<br>Neme(s) of Signer(s)   |
| - F August 2017  | Damice I hight Northenny Riller   |
| Do <u>0, Muspor</u> before me,   | Here insert Name and Title of the Officer   |
| personally appeared  | n Abrams  |
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|  | who proved to me on the basis of satisfactory   |
|  | evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged  |
|  | to me that he/she/they executed the same in   |
|  | his/her/their authorized capacity(iss), and that by   |
|  | his/her/their signature(s) on the instrument the  |
| DENISE HUERTA  | person(s), or the entity upon behalf of which the   |
| Commission # 1646370<br>Notary Public - California   | person(s) acted, executed the instrument.   |
| Orange County  | ! certify under PENALTY OF PERJURY under the  |
| My Comm. Expires May 9, 2013   | laws of the State of California that the foregoing  |
|  | paragraph is true and correct.  |
|  |   |
|  | WITNESS my hand and official seat   |
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| Disce Materi Stati Ahave   | Sionatura:  |
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RESOLUTION NUMBER R- 307597 DATE OF FINAL PASSAGE JUL 2 3 2012

# A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 025170 FOR THE SOUTHVIEW PROJECT NO. 2204.

WHEREAS, SOUTHVIEW, LLC, a California Limited Liability Corporation,

Owner/Permittee, filed an application with the City of San Diego for a Tentative Map and Site Development Permit No. 025170 to subdivide 21.443 acres of a 42.62-acre parcel into three lots for the future development of 538 residential condominium units and create a 21.174 Remainder Parcel on portions of a 42.62-acre site; and

WHEREAS, the project site is located at the southeast corner of Caliente Avenue and Airway Road, east of Caliente Avenue, south of Otay Mesa Road and west of Spring Canyon in the AR-1-1 zone, which is proposed to be rezoned to RM-2-6, and within the Airport Environs Overlay Zone of the Otay Mesa Community Plan; and

WHEREAS, the project site is legally described as a portion of the SE ¼ of the NE ¼ of Section 31, T18S, R1W, and a portion of the W'LY ½ of the NW ¼ Section of 32, T18S, R1W, SBBM of San Diego County; and

WHEREAS, on May 17, 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 025170 pursuant to the Land Development Code of the City of San Diego and pursuant to Resolution No. 4804-PC voted to recommend approval to the City Council; 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 UECEIAF



-PAGE 1 OF 9-

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 JUL 2 3 2012

testimony having been heard, evidence having been submitted and the City Council having full

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 Site Development Permit No. 025170:

# A. Findings For All Site Development Permits:

The proposed development will not adversely affect the applicable land use 1. plan. The proposed project is a Rezone, Site Development Permit for environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel where no development will occur. The lot sizes and proposed densities of the proposed lots are as follows: Lot 1: 5.068 acres - 152 units; Lot 2: 7.011 acres -210 units; and, Lot 3: 5.881 acres - 176 units; Remainder Parcel: No development. Project implementation includes the construction of public roadway/right-of-way improvements and private infrastructure to support the development footprint. Conceptual architectural plans are included in the Owners set of proposed plans to guide future ministerial development of each lot. These conceptual plans outline the general style, bulk, and scale of the surrounding developments for purposes of complementing the existing "Spanish" architecture style, to ensure compliance with the proposed RM-2-6 rezone, and consistency with the community plan recommendations. The property is zoned AR-1-1 and is proposed to be rezoned to RM-2-6 (Rezone No. 025168).

The site is designated for Medium Residential development within the Otay Mesa Community Plan. The Medium Residential land use designation has a density range of 15-30 dwelling units per acre. The rezone to RM-2-6 would allow up to 35 dwelling units per acre. The Otay Mesa Community Plan would allow a developable range of 269-538 multi-family dwelling units on the site. As such, the proposed subdivision and rezone of the approximately 21.443 acres to RM-2-6 with allowable dwelling units per acre of 35 capped at 30 dwelling units per acre as conditioned by the Site Development Permit. Thus, making it consistent with the density range of the Otay Mesa Community Plan. The Remainder Parcel will continue to be left undeveloped. With the adoption of Rezone No. 025168 associated with this action, the proposed development would be consistent with the policies, goals, and objectives of the Otay Mesa Community Plan. Therefore, the proposed project 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 proposed project is a Rezone, Site Development Permit for



environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel not included for development. The lot sizes and proposed densities of the proposed lots are as follows: Lot 1: 5.068 acres - 152 units; Lot 2: 7.011 acres - 210 units; and, Lot 3: 5.881 acres - 176 units; Remainder Parcel: No development. Project implementation includes the construction of public roadway/right-of-way improvements and private infrastructure to support the development footprint. Conceptual architectural plans are included in the Owners set of proposed plans to guide future ministerial development of each lot. These conceptual plans outline the general style, bulk, and scale of the surrounding developments for purposes of complementing the existing "Spanish" architecture style, to ensure compliance with the proposed RM-2-6 zone, and consistency with the community plan recommendations. The Owner/Permittee has requested to rezone the project from AR-1-1 to RM-2-6 (Rezone No. 025168). The site is designated for Medium Residential development within the Otay Mesa Community Plan. Surrounding developments are the San Ysidro High School directly across Caliente Avenue to the west and State Route 905, which is currently under construction to the north.

The proposed development required the preparation of a number of technical studies including: biological and archaeological resources surveys, a sewer study, water quality technical report, traffic study, water supply assessment, greenhouse gas emissions report, air quality report, and a noise study. These reports concluded that the proposed project with the project design features and implementation of applicable mitigation measures would not adversely impact these issue areas. As such, there are no site or design constraints that would prevent the proposed project from being suitable for development. Some of these site specific project design features include additional fencing, building setbacks, and buffer requirements.

An air quality technical report was prepared for the project, which concluded that due to the proximity of the proposed development to SR-905 and the potential for air quality risks from vehicle emissions, a 50-foot buffer is required from the nearest building on Lot 1 to the SR-905 right-of-way (*Air Quality Technical Report*, by Jones and Stokes October 2006). Within the 50-foot buffer, design measures are required on the appropriate building elevations as well as heating and air conditioning location requirements for ventilation purposes to reduce potential health risks exposures. A noise study was prepared for the project due to the projected traffic volumes on SR-905 (*Acoustical Analysis*, Rick Taveras, 2006). The noise study concluded that a five-foot high perimeter wall is required for Lot 1 to mitigate noise impacts to future residents.

A Mitigated Negative Declaration (MND) No. 2204 was prepared for the project in accordance with the California Environmentally Quality Act (CEQA) which analyzed a full build-out residential scenario in all CEQA issue areas. The environmental analysis confirms that the development would not have the potential to cause significant adverse effects to Health and Safety, Hydrology/Water Quality, or Public Services. The MND concluded that the proposed project could have a significant environmental effect in the following areas: Traffic/Circulation, Land Use (Multi- Species Conservation Plan)/Adjacency Guidelines), Noise, Historical Resources, Paleontological Resources, Biological Resources and Public Utilities. However, implementation of a Mitigation Monitoring and Reporting Program would reduce the environmental effects of the project in these issue areas to below a level of significance. No



significant impacts result from for the following issue areas: Air Quality, Greenhouse Gas Emissions, Energy, and Visual Quality/Neighborhood Character.

The project has been designed to comply with the Land Development Code to prevent detrimental impacts to the health, safety, and welfare of residents, workers, and visitors as well as adjacent development. These requirements include the design of streets, sidewalks, grading, and treatment of stormwater. Conditions of approval and mitigation measures address construction activities, shielding of lights, attenuation for noise, and placement of landscape and buildings. Construction of the project will be pursuant to the applicable Uniform Building, Fire, Plumbing, Electrical and Mechanical Codes.

All proposed improvement plans associated with the project will be reviewed prior to issuance of ministerial permit(s) and inspected during construction to assure the project will meet or exceed all relevant and applicable codes. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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 proposed project is a Rezone, Site Development Permit for environmentally sensitive lands, and a Tentative Map to subdivide 21,443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel that is not proposed for development. The lot sizes and proposed densities of the proposed lots are as follows: Lot 1: 5.068 acres - 152 units; Lot 2: 7.011 acres – 210 units; and, Lot 3: 5.881 acres - 176 units; Remainder Parcel; No development. Project implementation includes the construction of public roadway/right-of-way improvements and private infrastructure to support the development footprint. Conceptual architectural plans are included in the Owners set of proposed plans to guide future ministerial development of each lot. These conceptual plans outline the general style, bulk, and scale of the surrounding developments for purposes of complementing the existing "Spanish" architecture style, to ensure compliance with the proposed RM-2-6 zone, and consistency with the community plan recommendations. The Owner/Permittee has requested to rezone the project from AR-1-1 to RM-2-6 (Rezone No. 025168). The site is designated for Medium Residential development within the Otay Mesa Community Plan. The proposed development is not requesting and does not require any deviations to the development regulations in the Land Development Code.

With the adoption of Rezone No. 025168, the proposed project and its design and improvements are consistent with the regulations of the Land Development Code. Therefore, the proposed project will comply with the applicable regulations of the Land Development Code.

B. Supplemental Findings - Environmentally Sensitive Lauds:

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed project is a Rezone, Site Development Permit for environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots



for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel not proposed for development. The lot sizes and proposed densities of the proposed lots are as follows: Lot 1: 5.068 acres - 152 units; Lot 2: 7.011 acres - 210 units; and, Lot 3: 5.881 acres - 176 units; Remainder Parcel: No development. Project implementation includes the construction of public roadway/right-of-way improvements and private infrastructure to support the development footprint. Conceptual architectural plans are included in the Owners set of proposed plans to guide future ministerial development of each lot. These conceptual plans outline the general style, bulk, and scale of the surrounding developments for purposes of complementing the existing "Spanish" architecture style, to ensure compliance with the proposed RM-2-6 zone, and consistency with the community plan recommendations. The Owner/Permittee has requested to rezone the project from AR-1-1 to RM-2-6 (Rezone No. 025168). The site is designated for Medium Residential development within the Otay Mesa Community Plan. The property is partially located within and adjacent to the Multi-Habitat Planning Area (MHPA), and contains environmentally sensitive lands.

The site is a relatively flat, undeveloped, irregularly shaped parcel. Updated Biological and Burrowing Owls surveys conducted in 2010/2011 determined that the site contains nonnative grasslands which would be directly impacted by the project. The Mitigated Negative Declaration prepared for the project includes a Mitigation Monitoring and Reporting Program (MMRP), which is required to be implemented as a condition of the SDP. The MMRP includes mitigation measures for impacts to 21.48 acres of non-native grassland requiring either off-site acquisition within the MHPA, purchase of credits within the City's Marron Valley Cornerstone Mitigation Bank, or through a combination of both options above. The Remainder Parcel has environmentally sensitive lands, but is conditioned for no development.

The project required the preparation and analysis of several technical studies including biological and archaeological resources surveys, a sewer study, water quality technical report, traffic study, and a greenhouse gas emissions report. None of these reports identified constraints that would prevent the proposed project from being suitable for development. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project is a Rezone, Site Development Permit for environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel not included within the development. The lot sizes and proposed densities of the proposed lots are as follows: Lot 1: 5.068 acres - 152 units; Lot 2: 7.011 acres - 210 units; and, Lot 3: 5.881 acres - 176 units; Remainder Parcel: No development. Project implementation includes the construction of public roadway/right-of-way improvements and private infrastructure to support the development footprint. Surrounding developments include the San Ysidro High School, undeveloped lands, the Spring Canyon Preserve and SR-905, which is currently under construction.

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The subdivision does not contain areas mapped as steep slopes, nor is it within a Special Flood Hazard Area. Implementation of the proposed project requires approximately 3,400 cubic yards of grading cut and filled to depths of approximately 4 feet below grade for the creation of the three lots. The project required the preparation of a geotechnical report as the area is located within a seismically active region of California within Geologic Hazard Categories 53 and 57 (level or sloping terrain/unfavorable geologic structure, low to moderate risk). The report entitled *Limited Geotechnical Investigation*, C. S. La Monte Company Inc, 2004, concluded that with implementation of proper engineering design for the future buildings, in accordance with the approved geotechnical and soils reports, the potential for geologic impacts from regional hazards would be insignificant and no mitigation is required.

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The project required the preparation of a Water Quality Technical Report to analyze water quality standards and discharge requirements. The report entitled *Water Quality Technical Report and Stormwater Best Management Practices for Southview*, Schwerin & Associates, Inc. July 2006 and updated in 2011, concluded that the project would comply with the City of San Diego's Storm Water Standards and would not preclude considerable water quality impacts. Implementation of the project requires the construction of two on-site stormwater detention basins, vegetated swales, and comprehensive permanent post-construction water quality BMPs.

Modified Brush Management is required for all structures within 100 feet of native or naturalized vegetation. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation. The Tentative Map includes Brush Management zones that would be located entirely within the boundaries of the map consisting of irrigated landscape or pavement with no invasive plant material or habitable or combustive structures within zone 1. The project would implement these requirements pursuant to the adopted Brush Management Regulations. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project is a Rezone, Site Development Permit for environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel not proposed for development. A 2.48-acre portion of the Remainder Parcel is mapped as the Multi-Habitat Planning Area (MHPA). In addition, adjacent to the Remainder Parcel to the east is the Spring Canyon Preserve and the MHPA.

The Mitigated Negative Declaration prepared for the project contains a Mitigation Monitoring and Reporting Program, which includes mitigation measures to implement the MSCP/MHPA Land Use Adjacency Guidelines. These measures include barrier fencing, plantings for access control, and lighting restrictions to minimize impacts to off-site sensitive lands. Implementation of these measures will reduce potential indirect impacts (i.e. on-site construction activities) to below a level of significance.



The Remainder Parcel to the east is mapped as containing environmentally sensitive lands. Habitats on the Remainder Parcel include Diegan coastal sage scrub (0.4 acre), non-native grassland (17.79 acre), southern willow scrub (0.1 acre), freshwater marsh (0.2 acre), vernal pool (2 pools; 0.02 acre), road ruts (10 ruts; 0.06 acre), and disturbed areas (2.6 acre). The road ruts and vernal pools within the Remainder Parcel support the San Diego fairy shrimp and have been fenced to provide protection from unauthorized activities. Based on fairy shrimp surveys conducted between 2001 and 2005, as many as 54 road ruts have been identified within the overall 42.6-acre property boundary; however, only the road ruts and vernal pools within the Remainder Parcel support fairy shrimp. No development is proposed on the Remainder Parcel with this action and there will be no impacts to environmentally sensitive lands.

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As ordered by a Stipulated Agreement dated 2009 related to the Remainder Parcel, signed by the Owner and other parties to a lawsuit about vernal pools (the City of San Diego was not named in this action), a 100-foot radius buffer must be maintained around all identified and/or mapped wetlands (i.e. road ruts/basins) from the development footprint to the nearest basin. This buffer is noted on the Tentative Map and will ensure that no indirect effects to this habitat and species occur. Lastly, the Owner proposes to construct a subdivision boundary fence along the easterly property line of abutting the Remainder Parcel which will further serve to separate construction activities from the three lot subdivision from adjacent sensitive habitat species and the MHPA located approximately 400 feet from the proposed residential development. No impacts would occur to the MHPA from this distance and no mitigation is required, other than those discussed above for the Land Use Adjacency Guideline requirements, to reduce potential indirect impacts. Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) subarea plan. The proposed project is a Rezone, Site Development Permit for environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel not proposed for development. The lot sizes and proposed densities of the proposed lots are as follows: Lot 1: 5.068 acres - 152 units; Lot 2: 7.011 acres - 210 units; and, Lot 3: 5.881 acres - 176 units; Remainder Parcel: No development. A 2.48-acre portion of the Remainder Parcel is mapped as the Multi- Habitat Planning Area (MHPA). In addition, adjacent to the Remainder Parcel to the east is the Spring Canyon Preserve and the MHPA.

The Mitigated Negative Declaration prepared for the project contains a Mitigation Monitoring and Reporting Program, which includes mitigation measures to implement the MSCP/MHPA Land Use Adjacency Guidelines. These measures include provisions for barrier fencing, plantings for access control, and lighting restrictions to minimize impacts to off-site sensitive lands and to reduce potential indirect impacts (i.e. on-site construction activities) to below a level of significance. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project site is located



approximately 8.5 to 12 miles inland and not located within the coastal overlay zone. Thus, the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project is a Rezone, Site Development Pennit for environmentally sensitive lands, and a Tentative Map to subdivide 21.443 acres of a 42.62-acre site into three lots for the future development of a maximum of 538 residential condominium units. The remaining 21.174 acres is a Remainder Parcel not proposed for development. Conceptual architectural plans are included to guide future ministerial development of each lot. These conceptual plans outline the general style, bulk, and scale of the surrounding developments for purposes of complementing the existing "Spanish" architecture style, to ensure compliance with the proposed RM-2-6 zone, and consistency with the community plan recommendations. The Owner/Permittee has requested to rezone the project from AR-1-1 to RM-2-6 (Rezone No. 025168). The site is designated for Medium Residential development within the Otay Mesa Community Plan.

A Mitigated Negative Declaration was prepared for the project which concluded that the project could have a significant environmental effect in the following areas: land use (MSCP/MHPA), biological resources, historical resources (archaeology), transportation/ circulation, noise, paleontological resources, and utilities. Subsequent revisions to the project created specific mitigation measures identified in section V of the Mitigated Negative Declaration. These mitigation measures are summarized below and require either construction of an improvement, fair share contribution, site specific conditions, or field monitoring. These measures are as follows:

- <u>Land Use:</u> A portion of the Remainder Parcel is mapped as MHPA. East of the Remainder Parcel is the Spring Canyon Preserve, which is also within the MHPA. The project must implement the City's MSCP Land Use Adjacency Guidelines for the MHPA. These guidelines include limitations on drainage, restrictions for staging/construction areas, and installation of fencing and lighting.
- <u>Biological Resources</u>: The project would impact 20.28 acres of non-native grasslands. Mitigation measures require either off-site acquisition within the MHPA, purchase of credits within the City's Marron Valley Cornerstone Mitigation Bank, or a combination of both options above.
- <u>Historical Resources (Archaeology) and Paleontology</u>: The project is located in an area which as a high potential for prehistoric and historic archaeological resources requiring monitoring during construction activities. Impacts are considered potentially significant when grading exceeds 1,000 cubic yards of cut at a depth of 10 feet or greater. The project requires only 4 feet of excavation for the creation of the three lots; however, future development of the buildings may require additional grading below the new padelevation (i.e. in excess of six feet below the new grade), in which case paleontological monitoring would be required.



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- <u>Transportation/Circulation</u>: A Traffic Study was prepared for the project which concluded that the project will pay fair share amounts for the construction of a traffic signal at Airway Road and Caliente Avenue and towards the widening of the intersection of Caliente Avenue/Ocean View Hills Parkway/Otay Mesa Road to provide an additional northbound right turn lane. Additionally, the project is required to construct a traffic signal at the Lot 3 (East Driveway/Airway Road) intersection. Full frontage improvements, including dedications, are also required along Airway Road and Caliente Avenue.
- <u>Noise:</u> The project site is located adjacent to SR-905, which is currently under construction. An Acoustical Study prepared for the project concluded that noise levels to residents of Lot 1 would be exceeded due to traffic volumes from the freeway. A fivefoot high noise wall must be constructed for noise attention for the future residents.
- <u>Utilities/Service Systems:</u> A sewer study was prepared for the project which concluded that the project must construct the remaining segment of a 12" sewer main within Airway Road east of Caliente Avenue to serve the project. A Waste Management Plan is required targeting 75 percent waste reduction is required.

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

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, Site Development Permit No. 025170 is hereby granted by the City Council to the

referenced Owner/Permittee, under the terms and conditions as set forth in Pennit No. 025170, a

copy of which is attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Corrine L. Neuffer Deputy City Attorney

CLN:als. 07/06/12 Or.Dept:DSD Doc. No. 398140

-PAGE 9 OF 9-

Passed by the Council of The City of San Diego on July 23, 2012, by the following vote:

YEAS:

LIGHTNER, FAULCONER, GLORIA, DEMAIO, ZAPF,

EMERALD, & ALVAREZ.

NAYS:NONE.NOT PRESENT:YOUNG.RECUSED:NONE.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

## ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

## By: JEANNETTE SANTOS , Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. <u>R-307597</u>, approved by the Mayor of The City of San Diego, California on July 23, 2012.

## ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Apprette Santo , Deputy



| Members Present          | Members Absent         | Member Affiliation   |
|--------------------------|------------------------|--|
| <u> </u>                 | Jimmy Ayala            | Property Owner   |
|                          | Wayne Dickey           | Otay Mesa / Nestor Planning Group                                    |
|                          | Hector Espinoza        | Business Representative  |
|                          | Clarissa Falcon        | Brown Field  |
| Mark Freed               |                        | Property Owner   |
| Lisa Golden              |                        | Resident   |
| Rob Hixson - Chair       |                        | Property Owner   |
| Chris Holder             | -                      | Property Owner   |
| Mel Ingails - Vice Chair |                        | Property Owner   |
| Rita Mahoney             |                        | Property Owner   |
|                          | Richard Martinez       | Property Owner   |
|                          | Alejandra Mier y Teran | Otay Mesa Chamber of Commerce & Border Transportation Representative |
| Kaitlin Arduino          |                        | Property Owner   |
| ·                        | Antonio Martinez       | San Ysidro Planning Group  |
|                          | Felipe Nuno            | Resident   |
|                          | Tom Ricotta            | Business Representative  |
| Joe Street               |                        | Business Representative  |
|                          | Tom Story              | Business Representative  |
| Ronnie Lee Taylor        |                        | Property Owner   |

Public Present: Jessica Street Whitaker, Todd Ingalls, Kam Higgins, Jack Robson, Jeff Marston, Ted Shaw

City Staff Present: Vivian Moreno (Councilmember David Alvarez, District 8), Officer Esmeralda Sanchez (SDPD)

Guests Present: None

| Agenda Item |   | Discussion   | Action Item   |
|-------------|---|--|---|
| 1.          | Call to Order /<br>Introduction<br>of Members | Chairman Hixson called the meeting to order at 3:08 pm. Members in attendance introduced themselves.   |   |
| 2.          | Approval of<br>minutes                        | Minutes from the June 15, 2016 Otay Mesa Planning Group meeting were presented.  | Motion made and seconded to approve minutes. The minutes were approved.   |
| 3.          | Public Input                                  | None   |   |
| 4.          | Chairman's<br>Report                          | <ol> <li>Chairman Hixson noted items that were received by the Planning Group regarding:</li> <li>Notice of Public Hearing – St. Andrews TM</li> <li>Cesar Solis Community Park</li> <li>Nat. Indian Gaming Commission – El Statement</li> <li>Notice of Application – BBP Truck.Net CUP and Plans</li> <li>Report to Planning Commission – Rowland Auto Dismantling Facility</li> <li>CVSP – 4<sup>th</sup> screen check Draft</li> <li>NDP –Reynaldo &amp; Marisela Vargas Additions</li> <li>Notice of Future decision – Otay Mesa East EOT</li> <li>Transportation Dept, – Speed limit Coronado Ave. and I-5 off ramp</li> <li>Project = South Bat Urgent Care</li> <li>Project EOT – Site Development Permit</li> </ol> | Board Members who would like<br>copies or information about the<br>listed notices should follow up with<br>Rob Hixson |
| 5.          | Government<br>Liaison<br>Reports              | <ul> <li>Reports were given from the following offices:</li> <li>A. <u>Councilman Alvarez's office</u> – Vivian Moreno reported that: <ul> <li>CIP projects are being coordinated at local, State, and Federal levels.</li> <li>Chamber of Commerce has produced a video promoting Otay Meas. To be presented at upcoming meeting.</li> <li>Le Media south bound to truck route – one way arrows to be corrected.</li> </ul> </li> <li>B. <u>Mayor's Office</u> – no report.</li> <li>C. <u>Supervisor Cox</u> – No report.</li> <li>D. <u>Assembly Member Gonzalez Office</u> – No report</li> </ul>  |   |

| Agenda Item | Discussion   | Action Item |
|-------------|--|-------------|
| T           | E. Senator Hueso's Office – Ana Molina reported:   |             |
|             | <ul> <li>AB 2170 - This bill would require revenues apportioned to the state from the National Highway<br/>Freight Program established by the federal Fixing America's Surface Transportation Act to be<br/>allocated for trade corridor improvement projects approved pursuant to the provisions. Bill coming to<br/>floor vote. Request for OMPG to send a letter urging the Governor to sign the Bill.</li> </ul> |             |
|             | F. San Diego Police Department, Southern Division – Officer Sanchez reports:   |             |
|             | <ul> <li>Community Coffee with Command will be held on 9/7.</li> <li>SDPD is furthering their Girls Mentoring Program</li> </ul>   |             |
|             | G. <u>Fire Department</u> – no report  |             |
|             | H. Immigration and Customs – no report   |             |
| . Monthly   | Reports were given from the following committees and associations:   |             |
| Reports     | <ul> <li>A. <u>Community Planners Committee (CPC)</u>, Mel Ingalls reported: <ul> <li>The Firehouse Bond may not be on the ballot in Nov.</li> <li>De Anza Revitalization scope and public workshop results were reviewed.</li> <li>CPC By-law update ongoing.</li> <li>Complete details of CPC minutes can be found here:<br/><u>https://www.sandiego.gov/planning/community/cpc/minutes</u></li> </ul></li></ul>   |             |
|             | B. Community Plan Update (CPU): Bobbie Mordenti -No report.  |             |
|             | C. Border Transportation. Alejandra Mier y Teran - No report:  |             |
|             | <ul> <li>D. <u>Central Specific Plan – Bobby Mordenti reported</u>:</li> <li>o 4<sup>th</sup> Submittal to City on Aug 9. Posted for public review this week. Next meeting of the subcommittee in Sept.</li> </ul>   |             |
|             | <ul> <li>E. <u>San Diego Airport Advisory Committee</u> - Clarissa Falcon reported:</li> <li>o Handicap bathrooms are complete.</li> <li>o Runway rehabilitation is nearing completion.</li> </ul>   |             |
|             | F. Code Enforcement. Truck yards south of Otay Mesa Road are unpermitted. City will follow up.   |             |
|             | G. Otay Mesa Chamber of Commerce Update: Alejandra Mier y Teran- No report   |             |

| Agenda Item |                      | Discussion  | Action Item  |
|-------------|----------------------|---|--|
|             |                      | <ul> <li>H. East Otay Mesa Property Owners' Association Update. David Wick reported:</li> <li>Pio Pico power plant scheduled to be complete in September 2016.</li> <li>Elis Power has made application for battery storage</li> <li>Donovan Prison is accepting prisoners</li> </ul>   |  |
| 7.          | Information<br>Items | Central Village Specific Plan Sewer – Bobby Mordenti<br>Presentation by Mark Elliott on the planned upgrades for the Otay sewer system. SD and Otay are discussing how<br>best to serve the planned new Villages. There has been a decrease in sewer flows due to a reduction in use. Planning<br>for future sewer capacity is projected for a 75 year life of future of separate standalone systems serving Otay.<br>Central Village Specific Plan Update – Jerrica Harding<br>Reported that all comments had been received from the City and the Plan will be resubmitted by the end of next week.<br>SD Public Works – Handouts provided with cost and schedule for completion of Otay Truck Route Phase 4 and La<br>Media Road Improvements |  |
| 8.          | Action Items         | A. Southview East/Vista Del Sur – Jack Robson presented. Total of 86 units, both part of existing projects.<br>Discussion of traffic mitigation, requesting support for the project. A motion was made to continue subject to<br>review of environmental document. After further discussion the motion was amended to approve the project.  | A motion was made to approve<br>the project (R. Mahoney).<br>Seconded and approved with<br>one oppose (L. Golden). |
|             |                      | B. Citizens Plan for San Diego – Jeff Powers presented. Requesting support for Ballot Measure D. States that<br>all money's raised go into general fund with no earmarks for proposed improvements to Qualcomm site. No<br>copy of measure provided.  | A motion was made to not<br>endorse. Seconded and passed<br>with two opposing.                                     |
| 9.          | Old Business         | None,   |  |
| 10.         | Adjournment          | The meeting was adjourned.  |  |

Recorded by: Mark Freed

# 371 ATTACHMENT 14



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

# Ownership Disclosure Statement

|  | Project Title  |   | Project No. For City Use Only  |
|--|--|---|--|
| Southview East   |  |   | 371807   |
| Project Address:   |  |   |  |
| E'ly term of Airway Rd   | east of Caliente Ave, so of Hwy 90   | 5   |  |
| art I - To be completed w  | hen property is held by Individua  | l(s)  |  |
| bove, will be filed with the Cit<br>elow the owner(s) and tenant<br>ho have an interest in the prop<br>individuals who own the proper<br>om the Assistant Executive Di<br>bevelopment Agreement (DDA<br>Manager of any changes in ow | (s) (if applicable) of the above reference<br>perty, recorded or otherwise, and stete to<br>rty). A signature is required of at least of<br>irector of the San Diego Redevelopment<br>has been approved / executed by the<br>mership during the time the application is<br>hirty days prior to any public hearing of<br>ay in the hearing process. | with the intent to record an encu-<br>ed property. The list must include<br>the type of property interest (e.g., te<br>one of the property owners. Attack<br>t Agency shall be required for all p<br>e City Council. Note: The applica<br>is being processed or considered. | mbrance against the property. Please list<br>the names and addresses of all persons<br>anants who will benefit from the permit, a<br>h additional pages if needed. A signature<br>roject parcels for which a Disposition and<br>nt is responsible for notifying the Project<br>Changes in ownership are to be given to<br>provide accurate and current ownership |
| Name of Individual (type of  | r print):  | Name of Individual (type or print):   |  |
| Owner Tenant/Les   | ssee Redevelopment Agency  | Owner Tenant/L  | essee  |
| Street Address:  |  | Street Address:   |  |
| Olleet Address.  |  |   |  |
|  |  | City/State/Zip;   |  |
| City/State/Zip:<br>Phone No:   | Fax No:  | City/State/Zip;<br>Phone No:  | Fax No:  |
| City/State/Zip:  | Fax No:<br>Date:   |   | Fax No:<br>Date:   |
| City/State/Zip:<br>Phone No:   | Date:  | Phone No:   | Date:  |
| City/State/Zip:<br>Phone No:<br>Signature :  | Date:<br>r print):   | Phone No:<br>Signature :  | Date:<br>or print):  |
| City/State/Zip:<br>Phone No:<br>Signature :<br>Name of Individual (type o  | Date:<br>r print):   | Phone No:<br>Signature :<br>Name of Individual (type  | Date:<br>or print):  |
| City/State/Zip:<br>Phone No:<br>Signature :<br>Name of Individual (type o  | Date:<br>r print):   | Phone No:<br>Signature :<br>Name of Individual (type  | Date:<br>or print):  |
| City/State/Zip:<br>Phone No:<br>Signature :<br>Name of Individual (type o<br>Owner Tenant/Les:<br>Street Address:  | Date:<br>r print):   | Phone No:<br>Signature :<br>Name of Individual (type<br>Owner Tenant/Le<br>Street Address:  | Date:<br>or print):  |
| City/State/Zip:<br>Phone No:<br>Signature :<br>Name of Individual (type of<br>Owner Tenant/Les:<br>Street Address:<br>City/State/Zip:  | Date:<br>r print):<br>see TRedevelopment Agency  | Phone No:<br>Signature :<br>Name of Individual (type<br>Owner Tenant/Le<br>Street Address:<br>City/State/Zlp:   | Date:<br>or print):<br>issee T Redevelopment Agency  |

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (5-05)

| Project Title:<br>Southview East  | Project No. (For City Use Only)  |
|---|--|
| Part II - To be completed when property is held by a corpo  | pration or partnership   |
| Legal Status (please check):  |  |
| 「Corporation」「「Limited Liability -or- 「 General) What S<br>汉 Partnership  | State? Corporate Identification No   |
| as identified above, will be filed with the City of San Diego on the property. Please list below the names, titles and addresse otherwise, and state the type of property interest (e.g., tenants in a partnership who own the property). A signature is require property. Attach additional pages if needed. Note: The application ownership during the time the application is being processed of Manager at least thirty days prior to any public hearing on the | acknowledge that an application for a permit, map or other matter,<br>the subject property with the intent to record an encumbrance against<br>as of all persons who have an interest in the property, recorded or<br>s who will benefit from the permit, all corporate officers, and all partners<br>ad of at least one of the corporate officers or partners who own the<br>ant is responsible for notifying the Project Manager of any changes in<br>or considered. Changes in ownership are to be given to the Project<br>subject property. Failure to provide accurate and current ownership<br>dditional pages attached Yes No |
| Corporate/Partnership Name (type or print):<br>Southview Development Partners, LP   | Corporate/Partnership Name (type or print):  |
| Cowner Tenant/Lessee  | Owner Tenant/Lessee  |
| Street Address:<br>4365 Executive Drive, Suite 600  | Street Address:  |
| City/State/Zip:<br>San Diego, CA 92121  | City/State/Zip:  |
| Phone No:         Fax No:           858-458-9700         858-410-0260   | Phone No: Fax No:  |
| Name of Corporate Officer/Partner (type or print):<br>Jack Robson   | Name of Corporate Officer/Partner (type or print):   |
| Title (type or print):<br>Vice President, Land Planning & Development   | Title (type or print):   |
| Signature: Date: SIMIN  | Signature : Date:  |
| Corperete/Partnership Name (type or print):   | Corporate/Partnership Name (type or print):  |
| Owner Tenanl/Lessee   | Owner Tenant/Lessee  |
| Street Address:   | Street Address:  |
| City/State/Zip:   | City/State/Zip:  |
| Phone No: Fax No:   | Phone No: Fax No:  |
| Name of Corporate Officer/Partner (type or print):  | Name of Corporate Officer/Partner (type or print):   |
| Title (type or print):  | Title (type or print):   |
| Signature : Date:   | Signature : Date:  |
| Corporate/Partnership Name (type or print):   | Corporate/Partnership Name (type or print):  |
| Owner Tenani/Lessee   | Owner Tenant/Lessee  |
| Street Address:   | Street Address:  |
| City/State/Zip:   | City/State/Zip;  |
| Phone No: Fax No:   | Phone No: Fax No:  |
| Neme of Corporate Officer/Partner (type or print):  | Name of Corporate Officer/Partner (type or print);   |
| Title (type or print):  | Title (type or print):   |
| Signature : Date:   | Signature : Date:  |

.

# **OWNERSHIP DISCLOSURE STATEMENT (cont.)**

# SOUTHVIEW EAST - PROJECT NO. 371807

**Owner:** Southview Development Partners, LLC

Managing Member: Cornerstone Communities, LLC, by Ure R. Kretowicz, Manager

Investor Member: TriPacific Residential Investors-Five, LLC, by Geoffrey S. Fearns, President



Looking east on Airway Road, toward cul de sac terminus located on western portion of site:

Looking west on Airway Road, toward Caliente Avenue:



Looking northeast across proposed northern project area, Lots 1, 3 & 5:



Looking southeast across proposed northern project area, Lots 2, 4 & 6:



Looking east across project site from the Airway Road cul de sac:



Northeast corner of Airway Road and Caliente Avenue, adjacent approved development under construction:



Southeast corner of Airway Road and Caliente Avenue, adjacent approved development:



Development immediately west of Lot 2:










# LOT 2 "ESPERANZA" ELEVATION







# LOT 2 "ESPERANZA" ELEVATIONS ATTACHMENT 17



# **TESORO EAST CORNERSTONE COMMUNITIES** OTAY MESA, CA



#### **PROJECT TEAM**

CUMER: COMMERSIONE COMMUNITIES 4360 Executive Drive, Suite 600 Saea Diago, CA 92121 Ume Kretowicz (6551 455-900 FAX ennait ure Scorrestone communifies

LAUDSCRIPE: G) LESPIIE, MOCDY, PATTERSON 41 2 Somento Valley Blvd, Suite D SamDiego, CA 92121 Contact: James Revizeky (655) 658-8071 (655) 658-918 FAX erral, james@groplandarch.com

ARCHITECT: STARCK ARCHITECTURE + PLANNING 2045 Kettner Bivd. Suite 100 San Diego, CA 92101 Contact: Dan Mullen (619) 293-7070 ext 104 (619) 293-786 F AX email: dan@starckap.com

CIVIL: SB&O, Inc 3990 Ruffin Rd., Suite 120 San Diego, CA 92123 Contact: Aaron Parker (858) 560-1141 (858) 560-8157 FAX email: aaronp@sboinc.com



VICINITY MAP NOT TO SCALE THOMAS IMPOTMENTS P.C. 1351. GRID A-2 2008 EDITTORY

VICINITY MAP

#### PROJECT DATA

3-STORY MULTI-FAMILY RESIDENTIAL PROJECT CONSISTING OF 4-PLEXES AND 5-PLEXES FOR A TOTAL OF 136 UNITS. PROJECT DESCRIPTION: TYPE OF CONTRUCTIONTYPE V-B CODE 2013 CBC OCCUPANCY GROUP R-2, U NUMBER OF STORIES 3 STORIES FIRE SPRINKLERS: YES, NFPA 13, FOR THIRD STORY MAX ALLOWABLE HEIGHT 40°-0°OVERALL STRUCTURE HEIGHT PLUS GRADE DIFFERENTIAL WITHIN 10° (SAN DIEGO MUNICIPAL GODE 113.0270)

# **AREA ANALYSIS** SHEET INDEX ARCHITECTURAL DRAWINGS \_ COVER SHEET FIRST FLOOR - PLAN A SECOND FLOOR - PLAN A SECOND FLOOR - PLAN A THRID FLOOR - PLAN A THRID FLOOR - PLAN A ELEVATION A ELEVATION B ELEVATION B ELEVATION B \_ -ELEVATION 8 ELEVATION C ELEVATION C FIRST FLOOR - PLAN & FOURPLIKE SECOND FLOOR - PLAN & FOURPLIKE THRID FLOOR - PLAN & FOURPLIKE ROOF FLAN & FOURPLIK ELEVATION & FOURPLIK ELEVATION & FOURPLIK -\_ LEVATION 8 FOURP \_ \_ \_

ATTACHMENT 17

| PLAN 1                 |          |
|------------------------|----------|
| FIRST FLOOR            | 102 S.F  |
| SECOND FLOOR           | 631 S.F. |
| THIRD FLOOR            | 684.5.F  |
| TOTAL LIVING AREA      | 1417 S.F |
| GARAGE                 | 569 S.F. |
| DECK                   | 88 S.F.  |
| PLAN 2                 |          |
| FIRST FLOOR            | 109 S.F. |
| SECOND FLOOR           | 652.S.F  |
| THIRD FLOOR            | 728 S.F. |
| TOTAL LIVING AREA      | 1489 S.F |
| CARAGE                 | 559 S.F. |
| DECK                   | 84 S.F.  |
| PLAN3                  | -        |
| FIRST FLOOR            | 109 S.F. |
| SECOND FLOOR           | 639 S.F. |
| THIRD FLOOR            | 754.S.F. |
| TOTAL LIVING AREA      | 1594 S.F |
| GARAGE                 | 559 S.F  |
| GARAGE DESIGN 2        | 512 S.F. |
| DECK - A ELEVATION     | 95 S.F.  |
| DECK - B & C ELEVATION | 82 S.F.  |
| VISITABLE UNIT         |          |
| FIRST FLOOR            | 207 S.F. |
| SECOND FLOOR           | 699 S.F. |
| THRDFLOOR              | 754 S.F. |
| TOTAL LIVING AREA      | 1692 S.F |
| GARAGE                 | 530 S.F. |
| DECK                   | 96.5.F   |
| UTILITY CLOSET         |          |
| UNIDAY                 | 52.6.7   |

| TESORO EAST             | S T A R C K CA ARCHITECTURAL LICENSE C 10560  |
|-------------------------|---|
| CORNERSTONE COMMUNITIES | Architecture + Planning   |
| 2014020                 | 2045 Kettner Boulevard Suite 100 San Diego California 92101 Fon: 619.299.7070 Fax: 619.295.8768 |

SHEET 13 OF 51

COVER SHEET 189UE DATE 17/09/14 REVISION DATE 12/08/14

134'- 8" 4'- 6" 25' - 1" 25' - 2" 25'-2" 25 - 2 25'-1" 2 2 3 3 1 GARAGE 20'4" x 20'4" GARAGE 20-4" × 20-6" GARAGE 20'-4" 1 20'-8" GARAGE 20'-4" × 20'-8" GARAGE 20-4" x 20-6" 1 First Floor Plan - A GARAGE 20-2" x 20-4" 2 Visitable Unit Partial Plan 3A NOTE: B AND C FLOOR PLANS SIMILAR STARCK Architecture + Planning 2045 Kettner Boulevard Suita 100 Sen Diego California 92101 Fon: 619 299 7070 Fax. 619 295 8768 CA ARCHITECTURAL LICENSE C 10560 **TESORO EAST** CORNERSTONE COMMUNITIES 2014020

LOT 1 "TESORO" TYPICAL PLANS







LOT 1 "TESORO" TYPICAL PLANS







| Keynele Legend |  |  |  |
|----------------|--|--|--|
| Key Value      | Keynole Text   |  |  |
| 1              | ASPHALT SHINGLE ROOF   |  |  |
| 2              | CONCRETE TILE ROOF   |  |  |
| 3              | HARDBOARD SIDING   |  |  |
| 4              | HAROBOARD AND BATTEN   |  |  |
| 5              | RESAWN WOOD BEAM   |  |  |
| 6              | RESAMN WOOD BRACE  |  |  |
| 7              | DECORATIVE FOAM SHUTTER  |  |  |
| 8              | 2X WOOD RAKE/ FASCIA BOARD   |  |  |
| 9              | WOOD RAILING   |  |  |
| 10             | FOAM WINDOW TRIM   |  |  |
| 11             | WOOD WANDOW TRIAN  |  |  |
| 12             | PLASTER TRIM   |  |  |
| 13             | PLASTER EXPANSION JOINT  |  |  |
| 14             | RECESS: EXT. CEMENT PLASTER FINISH   |  |  |
| 15             | PLASTER EAVE   |  |  |
| 16             | METAL BAILING  |  |  |
| 17             | FABRIC AVAIING   |  |  |
| 18             | DECORATIVE VENT TILE   |  |  |
| 19             | INTEGRAL COLOR PLASTER   |  |  |
| 20             | FIBERGLASS ENTRY DOOR  |  |  |
| 21             | CORBEL: CEMENT PLASTER FINISH  |  |  |
| 22             | SECTIONAL METAL GARAGE DOOR  |  |  |
| 23             | VINYL WINDOWS AND MULLIONS   |  |  |
| 24             | VINYL SLIDING GLASS DOOR   |  |  |
| 25             | and the second sec |  |  |

#### SHEET 18 OF 51

| 0560 | ELEVATION A                                      |    |
|------|--|----|
|      | ISSUE DATE : 7/09/14<br>REVISION DATE : 12/08/14 | 10 |
|      |  | _  |



|           | Keynoto Legend                     |   |
|-----------|------------------------------------|---|
| Key Value | Kaymote Text                       | - |
| 1         | ASPHALT SHINGLE ROOF               | 1 |
| 2         | CONCRETE TILE ROOF                 | - |
| 3         | HARDBOARD SIDING                   | - |
| 4         | HARDBOARD AND BATTEN               | - |
| 5         | RESAVIN WOOD BEAM                  | _ |
| 6         | RESAMN WOOD BRACE                  |   |
| 7         | DECORATIVE FOAM SHUTTER            | - |
| 8         | 2X WOOD RAKE/ FASCIA BOARD         | - |
| 9         | WOOD RAILING                       |   |
| 10        | FOAM WINDOW TRIM                   |   |
| 11        | WOOD WINDOW TRIAN                  | - |
| 12        | PLASTER TRIM                       | - |
| 13        | PLASTER EXPANSION JOINT            | - |
| 14        | RECESS: EXT. CEMENT PLASTER FINISH |   |
| 15        | PLASTER EAVE                       |   |
| 16        | METAL RAILING                      |   |
| 17        | FABRIC AWNING                      |   |
| 18        | DECORATIVE VENT TILE               |   |
| 19        | INTEGRAL COLOR PLASTER             |   |
| 20        | FIBERGLASS ENTRY DOOR              | _ |
| 21        | CORBEL: CEMENT PLASTER FINISH      |   |
| 22        | SECTIONAL METAL GARAGE DOOR        |   |
| 23        | VINYL WINDOWS AND MULLIONS         |   |
| 24        | VINYI, SLIDING GLASS DODR          |   |
| 25        |                                    |   |

#### SHEET 19 OF 51

| 0560 | ELEVATION A              | - 22 |
|------|--------------------------|------|
|      | ISSUE DATE : 7/09/14     |      |
|      | REVISION DATE : 12/08/14 |      |
|      |                          |      |





LOT 1 "TESORO" TYPICAL PLANS



LOT 1 "TESORO" TYPICAL PLANS

# **ATTACHMENT 17** ile SHEET 26 OF 51 THIRD FLOOR - PLAN A FOURPLEX ISSUE DATE 7709/14 REVISION DATE 12/08/14













# **ATTACHMENT 17** SHEET 35 OF 51 FIRST FLOOR - PLAN A ISSUE DATE | 5/05/14 REVISION DATE | 12/08/14

#### LOT 2 "ESPERANZA" BUILDING PLANS



# **ATTACHMENT 17** SHEET 36 OF 51 SECOND FLOOR - PLAN A ISBUE DATE : 5405/14 REVISION DATE : 12/08/14







# **ATTACHMENT 17** SHEET 38 OF 51 ROOF PLAN A ISSUE DATE : 5/05/14 REVISION DATE : 12/08/14



























MARON PARKER P.E. 68547

| FYISTING I FO  | ATT<br>AL DESCRIPTION  | ACHMENT 18  |
|--|--|---|
|  |  | , COUNTY OF SW DIEGO, STATE OF<br>D IN THE OFFICE OF THE COUNTY   |
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| Prespond By<br>Norme <u>SPARO #</u><br>Address <u>SPARO #</u><br>Phona & <u>SPARO #</u><br>Phona & <u>SPARO #</u><br>Project Address<br><u>SOUTH OF PRESW</u><br><u>CALENTE AVENUE</u><br><u>SOUTHARW LAST</u><br><u>SPARE</u> TIGLE<br>STALE SHEET - TED  | 18994 1636, suit 120<br>20 Curronik 20123<br>20-1141<br>41: 903, EAST OF   | Bravision     14:       Revision     13:       Revision     13:       Revision     14:       Revision     14:       Revision     14:       Revision     14:       Revision     15:       Revision     16:       Revision     17:       Revision     14:       Primet     9:       Prits     00:       Prits     05: |





#### PLAN NOTES

- T PRIVATE HOPE STORN ORARY
- 2 PROJECT DISCHARGE WITH RIP RAP ENERGY DISSIPATER PER SOD-104. DUTLET SHALL BE DESIGNED TO DISPENSE EVENLY.
- J PRIVATE &" CURB AND CUTTER.
- PRIMITE 6" CURB.
- 6 PRIVATE O" CURR. 7 ARMATE 6" P.V.C. MATER
- B PRIVATE S' P.V.C. FIRE SERVICE
- PHINHTE S" P.V.C. SEWER

#### SETBACK NOTES

#### NOTE NO. 1

REVISED LOCATION OF BUILDING NO. 11 (SDP 25170) TO ACCOMMODATE INTER-PROJECT ROAD COMMECTIVITY AT REQUEST OF THE CITY PLANNING DEPARTMENT.





AARON PARKER P.E. 68547

# ATTACHMENT 18



SB&O

| Revision 10:                              |
|---|
| Revision 9:<br>Revision 8:<br>Revision 7: |
| Revision 5: 5-8-16                        |
| Revision 5: 12-16-15                      |
| Revision 4: 4-24-15                       |
| Revision 3: 12-10-14                      |
| Revision 2:                               |
| Revision 1: 8-11-14                       |
| Original Date: 7-25-14                    |
| Sheet 12 of 51                            |
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#### SOUTHVIEW LOT EAST LANDSCAPE DEVELOPMENT CONCEPT NOTES

GENERAL NOTES: MECHANICAL EQUIPMENT LOCATED WITHIN LANDSCAFED AREAS SHALL SE

I MECHANICAL EQUIPMENT LOCATED WITHIN LANDSCAFED AREAS GHALL BE SCREDNED BY PLANT HATERIAL AND/OR SCREENVALE WERE APPROPRIATE 2 SCREENNS MILLE FROVIDED FOR ALL UTLITES, INCLUDINS TRAKEFORTERS AND TELEPHONE BOXES 9. IF ANY REVISITING LANDSCAFE LOCATED IN THE RIGHT-OF-WAY ON THE APPROVED LANDSCAFE PLAN IS DAMASED OR REMOVED DURINS CONSTRUCTION IF SHALL BE REPARED AND/OR REM-ACED IN KING MOVED DURINS CONSTRUCTION APPROVED LANDSCAFE PLAN IS DAMASED OR REMOVED DURINS CONSTRUCTION IF SHALL BE REPARED AND/OR REM-ACED IN KING DOWNAL ON STRUCTION BY THE PERMITE. THE REPARED AND/OR REMOVED LANDSCAFE PLAN APPROVED FLANS WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION BY THE FERMITE. THE REPLACEMENT PLANT MATERIAL SHALL BE THE COMMENTS SEE OF THAT PLANT AT THE TIME OF REMOVAL THE LANDSCAFE STRUCT COMMERCIALLY AVAILABLE AND/OR AN INCREASED INNERFI TO THE SATISFACTION OF THE CITY MANAGEMENT. MANAGER

IMPROVEMENTS SUCH AS DRIVEMAYS, UTILITIES, DRAINS AND MATER AND SERVER LATERALS SHALL BE DESIGNED SO AS NOT TO PROHIBIT THE PLACEMENT OF STREET TREES ALL TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPASTMENT

OF STREET TREED, ALL TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT. INSTALL ALL APPROVED LANDSCAPE AND GETAIN ALL REQUIRED LANDSCAPE INSPECTIONS FROM THE DEVELOPMENT SERVICES DEPARTMENT. MINITEINANCE: ALL REQUIRED LANDSCAPE AND GETAIN ALL REQUIRED BY PROJECT ASSOCIATION. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-O-KAN'S SHALL BE MAINTAINED FOR THE PREACT ASSOCIATION. THE LANDSCAPE AREAS SHALL BE MAINTAINED IN THE ALL THE GRAIN AND ALL PLANT MATERIAL SHALL BE MAINTAINED INTO A REAL TH'S GROWING CONDITION DISEASED CR DEAD FLANT MATERIAL SHALL BE SASTIBFACTORILY TREATED OR REFLACED FER THE CONTINUE OF 40 S.F. IN AREA SHALL BE FROMDED FOR ALL RESES THE MINIMAM DIMENSION FOR THIS AREA SHALL BE PROVIDED FOR ALL REGES THE MINIMAM DIMENSION FOR THIS AREA SHALL BE PROVIDED FOR ALL TREES THE MINIMAM DIMENSION FOR THIS AREA SHALL BE S.P. PR INCLUM ALL REQUIRED FLANTING AREAS AND ALL EXPOSED SOIL AREAS MITHOUT VEGETATION SHALL BE COVERED NITH MILCH TO A MINIMAR DEPTH OF 2', EXCLUDING SLOPES REQUIRED FLANTING AREAS AND ALL EXPOSED SOIL AREAS MITHOUT VEGETATION SHALL BE COVERED FUTH MILCH TO A MINIMAR DEPTH OF 2', EXCLUDING SLOPES REQUIRED OR REMOVED DIVING MICH TO A MINIMAR DEPTH OF 2', EXCLUDING SLOPES REQUIRED OR REMOVED DIVING MILCH TO A MINIMAR DEPTH OF 2', EXCLUDING SLOPES REQUIRED OR REMOVED DIVING DEPOLITION OF THE DOWNALENT FLANS IS GAMAGED OR REMOVED DIVING DEPOLITION OF THE DOWNALENT FLANS IS DAMAGED OR REMOVED DIVING DEPOLITION OF THE DEVELOPMENT SERVICES DEPARTMENT MITHING 30 DAYS OF DAMAGE

#### PLANTING CONCEPT:

ALL LANDSCAPING AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY WITH LANDSCAPP RESILLATIONS I. ALL LANDRAFT MO AND INFORMATION SHALL CONTINUE OF THE STANDARDS OF THE OTT AND LANDSCAPE RESULATIONS AND THE THE CITY OF SAN DIESO'S LAND DEVELOPHENT HANNAL LANDSCAPE STANDARDS, LANDSCAPE RESULATIONS, THE LAND DEVELOPHENT HANNAL, LANDSCAPE STANDARDS AND ALL OTHER CITY AND RESIGNAL STANDARDS, 2, EXISTING BUALITY TREES SHALL BE SALVAGED AND PROTECTED IN PLACE WHEREVER FEASIBLE

3. ALL STREET TREES SHALL BE LOCATED OUTSIDE ALL UTILITY GAS, AND WATER EASEMENTS, UNLESS OTHERWISE

APPROVED BY A SAN DIEGO UTILITY AGENCY. APPROVED BY A SAN DIEGO UTILITY AGENCY. 4. TREE ROOT BARRIERS SHALL BE INSTALLED INFRE TREES ARE PLACED WITHIN & FIELT OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR INFRE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO SUISTING TREES. THE ROOT BARRIER SHALL NOT TRAP ARCHAD THE ROOT DALL

SI ALL OLT SLOPES GREATER THAN 5' AND FILL SLOPES GREATER THAN 3' SHALL BE FLANTED WITH SHRUBS AND FLATTED GROUNDCOVER, ANY SHALLER SLOPES SHALL BE TREATED WITH A STABILIZING HYDROSEED MIX 6. ALL PLANT MATERIAL SELECTED FOR USE WILL BE OF A TYPE KNOWN TO BE SUCCESSFUL IN THE AREA OR IN SIMILAR CLIMATIC AND SOIL CONDITIONS.

COLOR FROM PLANT FOLIAGE, BARK AND FLOMERS WILL BE UTILIZED IN DEVELOPING A MARM FRIENDLY AND VISUALLY APPEALING RELIECT IDENTITY. 8 PRIMARY VEHICULAR ENTRANCES WILL BE IDENTIFIED AND ACCEVITED WITH SPECIAL GROUPINGS OF TREES, FLOWERING

SHRUBS, GROUNDCOVERS, SIGNABE, LIGHTING, AND DECORATIVE PAVING. 9. LANDSCAPE FINISH BRADINS OBJECTIVES WILL INCLUDE POSITIVE SURFACE DRAINASE OF PLANTED AREAS AND

A LANGULARE ANALY FROM ALL STRUCTURES. 19 ALL SOLLS WILL BE AMENDED AND TILLED TO CONFORM TO RECOMMENDATIONS MADE BY A SOLLS TESTING LABORATORY TO PROMOTE HEALTHY AND VISIOROUS PLANT GROWTH.

II ALL PLANTING AREAS WILL BE MAINTAINED IN A MEED FREE CONDITION IZ ALL AREAS SHALL BE MAINTAINED FREE OF DEBRIG AND LITTER AND ALL FLAMT MATERIAL SHALL BE MAINTAINED IN A HEALTHY SKOWING CONDITION DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED WITHIN 30 DAYS WITH MATERIAL OF EQUAL KIND AND SIZE.

13. ALL SHRUB AREAS SHALL RECEIVE 3' FIRBARK MACH

IS ALL SHOUD AREAS SHALL RECEIVE 3" FIRSARK MALCH. 14, ALL TREES SHALL BE STAKED IN ACCORDANCE WITH THE CITY OF SAN DIESO LAND DEVELOPMENT CODE IS FLANT MATERIAL AFFINITY SKOUPS SHALL BE DROUGHT TOLERANT SANTALIZ: APPROPRIATE PLANTINGS WITH CHARACTERISTICS SUITAGLE TO THE CLIMATIC CONDITIONS OF BLACK MOUNTAIN RANCH.

IS. ALL GRADED DISTURGED OR ERODED AREAS THAT WILL NOT BE FERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE FERMANENTLY REVEGETATED AND IRRIGATED AS SHOWN ON TABLE 142-DAF AND IN ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL (142 0411(A))

#### IRRIGATION CONCEPT:

I, ALL IRREGATION SHALL BE A BELON GRADE, PERNANENT, AUTOMATIC LOW PRECIPITATION RATE SPRAY SYSTEM AND LOW FLOW DRIP IRREGATION, IN ZONE 27 NATIVE SKOPES ADJACENT TO THE MAPA OPEN SPACE LANDSCAPE IRREGATION SHALL BE THEPORARY I A BOVE GRADE ALL LANDSCAPE AND IRREGATION SHALL BE FER THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE

AND THE CITY OF SAN DIEGO LANDSCAPE ORDINANCE AND OTHER APPLICABLE GUIDELINES IRRIGATION CIRCUITS SHALL BE ORGANIZED INTO HYDROZONES BASED ON PLANT MATERIAL MATER NEEDS

3 ALL IRRIGATION SYSTEMS WILL BE PERMANENT AND SHALL UTILIZE SPRINGLER/ROTOR HEADS ON SLOPES, AND LOW PRECIPITATION RATE SPRAY HEADS ON GROUNDCOVER AREAS AND SOME SHRUE AREAS DRIP IRRIGATION MILL BE UTILIZED WHERE APPRORIATE 4. CONTROLLER SHALL BE CAPABLE OF MILTIPLE PROGRAMMING AND SHALL BE CONNECTED TO A

RAIN SHUT-OFF DEVICE

THE OVERALL IRRIGATION SYSTEM SHALL BE DESIGNED WITH WATER EFFICIENCY AND CONSERVATION IN MICH THROUGH GOOD DESIGN SPECIFICATION OF EFFICIENT MATERIALS, AND PROPER LANDSCAPE MAINTENANCE AND MANASEMENT 6 IRRIGATION EQUIPMENT SHALL BE OF THE SPECIFICATION AND MATERIALS REQUIRED TO ACCEPT A

FUTURE REGLAIMED IRRIGATION POINT OF CONNECTION. ALL PIPING AND VALVES SHALL BE INSTALLED WITH PREFLE PIPE IF RECLAINED MATER BECOMES AVAILABLE IT MILL BE THE RESPONSIBILITY OF THE LOT OWNERS AND OR LOT OWNERS MAINTENANCE ORBANIZATION TO ADD RECLAINED VALVE TABENIS SPRAY AND ROTTOR HEAD PURFLE CASES AND ALL RELATED WAILINE EQUIPMENT RECLAINED WAIVE APPRITENANCES INCLIDING RURPLE VALVE COVERS CURRENTLY THERE IS NO AVAILABLE RECLAIMED WATER AVAILABLE AT VIA FIESTA OR VIA INEZ.

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#### Brush Management Brush Management Zones

(1) Brush management Zone One is the area adjacent to the structure, shall be least flammoble, and shall consist of pavement Zone One is the area adjacent to the structure, shall be least flammoble, and shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 versical foot) unless the property that received tentative map opproval before November 15, 1964. However, within the coastal Overlay Zone coastal development shall be subject to the encroachment limitations set forth in Bection 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations

#### Zone One Requirements

(I) The required Zone One width shall be provided between flammable vegetation and any structure and shall be measured from the exterior of the structure to the vegetation.

(2) Zone One shall contain no habitable structures, structures that are directly attached to habitable structures, or other computible construction that provides a means for transmitting fire to the habitable structures. Structures such as fences, walls, and nonhabitable gazebas that are located within brush monopament Zone One shall be of noncombustible construction

(3) Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistive.

(4) Trees within Zone One shall be located away from structures to a minimum distance of 10 feet as measured from the structures to the drip line of the tree at maturity in accordance with the Landscape Standards of the Land Development Manual.

(5) Permonent Irrigation is required for all planting areas within Zone One except as follows (A) When planting areas contain only species that do not grav tailer than 24 inches in height, or
(B) When planting areas contain only native or noturalized species that are not summer-dormant and have a

maximum height at plant maturity of less than 24 inches. (6) Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation.

(7) Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining irrigation systems.

#### Zone Two Requirements

(1) The required Zone Two width shall be provided between Zone One and the undisturbed, flammable vegetation, and shall be measured from the edge of Zone One that is forthest from the hobitable structure, to the edge of undisturbed vegetation.

(2) No structures shall be constructed in Zone Two.

(3) Within Zone Two, 50 percent of the plants over 18 inches in height shall be cut and cleared to a

 (4) Within Zone Two, all plants remaining after 50 percent are cit and cleared whall be pruned to reduce fuel loading in accordance with the Landscope Standards in the Land Development Monual (5) The following standards shall be used where Zone Two area is proposed to be planted with new plant material instead of clearing existing native or naturalized vegetation

(A) All new plant material for Zone Two shall be notive or naturalized, low-fuel, and fire-resistive. No non-native plant material may be planted in Zane Two either inside the MHPA or in the Capstal Overlay Zone, adjacent to areas containing sensitive biological resources. (B) New plants shall be low-growing with a maximum height at maturity of 2 feet. Single specimens of fire-resistant native trees may exceed this limitation IP they are located to reduce the chance of

fire-resistant native trees may exceed this limitation if they are located to reduce the chance of transmitting fire from native or naturalized vegetation to habitable structures. (c) All new Zane Two plantings shall be temporarily irrigated until established. Permanent irrigation is not allowed in Zone Two. Only low-flow, low-gallonage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation. (b) Where Zone Two is being revegetated as a requirement of Section 14204((a), revegetation shall comply with the spacing standards in the Land Development Manual. Fifty percent of the planting area shall be planted with material that does not gran tailer than 24 inches. The remaining planting area may be planted with material that does not gran tailer than 24 inches. The remaining planting area may be planted with tailer material in Zone Two. (6) Zone Two shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining any temporary irrigation system.

ALTERNATIVE COMPLIANCE FOR BRUSH MANAGEMENT

ADDITIONAL OPENING PROTECTION

ADDITIONAL OF DNN B FROTEDTION REQUIRED BETOND THE STRUCTURAL REQUIREMENTS SET FORTH UNDER CALIFORNIA BUILDING CODE FOR STRUCTURES LOCATED IN THE "VERY HIGH FIRE HAZARD SEVERITY ZONE". DUAL TEMPERED/ DUAL GLAZED DOUBLE PANE MINDOWS REQUIRED AS DESIGNATED.

SIGNATURE OF DEPUTY FIRE MARSHALL,

NOTE: PROVIDED IN LIEU OF FULL BRUSH MANAGEMENT ZONES UNDER AUTHORITY OF THE FIRE CHIEF PER (42.0412(1))

STREET TREE NOTE: IMPROVEMENTS SUCH AS DRIVEWAYS UTILITIES DRAINS. AND MATER AND SEVER LATERALS SHALL BE DESIGNED SO AS NOT TO PROHIBIT THE PLACEMENT OF STREET TREES, ALL TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT

MINIMUM TREE SEPARATION DISTANCE (SECTION 142-04E MPROVEMENT/ MINIMUM DISTANCE TO STREET TREE -TRAFFIC SIGNALS (STOP SIGN) - 20 PEET -UNDERGROUND UTILITIES INCLUDING WATER LINES -5 FEET

-SENER LINES - 10 PEET -ABOVE GROUND UTILITY STRUCTURES - 10 PEET TRANSFORMERS, HYDRANTS, UTILITY POLES ETC.) -DRIVEWAY (ENTRIES) - 10 FEET INTERSECTIONS (INTERSECTING CURB LINES OF THO STREETS) - 25 FEET

#### **ATTACHMENT 18**

#### BRUSH MANAGEMENT ZONES

---- ZONE I BRUSH MANAGEMENT LIMIT - - ZONE 2 BRUSH MANAGEMENT LINIT

VERNAL POOL SEE CIVIL Engineers plans and Biology report for BUFFERS AND EXPLANATION OF COMPLIANCE WITH LAND

LANDSCAPE NORTH AREA: TOTAL LANDSCAPE AREA: 166,102 FLAT LANDSCAPE AREA: 80,024 SLOPE LANDSCAPE AREA. 86,078 LANDSCAPE WITHIN R.O.W.: 26,994

REFERENCE DRAWINGS NOTE. SEE CITY OF SAN DIEGO DRAWING # 35613-D FOR EXISTING GRADING AND RIGHT OF WAY IMPROVEMENTS. SEE SHEETS 17181920121 FOR PLANTING

NOTE: IT SHALL BE THE RESPONSABILITY OF THE OWNER /PERMITEE TO SCHEDULE A PRE-CONSTRUCTION MEETING ON SITE WITH THE CONTRACTOR AND THE DEVELOPMENT SERVICE DEPARTMENT TO DISCUSS AND OUTLINE THE IMPLEMENTATION OF THE BRUSH MANAGEMENT PROGRAM

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PENCE NOTE ALL PENCING LOCATED WITHIN ZONE ONE BRUSH MANAGEMENT SHALL MEET FIRE RATING CRITERIA SET FORTH UNDER SECTION 142.0412, SHALL BE OF NOXCOMBUSTIBLE, ONE HOUR FIRE-RATED OR HEAVY TIMBER CONSTRUCTION.



BUR VICINITY MAP HOT TO SCALE THOMAS PROTINENS PG. (1351, GRID A-2 2005 ENDION SHF - Gillepsin Woody Pallation, 'm Name 1610 Sorrante Valley Bird., Suite 300 Address

Phone # 3 SOUTH OF TREES SOUTHVIEW EAST LO Original Date: 07-09-1 Bant The IANDSCAPE CONCEPT BRUSH SUBAGEMENT PLAN Start \_ 57 \_ 5 DEP MOLT.





