

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED:	November 30, 2017	REPORT NO. PC-17-077
HEARING DATE:	December 7, 2017	
SUBJECT:	PACIFIC VILLAGE, Process Five Decision	
PROJECT NUMBER:	<u>470158</u>	
OWNER/APPLICANT:	Village Penasquitos, LP/Lennar Homes of CA	

<u>SUMMARY</u>

<u>Issue:</u> Should the Planning Commission recommend to the City Council approval of the demolition of an existing 332-unit residential complex and the subdivision of the 41.45-acre site into four lots for a 600-unit residential development at 10955 Carmel Mountain Road within the Rancho Penasquitos Community Plan area?

Staff Recommendations:

- 1. Recommend the City Council ADOPT Mitigated Negative Declaration No. 470158, and ADOPT Mitigation, Monitoring, and Reporting Program;
- 2. Recommend the City Council APPROVE Site Development Permit No. 1669787;
- 3. Recommend the City Council APPROVE Planned Development Permit No. 1669786;
- 4. Recommend the City Council APPROVE Neighborhood Use Permit No. 2001744; and
- 5. Recommend the City Council APPROVE Vesting Tentative Map No.1669785, and Easement Vacation No. 2001745.

<u>Community Planning Group Recommendation</u>: On July 5, 2017, the Rancho Penasquitos Planning Group considered the project and voted 9-5-1 to recommend approval with four conditions, as outlined in the "Discussion" section of this report (Attachment 10).

<u>Environmental Review</u>: Mitigated Negative Declaration No. 470158 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines for potential impacts to Paleontological Resources and Transportation/Traffic. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared which will reduce,

to below a level of significance, potential impacts identified in the environmental review process (Attachment 9).

<u>Fiscal Impact Statement</u>: None with this action; the costs of processing this project are paid by the applicant through a deposit account.

Code Enforcement Impact: None.

<u>Housing Impact Statement</u>: The Rancho Penasquitos Community Plan designates the 41.45acre project site for Medium Density Residential, and the project site could accommodate between 415 to 912 dwelling units. The project proposes to demolish 332 dwelling units, and construct 600 dwelling units (consisting of 324 for-sale residential condominiums and 276 for-rent apartments) resulting in a net increase of 268 residential units. The project proposes on-site affordable housing equivalent to ten percent of the total dwelling units within the development. The project will provide 60 income restricted dwelling units, which will be affordable to households with a combined annual gross income at 65 percent of the Area Median Income (AMI), subject to an affordable housing agreement with the San Diego Housing Commission.

BACKGROUND

The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive, within the <u>Rancho Penasquitos Community Plan</u> (RPCP) area (Attachment 1). The site is designated for Medium Density Residential use at a density range between 10 to 22 dwelling units per developable acre (du/dac) in the RPCP (page 50) and is within the RM-1-1 (Residential-Multiple Unit) Zone, the MCAS Miramar Airport Land Use Compatibility Overlay Zone, and the Airport Influence Area (Review Area 2).

The site is improved with a 332-unit residential complex constructed in 1970 known as Penasquitos Village. On June 15, 2016, a historical assessment was performed and City staff has determined that the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

Penasquitos Village was previously restricted as affordable housing under agreements with the U.S. Department of Housing and Urban Development (HUD) pursuant to HUD Section 221(d)(3). On June 1, 2010, this restriction requirement had expired. Additionally, a separate contract with HUD to provide project-based rental assistance for Penasquitos Village residents expired July 31, 2010.

After the expiration of the project-based rental assistance, the property owner continued to honor tenant-based Housing Choice Vouchers issued by the San Diego Housing Commission to several Penasquitos Village residents. These residents were able to remain in their existing unit at Penasquitos Village or move to another location offsite that accepted residents with tenant-based rental assistance. Rental assistance within a project-based rental assistance program remains tied to the rental unit itself, while tenant-based rental assistance is not tied to a particular property, but to the individual tenant, and the tenant can relocate to another location that accepts tenant-based

rental assistance. According to San Diego Housing Commission data, there were 149 households within the Penasquitos Village development receiving tenant-based rental assistance in April 2016; currently, there are 84 households within the Penasquitos Village development receiving tenant-based rental assistance, a reduction of 65 households since April 2016.

The project site is located within an urbanized community and abuts a neighborhood commercial center to the north, multi-unit residential development (Cresta Bella apartments and Canyon Rim apartments) and Los Penasquitos Elementary School to the west, multi-unit, duplex residential development to the south, and Interstate-15 to the east. The primary access to the property is from Carmel Mountain Road, located west of the property.

The site is characterized by moderate slopes and terraces descending to the east with approximate elevations ranging 625 mean sea level (MSL) within the west/northwest portion of the site to 586 MSL within the southeast portion of the site. A 16-inch San Diego Gas and Electric (SDG&E) gas easement extends through the southern portion of the site in a northeast-southwest direction across proposed Lots 1 and 2.

DISCUSSION

The project requires a Process Three Site Development Permit pursuant to SDMC <u>Section</u> <u>126,0502(c)(4)</u> for the proposed public improvements associated with private development of more than 3,000 linear feet of street frontage. A Process Four Planned Development permit is required pursuant to SDMC <u>Section 126,0602(b)</u> to grant deviations from the development regulations of the RM-1-1 Zone with respect to structure height and wall height within rear yard setback, and deviation from required off-street parking as detailed in the "Requested Deviations" section of this report. A Process Two Neighborhood Use Permit is required for neighborhood identification signs pursuant to SDMC <u>Section 126,0203(a)</u>. The project also requires a Process Five Vesting Tentative Map pursuant to SDMC <u>Section 125,0430</u> for the proposed four-lot subdivision and the construction of residential condominiums, and the requested vacation of two easements within the proposed subdivision boundaries. All approvals are consolidated under this application.

With respect to the Vesting Tentative Map action, the applicant is requesting to file a Financial Parcel Map to create two parcels prior to the recordation of the Final Subdivision Maps necessary to create the four proposed lots. Per the applicant's letter, the reason for this request is to separate the forrent apartment site, Lot 4, from the remaining property (proposed Lots 1, 2, and 3), which will be developed with "for -sale" product to accommodate an agreement between the developer, Lennar homes of CA, and the property owner (Attachment 11). The two parcels to be created pursuant to the Financial Parcel Map would be for financial purposes only, and would not result in the creation of parcels for building purposes, and the project has been conditioned accordingly (Attachment 8, Condition No.11).

Project Description:

The project proposes to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of a 600-unit residential development,

comprised of 324 for-sale residential condominiums within three building types, and 276 forrent dwelling units. The for-rent component will include 60 low income dwelling units subject to an affordable housing agreement with the SDHC. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, associated site improvements and the vacation of two existing easements for storm drain and sewer road/incidental purposes.

The proposed 600-unit residential development yields a density of 14.5 du/dac, which is consistent with the RPCP land use designation of Medium Density Residential, 9 to 22 du/dac. The project is also consistent with the maximum number of dwelling units allowed on the site per the RM-1-1 zone, which allows a density of one dwelling unit per 3,000 square feet, or a maximum of 601 dwelling units on the 41.45-acre site.

Project Component	Size (square feet)	# of Dwelling Units	Unit Size (Square Feet)	# of Bedrooms	Structure Height	# of Stories	Parking Spaces	
							Garage	Surface
For-Sale:								
Single-Dwelling Cluster Homes (<i>Three Design</i> <i>Plans</i>)	236,214	99	2,231 to 2,461	Four	32 feet	Two	198	114
Triplex (Three Design Plans)	239,680	105	2,123 to 2,555	Two to Four	27 feet	Two	210	90
Townhomes (Four Design Plans)	286,490	120	2,145 to 2,718	Two to Four	36 feet	Three	240	60
Subtotal	762,384	324			-		648	264
For Rent:			1		<u>I</u>			1
Apartments	347,520	276	750 to 1,473	One to Three	39 feet	Three	226	306
Other:								
Community Recreation Center	10,500	-	-	-	36.67 feet	Two		-
Maintenance Building	2,406	-	-	-	29.67 feet	Two		-
Storage Building	5,400	-	-	-	25.17 feet	Two		-
Parking Structure (226 spaces for apartments)	82,800	-	-	-	25.17 feet	Two		-
TOTAL	1,211,010	600			-		874	570

A breakdown of the proposed project components is provided in the following table:

<u>For-Sale Development</u>- The for-sale units would include 324 residential condominiums comprised of 99 single-family cluster dwelling units, 105 multi-family triplex units, and 120 townhomes, each with a two-car garage, totaling approximately 762,384 square feet (SF) in gross floor area (GFA). Access would be provided via three separate private driveways off Carmel Mountain Road. Recreational amenities are proposed including turf areas with benches and shade trees, dog runs with perimeter fencing, and play equipment. A community pool and gathering space is proposed near the center of the project site and would include turf play areas, outdoor furniture, a gas grill, pool/spa, a pool house, trellises, and Bocce court. Pedestrian crossings would include enhanced paving and a meandering decomposed granite trail is proposed along the eastern edge of the project site.

<u>For-Rent Development</u>- The 276 for-rent dwelling units are proposed at the northern end of the project site and will include 60 low income housing affordable to households with a combined annual gross income at 65 percent of the AMI, subject to an affordable housing agreement with the SDHC. Access would be provided via a private drive off Carmel Mountain Road that leads to the two-story leasing/clubhouse building. The dwelling units would be configured with both stacked flats and living spaces over garages within four, three-story buildings approximately 39 feet in height wrapped around courtyards, with unit size ranging 750 square feet to 1,473 square feet. The for-rent component will also include a one-story parking structure with additional roof top parking and storage spaces for the dwelling units.

Each courtyard will include outdoor lounge areas with gas fire pits. A community pool and gathering space is proposed near the 10,500-sqaure-foot leasing/clubhouse building, and will include a pool/spa, outdoor furniture, trellises, fire pits, gas grills, and a Bocce Court. Additional recreational amenities for the rental complex include a dog run with perimeter fencing, turf areas, and a tot lot. All recreational amenities and landscaping throughout the project site would be maintained through a homeowners association (HOA).

<u>Parking and Access</u>- The project proposes 1,444 off-street parking spaces, including 912 spaces for the for-sale units and 532 spaces for the apartments. Of these spaces, 874 would be within garages on site (including 226 spaces within a parking structure for the for-rent units), with 570 surface parking spaces. In addition, 60 motorcycle spaces and 134 bicycle spaces would be included on site. The project is requesting a minor deviation (six spaces) from the minimum required off-street parking.

Each residential component will include a separate access off Carmel Mountain Road. Proposed access points would remain at the existing four locations along Carmel Mountain Road, including at Caminata Duoro, Caminata Soleado, Caminata Ebro, and Caminata Deluz. One driveway would be realigned to create a four-way intersection at Gerana Street. A portion of Carmel Mountain road will be widened at this intersection to accommodate a left turn lane. Northbound drivers could turn right directly into the project site via all four access driveways and southbound drivers could turn left and into the development via two signalized entrances.

Transit, pedestrian, and bicycle access to the site is currently provided from Carmel Mountain Road. The San Diego Metropolitan Transit System (MTS) provides several bus stops for Route 20 along Carmel Mountain Road near the project site (Figure 1). Bus stops within immediate walking distance of the project are located at Caminata Soleado, Caminata Ebro, Gerana Street, and Cuca Street.



Figure 1- Bus Stops on Route 20

Existing crosswalks at Penasquitos Drive and Cuca Street are approximately 3,200 feet apart. The project proposes a new signalized crosswalk at the intersection of Gerana Street and Carmel Mountain Road, which would enhance pedestrian access to the bus stops in the area. The project also proposes to construct non-contiguous sidewalks at the four entry points with transitions into the existing sidewalk. The existing contiguous sidewalk would be widened from four feet to five feet along the project frontage on Carmel Mountain Road. The project frontage as designed will ensure the preservation of the mature Ash trees along Carmel Mountain Road, which is a defining characteristic and contributor to the community aesthetic, while providing a visual buffer, and supporting the City's Climate Action Plan by preserving existing urban tree canopy as a means of reducing greenhouse gases.

Class II bicycle lanes are currently located both northbound and southbound along certain segments of Carmel Mountain Road. There is gap in the northbound direction of approximately 1,700 linear feet fronting the project site.

The project proposes the removal of existing curbside parking to allow the construction of a Class II bike lane along the frontage of the project (Figure 2). This would close the bicycle lane gap at this location and improve bicycle circulation in the area consistent with the San Diego Bicycle Master Plan and RPCP designations for a Four-Lane Major roadway with a Class II bike lane along this portion of Carmel Mountain Road. Project runoff would be treated by biofiltration



Figure 2-Street Photo

basins on site and would follow the same flow pattern as the existing condition using the two existing 36-inch storm drains. Utility services would be provided through construction of new pipelines/extensions from existing utility infrastructure within surrounding roadways and existing on-site utilities would be removed.

Project-Related Issues:

<u>Requested Deviations</u> – The purpose of the Planned Development Permit regulations is to establish a review process for development that allows an applicant to request deviations and a greater flexibility than would be allowed if designed in strict conformance with the development regulations of the applicable zone. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

The project includes three deviations: to allow certain structures to exceed the maximum 30-foot height limit, to allow six fewer off-street parking spaces, and to allow a solid wall to exceed the maximum height within the rear yard setback as outlined below:

Deviations from RM-1-1 Zone and Parking Regulations					
SDMC Section	Required	Proposed (lots with deviation)			
Maximum Structure Height <u>(Section 131.0431(e),</u> <u>Table 131-04G0)</u>	30 feet	Lot 1 - 32 feet Lot 3 – 36 feet Lot 4 – 39 feet (apartment build Community Recreation Center – feet			
Solid Wall Height Within Setback (Section 142.0310(d))	Maximum 6-foot high solid wall within 15-foot rear yard setback	Lots 1 – 4; 12-foot high sound w	vall		
Off-Street Parking (Section 142.0525.	Total Required (Basic/Additional Spaces*)	Total Provided (Garage/Surface parking)			
<u>Table 142.05C</u> and <u>Table</u> <u>142-05D</u>	Lot 1: 322 spaces (222.75/99) Lot 2: 273 spaces (227.50/45.50) Lot 3: 303 spaces (252.50/50.50) Lot 4: 552 spaces (479.55/72.3)	Lot 1 – 312 spaces (198/114) Lot 2 – 300 spaces (210/90) ** Lot 3 – 300 spaces (240/60) Lot 4 - 532 spaces (226/306)	- 10 +27 -3 -20		
	Total: 1450 spaces (1,182.3/267.30)	Total: 1,444 spaces (874 garage/570 surface)			

*Additional spaces required due to lack of 20-foot driveway (cluster units per <u>SDMC Section 142.0521,</u> <u>Diagram 142-05A</u>), and required percent Common Area Parking (triplex, townhomes, and apartment complex) per <u>SDMC Section 142.0525(c)</u>.

**27 Excess parking spaces are provided on Lot 2 (triplex units); no parking deviation requested for lot

<u>Height Deviation</u>: The proposed detached cluster dwelling units, townhomes, apartment buildings, and community recreation center would exceed the 30-foot height limit by a range of two to nine feet. The proposed deviation would allow for architectural enhancements through varied roof line heights, and incorporation of decorative and architectural enhancements to improve project aesthetics. The project as designed minimizes the potential visual impact associated with the

increased building heights due to:

- Grade differences between the proposed residential pads and the higher-grade elevation of Carmel Mountain Road;
- Design of the project sensitive to the surrounding scale and development pattern; and
- Visual buffer and screening provided by the existing mature trees.

At the northern edge of the project and the location of the tallest structures (39 feet above grade for the for-rent apartments), the structures would appear 33 feet tall from Carmel Mountain Road. The proposed townhomes at 36 feet tall would appear 17.5 feet above Carmel Mountain Road. The



of the property, near the existing commercial development. Existing mature trees along Carmel Mountain Road will be preserved, which will partially screen the buildings from the street, and provide more privacy for residents. Staff is supportive of the requested height deviation in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive to the surrounding development.

Ence Height: The project is requesting a deviation to allow a 12-foot tall solid wall within the 15-foot rear yard setback, where a maximum height of six feet is allowed. The wall is proposed along the eastern edge of the property along Interstate-15 to attenuate freeway noise to an acceptable range as set forth in the City's General Plan Noise Element. The proposed wall would reduce noise at the outdoor recreation areas to appropriate levels and result in a better designed project.

<u>Parking:</u> The requested deviation from the parking requirement of 1,450 spaces (1,182.3 required off-street spaces plus 267 guest spaces) is due to a lack of space on the project site as well as the supplemental parking requirement. In addition to the parking requirement based on number of units and bedroom count, the SDMC requires no less than 15 percent of the off-street parking total also be provided as guest parking for multi-family residential development. The SDMC also requires one extra space for each single dwelling unit not providing a 20-foot long driveway.

The project proposes a total of 1,444 spaces comprised of 874 garage spaces and 570 surface parking spaces resulting in a net shortage of six off-street parking spaces for the project as illustrated in the table above. Each of the for-sale residential condominiums will include a two-car garage. The project parking is deficient by ten parking spaces for the cluster units on Lot 1 and three parking spaces for the townhomes on Lot 3. The project proposes a total of 532 off-street parking spaces versus the 552 required spaces for the for-rent project component and is deficient by 20 parking spaces on Lot 4. While the project is deficient in required parking spaces are provided for the proposed triplex units on Lot 2. Furthermore, the project provides 267 guest spaces, which is 22 percent of the required 1,182 off-street spaces. The project has been conditioned to require a shared parking agreement between the four lots within the proposed development. The requested parking deviation is supported in light of the City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project site.

Additional Project-Related Issues:

<u>Signage</u> – A neighborhood identification sign is proposed at each of the four entrances to the project. Proposed signage complies with SDMC Section <u>141.1102</u>. As required, no more than one sign would be located at each entrance. Furthermore, the signs would be located on private property and set back at least 6 feet from the public right-of-way, not exceeding six feet in height and 20 square feet in sign area, and would be constructed of stone and stucco in compliance with the SDMC.

<u>Easements</u> - The conditions of approval for this project include granting necessary public utility easements over the proposed subdivision, including easements for sewer, storm drain, and pedestrian access. The site contains several easements for SDG&E, sewer, storm drain, which will remain and not be affected by the proposed subdivision. Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These existing easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965, which will be vacated through the Tentative Map action. No public improvements exist within these easements, and they are no longer needed. The project has been conditioned to require approvals from SDG&E for work within utility easements located within the project boundaries, including a 16-inch gas easement, located in proposed Lots 1 and 2.

Community Planning Group:

On July 5, 2017, the Rancho De Los Penasquitos Planning Board (Board) considered the project and voted 9-5-1 to recommend approval of the project with the following conditions:

- 1) Provide a minimum of 65 affordable housing units;
- 2) Meet the parking requirement of 1,470 spaces;
- 3) Redesign the children's play area to be adjacent to the club house activity area; and
- 4) Develop and landscape the medians fronting the property.

Since the project was reviewed by the Board in July 2017, the project has been revised to increase the number of on-site affordable housing. The applicant has elected to comply with the Inclusionary Affordable Housing regulations by providing 60 for-rent units within the 276-unit apartment component that would be affordable to households with a combined annual gross income at 65 percent of the Area Median Income (AMI). The applicant has not provided any other project changes.

Community Plan Analysis:

The 41.45-acre site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP.

The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10 dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the

specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi- unit residential development at varying densities up to 15 dwelling units per acre and would be consistent with the density range identified in the Neighborhood Planning Element. City staff determined the density range shown in the Neighborhood Planning Element is the appropriate density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be limited to 30 feet in these areas. The project includes a Planned Development Permit requested to allow a deviation from this recommendation and the 30-foot height limit of the RM-1-1 zone. As stated above, the structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide 60 affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the SDHC. Furthermore, the applicant has made the representation that a component of the proposed project is intended to be affordable to moderate income households based on the amount of additional housing units, the size and type of units being proposed, and the current market conditions.

The RPCP states that while the community overall should maintain a quiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Penasquitos residents by balancing development with the preservation of the community's natural resources and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Penasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements.

<u>Water Supply Assessment</u> - a Water Supply Assessment (WSA) for the Pacific Village Project was approved by the Director of Public Utilities Department (PUD) that assessed the adequacy of the water supply to meet the projected water demands of the project. The findings verify that there is sufficient water supply to serve the existing water demands, projected water demands, and future water demands of the project within the Department's water service area, in normal and dry year forecasts during a 20-year projection. The WSA is part of the MND and would be approved with the adoption of the MND; a separate action or approval is not required in accordance with SDMC Section 112.0103 (b)(2).

Conclusion:

The project would benefit the community by the increased number of for-sale and for-rent dwelling units in the community, including 60 low-income dwelling units. The proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project and draft conditions of approval. Staff recommends the Planning Commission recommend to the City Council an approval of the project as proposed.

ALTERNATIVES

 Recommend the City Council Adopt Mitigated Negative Declaration No. 470158, and Adopt Mitigation, Monitoring, and Reporting Program; Approve Site Development Permit No. 1669787, Planned Development Permit No. 1669786, Neighborhood Use Permit No. 2001744, Vesting Tentative Map No.1669785, and Easement Vacation No. 2001745 with modifications.

2. Recommend the City Council Do Not Adopt Mitigated Negative Declaration No. 470158, and Do Not Adopt Mitigation, Monitoring, and Reporting Program; Deny Site Development Permit No. 1669787, Planned Development Permit No. 1669786, Neighborhood Use Permit No. 2001744, Vesting Tentative Map No.1669785, and Easement Vacation No. 2001745, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

guyse W. Lowe

Elyse Ŵ. Lowe Deputy Director Development Services Department

LOWE/FT

Firouzeh Tirandazi

Development Project Manager Development Services Department

Attachments:

- 1. Project Location Map
- 2. Aerial and Site Photographs
- 3. Community Plan Land Use Map
- 4. 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. Draft Environmental Resolution with MMRP
- 10. Community Planning Group Recommendation
- 11. Financial Parcel Map Letter of Request
- 12. Ownership Disclosure Statement
- 13. Project Plans (Separate Attachment and PC Web-link)





Project Location Map Pacific Village / 10955 Carmel Mountain Road PROJECT NO. 470158



ATTACHMENT 1





Aerial Photo <u>Pacific Village / 10955 Carmel Mountain Road</u> PROJECT NO. 470158





































Site Photo Looking East from Carmel Mountain Road PROJECT NO. 470158



















Site Photo <u>Carmel Mountain Road – Northern end of Project Site</u> PROJECT NO. 470158













Site Photo <u>View of Project Site from I-15</u> PROJECT NO. 470158







Site Photo <u>View of Project Site from I-15</u> PROJECT NO. 470158







Site Photo

Proposed Median Modification on Carmel Mountain Road PROJECT NO. 470158







Village 11 Rancho Peñasquitos Community Plan



Land Use Map

Pacific Village / 10955 Carmel Mountain Road PROJECT NO. 470158





Pacific Village / 10955 Carmel Mountain Road PROJECT NO. 470158



PROJECT DATA SHEET					
PROJECT NAME:	Pacific Village				
PROJECT DESCRIPTION:	Demolition of an existing 332-unit residential complex, and the subdivision of the 41.45-acre site into four lots for a 600-unit residential development.				
COMMUNITY PLAN AREA:	Rancho Penasquitos				
DISCRETIONARY ACTIONS:	Easement Vacation, Vesting Tentative Map, Planned Development Permit, Site Development Permit, and Neighborhood Use Permit				
COMMUNITY PLAN LAND USE DESIGNATION:	Medium Density Residential (10-22 Dwelling Units per Acre)				
ZONING INFORMATION:					
HEIGHT LIMIT:30 feet maximumLOT SIZE:6,000 square feet minimumFLOOR AREA RATIO:0.75 maximumFRONT SETBACK:15 feet minimum/20 feet StandardSIDE SETBACK:5 feet minimum/10% of lot widthSTREETSIDE SETBACK:10 feet minimum/10% of lot widthREAR SETBACK:15 feet minimumPARKING:1,474 spaces required					
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE			
NORTH:	Neighborhood Commercial; CC-1-3	Commercial Center			
SOUTH:	Residential; RM-2-5	Residential			
EAST:	Freeway; RM-1-1 / (Carmel Mountain Ranch CP – Private Recreation and Low Medium Residential; AR-1-1, RS-1-14)	I-15 Freeway; golf course and residential further east across I- 15			
WEST:	Residential and School / RM- 1-1, RM-2-5, RS-1-14	Multi-Family Residential / Elementary School			
DEVIATIONS REQUESTED:	 a. Allow structures on lots 1, 3, and 4 exceed the maximum 30-foot height limit. b. Allow a solid wall exceed maximum 6-foot height limit within rear yard setback. c. Allow 6 fewer off-street parking spaces. 				
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 5, 2017, the Rancho Penasquitos Planning Group voted 9- 5-1 to recommend approval with the following conditions: 1) Provide a minimum of 65 affordable housing units; 2) Meet the parking requirement of 1,470 spaces; 3) Redesign the children's play area to be adjacent to the club house activity area; and 4) Develop and landscape the medians fronting the property.				

CITY COUNCIL RESOLUTION NO. _____ NEIGHBORHOOD USE PERMIT NO. 2001744 SITE DEVELOPMENT PERMIT NO. 1669787 PLANNED DEVELOPMENT PERMIT NO. 1669786 PACIFIC VILLAGE – PROJECT NO 470158 [MMRP]

WHEREAS, Village Penasquitos, LP, Owner and Lennar Homes of California, Inc., Permittee, filed an application with the City of San Diego for a Neighborhood Use Permit, Site Development Permit and Planned Development Permit to construct 600 dwelling units known as the Pacific Village project, located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive, and legally described as Lot 1 of Penasquitos Village in the City San Diego, County of San Diego, State of California according to Map thereof No. 6126, filed in the Office of the County Recorder of San Diego County, June 12, 1968, in the Rancho Penasquitos Community Plan area, and the RM-1-1 Zone, the MCAS Miramar Land Use Compatibility Overlay Zone, and Airport Influence Area (Review Area 2); and

WHEREAS, on December 7, 2017, the Planning Commission of the City of San Diego considered Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and Planned Development Permit No. 1669786 and pursuant to Resolution No. ______-PC voted to recommend City Council ______ 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 Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and

Planned Development Permit No. 1669786:

I. NEIBORHOOD USE PERMIT – SDMC SECTION 126.0205

A. Findings for all Neighborhood Use Permit

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

The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the Rancho Penasquitos Community Plan (RPCP) area. The project proposes to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, with deviations from the RM-1-1 zone development regulations and parking regulations. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood identification signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The project site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP. The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10

dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi- unit residential development at varying densities up to 15 dwelling units per acre and is consistent with the density range identified in the Neighborhood Planning Element. City staff determined the density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1 zone. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be limited to 30 feet in these areas. The project includes a Planned Development Permit to allow a deviation from this recommendation and the 30-foot height limit of the RM-1-1 zone. Structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide 60 affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the SDHC.

The RPCP states that while the community overall should maintain a guiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Penasquitos residents by balancing development with the preservation of the community's natural resources and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Penasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements. Therefore, the proposed development 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 project is consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impacts upon the public health, safety and general welfare of persons residing or

working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. Furthermore, this project has been reviewed pursuant to the California Environmental quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will 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 allowable deviations pursuant to the Land Development Code.

The project proposes to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, and access, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for setbacks, coverage, floor area ratio, open space, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow certain structures to exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall exceed the maximum permitted height within the rear yard setback. The requested height deviation is reasonable in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive to the surrounding development. The requested deviation for fence height within the 15foot rear yard setback is necessary as the wall is proposed along the eastern edge of the property along Interstate-15 to attenuate freeway noise to an acceptable range required in the City's General Plan Noise Element and therefore, would reduce noises at the outdoor recreation areas to acceptable levels. The requested parking deviation is reasonable in light of City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project
site. Additionally, the project would benefit the community by providing 268 additional dwelling units within the community, including 60 low-income housing units. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the LDC.

II. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

A. <u>Findings for all Site Development Permits</u>

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

The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the Rancho Penasquitos Community Plan (RPCP) area. The project proposes to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, with deviations from the RM-1-1 zone development regulations and parking regulations. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The project site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP. The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10 dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

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The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi- unit residential development at varying densities up to 15 dwelling units per acre and is consistent with the density range identified in the Neighborhood Planning Element. City staff determined the density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1 zone. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be limited to 30 feet in these areas. The project includes a Planned Development Permit to allow a deviation from this recommendation and the 30-foot height limit of the RM-1-1 zone. As stated above, the structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide60 affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the SDHC.

The RPCP states that while the community overall should maintain a quiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Penasquitos residents by balancing development with the preservation of the community's natural resources

ATTACHMENT 5

and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Penasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements. Therefore, the proposed development 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 project is consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. Furthermore, this project has been reviewed pursuant to the California Environmental quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. 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 deviation pursuant to the Land Development Code.

The project proposes to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood identification signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The Project complies with the regulations of the LDC including requirements for setbacks, coverage, floor area ratio, open space, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow structures exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall exceed the maximum permitted height within the rear yard setback. The requested height deviation is reasonable in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive to the surrounding development. The requested deviation for fence height within the 15-foot rear yard setback is necessary as the wall is proposed along the eastern edge of the property along Interstate-15 to attenuate freeway noise to an acceptable range required in the City's General Plan Noise Element and therefore, would reduce noises at the outdoor recreation areas to acceptable levels. The requested parking deviation is reasonable in light of City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project site. Additionally, the project would benefit the community by providing 268 additional dwelling units within the community, including 60 low-income housing units. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the LDC.

III. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

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

See Finding I. A. 1. and II. A. 1. above.

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

See Finding I. A. 2 and II. A. 2. above.

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 Project complies with the regulations of the LDC including requirements for setbacks, coverage, floor area ratio, open space, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow certain structures to exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall exceed the maximum permitted height within the rear yard setback, as illustrated below:

Deviations from RM-1-1 Zone and Parking Regulations				
SDMC Section	Required	Proposed		
		(lots with deviation)		
Maximum Structure	30 feet	Lot 1 - 32 feet		
Height		Lot 3 – 36 feet		
<u>(Section 131.0431(e),</u>		Lot 4 – 39 feet (apartment		
<u>Table 131-04G0)</u>		buidlings); Community Recreation		
		Center – 36.67 feet		
Solid Wall Height Within	Maximum 6-foot high solid wall	Lots 1 – 4; 12-foot high sound wall		
Setback	within 15-foot rear yard setback			
(Section 142.0310(d))				
Off-Street Parking	Total Required (Basic/Additional	Total Provided (Garage/Surface		
(<u>Section 142.0525</u> .	Spaces*)	parking)		
Table 142.05C and Table				
<u>142-05D</u>	Lot 1: 322 spaces (222.75/99)	Lot 1 – 312 spaces (198/114)		
	Lot 2: 273 spaces (227.50/45.50)	Lot 2 – 300 spaces (210/90) **		

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Deviations from RM-1-1 Zone and Parking Regulations			
SDMC Section	Required	Proposed	
		(lots with deviation)	
	Lot 3: 303 spaces (252.50/50.50)	Lot 3 – 300 spaces (240/60)	
	Lot 4: 552 spaces (479.55/72.3)	Lot 4 - 532 spaces (226/306)	
	Total: 1450 spaces (1,182.3/267.30)	Total: 1,444 spaces	
		(874 garage/570 surface)	

<u>Height Deviation</u>: The proposed detached cluster dwelling units, townhomes, apartment buildings, and community recreation center would exceed the 30-foot height limit by a range of two to nine feet. The proposed deviation would allow for architectural enhancements through varied roof line heights, incorporation of decorative and architectural enhancements to improve project aesthetics. The project as designed minimizes the potential visual impact associated with the increased building heights due to:

- Grade differences between the proposed residential pads and the highergrade elevation of Carmel Mountain Road;
- Design of the project sensitive to the surrounding scale and development pattern; and
- Visual buffer and screening provided by the existing mature trees.

At the northern edge of the project and the location of the tallest structures (39 feet above grade for the for-rent apartments), the structures would appear 33 feet tall from Carmel Mountain Road. The proposed townhomes at 36 feet tall would appear 17.5 feet above Carmel Mountain Road. The proposed detached homes in the southern part of the site would be at-grade with Carmel Mountain Road, and would appear 32 feet above the road.

Furthermore, the project has been designed to be sensitive to the scale of the surrounding development. The project proposes a maximum structure height of 32 feet in the southern portion of the site near the existing two-story residential development. Building heights incrementally increase in a northerly direction with the tallest buildings at the northern end of the property, near the existing commercial development. Lastly, the existing mature trees along Carmel Mountain Road would be preserved, which would partially screen the buildings from the street, and provide more privacy for residents. Therefore, the requested height deviation is appropriate in light of the grade differences resulting in lower structure height perceived from the public-right-of way, visual buffer and screening provided by the existing mature trees, and the design of the project sensitive to the surrounding development. Additionally, the project would benefit the community by providing additional housing, including 60 low-income housing units.

<u>Fence Height</u>: The project is requesting a deviation to allow a 12-foot tall solid wall within the 15-foot rear yard setback, whereas a maximum height of six feet is allowed. The wall is proposed along the eastern edge of the property along

Interstate-15 to attenuate freeway noise to an acceptable range required in the City's General Plan Noise Element. Specifically, the proposed wall would reduce noises at the outdoor recreation areas to acceptable levels. As such, the proposed deviation from the fence height within the rear setback requirement would result in a better project that addresses outdoor noise restrictions per the City's General Plan Noise Element.

<u>Parking:</u> The requested deviation from the parking requirement of 1,450 spaces (1,182.3 required off-street spaces plus 267 guest spaces) is due to a lack of space on the project site as well as the supplemental parking requirements. In addition to the basic parking requirement based on number of units and bedroom count, the SDMC requires no less than 15 percent of off-street parking as guest parking for multifamily residential development. The SDMC also requires one extra space for each single dwelling unit not providing a 20-foot long driveway.

The project proposes a total of 1,444 spaces comprised of 874 garage spaces and 570 surface parking spaces resulting in a net shortage of 6 off-street parking spaces for the project as a whole as illustrated in the table above. Each of the for-sale residential condominiums will include a two-car garage. The project parking is deficient by ten parking spaces for the cluster units on Lot 1 and three parking spaces for the townhomes on Lot 3. The project proposes a total of 532 off-street parking spaces versus the 552 required spaces for the for-rent project component and is deficient by 20 parking spaces. While the project is deficient in required parking for the proposed cluster units, townhomes, and the apartment complex, 27 excess parking spaces are provided for the proposed triplex units on Lot 2. Furthermore, the project provides 267 guest spaces, which is 22 percent of the required 1,182 off-street spaces. The requested parking deviation is appropriate in light of the City's Climate Action Plan strategy 3 (Bicycling, Walking, Transit & Land Use), the future completion of the bike lane, and the proximity of four transit stops along Carmel Mountain Road adjacent to the project site.

Based on the overall design of the project and aforementioned reasons, the requested deviations are appropriate at this location. When considered, the added housing units will provide additional opportunities for home ownership and rental within the community. The requested deviations for height, sound attenuating wall, and parking will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, by allowing the project to maximize the density on site, minimize potential freeway noise impact on the residents, and encouraging alternative modes of transportation in support of the City's Climate Action Plan.

The above findings are supported by the minutes, maps and exhibits, all of which are

incorporated herein by this reference.

ATTACHMENT 5

BE IT FURTHER RESOLVED, that Neighborhood Use Permit No. 2001744, Site Development

Permit No. 1669787, and Planned Development Permit No. 1669786 is granted to Village

Penasquitos, LP, Owner and Lennar Homes of California, Inc., Permittee, under the terms and

conditions set forth in the attached permit which is made a part of this resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO OF THE CITY OF SAN DIEGO, CALIFORNIA, ON ______.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By ______ <mark>NAME</mark> Deputy City Attorney

<mark>ATTY/SEC. INITIALS</mark> DATE R- INSERT 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: 24006477

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD USE PERMIT NO. 2001744 SITE DEVELOPMENT PERMIT NO. 1669787 PLANNED DEVELOPMENT PERMIT NO. 1669786 PACIFIC VILLAGE – PROJECT NO 470158 [MMRP] CITY COUNCIL

This Neighborhood Use Permit No. 2001744, Site Development Permit No. 1669787, and Planned Development Permit No. 1669786 is granted by the City Council of the City of San Diego to Village Penasquitos, LP, Owner and Lennar Homes of California, Inc., Permittee pursuant to San Diego Municipal Code [SDMC] sections 126.0205, 126.0504, and 126.0604. The 41.45-acre site is located at 10955 Carmel Mountain Road in the RM-1-1 Zone and the MCAS Miramar Land Use Compatibility Overlay Zone, and Airport Influence Area (Review Area 2), within the Rancho Penasquitos Community Plan area. The project site is legally described as: Lot 1 of Penasquitos Village in the City San Diego, County of San Diego, State of California according to Map thereof No. 6126, filed in the Office of the County Recorder of San Diego County, June 12, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 324 for-sale dwelling units and 276 for-rent dwelling units, with deviations from the RM-1-1 zone requirements, and construction of associated site improvements 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. Demolition of an existing 332-unit residential complex;
- b. Construction of 600 dwelling units consisting of 324 for-sale condominium dwelling units and 276 for-rent dwelling units, as follows:
 - 1. 99, four-bedroom, for-sale single dwelling condominium units consisting of three floor plans ranging from 2,231 square feet to 2,461 square feet Gross Floor Area (GFA);

- 2. 105, two- to four-bedroom, for-sale multi-unit triplex condominium units, consisting of three floor plans ranging from 2,123 square feet to 2,555 square feet GFA;
- 3. 120, two- to four-bedroom, for sale condominium townhomes ranging in size from 2,145 square feet to 2,718 square feet GFA; and
- 4. 276, for-rent dwelling units in four, three-story buildings, ranging in size from 750 square feet to 1,473 square feet. Sixty of the for-rent units shall be income restricted units subject to an affordable housing agreement acceptable to the San Diego Housing Commission.
- c. Construction of a one-story parking structure;
- d. Deviations as follows:
 - (1) <u>Maximum structure height</u>: deviation to allow the structure heights of the detached residential cluster condominiums, townhomes, the apartment buildings, and the community recreation center to deviate from the maximum 30-foot height limit;
 - (2) <u>Maximum wall height</u>: deviation to allow the sound wall to exceed the maximum sixfoot height within the rear yard setback; and
 - (3) <u>Minimum off-street parking</u>: deviation to allow 1,444 off-street parking spaces, where a total of 1,450 off-street parking spaces are required.
- e. Public improvements consistent with Vesting Tentative Map No. 1669785;
- f. Vacation of two existing easements (including a portion of an existing storm drain and road easement for sewer road and incidental purposes) and dedication of new easements consistent with VTM No. 1669785;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking;
- i. Retaining walls, fences, neighborhood signs, lighting, and recreational facilities;
- j. 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 ______.

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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. The Owner/Permittee shall comply with all conditions of Vesting Tentative Map No. 1669785.

5. 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.

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

7. 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.).

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.

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, 11. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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12. 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.

13. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARAITION NO. 470158, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 470158 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:

PALEONTOLOGICAL RESOURCES TRANSPORTATION/TRAFFIC

CLIMATE ACTION PLAN REQUIREMENTS:

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

AFFORDABLE HOUSING REQUIREMENTS:

16. The Owner/Permittee is voluntarily electing to provide sixty (60) dwelling units as affordable to low income households for 55 years. Prior to the issuance of the first residential building permit, Owner/Permittee shall: (i) enter into an affordable housing agreement acceptable to the San Diego Housing Commission, which affordable housing agreement will restrict the aforementioned affordable dwelling units; and (ii) represent and warrant to the City and San Diego Housing Commission that the project complies with Section 142.1303(f) of the San Diego Municipal Code. By Owner/Permittee entering into and causing such affordable housing agreement, secured by a deed of trust, to be recorded against the property senior to all monetary encumbrances and making such representation and warranty, then, pursuant to Section 142.1303(f) of the San Diego Municipal Code, the project will be exempt from the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code (Inclusionary Affordable Housing Regulations).

ENGINEERING REQUIREMENTS:

17. The Planned Development Permit, Site Development Permit and Neighborhood Use Permit shall comply with all Conditions of the Final Map for the Tentative Map No. 1669785.

18. 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.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain approvals from private utility agencies for work within utility easements located within the project boundaries, including the SDG&E 20-foot gas easement located in proposed lots one and two, satisfactory to the City Engineer.

20. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

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

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for the private storm drain connections to the Public Storm Drain System in the Public Storm Drain Easement.

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23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of two driveways constructed to current City Standard per approved Exhibit "A", adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.

24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a meandering sidewalk constructed to current City Standard per approved Exhibit "A", adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the Owner/Permittee shall record a 10-foot wide Pedestrian Access Easement for the portions of the public sidewalk on private property, per approved Exhibit "A", adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.

26. Whenever street rights-of-way or public easements are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

27. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of two curb return access driveways constructed to City Standard per approved Exhibit "A", including current City Standard curb ramps Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Tile adjacent to the site on Carmel Mountain Road, satisfactory to the City Engineer.

28. Prior to the issuance of any building permit, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Owner/Permittee shall assure, by permit and bond to install street lights conforming to current City Standard, per approved exhibit "A" adjacent to the site on Carmel Mountain Road.

29. 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.

30. 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 SDMC, into the construction plans or specifications.

31. 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.

32. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

33. 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.

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

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any construction permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 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.

36. 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 Development Services Department. Construction plans shall show, label, and dimension a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

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

38. 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 it in kind and

equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

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39. Prior to issuance of the first building permit, the Owner/Permitee shall submit an exterior to interior noise analysis to identify the appropriate sound transmission reduction measures necessary to achieve an interior noise level that would not exceed 45 dBA as discussed in the Noise Study (January 10, 2017) prepared by Ldn Consulting, Inc. The following noise reduction measures shall include, but are not limited to:

- A proposed 12-foot wall from the northern most section of the site to Private Driveway 'C' and a 6-foot wall from Private Driveway 'C' to the southern boundary of the site located on the property line adjacent to the existing 8-foot Caltrans berm along Interstate 15;
- 5-foot barriers located on balconies constructed of stucco solid rail with plexiglass or a combination of open rail with plexiglass to block the line of sight to the roadway where second and third floor balconies are proposed with line of site to Interstate 15 on the eastern portion of the site;
- A minimum STC 36-40 rated duel pane window and mechanical ventilation shall be installed in the units adjacent to Interstate 15 from the northern most section of the site to Private Driveway 'C'; and
- A minimum STC 22-28 rated duel pane window, assemblies and mechanical ventilation shall be installed on all other units.

40. 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.

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

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

43. 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.

PARK AND RECREATION REQUIREMENTS:

44. Prior to issuance of any construction permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Park and Recreation Department for approval.

TRANSPORTATION REQUIREMENTS:

45. At project buildout, the Owner/Permittee shall permanently maintain 1,444 automobile parking spaces, including 40 standard accessible parking spaces with 5 van-sized accessible parking spaces, 60 motorcycle spaces, and 134 bicycle parking spaces within the approximate locations shown on the project's Exhibit "A". All on-site parking spaces and aisle widths shall comply at all times with the SDMC and shall not be converted and/or utilized for any other purpose, unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

46. Prior to issuance of any building permits, Owner/Permittee shall record a Shared Parking Agreement between all affected lots (Lot Nos. 1, 2, 3 and 4).

47. Prior to issuance of any building permits for each lot, Owner/Permittee shall demonstrate through a Substantial Conformance Review that adequate parking will be provided within the approximate locations shown on the project's Exhibit "A".

48. Prior to issuance of any building permits, Owner/Permittee shall assure by permit and bond the construction of a traffic signal at the intersection of Carmel Mountain Road and Gerana Street, satisfactory to the City Engineer. This traffic signal shall be completed and accepted by the City Engineer prior to the issuance of the first Certificate of Occupancy.

49. Prior to issuance of any building permits, the Owner/Permittee shall construct a bicycle lane along Carmel Mountain Road of approximately 1,700 linear feet in order to complete a critical link, consistent with the City of San Diego Bicycle Master Plan, Rancho Penasquitos Community Plan, Street Design Manual, and City's Climate Action Plan to the satisfaction of the City Engineer.

50. Prior to issuance of any building permits, the Owner/Permittee shall construct a five-foot contiguous sidewalk along the total project frontage except in the approximate locations where non-contiguous sidewalks are shown on the Exhibit "A" to the satisfaction of the City Engineer.

GEOLOGY REQUIREMENTS:

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

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

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

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53. Prior to the issuance of any building permits, the Owner/Permitee shall provide evidence that the wall along the northerly property line adjacent to the existing 15" VC has a minimum of 5' setback from the property line, in a manner satisfactory to the City Engineer.

54. All proposed privately maintained water and sewer facilities located within a single lot or private easement must be designed and constructed in accordance with the criteria established within the current California Plumbing Code and will be reviewed as part of the building permit plan check.

56. All proposed water and sewer facilities, both public and private, which are to be located within the public ROW or public easement must be designed and constructed in accordance with the criteria established within the City of San Diego's current water and sewer facility design guidelines, regulations, standards, and practices pertaining thereto.

57. If a three-inch or larger meter is required for this project, the Owner/Permittee shall construct the new meter above ground within the public ROW, or within an adequately sized public water easement, in a manner satisfactory to the Public Utilities Director and the City Engineer.

58. No trees or shrubs whose height will be three feet or greater at maturity shall be installed or retained within five feet of any publicly maintained water facilities or within ten feet of any publicly maintained sewer facilities.

59. No improvements, including grading, landscaping, private water and sewer facilities construction, or enhanced paving, can be undertaken in or over any public water or sewer easement prior to the applicant obtaining an approved Encroachment Maintenance and Removal Agreement (EMRA). The EMRA shall be approved prior to issuance of any building permit.

60. Prior to the issuance of any Building Permit, all proposed private underground utilities within a public sewer easement must be located and labeled on both the Site Plan and on an approved City Construction Record Drawing (D-sheet). Labels must include the right of the facility to encroach (i.e. the approved EMRA #).

61. Prior to the issuance of any building permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPD), 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.

INFORMATION ONLY:

• The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit

are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _	and Resolution
No	

ATTACHMENT 6

Permit Type/PTS Approval No.: NUP No. 2001744, SDP No. 1669787, and PDP No. 1669786 Date of Approval: ______

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

NAME Firouzeh Tirandazi

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.

VILLAGE PENASQUITOS, LP Owner

By _____ Stanley D. Cohen Managing Partner

LENNAR HOMES OF CALIFORNIA, INC. Permittee

Ву _____

David Stearn Vice President – Land Acquisition/Planning

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

CITY COUNCIL RESOLUTION NUMBER R-_____

VESTING TENTATIVE MAP NO. 1669785, EASEMENT VACATION NO. 2001745 PACIFIC VILLAGE - PROJECT NO. 470158 [MMRP]

WHEREAS, Lennar Homes of CA, Subdivider, and Latitude 33 Planning and Engineering, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. No. 1669785 and Easement Vacation No. 2001745 for the residential project known as Pacific Village. The project is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive, within the RM-1-1 Zone and the Rancho Penasquitos Community Plan area. The property is legally described as Lot 1 of Penasquitos Village in the City San Diego, County of San Diego, State of California according to Map thereof No. 6126, filed in the Office of the County Recorder of San Diego County, June 12, 1968; and

WHEREAS, the Map proposes the Subdivision of a 41.45-acre site into 4 lots for the development of 600 dwelling units consisting of 324 for-sale condominiums and 276 for-rent dwelling units; 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 consists of a condominium project on proposed Lots 1, 2, and 3, as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 324;

WHEREAS, on December 7, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. No. 1669785 and Easement Vacations No. 2001745, and

pursuant to Resolution No. ______, the Planning Commission voted to recommend City Council ______ 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

Vesting Tentative Map No. No. 1669785 and Easement Vacation No. 2001745, and pursuant to San

Diego Municipal Code sections 125.0440 and 125.1040 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 Vesting Tentative Map No.1669785:

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

The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the Rancho Penasquitos Community Plan (RPCP) area. The project proposes to demolish the existing 332-unit residential complex, and subdivide the single lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, with deviations from the RM-1-1 zone development regulations and parking regulations. The project also proposes the construction of a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, neighborhood identification signs, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The project site is located within the Village neighborhood in the RPCP area. The proposed project site has a land use designation of Residential in the RPCP Land Use Map (RPCP, Figure 4); the proposed residential development is consistent with the land use designation of the RPCP. The primary goal of the RPCP's Residential Element is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The project would help implement this goal by providing four distinct residential unit types containing a range of unit sizes for a variety of lifestyles and households of varying income levels.

The Residential Areas Map (RPCP, Figure 6) shown within the Residential Element of the RPCP identifies the site as Low Medium Density Residential (allowing 5-10 dwelling units per developable acre). However, the project site is identified with a higher residential density range within the Neighborhood Planning Element. The residential density range of the project site is identified as Medium Density Residential (allowing 10-22 dwelling units per developable acre) in the Village section (RPCP, Figure 11) of the Neighborhood Planning Element of the RPCP.

The Neighborhood Planning Element provides a summary of the land use, transportation and urban design recommendations for each of the neighborhoods. These recommendations focus on the specific needs of the neighborhoods. While the Residential Areas maps shows a lower density for the site, the Neighborhood Planning Element specifically provides a more detailed analysis of the community based upon a neighborhood specific study completed prior to the adoption of the RPCP. Additionally, the site is zoned RM-1-1, which allows multi- unit residential development at varying densities up to 15 dwelling units per acre and is consistent with the density range identified in the Neighborhood Planning Element. City staff determined the density range shown in the Neighborhood Planning Element is the appropriate density range for the site, based on the Element's greater specificity and the consistency with the applied RM-1-1 zone. The proposed project's residential density of approximately 14.5 dwelling units per acre would be within the density range of the Medium Density Residential designation in the Neighborhood Planning Element and the RM-1-1 zone.

The Medium Density land use designation allows for a range of housing types including townhomes and most forms of apartments. The proposed project's inclusion of apartment units and townhomes would be consistent with the Residential Element. The Plan recommends Planned Residential Development for these areas and states that building heights should be limited to 30 feet in these areas. The project includes a Planned Development Permit to allow a deviation from this recommendation and the 30-foot height limit of the RM-1-1 zone. Structure heights for the residential units would exceed the 30-foot height limit by a range of 2 to 9 feet. The proposed deviation would allow for architectural enhancements through varied roof line heights and some decorative elements to building facades that would add visual interest to the project. The grade differences throughout the site compared to Carmel Mountain Road and the Interstate-15, as well as existing trees along project frontage would provide more privacy for the residents and reduce the visual impact of the structures.

The Residential Element of the RPCP states that low- and moderate-income housing should be created using all available public and private financing programs or as a requirement of new residential development. Additionally, the Village section of the Neighborhood Planning Element states that redevelopment of the multi-family areas of the neighborhood should provide low- and moderate-income housing. As stated above, the project proposes to provide affordable housing units within the 276-unit apartment component of the project subject to an affordable housing agreement acceptable to the SDHC.

The RPCP states that while the community overall should maintain a quiet residential atmosphere, each neighborhood should be developed in a manner appropriate to its particular topography, geology, views and other natural features, as well as its location with respect to existing and proposed land uses. The primary goal of the Community Appearance and Design Element of the Plan is to ensure a pleasant, healthful, physical and social environment for Rancho Peñasquitos residents by balancing development with the preservation of the community's natural resources and amenities. The RPCP encourages projects to help develop a sense of neighborhood identity by encouraging design diversity between development areas while promoting design integration and compatibility within neighborhood areas. The proposed project incorporates Spanish, Tuscan, and Mediterranean architectural styles to help achieve design diversity. The Neighborhood Planning Element identifies eleven distinct neighborhoods within the Peñasquitos community. The proposed project's landscape design, including the inclusion of additional landscaping along Carmel Mountain Road, incorporates a range of species and shade-producing trees that help soften building facades and site walls while enhancing the overall aesthetic of the development. The proposed project incorporates enhanced paving and non-contiguous sidewalks throughout the project to improve connections between the residential units and the amenity areas.

The RPCP Transportation Element recommends that new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership, and population expected to be generated by the development. Additionally, adequate vehicular and pedestrian access should be available to serve the community and public facilities; and a continuous pedestrian and bicycle system should be provided throughout the community. The project implements these recommendations through the proposed improvements to existing transportation infrastructure. Specifically, the expansion of pedestrian and bicycle facilities, and improvements to the roadway network would help implement the general recommendations of the Transportation Element. The project includes the construction of Class II bicycle lanes, a widened sidewalk along the project frontage, and a signalized pedestrian crossing at the Carmel Mountain Road/Gerana Street intersection to support walking and bicycling in the project vicinity. The project would not conflict with existing public bus stops in the vicinity and would accommodate bus use through pedestrian improvements. Based on the above, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The project proposes to demolish the existing 332-unit residential complex, and subdivide the 41.45-acre lot into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units. The project also proposes the construction of a one-story parking structure, recreational facilities, a block wall along the eastern edge of the project, and associated site improvements including landscape, hardscape,

retaining walls, infrastructure, and access, and the vacation of two existing easements for drainage and sewer road and incidental purposes.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for floor area ratio, height, lot area, open space, parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit process. Consistent with the provisions of the LDC, the project includes three deviations: to allow structures to exceed the maximum 30-foot height limit, to allow 6 fewer off-street parking spaces, and to allow a solid wall to exceed the maximum permitted height within the rear yard setback. Therefore, the proposed development will comply with the applicable regulations of the land Development Code, including any allowable deviations pursuant to the LDC.

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

The 41.45-acre project site is located at 10955 Carmel Mountain Road, between Carmel Mountain Road and Interstate-15, south of Penasquitos Drive within the RPCP area. The project site is located within an urbanized community and abuts a neighborhood commercial center to the north, multi-unit residential development (Cresta Bella apartments and Canyon rim apartments), and Los Penasquitos Elementary School to the west, multi-unit, duplex residential development to the south, and Interstate-15 to the east. The primary access to the property is from Carmel Mountain Road, located west of the property. The site is characterized by moderate slopes and terraces descending to the east with approximate elevations ranging 625 mean sea level within the west/northwest portion of the site to 586 mean sea level within the southeast portion of the site. A 16-inch San Diego Gas and Electric (SDG&E) gas easement extends through the southern portion of the site in a northeast-southwest direction across proposed Lots 1 and 2.

The site was previously graded and improved with a 332-unit, one-story, residential complex constructed in 1971. A geotechnical investigation report has been prepared for the project, which adequately addresses soil and geologic conditions potentially affecting the proposed project for the purposes of environmental review and indicates the site is physically suitable for the design and siting of the proposed development.

The proposed residential development is consistent with both the community plan land use designation and zone. The Neighborhood Planning Element of the RPCP designates the site for Medium Density Residential use at a density range between 10 to 22 dwelling units per developable acre (du/dac) and is within the RM-1-1 Zone, which is a multiple dwelling unit zone that allows a maximum density of one dwelling unit per 3,000 square-feet of lot area or a maximum of 601 dwelling units on the subject site. The project site could accommodate 415 to 912 dwelling units based on the land use designation, and a maximum of 601 dwelling units based on the RM-1-1 zone. The proposed 600-unit residential development yields a density of 14.5 du/dac, which is consistent with the RPCP land use designation, and the RM-1-1 zone. The project has been designed to integrate well with the surrounding land uses with respect to architecture and site design. Based on the above, 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 project site has been previously graded and improved with a 332-dwelling unit residential complex, and is located within an urbanized community. The project site is located near the Black Mountain Open Space Park, which includes three wildlife corridors, none of which are in proximity to the proposed project. The project site is approximately 877 feet to the southeast of the nearest Multiple Habitat Planning Area (MHPA), which is separated from the proposed project site by developed land. Therefore the proposed project is not located within or adjacent to the MHPA, nor is it located within a migratory passageway for any native resident or migratory fish or wildlife species. Furthermore, the site does not contain any jurisdictional wetlands or waters nor any Environmentally Sensitive Lands as defined in SDMC Section 113.0103.

Mitigated Negative Declaration (MND) No. 470158 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines which analyzed the environmental impact of the proposed project. Implementation of the Mitigation, Monitoring, and Reporting Program (MMRP) would reduce impacts to a level below significance in the areas of Paleontological Resources and Transportation/Traffic. 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 design of the subdivision and improvements area consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors. Furthermore, this project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within and outside the proposed subdivision. The conditions of approval for this project include granting necessary public utility easements over the proposed subdivision, including easements for sewer, storm drain, and pedestrian access. The site contains several easements for SDG&E, sewer, storm drain, which will remain and not be affected by the proposed subdivision. The project has been conditioned to require approvals from SDG&E for work within utility easements located within the project boundaries, including a 16-inch gas easement, located in proposed Lots 1 and 2. Certain existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed as shown on Exhibit "A". These existing easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965, which will be vacated through the Tentative Map action. No public improvements exist within these easements, and they are no longer needed. As such, 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 41.45-acre lot into four lots for the development of 600 dwelling 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 and future development of residential units. The project proposes four residential housing types and design plans consisting of building articulation and offsetting plans, and varied roof heights. With the independent design of the proposed subdivision, each structure will have the opportunity through building setbacks, overall structural envelope, 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 proposed project is the subdivision of a 41.45-acre lot into four lots for the development of 600 dwelling units, and is consistent with the density range per the community plan and the maximum number of dwelling units that can be accommodated on site based on the underlying RM-1-1 Zone. Balanced needs for public facilities were taken into consideration with the development of the RPCP and the projected build-out with the applied zone designations. The proposed subdivision will not place a significant impact on public resources such as police, fire, parks and library resources. Existing public utility services to the subdivision shall continue to be provided and serve the development. Furthermore, the applicant has opted to provide 60 for-rent low income dwelling units on site, subject to an affordable housing agreement with the San Diego Housing Commission to meet their affordable housing requirement for the 600-unit residential project.

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the

effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of 600 dwelling units, including 324 for-sale condominium units comprised of 99 detached cluster dwelling units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low income dwelling units, results in a net increase of 268 dwelling units and contributes to the housing needs anticipated for the RPCP area.

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

incorporated by reference.

BE IT FURTHER RESOLVED, that portions of existing easements for drainage and sewer road

and incidental purposes located within the project boundaries as shown in Vesting Tentative Map

No. No. 1669785, shall be vacated, contingent upon the recordation of the approved Final Map for

the project, and that the following findings are supported by the minutes, maps, and exhibits, all of

which are herein incorporated by reference:

1. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a))

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965. No public improvements or facilities exist within these easements. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

2. The public will benefit from this action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b))

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965. The proposed easements vacations will allow the subdivision of 41.45-acre parcel into four lots for the construction of 600 dwelling units consisting of 324 for-sale condominium units comprised of 99 detached cluster units, 105 triplex units, and 120 townhomes, and 276 for-rent apartments to include 60 low-income restricted units, a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site

improvements including landscape, hardscape, retaining walls, infrastructure, access, and neighborhood identification signs. The development will result in the net increase of 268 dwelling units in the community and maximize the density on site. Therefore, the public will benefit from the vacation through improved utilization of the land made available by the vacation and the net increase of 268 dwelling units within the RPCP area.

3. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c))

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965, which are proposed to be vacated through this Tentative Map action. The proposed easements vacations will allow the subdivision of the 41.45-acre parcel into four lots for the development of 600 dwelling units, a one-story parking structure, recreational facilities, a sound attenuating wall along the eastern edge of the project, and associated site improvements including landscape, hardscape, retaining walls, infrastructure, access, and neighborhood identification signs. No public improvements exist within these easements. Furthermore, these existing easements on the subject property will no longer be utilized once the proposed public improvements are constructed. The vacation of the aforementioned easements would allow the development of a 600unit residential development and associated site improvements consisting of 324 for-sale units, and 276 for-rent apartments, include 60 low income dwelling units, maximizing the density on site and contributing to the housing needs anticipated for the RPCP area. Therefore, the vacation of the aforementioned easements would not affect the RPCP land use plan and would allow the development of the residential subdivision consistent with RPCP land use plan.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d))

Two existing public easements on the subject property will no longer be utilized once the proposed public improvements are constructed. These easements include portions of a 12-foot road easement for sewer, road and incidental purposes per Doc. No. 116206 recorded June 29, 1965, and portions of a ten-foot wide drainage easement per Doc. No. 116207 recorded June 29, 1965. No public improvements exist within these easements. It has been determined these easements are unnecessary and the purpose of which the easement was originally acquired no longer exists. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City

Council, Vesting Tentative Map No. No. 1669785 and Easement Vacation No. 2001745 are hereby

granted to Lennar Homes of CA, Subdivider, subject to the attached conditions which are made a

part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

Bу

[Attorney] Deputy City Attorney

[Initials]:[Initials] [Month]/[Day]/[Year] Or.Dept:[Dept] R-R-[Reso Code]

ATTACHMENT: Tentative Map Conditions

Internal Order No: 24006477

ATTACHMENT 8

CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO. 1669785 EASEMENT VACATION NO 2001745 PACIFIC VILLAGE PROJECT NO. 470158 [MMRP] ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

- 1. This Vesting Tentative Map No. 1669785 will expire on ______.
- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
- 3. Prior to the recordation of the 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 Vesting Tentative Map and Final Map shall conform to the provisions of Planned Development Permit No. 1669786, Site Development Permit No. 1669787, and Neighborhood Use Permit No. 2001744.
- 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.

AFFORDABLE HOUSING

6. The Subdivider is voluntarily electing to provide sixty (60) dwelling units as affordable to low income households for 55 years. Prior to the recordation of the Final Map, the Subdivider shall: (i) enter into an affordable housing agreement acceptable to the San Diego Housing Commission, which affordable housing agreement will restrict the aforementioned affordable dwelling units; and (ii) represent and warrant to the City and San Diego Housing Commission that the project complies with Section 142.1303(f) of the San Diego Municipal Code. By Subdivider entering into and causing such affordable housing agreement, secured by a deed of trust, to be recorded against the property senior to all monetary encumbrances

and making such representation and warranty, then, pursuant to Section 142.1303(f) of the San Diego Municipal Code, the project will be exempt from the provisions of the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 142.1301 et seq.).

ENGINEERING

- 7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 9. 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.
- 10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

- 11. The Developer/Subdivider has requested permission to file a Financial Parcel Map over the property prior to the recording of the final subdivision map(s) to divide the apartment site, Lot 4, from the remaining property, Lots 1, 2, and 3. Prior to issuance of any building permits the Developer/Subdivider shall process and record a final subdivision map over the financial parcel map parcels to create the final mapped Lots 1 thru 4. The Financial Parcel Map must contain a statement substantially similar to the following on its face: "THIS MAP IS FOR FINANCE AND CONVEYANCE PURPOSES ONLY AND DOES NOT CREATE LEGAL BUILDING SITES".
- 12. All vacations located within the project boundaries as shown on the Vesting Tentative Map shall be vacated pursuant to California Government Code section 66434(g) and contingent upon the recording of the approved Final Map.
- 13. "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].

- 14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 15. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS

- 16. Prior to the recording of the Final Map, the Subdivider shall provide all necessary new additional sewer easements (including sewer access easements) to increase the width of all existing sewer easements in accordance with the City's current Sewer Design Guide. This will require an additional total width of 10' easement to be added to the existing 10' wide sewer easement associated with the 8" VC per 11668-D, and an additional total of 10' sewer easement width associated with the existing 15" VC/18" PVC located along the southerly property line per 24131-D and 11528-D.
- 17. Prior to the recording of the Final Map, the Subdivider shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities, in a manner satisfactory to the Public Utilities Director and the City Engineer.
- 18. Prior to (or concurrent with) the recordation of the Final Map, any/all existing public sewer easements that will not be utilized by the development must be vacated.
- 19. Prior to (or concurrent with) the recordation of the Final Map, the Subdivider is required to dedicate additional sewer easements to the satisfaction of the Public Utilities Director and City Engineer (including a sewer access easement for the existing sewer main bisecting the development).

INFORMATION:

• The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24006477

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, on February 8, 2016, Lennar Homes of California Inc., submitted an application to Development Services Department for a Vesting Tentative Map, Easement Vacation, Planned Development Permit, Site Development Permit, and Neighborhood Use Permit for the Pacific Village Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

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

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 470158 (Declaration) prepared for this Project; NOW THEREFORE,

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

BE IT FURTHER RESOLVED, that the City Council of the City of San Diego finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

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

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the office of the City Clerk.

APPROVED: Mara W. Elliott, City Attorney

By: _____ Deputy City Attorney

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

NEGIBHORHOOD USE PERMIT/SITE DEVELOPMENT PERMIT/PLANNED DEVELOPMENT PERMIT/VESTING TENTATIVE MAP/EASEMENT VACATION

PROJECT NO. 470158

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 Mitigated Negative Declaration No.470158 shall be made conditions of NEIGHBORHOOD USE PERMIT/SITE DEVELOPMENT PERMIT/PLANNED DEVELOPMENT PERMIT/VESTING TENTATIVE MAP/EASEMENT VACATION as may be further described below.

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

1. 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.

2. In addition, the ED shall verify that <u>the MMRP Conditions/Notes that apply ONLY to the</u> <u>construction phases of this project are included VERBATIM</u> 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)

1. 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 Paleontological Monitor

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**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) No. <u>470158</u> and /or Environmental Document No. <u>470158</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-inch 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:

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 - The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from San Diego Natural History Museum or other institution, or, if the search was inhouse, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 - The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the PME.

- 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
 - 1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8 a.m. on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

- c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
- d. The PI shall immediately contact MMC, or by 8 a.m. on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.

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

TRANSPORTATION/TRAFFIC

TRA-1 Carmel Mountain Road/Gerana Street/Future Access B: Prior to the issuance of occupancy permits, Access B shall be realigned from its current location to the Carmel Mountain Road/Gerana Street intersection and a traffic signal shall be installed. One 18-foot approach lane shall exit the site with one 18-foot lane entering. Entering the site, the existing southbound left-turn pocket shall be extended to a length of 250 feet with a 120-foot transition. The realignment shall also reduce the amount of U-turns along this corridor by accommodating full turn movements and eliminating an existing right-turn in/right-turn out only driveway and the additional amount of U-turn trips that would otherwise use this intersection. This driveway shall primarily serve the triplex and townhome units.

ATTACHMENT 10



THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: PACIFLC VILLAGES AT P.Q.				umber:	Distribution Date:
PACIFLE VILLAGES AT P.Q. P.N. 470158/SCH NO. N/X Project Scope/Location:					
RANOHO PEÑZEQUITOS: PROJECT PROPOSES & TENTATIVE MAP (TM), PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), KNO NELGH BORTHOOD USE PERMIT TO REDEVELOP & 41.45 KORE SITE WITH 324 UNITS OF FOR-SALE KNO 277 FOR RENT APARTMENTS FOR A TOTKL OF GOI DWELLING UNITS. THE EXISTING 332 APARTMENT UNITS AT THE SUTE, ENOUN AS PEÑZSQUITOS VILLES, WOULD BE DEMOLISTED.					
Applicant Name: LENNAR Homes of Chu	FORNIA, LI	NC.		Applicant P	hone Number: 33 –(858) 75! – 0633
IIKOVEEN IIIAVDALI	Phone Numbe			Number:	E-mail Address:
	619) 446-5	325	(619)) 321-3200	FTIRAN DAZI SANDIEGO. GO
Committee Recommendations (To be completed for Initial Review): MOTION TO APPROVE THE PACIFIC VILLAGE PROJECT, PROJECT NO. 470155 WITH PROPOSED TENATIVE MAP, PLANNED DEVELOPMENT PERMIT, STE DEVELOP- MENT PERMIT AND NEIGHBORHOOD USE PERMIT TORDEVELOP 41.45 KLRES WITH GOI TOTAL DWELLING, UNITS WITH CONDITIONS TO:					
Vote to Approve	Member	rs Yes	M	embers No	Members Abstain
Vote to Approve With Conditions Listed Below	Member 9	rs Yes	M	embers No 5	Members Abstain
Vote to Approve With Non-Binding Recommendations Listed Below	Member	rs Yes	M	embers No	Members Abstain
Vote to Deny	Member	rs Yes	M	embers No	Members Abstain
No Action (Please specify, e.g., Need further infor quorum, etc.)	mation, Split	vote, l	Lack	of	Continued
CONDITIONS: 1) PROVIDE MINIMUM OF 65 AFFORTABLE HOUSING UNITS (2) MEET THE PARKING REQUIREMENT OF 1,470 SPACES (3) REDESION THE CHILDRENS PLAY AREA TO BE ADJACENT TO THE CLUPS HOUSE ACTIVITY AREA (4) DENELOP AND LANGEAPE THE MEDIANS FRONTING THE PROPERTY					
NAME: THOMAS W. CLARK				TITLE: 💪	HAIR, LAND USE COMMITTEE
SIGNATURE:				DATE: 7-	-17-2017
Attach Additional Pages If Necessary.	Project Ma City of Sau Developme 1222 First	Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			
Printed on recycled paper. Visit our Upon request, this information is avai					



May 16, 2017

Firouzeh Tirandazi Development Services Department 1222 First Ave., MS 301 San Diego, CA 92101-4101

Dear Ms. Tirandazi:

The Developer/Subdivider, Lennar Homes of CA, is requesting permission to file a Financial Parcel Map over the property (APN 313-030-15-00) prior to the recordation of the Final Subdivision Map(s). The purpose is to divide homes into 2 legal parcels separating the for-rent apartment site, Lot 4, from the remaining property (Lots 1, 2, and 3), which will be developed with "for sale" product. The purpose is so the "for sale" site can be conveyed to Lennar by the current owner prior to final map recordation.

Lennar Homes of CA is purchasing a portion of the Pacific Village site, Lots 1, 2 and 3 (Lot 1 as shown on financial parcel map) from the owner, Atlantic Pacific, who will retain Lot 4 (lot 2 on the financial parcel map). The site will be jointly developed upon the completion of the final engineering plans, pursuant to the development agreement between the two entities, which requires Lennar to act as Master Developer for the demolition, grading, and common off-site infrastructure improvements, after Parcel 1 is conveyed to them in fee. The conveyance must occur prior to the recordation to the Final Map so each party can post bonds, pay development fees, and sign subdivision improvement agreements for their respective in-tract improvements in each Final Map. Further, the in-tract improvements and on-site construction for the apartment site will require separate financing from that of the remainder of the property conveyed to Lennar and must be under separate ownership in order to secure such financing.

We appreciate your attention to this matter. Please feel free to contact me at 858-875-1715.

Regards.

Melissa Krause Latitude 33 Planning and Engineering

ATTACHMENT 12

Project Title: Pacific Village	Project No. (For City Use Only)
Part II - To be completed when property is held by a cor	poration or partnership
Legal Status (please check):	
Corporation Limited Liability -or- General) What Represent the Representation Representiatio Representation Representatio Repr	t State? <u>CA</u> Corporate Identification No. <u>47-3919770</u>
as identified above, will be filed with the City of San Diego of the property. Please list below the names, titles and address otherwise, and state the type of property interest (e.g., tenar in a partnership who own the property). <u>A signature is requi</u> property. Attach additional pages if needed. Note: The appli ownership during the time the application is being processed	s) acknowledge that an application for a permit, map or other matter. In the subject property with the intent to record an encumbrance against asses of all persons who have an interest in the property, recorded or ints who will benefit from the permit, all corporate officers, and all partners <u>aired of at least one of the corporate officers or partners who own the</u> icant is responsible for notifying the Project Manager of any changes in d or considered. Changes in ownership are to be given to the Project the subject property. Failure to provide accurate and current ownership Additional pages attached Yes No
Corporate/Partnership Name (type or print): Penasquitos Village LP	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address: 1025 Kane Concourse, Suite 215	Street Address:
City/State/Zip: Bay Harbor Islands, FL 33145	City/State/Zip:
Phone No: Fax No: (305) 438-7390	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): Stanley D. Cohen	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Managing Partner Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Cowner CTenant/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 Tenant/Lessee	Cowner CTenant/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:

CALIFORNIA PROPERTIES a Florida General Partnership DESCRIPTION: OWNERSHIP

PARTNER	<u>Ownership</u>
Alan J. Cohen, Trustee of the Alan J. Cohen Trust U/AD 2-4-99	14.00%
Joel Cohen	36.00%
Stanley D. Cohen Revocable Living Trust u/a/d 6/23/2015	12.00%
Howard D. Cohen, Trustee of the Howard D. Cohen Revocable Trust U/AD 4-6-93	12.00%
Kenneth J. Cohen Revocable Trust u/a/d 6/10/2015	12.00%
Rita G. Cohen, Trustee of the Jessica Trust, Dated 3-1-85 (1"1/3"%)	1.33%
Rita G. Cohen, Trustee of the Erin Trust, Dated 3-1-85 (1"1/3"%)	1.33%
Rita G. Cohen, Trustee of the JC-2003 Trust U/A/D 12-10-03 (B)	3.00%
Rita G. Cohen, Trustee of the EHC Trust U/A/D 12-10-03 (B)	3.00%
Jesserin, LLC, a Florida limited liability company (5"1/3"%)	5.33%

TOTAL

100.00%