



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: February 15, 2018 REPORT NO. PC-18-016

HEARING DATE: February 22, 2018

SUBJECT: MERGE 56. Process Five Decision

PROJECT NUMBER: [360009](#)

REFERENCE: [Report to the Planning Commission No. PC-13-106](#); Initiation of an Amendment to the Torrey Highlands Subarea Plan to re-designate approximately 42-acres from Commercial Regional and Medium High Density Residential to Local Mixed Use located south of State Route 56, east of the planned extension of Camino Del Sur and west of Carmel Mountain Road.

OWNER/APPLICANT: Sea Breeze 56, LLC, a Delaware Limited Liability Company

SUMMARY

Issue: Should the Planning Commission recommend approval to the City Council of an application for the construction of a mixed-use development comprised of 242 residential units and commercial, office, theater and hotel uses on a 72.34-acre site located south of State Route 56, between Camino Del Sur and Black Mountain Road, within the Del Mar Mesa, Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plan areas?

Staff Recommendations:

1. Recommend the City Council CERTIFY Environmental Impact Report No. 360009/SCH No. 2014071065, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program; and
2. Recommend the City Council ADOPT an Amendment to the General Plan and the Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plans No. 1266869; and
3. Recommend the City Council APPROVE Rezone Ordinance No. 1266781; and
4. Recommend the City Council APPROVE Planned Development Permit No. 1266871; and

5. Recommend the City Council APPROVE Conditional Use Permit No. 1266881; and
6. Recommend the City Council APPROVE Site Development Permit No. 1266883; and
7. Recommend the City Council APPROVE Vesting Tentative Map No. 1266869, Easement Vacation No. 2076453, and Public Right-of-way Vacation No. 2076458.

Community Planning Group Recommendation: On November 12, 2015, the Del Mar Mesa Planning Board voted 6-0-2 to recommend approval of the project (Attachment 32).

On May 3, 2017, the Rancho de los Peñasquitos Planning Board, the community group overseeing the Torrey Highlands - Subarea IV Plan area, voted 16-0-0 to recommend approval of the project (Attachment 33).

Environmental Review: An [Environmental Impact Report \(EIR\) No. 360009/SCH No. 2014071065](#), has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts to Transportation/Circulation, which would be significant and unmitigated.

Fiscal Impact Statement: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Housing Impact Statement: The project would allow for construction of 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). The Project is subject to the Rhodes Crossing Project Affordable Housing Program, as conditioned within Planned Development Permit No. 53203, Site Development Permit No. 53204, and Conditional Use Permit No. 53205, to provide 20-percent of the 242 housing units as affordable housing units (47 pre-density bonus units) at 65-percent Area Median Income (AMI). All of the affordable housing units shall be located within Merge 56 Lot 6 of Unit 10, which is part of the former Unit 4 of the Rhodes Crossing Vesting Tentative Map No. 7938.

BACKGROUND

The Merge 56 development site is located in the north-central portion of the City. The property is situated in the communities of Del Mar Mesa, Torrey Highlands, and Rancho Peñasquitos, immediately adjacent to the State Route 56 (SR-56) right-of-way. Regional access to the site is from SR-56, Interstate 5 (I-5) and Interstate 15 (I-15); local access to the site is from the southern termini of Camino Del Sur and Carmel Mountain Road, as well as from the existing section of Camino Del Sur between Dormouse Road and Park Village Road (Attachments 1 through 5).

The 72.34-acre project site consists of a 41.34-acre development site and approximately 31 acres within the dedicated ROW for Carmel Mountain Road and Camino Del Sur (Attachment 6). The project areas are largely undeveloped, with several dirt roads and trails crossing them. Some signs of former agricultural activities occur in the central portion of the development site; an approved construction road/stockpile occurs there as well. Habitats found on both components of the project include non-native grassland, coastal sage scrub, southern mixed chaparral, chamise chaparral, vernal pools, other wetlands, disturbed land, developed areas and other vegetation communities. The Multiple Habitat Planning Area (MHPA) is situated within or west of the rights-of-way for the Camino Del Sur road extensions but not within the proposed site (Attachment 8 through 11).

An approximately 150-foot wide SDG&E utility easement crosses through the central portion of the project area in a northeast-southwest direction; no utility facilities are located within the easement. A 40-foot wide water and road easement also crosses through the project site. SR-56 is located along the northern boundary of the project area, and the constructed portion of Carmel Mountain Road extends along a portion of the eastern project boundary crossing over SR-56 via a two-lane bridge. The northern terminus of Camino Del Sur occurs in the southeastern portion of the project area, and the southern terminus of Camino Del Sur occurs in the northwestern corner of the project area.

Topographically, the project area is comprised of mesa tops, with an approximate elevation of 400 feet above mean sea level (AMSL). Finger canyons extend from the project site to Deer Canyon and Los Peñasquitos Canyon such that surface flows from the project site ultimately drain into Los Peñasquitos Lagoon. The two lowest elevations on the site are approximately 310 feet AMSL, in its northwestern corner, and in a finger canyon of Los Peñasquitos Canyon that is situated at an elevation of 250 feet AMSL in the southern portion of the Camino Del Sur ROW. Within the development area, steep slopes are limited, while the public ROW area contains a small finger canyon that contains slopes that have a gradient of 25 percent or more. Soils in the project area include Olivenhain cobbly loam, Redding gravelly loam, and terrace escarpments, all of which generally have high shrink-swell potential.

The project site is bounded on the west and south by undeveloped land; east of the site is the existing two-lane extension of Carmel Mountain Road that crosses over SR-56 and two-story, single-family residential development associated with the Rancho Peñasquitos community. To the northwest of the property, adjacent to the northern terminus of Camino Del Sur, is a convenience store/gas station/car wash adjacent to the SR-56/Camino Del Sur interchange and office development. The Torrey Highlands Village Center occurs along Camino Del Sur north of SR-56. In addition to the freeway, the SR-56 Class I bike path parallels the freeway travel lanes immediately north of the project site. Paved ramps connect the bike path with Carmel Mountain Road and Camino Del Sur. Darkwood Canyon to the east of the project site contains a trail used as a maintenance access road within the undeveloped canyon (Attachment 12). The southerly segment of the site is adjacent to single-family residential development in the Park Village neighborhood, as well as a public elementary school (Park Village Elementary School). Also, near the southern limits of Camino Del Sur is Peñasquitos Creek Neighborhood Park, and Los Peñasquitos Canyon Preserve.

Prior Approvals-On May 24, 2001, the Planning Commission approved Site Development Permit (SDP) No. 40- 0386 for the construction of approximately two miles of Camino Ruiz from Carmel Mountain Road to Carmel Valley Road, including an approximately 1,700-foot eastward extension of Carmel Mountain Road (Attachment 13-Location Map). On February 2, 2006, the Planning

Commission approved SDP No. 3278, to extend Camino Del Sur from its current terminus just north of Dormouse Road to its planned intersection with Carmel Mountain Road (Attachment 14-Location Map). Both roadway segments are located within the project area, which a portion of Camino Ruiz north of SR-56 and a portion of Carmel Mountain Road south of SR-56 have been constructed and are in use.

The 41.34-acre development site is part of the Rhodes Crossing (Project No. 3230) Vesting Tentative Map (VTM) No. 7938, which was approved by City Council on March 29, 2004 (Attachment 15). The project was comprised of the subdivision of 147.4 acres for 741 dwelling units, 531,055 square-feet of commercial and self-storage facilities and a gasoline service station (Attachment 16). The Project was approved through the accompanying Planned Development Permit (PDP) No. 53203, SDP No. 53204, and Conditional Use Permit (CUP) No. 53205 (Attachment 17). In addition, the Project required Street Vacation, Easement Vacation, Amendments to the Rancho Peñasquitos and Torrey Highlands adopted plans, and rezone of the existing AR-1-1 and RS-1-14 (proposed RS-1-14, RM-3-9, CR-2-1 and CC-1-3) zones. Portions of the public ROW for Camino Del Sur and Carmel Mountain Road were dedicated to the City upon recordation of the Rhodes Crossing Final Map No. 15578 on July 11, 2007, and as part of prior entitlement for the Park Village neighborhood.

DISCUSSION

Project Description

The Merge 56 development project (Project) consists of two components, a mixed-use development and the public roads that adjoin the proposal (Attachment 18). The development component of the project would consist of a local mixed-use center (LMXU) containing commercial, office, hotel and residential uses on the 41.34-acre, triangular-shaped property. The project would allow for construction of 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores, and pedestrian-oriented shops and stores including restaurants and civic uses.

Multi-family housing and mixed-use residential units will be interspersed with ground floor commercial as envisioned in the Torrey Highlands Subarea Plan. Residential density should decrease as the distance from the commercial center increases. Trails and pedestrian links to residential areas are required to be integrated with the commercial center. Although located near the freeway, the LMXU is not intended to be a freeway-oriented commercial development with dedicated freeway access. The existing LMXU in the Torrey Highlands Subarea Planning area, Torrey Highlands Village Center, is situated northwest of the SR-56/Camino Del Sur interchange and the project site. The Merge 56 Development Project would create a second mixed use center in the vicinity of State Route 56.

Commercial Uses- The commercial component of the project would be anchored by a community shopping center fronting the primary internal roadway and featuring various retail and restaurant establishments, market hall, grocery store, hardware, cinema, fitness uses, restaurants and other retail uses on the ground floor with offices and residential uses on the upper floors. A central plaza would be created along the frontage of the main street (i.e., Private Drive M on the site plan) and retail would be placed on both sides of the street. Most retail spaces would be one-story, with some

restaurants and/or other users occupying second level mezzanine space. Commercial space would also be placed on the ground floor below the townhome units fronting Private Drive M. With the 50,000-sf, 1,800-seat cinema in place, up to approximately 168,250 sf of commercial/retail-oriented space would be developed on the site. Architecturally, the center would exhibit a contemporary appearance, with large glass openings, deep overhanging roof eaves and open trellises. The project would highlight natural materials and colors, usable outdoor spaces, and drought-tolerant landscaping.

Office Uses- Office uses would occur at both the north and south sides of the Private Drive M entrance to the project site along Camino Del Sur, as well as integrated with the community shopping center on upper levels to create an integrated mixed-use neighborhood. The L-shaped, western office building would range from four to six stories in height over two wings, and contain office spaces for a variety of tenants permitted in the CC-3-5 zone, including medical offices. The western office building south of Private Drive M would be constructed up to three stories in height and house similar office uses. In both office locations, retail-oriented uses would occupy a portion of the ground floor of the office buildings to provide services or restaurants in those locations. In the center of the commercial area there would be office spaces oriented towards smaller or more creative office users, above the ground floor retail uses. A total of approximately 185,368 sf of office uses are planned on site. Architecturally, the two main office structures would feature a contemporary architectural style using a combination of materials that may include glass, concrete, steel, stucco, and natural stone.

Hotel Use- Proposed in the northwest corner of the project site, the four-story, 120-room hotel would be situated between the western office building and visible from SR-56. The 54,000-sf “extended stay” hotel would feature typical, limited service hotel amenities, including an outdoor pool/spa. No restaurant or large meeting spaces are contemplated for the hotel.

Residential Uses- Up to 242 residential units are planned on site, including market rate units, townhomes and single family dwelling units and 47 affordable housing units. Approximately 19 townhome units and all of the affordable housing would be integrated with the commercial area north of Private Drive M. The balance of the residential units is proposed south of Private Drive M, including 24 market apartment units and 68 two- and three-story townhomes distributed across the site transitioning to 84 single-family dwelling units to the south. The two to three levels of affordable housing units are proposed over ground-floor commercial space in the northeast corner of the project site; an outdoor use area would also be situated in the vicinity of the housing. The townhomes south of Private Drive M would be clustered in groups surrounded by landscaped common area. The single-family units would be arranged in small clusters around private alleys accessible from internal private drives. A private recreation area with pool, spa and clubhouse is proposed in the southern portion of the project to serve residents of the single-family units. A three-foot high wall would be placed between residential uses and Camino Del Sur and along the southern portion of Carmel Mountain Road. A combination of a four- to eight-foot high wall would be placed at the northeast portion of the site near the intersection of SR-56/Carmel Mountain Road.

Architecturally, the proposed attached townhome and units would feature a contemporary architectural style, with more residentially-scaled doors and windows, building heights, and the use of warm natural materials at ground level to create a pedestrian-friendly façade. Ground floor unit entrances would front the streets with stoops, front porches, and landscaped buffers, while the

garages would be located off private drives to the rear of the building. The units would feature upper floor terraces and balconies facing the street. Single-family units would be constructed in three architectural styles: Formal Spanish, Spanish Colonial and Santa Barbara. Building materials would include stucco, wood, and/or stone (Attachment 36).

Open Space- As part of the project design, a 3.83-acre area in the northern portion of the site (i.e., Lot Z) would be retained as Open Space and placed in a conservation easement.

Signage- The project plans include sign criteria, intended to provide building signage which is oriented towards the freeway identifying larger building tenants, as well as a freeway-oriented pylon signage which would not exceed 50 feet tall and 25 feet wide. The signs would be architecturally designed to contribute to a sense of place, enhance overall project identity and provide an aspect of architectural harmony with the project buildings. At the primary entrances to the project off of Carmel Mountain Road and Camino Del Sur, as well as the secondary access south of the existing gas station on Camino Del Sur, six- to eight-foot high monument signs would be located on both sides of the entry. These monument signs would include the same key architectural elements as the center's structures, and would incorporate landscaping, yet be oriented to allow for optimum tenant identification without causing any traffic hazards. Buildings oriented towards Carmel Mountain Road and Camino Del Sur would be allowed to have tenant identification signage, as well as lower monument signage along the interior streets. Interior directional signage would be used for the efficient movement of vehicles and pedestrians towards their destinations. Directional signage would be both pole-mounted as well as ground-mounted, and be placed to enhance pedestrian and vehicle safety.

Sustainability Features- The overall project design would incorporate the following sustainability features for energy and water efficiency:

- Solar canopies would be installed on all parking decks;
- Centralized parking structures and walkable streets and plazas would encourage a "park once" strategy;
- Neighborhood-serving retail would be placed in close proximity to residences;
- Mixed-use live/work/play concept incorporated into site planning;
- Pedestrian-oriented development with multiple walkways linking commercial and residential areas;
- Bike racks would be provided in commercial and residential areas;
- Trail connections and bike lanes would be provided along public roads;
- Sustainable building design, including use of local building materials, low-flow fixtures (toilets and showers), and porous surfaces;
- Recycling receptacles would be placed throughout the site;
- Low-water use, native landscaping materials would be installed to minimize turf and irrigation demands; and
- State-of-the-art, low precipitation sprinkler equipment would be used in the mixed-use development.

In addition, the Project will provide and maintain all elements of a Transportation Demand Management (TDM) Plan that includes the following:

- Partially subsidized transit passes;
- Transportation information kiosks;
- Program to encourage office tenants to provide and maintain a telework program and flexible or alternative work schedules;
- Bicycle parking spaces in excess of Code minimum requirements;
- Lockers and on-site shower facilities for office and commercial employees;
- Electric vehicle charging stations in excess of Code minimum requirements;
- Preferential carpool/vanpool parking for office employees.

Public Roads- Proposed extensions of Camino Del Sur and Carmel Mountain Road would be constructed as part of the Project; both are public roads planned in the Torrey Highlands and Rancho Peñasquitos communities. As part of its Community Plan Amendment (CPA), the project proposes a reclassification to downgrade the roads from four-lane majors to two-lane collectors as discussed below. ROW for both roads has been previously dedicated per the Rhodes Crossing VTM No. 7938 (Project No. 3230) with the exception of the portion of Camino Del Sur-South where property acquisition would be required to implement the proposed road improvements.

A ROW vacation across the previously dedicated portions of both public roads would be required due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid grading impacts to off-site vernal pool preserves. The roadway improvements would provide local and regional access to the Project, surrounding properties and local community, in accordance with the Circulation Elements of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. The reclassification is proposed for the segment of Camino Del Sur south of Carmel Mountain Road and north of Dormouse Road and the portion of Carmel Mountain Road between SR-56 and Camino Del Sur. The reclassification is driven by the fact that a four-lane major road is not required to carry currently projected buildout traffic volumes. Grading associated with the reconfigured roads would be reduced by approximately seven-acres under the Project.

Required Approvals

The project incorporates 47 affordable housing units on-site and the applicant has opted to process the land use approvals through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. Due to process consolidation, all actions are processed concurrently as a Process Five. Development of the proposed project requires:

- General Plan Amendment (GPA)- The GPA would change the designated land uses on Figure LU-2, *General Plan Land Use and Street System*, in the General Plan from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use designation.
- Community Plan Amendment (CPA)- The CPA is required to change the land use designation of the project site in the Torrey Highlands Subarea Plan from Commercial Regional (CR) and Medium-High Density Residential (MHD) to Local Mixed-use Center (LMXU) South, to specify the planned land use intensity consistent with the project design, and to downgrade the classifications of on-site portions of Camino Del Sur and Carmel Mountain Road, Circulation Element roads in the Torrey Highlands Subarea and Rancho Peñasquitos Community Plans.

- Rezone- The Rezone would modify the underlying zoning from the entitled zoning of Commercial (CR-2-1) and Residential (RM-3-9) to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2) to make the project site consistent with its proposed land use designation.
- Planned Development Permit (PDP)- The intent of a PDP is to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits. The SDMC allows applicants to obtain a PDP to provide flexibility in the design of projects. The intent of the PDP amendment for the project is to implement the LMXU in accordance with the Torrey Highlands Subarea Plan. All lots within the subdivision would be subject to the use and development regulations of the CC-3-5 and RX 1-2 zones, as modified by the requested deviations (see Deviation Section below), allowed through a PDP.
- Site Development Permit (SDP)- The SDP would amend SDP No. 53204, SDP No. 3278, and SDP No. 40-0386 due to impacts to Environmentally Sensitive Lands (ESL) resources (specifically, biological resources, archaeological resources, and steep slopes), which includes the impacts to ESL within the ROW for the roads. The amended SDP would provide authorization, as a third party beneficiary, for impacts to coastal sage scrub and covered species under the City's Multiple Species Conservation Program.
- Conditional Use Permit (CUP)- The CUP is for the construction and operation of the cinema/theater over 5,000 sf.
- Vesting Tentative Map (VTM)- The VTM would amend VTM No. 7938 to permit the re-subdivision of three lots to create 107 lots, consisting of 84 RX zoned lots, 12 CC zoned lots, seven open space lots, and four lots for private drives.
- Right-of-Way and Easement Vacations (ROW/EV)- A public ROW vacation is required for Camino Del Sur and Carmel Mountain Road to revise the ROW dedicated in VTM No. 7938 and to incorporate revisions attributable to the downgraded road classifications for both roads. A water easement vacation is also proposed.

Project-Related Issues

Airport Land Use Compatibility- On May 3, 2016, the San Diego County Regional Airport Authority, serving as the Airport Land Use Commission (ALUC), reviewed the project application and accompanying materials. The ALUC staff had determined that Project does not require a consistency determination, therefore, the project is consistent with the MCAS Miramar Airport Land Use Compatibility Plan (ALUCP) based upon the facts and finding summarized within their letter (Attachment 19).

Deviations- An applicant may request deviations from the applicable development regulations pursuant to a Planned Development Permit in accordance with SDMC [Section 126.0602\(b\)\(1\)](#), provided that findings can be made and the deviation results in a more desirable project. The following table is a matrix of the proposed deviations:

Deviations Summary			
Deviation Description	Deviation from SDMC	Required	Proposed
CC Zone Front Yard Setback for Unit 10 Lots 1-5 and 7	Section 131.0531 and Table 131-05E	Maximum 10 feet	Varies from 11-25 feet
CC Zone Front Yard Setback for Unit 4 Lots 1, 2 and 5	Section 131.0531 and Table 131-05E	Maximum 10 feet	Varies from 15-29 feet
CC Zone Side Yard Setback for Unit 10 Lot 1-5 and 7	Section 131.0531 and Table 131-05E	Minimum 10 feet or 0 feet	Varies from 6.5-35 feet
CC Zone Side Yard Setback for Unit 4 Lots 1, 2 and 5	Section 131.0531 and Table 131-05E	Minimum 10 feet or 0 feet	Varies from 10-15 feet
RX Zone Front Yard Setback for Unit 5 Lots 27, 32, 33, 35, 36, 38, 42, 43, 48, 49, 54, 55, 61	Section 131.0431 and Table 131-04E	Minimum 15 feet	Varies from 7-26 feet
RX Zone Rear Yard Setback for Unit 5 Lots 8, 9, 14, 15, 20, 21, 26, 27, 32, 33, 38, 42, 43, 48, 49, 54, 55, 61	Section 131.0431 and Table 131-04E	Minimum 10 feet	Varies from 4-21 feet
Ground Floor Restriction for Unit 4 Lots 2, 4 and 5 and Unit 10 Lot 7	Section 131.0540(c)	Residential uses and residential parking not allowed within the front 30-feet	Allow residential uses and residential parking within the front 30-feet
Retaining Wall Height Outside of Required Yards for Retaining Wall No. 21, 22, 27, 31, and 32	Section 142.0340(e)	Maximum 12-foot retaining wall allowed	Varies from 14-25 feet

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site, provide a more cohesive community appearance, allow for adequate site circulation and overall functionality of the project, avoid impacts to federal jurisdictional waters while providing adequate conveyance and discharge of stormwater runoff from the public roadways. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC.

Water Supply Assessment (WSA)- In accordance with Senate Bill SB 610 and SB 221, the City Public Utilities Department prepared a WSA Report for the proposed project (City 2014b), which assessed whether sufficient water supplies are or would be available to meet the projected water demands of

the project. The WSA evaluated the City's ability to provide water supplies to the proposed project during normal water supply year, a single-dry year, and multiple-dry water years over a 20-year projection period, in addition to existing and planned future water demands of the City. As demonstrated in the WSA, current and future water supplies, as well as the actions necessary to develop these supplies, have been identified in the water resources planning documents of the City's Public Utilities Department, the County Water Authority, and the Metropolitan Water District to serve the projected demands of the project, in addition to existing and planned future water demands of the City. Water conservation features, such as drought-tolerant landscaping, water-efficient irrigation and low water use fixtures would be incorporated into the project, in accordance with the City requirements and California Building Code (CBC) regulations.

General Plan/Community Plan Analysis

The project proposes to amend the Torrey Highlands Subarea Plan to allow for mixed-use development. The project would also amend the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan to revise the public roadways classifications that adjoin the project site within both plan areas. Additionally, the project proposes to amend the General Plan Land Use and Street System Figure (Figure LU-2) from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use to reflect the proposed mixed-use development.

The Torrey Highlands Subarea Plan currently designates the site for Commercial Regional and Medium High Residential Density Residential (20-40 du/ac) uses. The project site as identified in the land use element of the Torrey Highlands Subarea Plan would allow for 242 dwelling units. The proposed CPA would change the land use designation of the site to Local Mixed Use Center (LMXU) South (to differentiate it from the existing LMXU to the north of SR-56). The proposed amendment to redesignate the site as LMXU South would allow for the reconfiguration of residential and commercial uses on site to promote pedestrian activity while maintaining the ability for commercial uses to take advantage of the Camino Del Sur and SR-56 freeway interchange. The current Commercial Regional designation provides space for large-scale commercial uses which require sites primarily served by vehicle access. The proposed amendment to designate the site as LMXU South would allow for the integration of commercial and residential uses on the project site to create a neighborhood focus through the use of pedestrian oriented design principles consistent with the Implementing Principle of the Land Use Chapter of the Torrey Highlands Subarea Plan. Since the Torrey Highlands Subarea Plan has a voter approved unit limit, the proposed amendment would continue to maintain the allowed 242 dwelling units.

The LMXU designation is intended for major grocery and drug stores, pedestrian-oriented shops and stores, including restaurants and civic uses; multi-family housing and mixed-use residential units interspersed with ground floor commercial; and residential densities that decrease as the distance from the commercial center increases. The project would implement the recommended uses of the LMXU designation by providing uses that include a grocery store, restaurant and civic uses, and mixed-use residential units with ground floor commercial activity. Additionally, the implementation of a LMXU center on the project site would further the General Plan goals of the City in creating a "village" and walkable community, providing employment opportunities for the region, and integrating a mix of housing types (multi-family and single family) to serve a range of housing needs. The proposed amendment is consistent with General Plan City of Villages strategy and policies that

promote balanced communities and the development of a variety of different types of land uses within a community in order to offer opportunities for a diverse mix of uses.

The proposal would also help implement the General Plan and Torrey Highlands Subarea Plan goal of providing diverse and balanced neighborhoods with housing available for households of all income levels. The project includes approximately 47 affordable multi-family residential units consistent with the North City Future Urbanizing Framework Plan. The affordable units would be located in a mixed-use setting within the northeastern commercial component of the project site. In addition to the affordable units, flats, townhomes and single-family residences are proposed to provide a variety of housing types, to help implement the Housing and Land Use Goals of the Torrey Highlands Subarea Plan and the Balanced Communities Goals of the General Plan.

Consistent with General Plan and Torrey Highlands Subarea Plan Urban Design goals and policies, the project design would feature commercial spaces oriented toward the central plaza and main street. The pedestrian-scale ground floor spaces would feature street front entrances while second and third-story spaces would be set back, opening up to outdoor terraces that overlook the plaza. Large anchors would be located near the ends of the building. A variety of architectural detail and massing would create visual interest and break up the scale of the façade. Landscaping would be used for visual accents, screening and focal points. The bulk of the parking would occur in structures placed behind and beneath the commercial and office buildings. Pedestrians using the parking areas would access the commercial areas and public plaza via sidewalks along access roads and through the center. By placing the more intensive uses close to the freeway and transitioning the residential density with distance from the freeway, the proposed project would take advantage of the freeway frontage and interchange for access to commercial and employment uses on site, and buffer existing residential and open space uses to the south from the more active northern portion of the site. The proposed LMXU South land use would also be consistent with the surrounding existing and planned land uses, which consist of residential to the east and south and freeway commercial (convenience/gas station) and office uses to the northwest.

The project includes an amendment to the adopted Circulation Elements of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan to reflect a reclassification of Camino del Sur from a four-lane major road to a modified two-lane collector for the segment from Carmel Mountain Road south to Dormouse Road, and reclassification of Carmel Mountain Road from a four-lane major road to a modified two-lane collector road. The project would design and implement the required public road improvements to improve circulation within the community, avoid unnecessary impacts to biological resources and achieve the safety standards contained in the City's Street Design Manual. The proposed roadway reclassifications for Camino Del Sur and Carmel Mountain Road would minimize the grading impacts of the road improvements and increase their sensitivity to biological resources, steep slopes and landforms, in accordance with General Plan Mobility Element policies. Additionally, trail connections proposed along Camino Del Sur would be accessible to hikers and bicyclists and would establish a link between residential areas and the open space system as identified in the Torrey Highlands Subarea Plan. The trail connections would comply with the open space preservation goals of the MSCP Subarea Plan and Del Mar Mesa Natural Resource Management Plan.

The proposed internal circulation network design would establish a modified grid design consistent with the Circulation goals and policies of the Torrey Highlands Subarea Plan. The private streets

combined with the paseos provide direct connections from the single family and townhomes to the commercial core. Traffic calming features, such as traffic circles, street side parking and marked crosswalks, would be integrated into the on-site street network to help reduce vehicle speeds and reduce conflicts between pedestrians and motorists consistent with the General Plan Mobility Element for installing traffic calming measures. All streetscapes would feature sidewalks, street trees and other landscape materials consistent with the Community Design Guidelines of the Torrey Highlands Subarea Plan.

Consistent with Conservation Element goals and policies, sustainability features of the project would include solar canopies installed on all parking decks and sustainable building design, including use of local building materials, low-flow fixtures, porous surfaces, and native landscaping materials.

Public Facilities Financing Plan Amendments- The City has planned for the extensions of Camino Del Sur and Carmel Mountain Road in the current Torrey Highlands Facilities Benefit Assessment (Fiscal Year [FY] 2013) and the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) (FY 2014). Upon the approval of the amendments to the General Plan and Community Plans, an amendment to the Public Facilities Financing Plans for the revised road improvements to Camino Del Sur and Carmel Mountain Road shall be incorporated into the Public Facilities Financing Plans which are scheduled to be completed in September 2018.

Conclusion

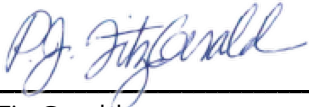
The Project consists of two components, a mixed-use development and the public roads that adjoin the proposal. The development component of the project would consist of a local mixed-use center containing commercial, office, hotel and residential uses on the 41.34-acre, triangular-shaped property, which incorporates 47 affordable housing units on-site. The Project would construct the extensions of Camino Del Sur and Carmel Mountain Road that are public roads which are part of the Circulation Elements in the Torrey Highlands and Rancho Peñasquitos communities, which would provide local and regional access to the surrounding properties and local community. Therefore, the Project implements the goals of the Torrey Highlands Subarea and Rancho Peñasquitos Community Plans, and the General Plan.

ALTERNATIVES

1. Recommend the City Council CERTIFY Environmental Impact Report No. 360009/SCH No. 2014071065, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program; ADOPT the Amendment to the General Plan and the Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plans No. 1266869; ADOPT the Rezone Ordinance No. 1266781; APPROVE Planned Development Permit No. 1266871, Site Development Permit No. 1266883, Conditional Use Permit No. 1266881, Vesting Tentative Map No. 1266869, Easement Vacation No. 2076453, and Public Right-of-way Vacation No. 2076458, with modifications.
2. DO NOT ADOPT Recommend the City Council DO NOT CERTIFY Environmental Impact Report No. 360009/SCH No. 2014071065, DO NOT ADOPT the Findings and Statement of Overriding Considerations, and DO NOT ADOPT the Mitigation, Monitoring, and Reporting Program; DO NOT ADOPT the Amendment to the General Plan and the Torrey Highlands - Subarea IV and

the Rancho Peñasquitos Community Plans No. 1266869; DO NOT ADOPT the Rezone Ordinance No. 1266781; DO NOT APPROVE Planned Development Permit No. 1266871, Site Development Permit No. 1266883, Conditional Use Permit No. 1266881, Vesting Tentative Map No. 1266869, Easement Vacation No. 2076453, and Public Right-of-way Vacation No. 2076458, if the findings required to approve the project cannot be affirmed.

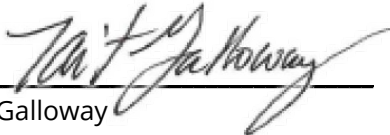
Respectfully submitted,



PJ Fitzgerald
Assistant Deputy Director
Development Services Department



Jeffrey A. Peterson
Development Project Manager
Development Services Department



Tait Galloway
Program Manager, Long Range Planning
Planning Department

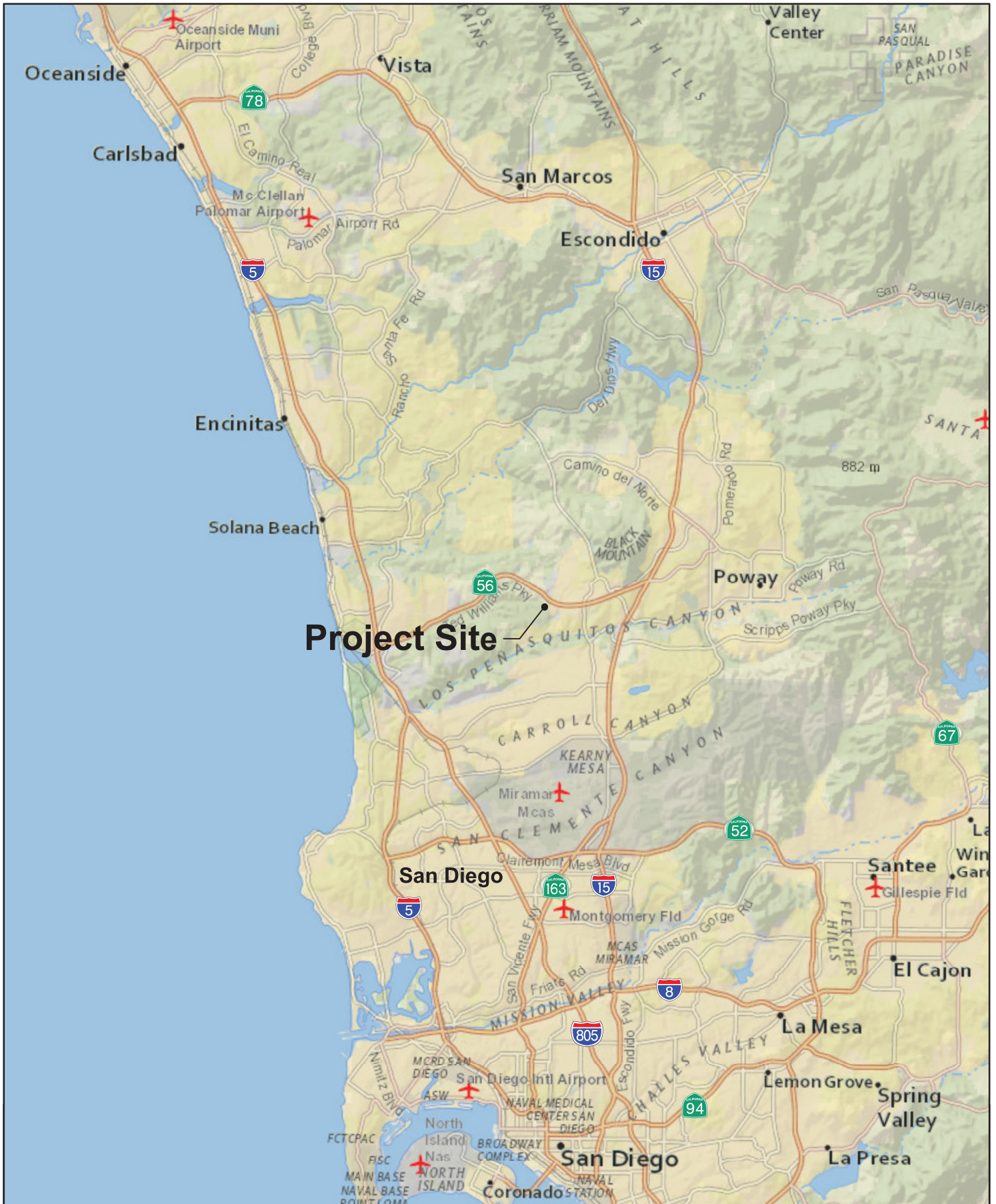
FITZGERALD/JAP

Attachments:

1. Location Map
2. Aerial Photograph/Project Location Map (EIR Figure 2-2 and 2-3)
3. Existing Land Use Designation (EIR Figure 2-6)
4. Proposed Land Use Designation (EIR Figure 3-1)
5. Proposed Zoning (EIR Figure 3-2)
6. Existing Site Condition/Topography Map (EIR Figure 2-5)
7. Site Photographs (Existing) (EIR Figure 2-4 a-d)
8. Environmental Sensitive Lands Map (EIR Figure 5.1-1 and 5.1-2)
9. Sensitive Biological Resources Map (EIR Figure 5.3. 1a)
10. Development Plan/Impacts to Sensitive Biological Resources Map (EIR Figure 5.3. 1b)
11. Jurisdictional Delineation/Impact Map (EIR Figure 5.3. 1c)
12. Proposed Trail Connection and Wildlife Corridor Maps (EIR Figure 3-11 and 5.3-3)
13. Location Map for SDP No. 40- 0386
14. Location Map/Exhibit A for SDP No. 3278
15. Rhodes Crossing VTM No. 7938
16. Rhodes Crossing Existing Entitlement Exhibit Site Plan
17. Rhodes Crossing PDP No. 53203, SDP No. 53204, and CUP No. 53205
18. Merge 56 Site Plan (EIR Figure 3-3)
19. ALUC Letter dated May 3, 2016
20. Draft PDP/SDP/CUP Resolution with Findings
21. Draft PDP/SDP/CUP Permit with Conditions

22. Draft VTM/EV/ROW Vac Resolution with Findings
23. Draft VTM/EV/ ROW Vac Conditions
24. Draft GP/CPAs Amendment Resolution
25. Revised GP Map
26. Revised Torrey Highlands - Subarea IV Plan Strikeout and Underlines
27. Revised Rancho Peñasquitos Community Plan Strikeout and Underlines
28. Rezone Ordinance
29. Rezone Exhibit Sheet B-4328
30. Draft EIR Environmental Resolution
31. Draft Planning Commission Resolution
32. Del Mar Mesa Planning Board Minutes
33. Rancho de los Peñasquitos Planning Board Minutes
34. Ownership Disclosure Statement
35. Merge 56 Exhibit B-Conceptual Sketches
36. Merge 56 Project Plans

Internal Order No. 24004023



Source: Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO,

Figure 2-1

Regional Location Map

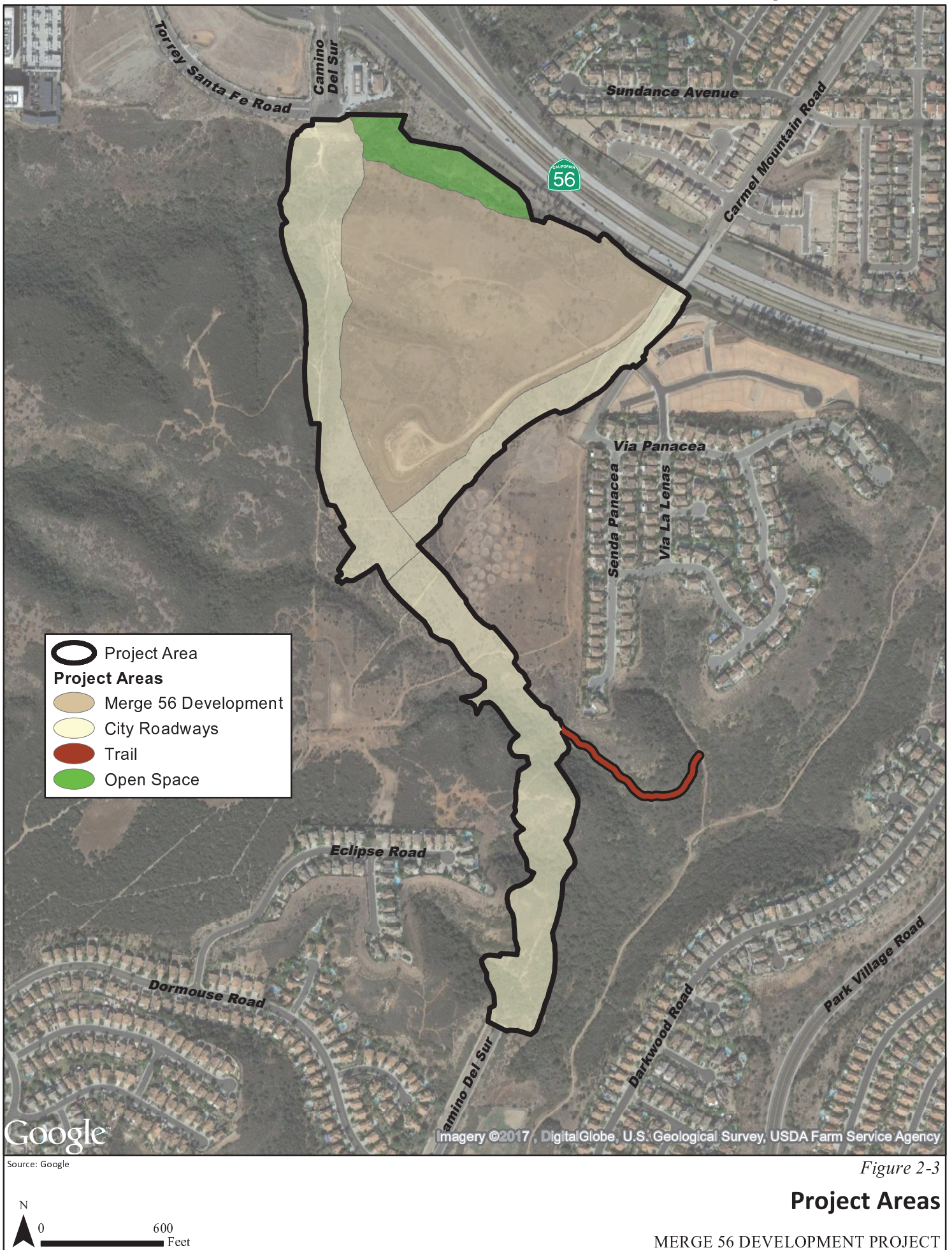


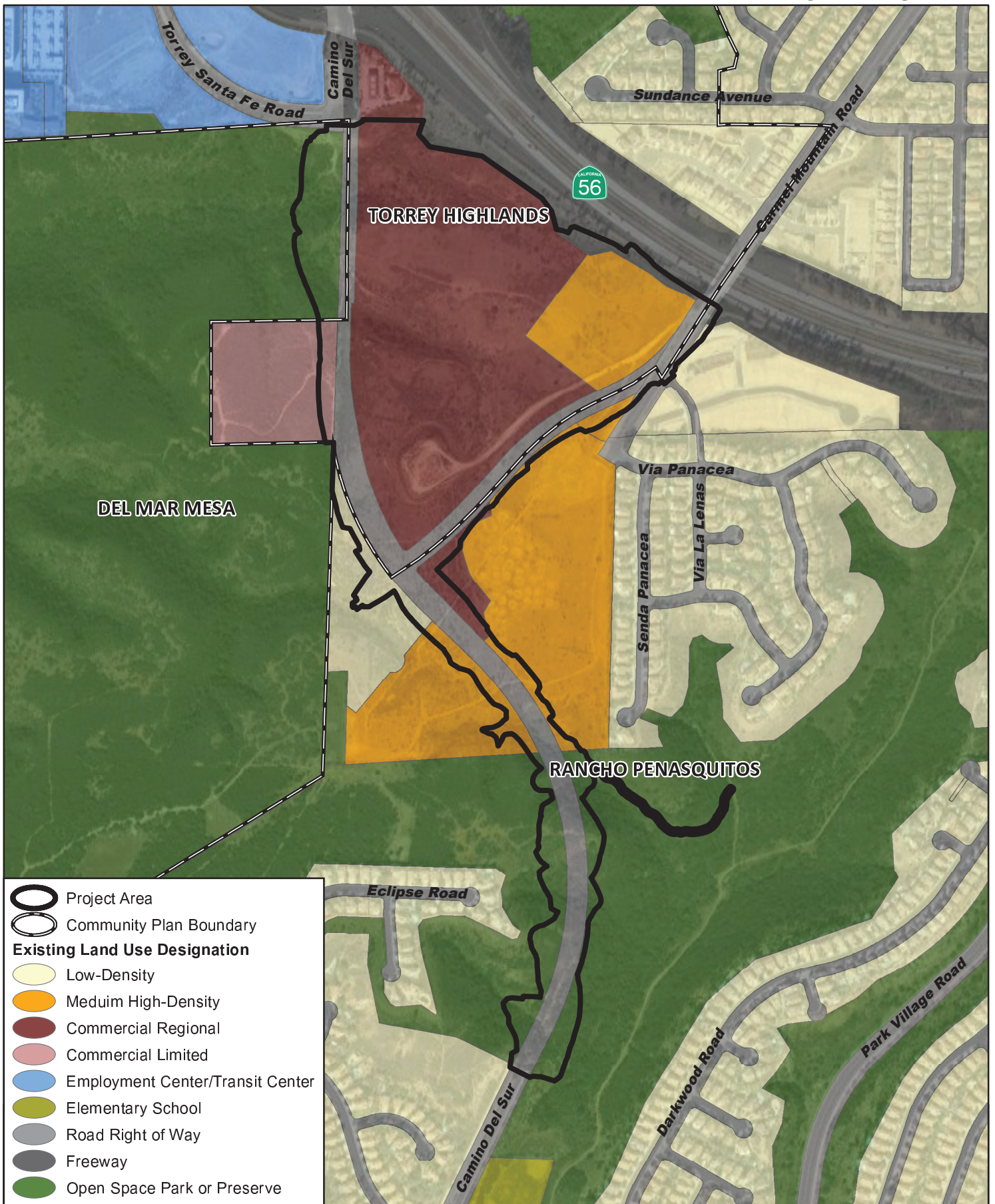


Figure 2-2

Project Location

MERGE 56 DEVELOPMENT PROJECT



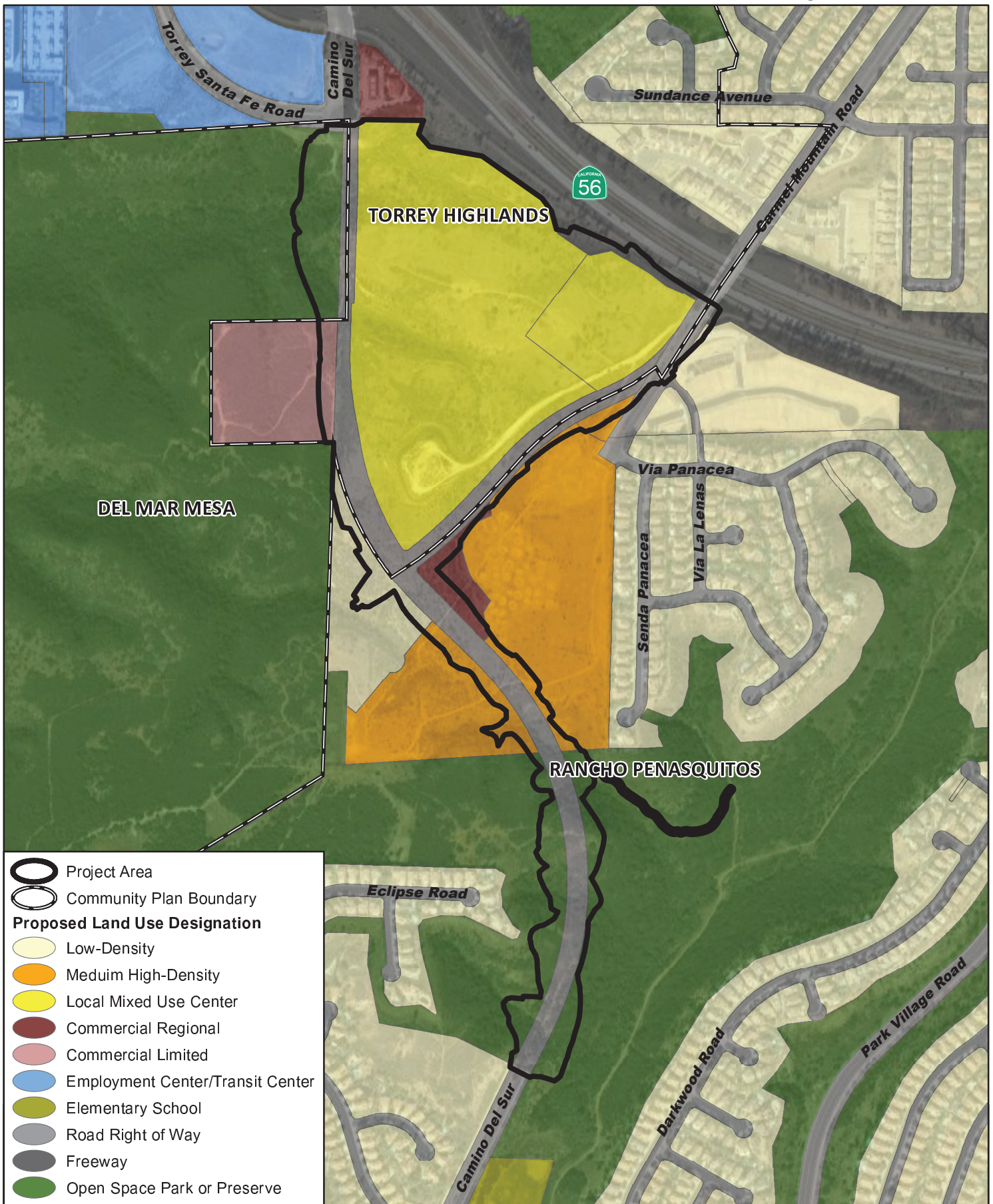


Source: Torrey Highlands Subarea Plan, Google

Figure 2-6

Existing Land Use Designations

MERGE 56 DEVELOPMENT PROJECT

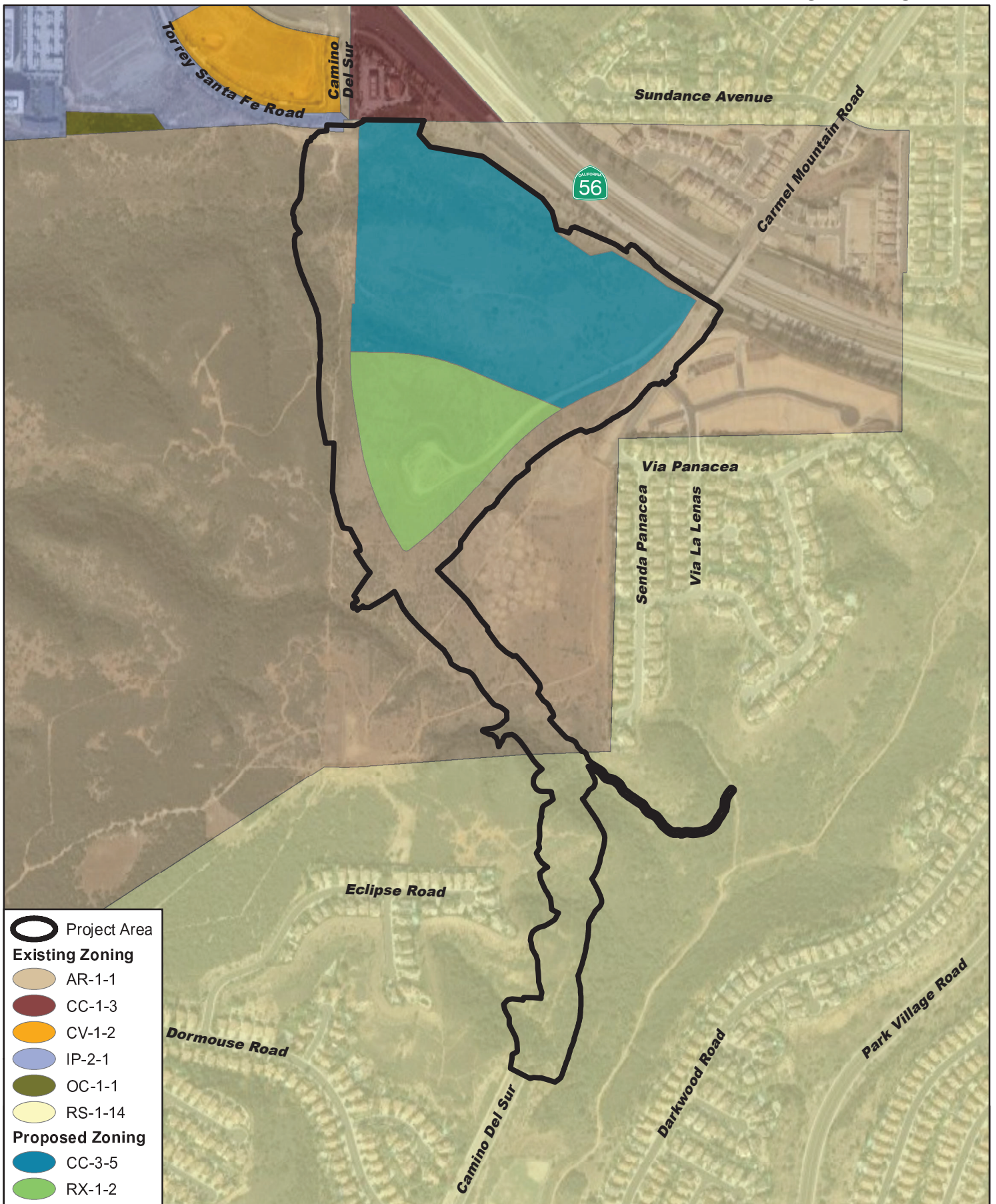


Source: Torrey Highlands Subarea Plan, Google

Figure 3-1

Proposed Land Use Designations

MERGE 56 DEVELOPMENT PROJECT



Source: SanGIS, Google

Figure 3-2

Proposed Zoning

ERGE 56 DEVE

EN PROJECT



View from Camino Del Sur looking south towards project site



View from Camino Del Sur looking south towards project site

Figure 2-4a

Site Photographs



View from Camino Del Sur looking south towards project site



View from Camino Del Sur looking north towards project site

Figure 2-4b

Site Photographs

MERGE 56 DEVELOPMENT PROJECT



View from Camino Del Sur looking north towards project site



View from Camino Del Sur looking north towards project site

Figure 2-4c

Site Photographs

MERGE 56 DEVELOPMENT PROJECT



View of project site from Darkwood Canyon



View of Darkwood Canyon from Camino Del Sur

Figure 2-4d

Site Photographs

MERGE 56 DEVELOPMENT PROJECT



Figure 5.1-1

Environmentally Sensitive Lands

MERGE 56 DEVELOPMENT PROJECT

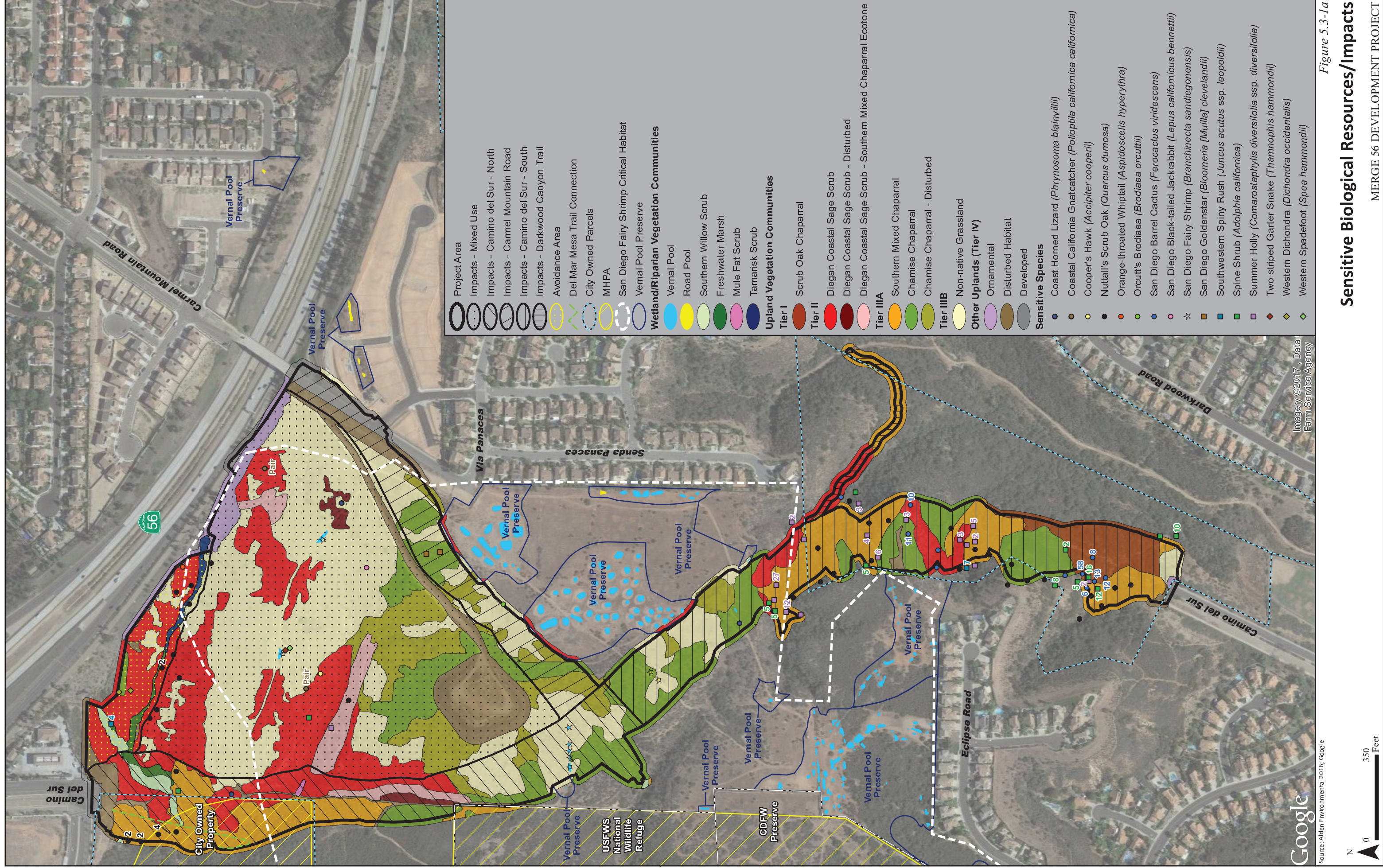


Source: SanGIS, City of San Diego, Google

Figure 5.1-2

MHPA

MERGE 56 DEVELOPMENT PROJECT



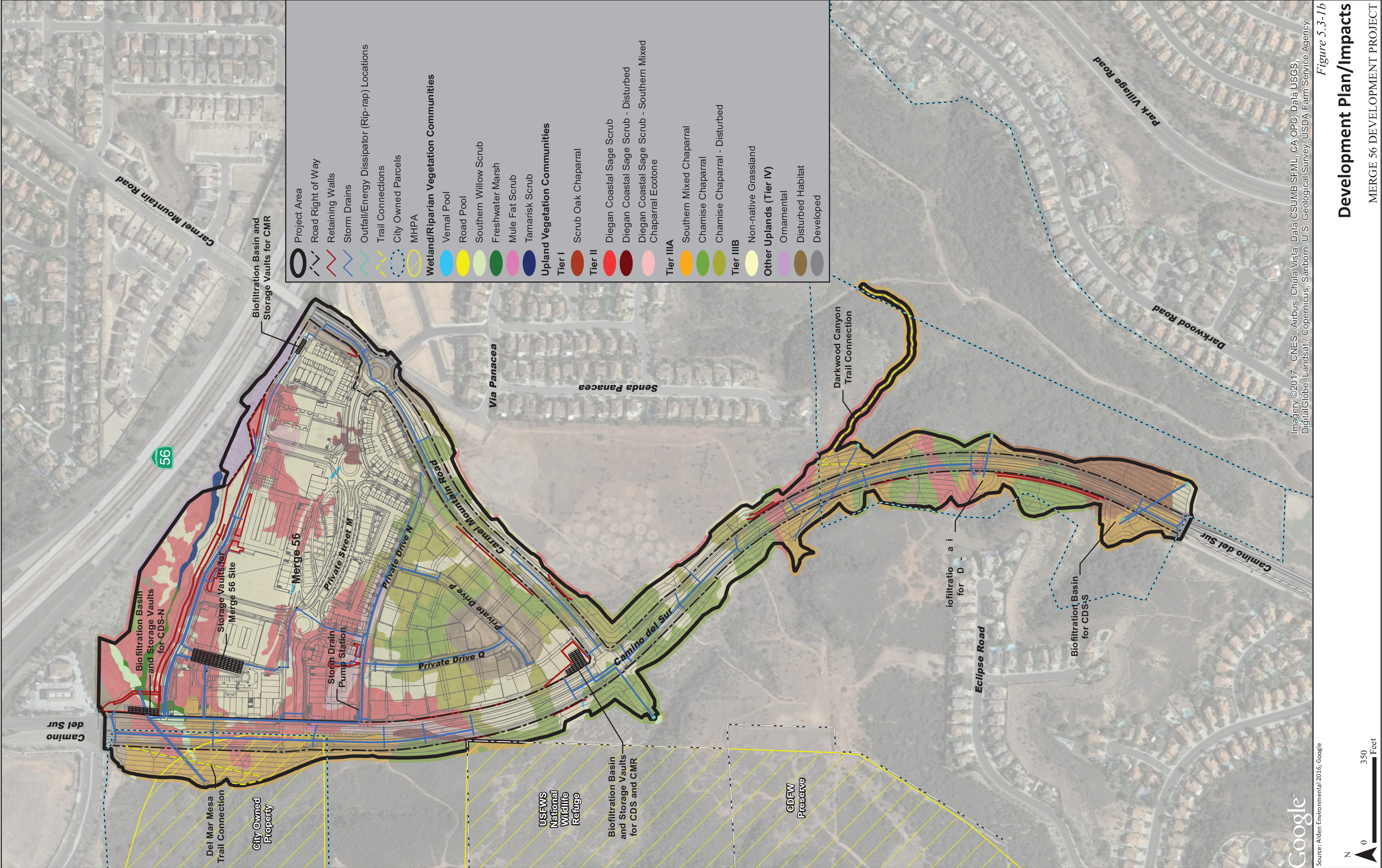
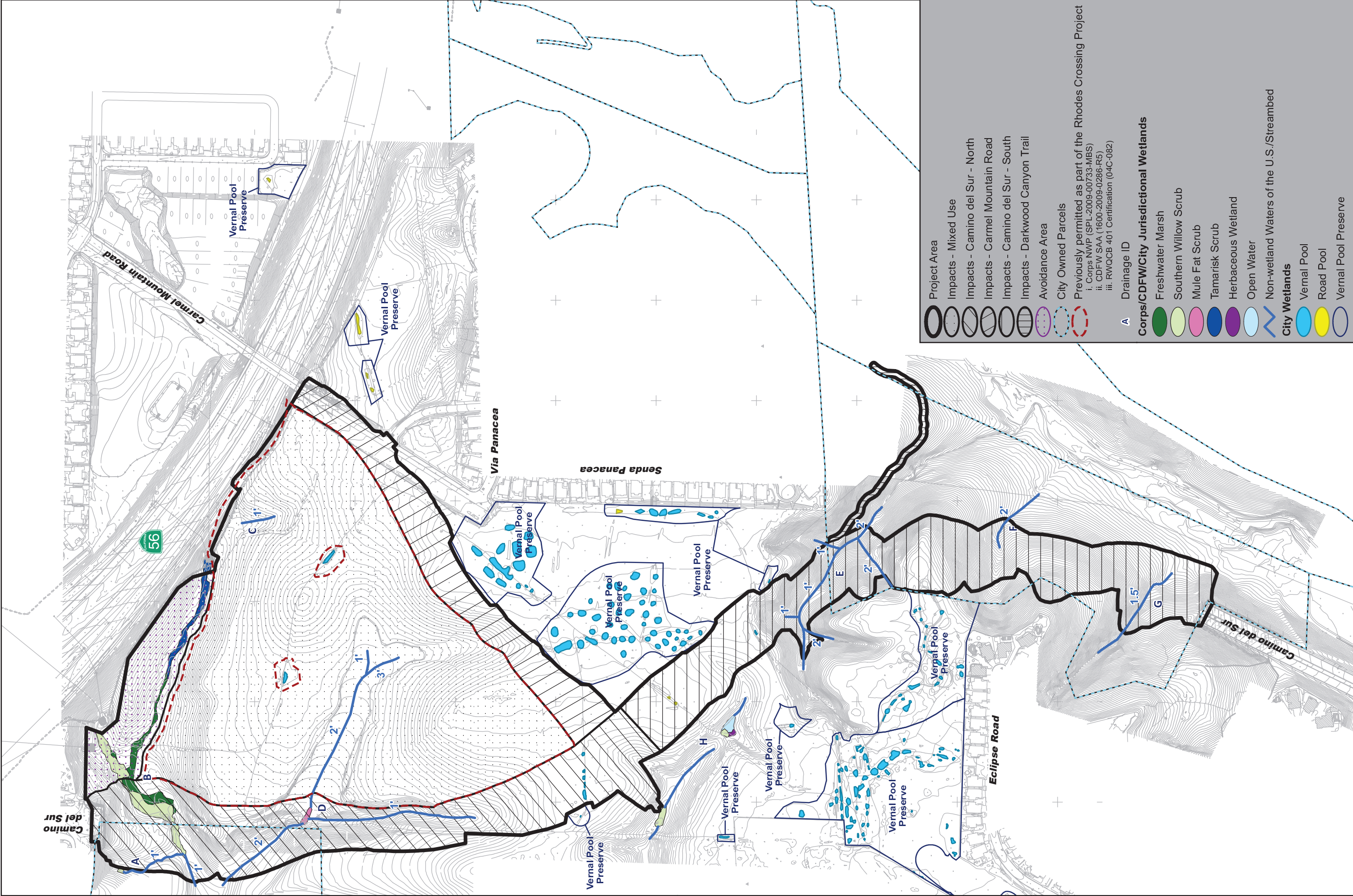


Figure 5.3-1b
Development Plan/Impacts
MERGE 56 DEVELOPMENT PROJECT



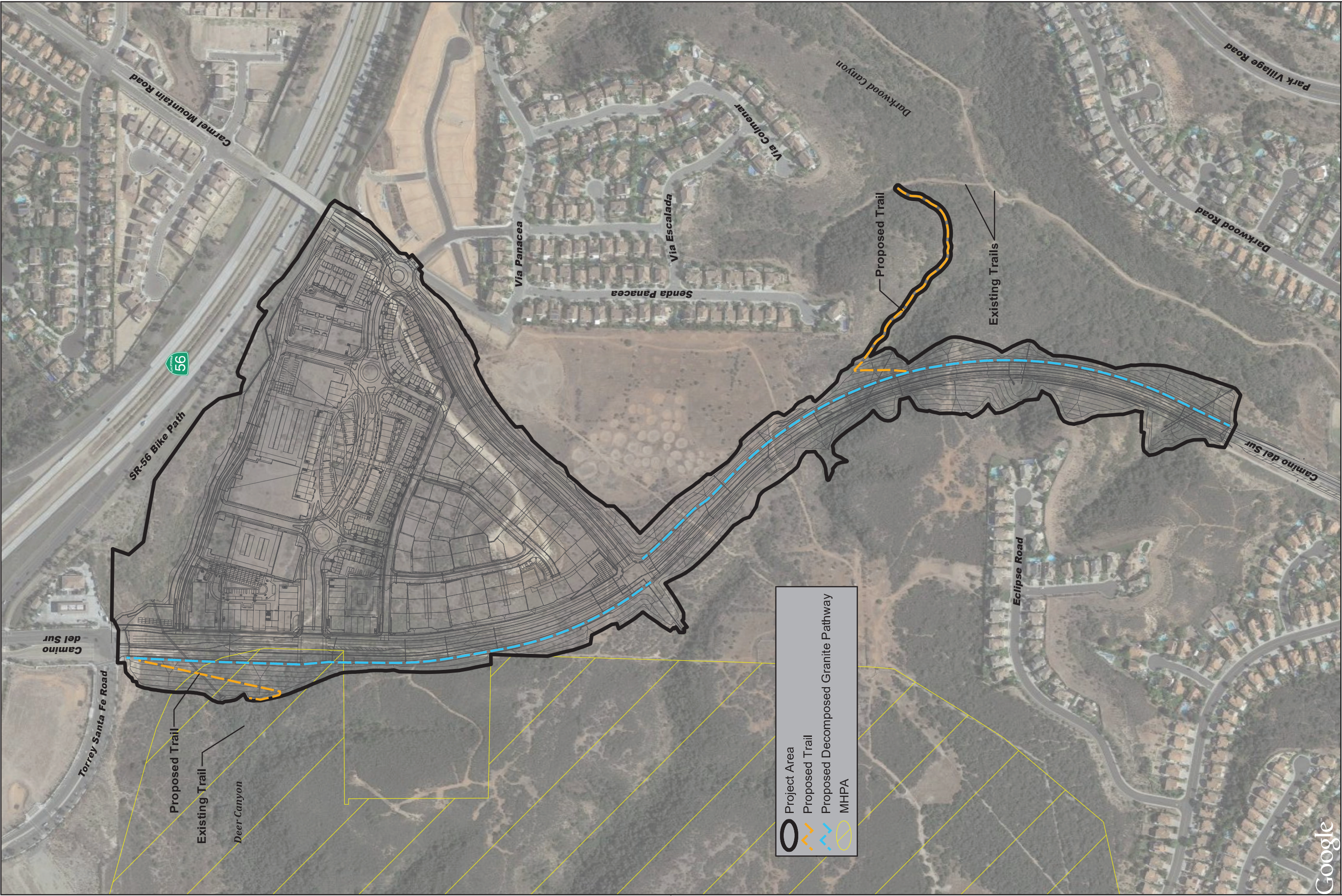
Source: Alden Environmental 2016



Figure 5.3-2

Jurisdictional Delineation/Impacts

MERGE 56 DEVELOPMENT PROJECT



Source: Alden Environmental 2014; Google

Figure 3-11

Proposed Trail Connections

MERGE 56 DEVELOPMENT PROJECT

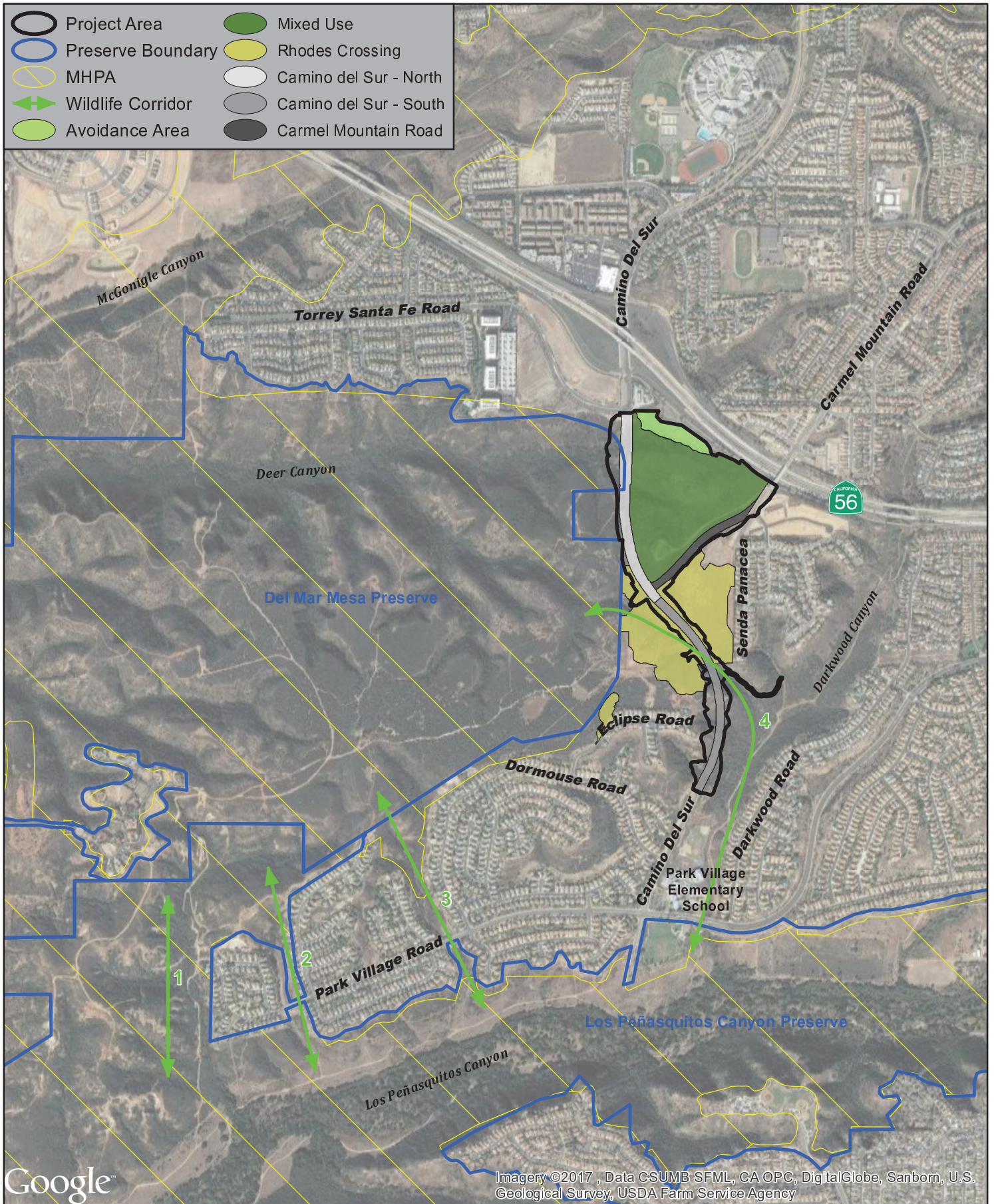
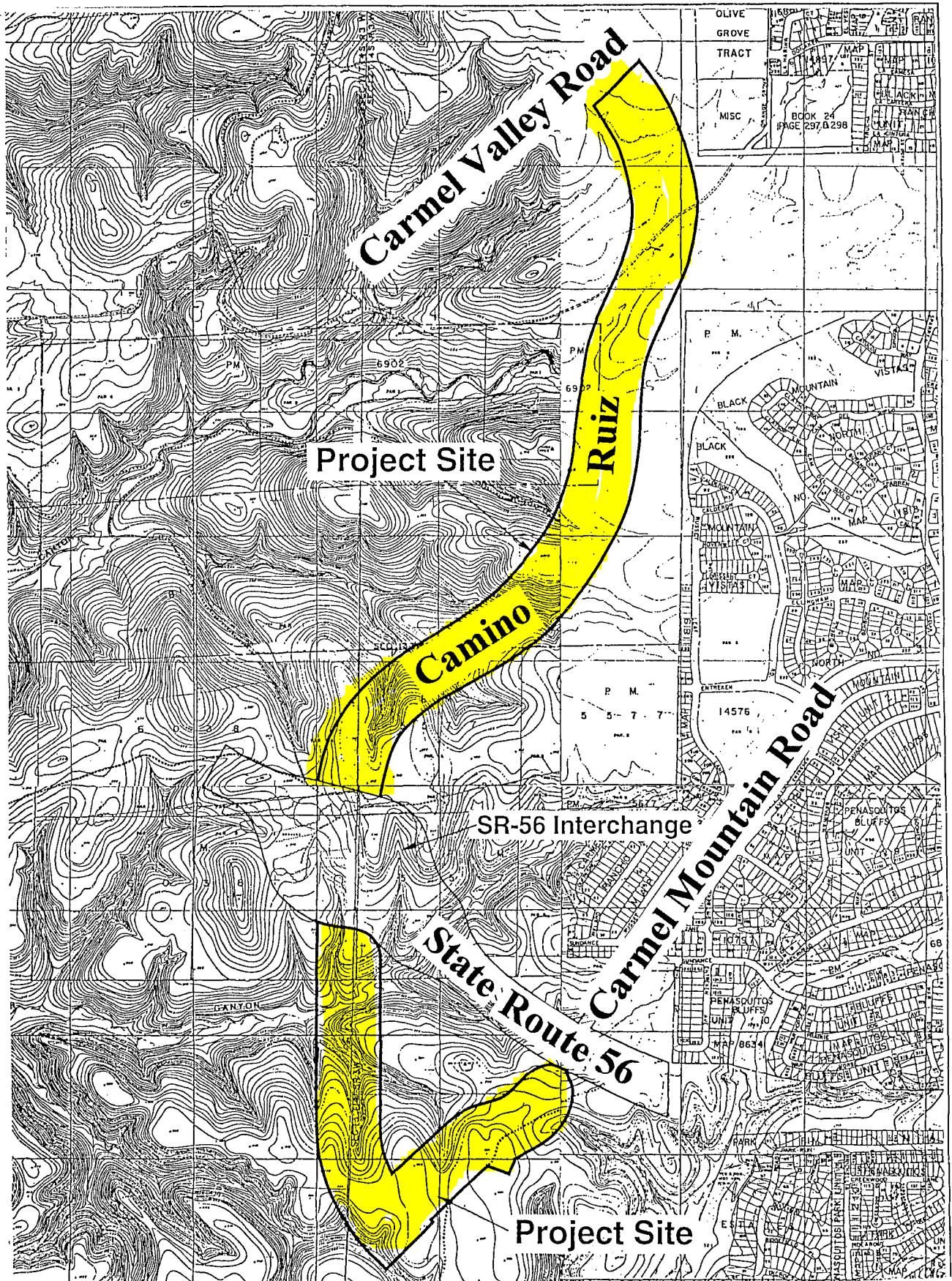


Figure 5.3-3

Wildlife Corridors

MERGE 56 DEVELOPMENT PROJECT

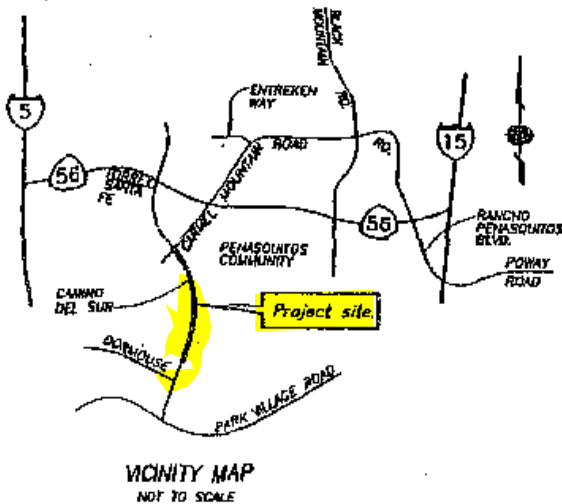




PROJECT
LOCATION MAP

CAMINO RUIZ NORTH

ALIGNMENT AND GRADE STUDY CAMINO DEL SUR SAN DIEGO, CALIFORNIA

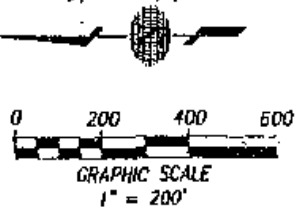
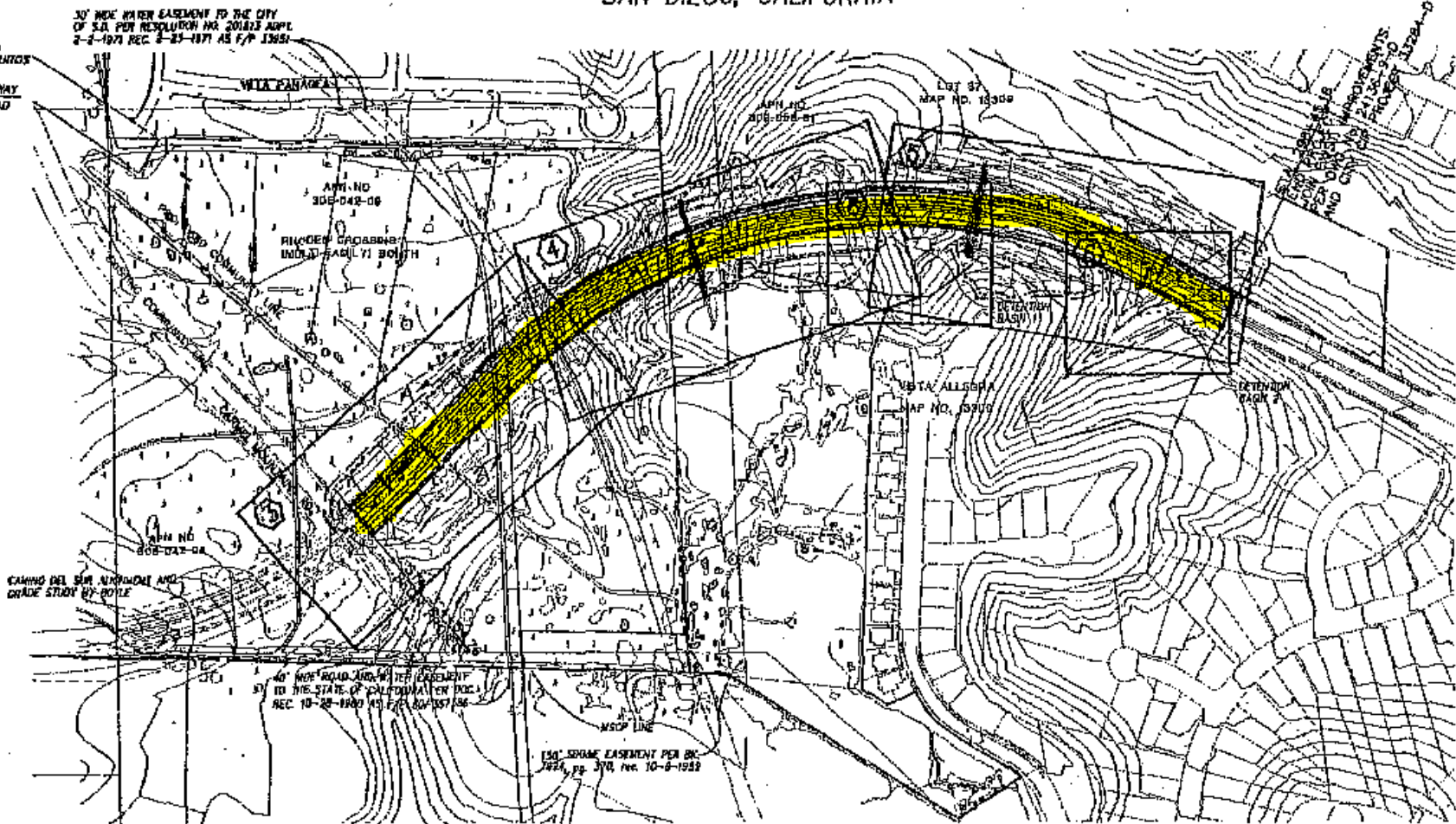


GRADING NOTES:

1. TOTAL AMOUNT OF SITE TO BE GRADED: 14.45 ACRES
% OF TOTAL SITE: 18.8%
2. AMOUNT OF SITE WITH 2% SLOPES OR GREATER: 14.45 AC.
% OF TOTAL SITE: 22.6%
3. AMOUNT OF SITE WITH SLOPES THAT ARE SUBJECT TO EROSION (2% TO 10%): 22.7 ACRES
% OF TOTAL SITE: 2.6%
4. AMOUNT OF CUT: 163,400 C.Y. MAX DEPTH OF CUT: 51.8 FT.
AMOUNT OF FILL: 169,400 C.Y. MAX HEIGHT OF FILL: 46.9 FT.
MAX HEIGHT OF FILL SLOPES: 54 FT. 2:1 SLOPE RATIO
MAX HEIGHT OF CUT SLOPES: 54 FT. 2:1 SLOPE RATIO
AMOUNT OF IMPORT SOIL: 5,800 C.Y.
5. RETAINING/CRB WALLS: LENGTH 930 L.F.; MAX HEIGHT: 8'

DEVELOPMENT SUMMARY

A SITE DEVELOPMENT PERMIT FOR THE GRADE AND ALIGNMENT STUDY OF CAMINO DEL SUR BETWEEN CAMINO MOUNTAIN ROAD AND DORNHOUSE



KEY MAP:

SCALE: 1" = 200'

ZONING

AR-1-1

OWNERS

NEVIN ANDRES
RHODES PROPERTIES
2532 ARDOTT STREET
SAN DIEGO, CA 92104

CITY OF SAN DIEGO
209 C STREET
SAN DIEGO, CA 92101

KEY MAP LEGEND:

SHEET NO.	①
PROPERTY LINE	---
SHEET LIMITS	---
CENTERLINE	---
RIGHT OF WAY	---

APN NUMBERS

306-042-00, 306-042-01,
306-551-01

SHEET SUMMARY

SHEET 1	TITLE SHEET
SHEET 2	GRASS SECTIONS & DETAILS
SHEET 3-5	STREET IMPROVEMENT PLANS
SHEET 6	DETENTION BASIN GRADING
SHEET 7	SUPERELEVATION DESIGN
SHEET 8	STREET CULVERS SECTIONS
SHEET 9	STEEP HILLSIDES EXHIBIT
SHEETS 10-13	LANDSCAPE PLANS

LEGEND:

ITEM	STANDARD DRAWING
EXISTING CONTOURS	---
EXISTING CURB AND GUTTER	---
EXISTING EDGE OF PAVEMENT	---
EXISTING WATER MAIN	---
ROW LINE	---
AS PAVEMENT	---
POC SIDEWALK	---
POC DRIVEWAY	---
6" CONCRETE CURB	---
TYPE 'B' CURB & GUTTER	---
TYPE 'B-1' MEDIAN CURB	---
TYPE 'B-2' MEDIAN CURB GUTTER	---
CONCRETE ENERGY DISSIPATOR	---
CURB OUTLET (REVERSE FLOW)	---
BIK RAP	---
STREET LIGHT	---
CORNER STEEL GUARD RAIL	---
CHAIN LINK FENCE	---
RISER (C.M.P.)	---
CONCRETE BROW DITCH	---
BLADED EARTH SWALE	---
DAYLIGHT LINE	---
MSOP LINE	---
PROPOSED SEWER LINE	---
PROPOSED SEWER MANHOLE	---
PROPOSED STORM DRAIN	---
PROPOSED TYPE 'A' CLEAN OUT	---
PROPOSED TYPE 'C' CATCH BASIN	---
PROPOSED TYPE 'B-1' CURB INLET	---
PROPOSED WATER LINE	---
PROPOSED RECLAIMED WATER LINE	---
PROPOSED GEOTEXT RETAINING WALL (PLANTABLE)	---

PLANNING: LATITUDE 33 PLANNING & ENGINEERING
1933 PARAMOUNT DR. 2ND FL.
SAN DIEGO, CA 92123
PH: (619) 751-0633 FAX: (619) 751-0634

CIVIL ENGINEER: LATITUDE 33 PLANNING & ENGINEERING
1933 PARAMOUNT DR. 2ND FL.
SAN DIEGO, CA 92123
PH: (619) 751-0633 FAX: (619) 751-0634

LANDSCAPE ARCHITECT: PARITORE
1221 MAYES AVENUE
SAN DIEGO, CA 92103
PH: (619) 298-7713 F: (619) 298-3702

Prepared By:	NAME: LATITUDE 33 PLANNING & ENGINEERING	Revision 14:	
Address:	1933 PARAMOUNT DR. 2ND FL. SAN DIEGO, CA 92123	Revision 13:	
Phone #:	(619) 751-0633	Revision 12:	
Fax #:	(619) 751-0634	Revision 11:	
Project Address:		Revision 10:	
		Revision 9:	
		Revision 8:	
		Revision 7:	
		Revision 6:	05-12-2005
		Revision 5:	12-09-2004
		Revision 4:	04-21-2003
		Revision 3:	07-15-2002
		Revision 2:	06-01-2001
		Revision 1:	01-22-2001
Project Name:	CAMINO DEL SUR	Original Date:	11-14-2000
ALIGN. & GRADE STUDY		Sheet	1 of 13
SITE DEVELOPMENT PLAN		DEP #	41-0249
TITLE SHEET			

PREPARED IN THE OFFICE OF:

Latitude 33
Planning and Engineering
4055 Paramount Dr. 2nd Fl.
San Diego, CA 92123
Tel: 619-751-0633 Fax: 619-751-0634



DATE: 6/17/05
NATHAN KEEFER
RCE 11170 EXPIRES 6-30-2006

RHODES CROSSING
PLANNED DEVELOPMENT PERMIT (PDP),
SITE DEVELOPMENT PERMIT (SDP), CONDITIONAL USE PERMIT (CUP),
VESTING TENTATIVE MAP, STREET VACATION AND EASEMENT ABANDONMENT

LEGAL DESCRIPTION

THE NE 1/4 OF THE SW 1/4 AND THE SW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 14 SOUTH RANGE 9 WEST OF SAN BERNARDINO MERIDIAN.
ASSessor's PARCEL NUMBERS
300-042-02, 05, 07 AND 08 300-091-02 AND 03
LAMBERT COORDINATES
388-1725

EASEMENT NOTES

EASEMENTS SHOWN HEREON ARE COMPUTED FROM RECORD DATA ADJUSTED TO FIELD BOUNDARIES WHERE APPROPRIATE. THEY MAY OR MAY NOT CONFORM TO EXISTING INSTALLED UTILITIES.

LEGEND

PROJECT BOUNDARY.....
RIGHT-OF-WAY.....
LOT LINE.....
EXISTING COMMUNITY LINE.....
PROPOSED COMMUNITY LINE.....
SHEET NUMBER.....

DEVELOPMENT PLANNING AREA NO. 5
SEE "SITE SUMMARY" BELOW FOR TABULATION. SEE KEY MAP FOR LOCATION

SUBDIVISION UNIT NO. 1
(SEE FINAL MAP FOR UTILIZATION PLAN BELOW)

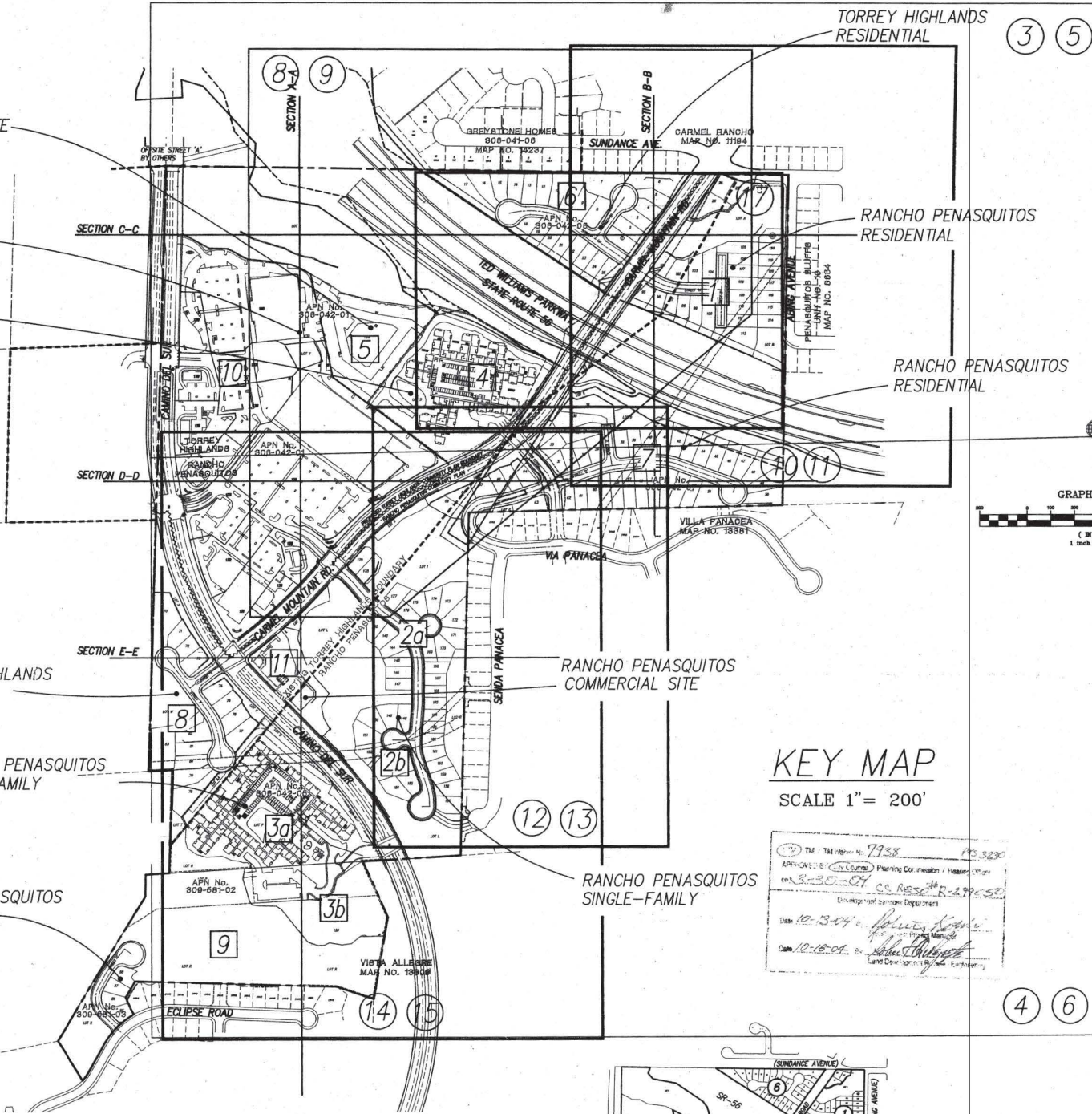
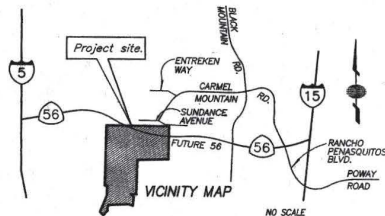
DEVELOPMENT SUMMARY:
RHODES CROSSING

- SUMMARY OF REQUEST:**
A PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, VESTING TENTATIVE MAP, AND STREET VACATION AND EASEMENT ABANDONMENT FOR 150 SINGLE-FAMILY AND 504 MULTI-FAMILY DWELLING UNITS, 257,200 SQUARE FEET OF RESIDENTIAL COMMERCIAL AREA AND 273,855 SQUARE FEET OF SELF-STORAGE.
- STREET ADDRESS:**
CARMEL MOUNTAIN ROAD BETWEEN SUNDANCE AVE. AND VIA PANACEA
- SITE AREA:**
TOTAL SITE AREA (GROSS): 115.30 AC
(GROSS-LESS SR-56, CAMINO DEL SUR, & CARMEL MTN. RD. ROW):
NET SITE AREA: 108.35 AC, 4,779,821 SQ. FT.
(NET SITE AREA EXCLUDES REQUIRED PUBLIC LOCAL STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:**
TOTAL BUILDING AREA (GROUND AREA): 21,88 AC, 952,860 SQ. FT.
TOTAL LANDSCAPE/OPEN SPACE AREA: 81.11 AC, 2,661,882 SQ. FT.
TOTAL HARDSCAPE/PAVED AREA: 24.03 AC, 1,046,815 SQ. FT.
FLOOR AREA RATIO (FAR): 0.45
GROSS FLOOR AREA (GFA): 2,113,371
- DENSITY:**
MAXIMUM DWELLING UNITS ALLOWED PER ZONE: N/A
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: N/A
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 754 (150 SINGLE-FAMILY & 504 MULTI-FAMILY)
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 754 (150 SINGLE-FAMILY & 504 MULTI-FAMILY)
- YARD/SETBACK:**
FRONT YARD: REQUIRED: 10'-15' PROPOSED: 10'-20'
SIDE YARD: REQUIRED: 10' PROPOSED: 10'
REAR YARD: REQUIRED: 0'-10' PROPOSED: 0'-10'
- PARKING (RESIDENTIAL):**
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 1376
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 1376
PARKING (COMMERCIAL):
ONE SPACE PER 202 SQ. FT. GFA = 1273 SPACES

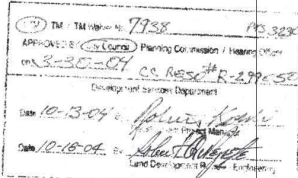
SHEET SUMMARY

- SHEET 1 COVER SHEET
SHEET 2 SECTIONS
SHEET 3 EXISTING CONDITIONS-(NORTH)
SHEET 4 EXISTING CONDITIONS-(SOUTH)
SHEET 5 STEEP SLOPE ANALYSIS-(NORTH)
SHEET 6 STEEP SLOPE ANALYSIS-(SOUTH)
SHEET 7 CROSS SECTIONS AND DETAILS
SHEET 8 AREAS 4, 5, & 10 GRADING AND UTILITIES
SHEET 9 AREAS 4, 5, & 10 SITE PLAN
SHEET 10 AREAS 1, 6 & 7 GRADING AND UTILITIES
SHEET 11 AREAS 1, 6 & 7 SITE PLAN
SHEET 12 AREAS 2a, 2b, & 11 GRADING AND UTILITIES
SHEET 13 AREAS 2a, 2b, & 11 SITE PLAN
SHEET 14 AREAS 3a, 3b, & 9 GRADING AND UTILITIES
SHEET 15 AREAS 3a, 3b, & 9 SITE PLAN
SHEET 16 PRELIMINARY BEST MANAGEMENT PRACTICES (CONSTRUCTION & POST CONSTRUCTION)
SHEET 17 STREET VACATION AND EASEMENT ABANDONMENTS
SHEET 18-19 LANDSCAPE PLANS
SHEET 20 FENCING AND WALL PLAN
SHEET 30-35 COMMERCIAL ARCHITECTURE
SHEET 66-72 SELF STORAGE ARCHITECTURE
SHEET 73-88 MULTIFAMILY ARCHITECTURE

DEVELOPMENT PLANNING AREA		SITE SUMMARY	
LANDUSE	NET ACREAGE	No. OF UNITS	
1 SINGLE-FAMILY	6.51 AC	26	
2a & 2b SINGLE-FAMILY	17.35 AC	38	
3a MULTI-FAMILY	7.98 AC	342	
3b PRIVATE PASSIVE PARK AREA	3.54 AC	0	
4 MULTI-FAMILY	6.88 AC	242	
5 SELF-STORAGE	3.32 AC	273,855 S.F.	
6 SINGLE-FAMILY	6.13 AC	26	
7 SINGLE-FAMILY	8.73 AC	40	
8 SINGLE-FAMILY	5.26 AC	14	
9 SINGLE-FAMILY	8.75 AC	4	
10 COMMERCIAL	31.43 AC	250,000 SQ. FT.	
11 COMMERCIAL	1.67 AC	7,200 SQ. FT.	
		150 TOTAL DWELLING UNITS (SINGLE-FAMILY)	
		504 TOTAL DWELLING UNITS (MULTI-FAMILY FAMILY)	
		384 TOTAL COMMERCIAL	
		273,855 S.F. TOTAL SELF STORAGE	



KEY MAP
SCALE 1" = 200'



FINAL MAPPING UTILIZATION PLAN
NOT TO SCALE



OWNER/APPLICANT:

By: *Keith B. Rhodes* 5/6/04
DATE: 5/6/04
DATE: 5/6/04

PREPARED IN THE OFFICE OF:

Latitude 33
Planning and Engineering

4833 Paramount Drive, 2nd Floor
San Diego, CA 92123
(619) 751-0633 Fax (619) 751-0634



GENERAL NOTES

1. TORREY HIGHLANDS:

- COMMERCIAL: 28,000 SF OF COMMERCIAL SPACE LOTS 128 THROUGH 140
- RESIDENTIAL: 273,855 SQUARE FOOT SELF STORAGE DEVELOPMENT LOT 127
- RESIDENTIAL: 342 MULTI-FAMILY UNITS (AREA 4) LOT 122
- SINGLE-FAMILY RESIDENTIAL (AREA 1) LOTS 95 & 96 AND 101 & 102
- SINGLE-FAMILY RESIDENTIAL (AREA 2) LOTS 178 THROUGH 179
- SINGLE-FAMILY RESIDENTIAL (AREA 3) LOTS 1 THROUGH 28 & 29
- SINGLE-FAMILY RESIDENTIAL (AREA 8) LOTS 70 THROUGH 83
- OPEN SPACE: 150 SINGLE-FAMILY RESIDENTIAL LOTS
- COMMERCIAL DEVELOPMENT: LOTS Y & Z
- MULTIFAMILY (AREA 4) LOT 5
- SINGLE-FAMILY RESIDENTIAL (AREA 8) LOTS W & T
- EMERGENCY ACCESS LOT
- MULTI-FAMILY RESIDENTIAL (AREA 3a) LOT AA
- SLOPE LOTS
- SINGLE-FAMILY RESIDENTIAL (AREA 2) LOTS J & K
- SINGLE-FAMILY RESIDENTIAL (AREA 8) LOTS V & X
- RANCHO PENASQUITOS:
- COMMERCIAL: 7,200 SF OF COMMERCIAL SPACE LOT 141
- RESIDENTIAL: 342 MULTI-FAMILY UNITS (AREA 3a) LOT 125
- PASSIVE PRIVATE PARK AREA (AREA 3b) LOT 126
- SINGLE-FAMILY UNITS (AREA 2) LOTS 142 THROUGH 177
- SINGLE-FAMILY RESIDENTIAL (AREA 1) LOTS 87 THROUGH 100, AND 103 THROUGH 121, LOT 113 INTENTIONALLY OMITTED
- SINGLE-FAMILY RESIDENTIAL (AREA 8) LOT 27
- SINGLE-FAMILY RESIDENTIAL (AREA 2) LOTS 28-36 & 38-46, LOT 37 INTENTIONALLY OMITTED
- SINGLE-FAMILY RESIDENTIAL (AREA 8) LOTS 85 THROUGH 88, LOT 84, 86 THRU 84 INTENTIONALLY OMITTED

OPEN SPACE

- MULTIFAMILY (AREAS 3a & 3b) LOTS P & Q
- SINGLE-FAMILY RESIDENTIAL (AREAS 2) LOTS H, I, & L
- SINGLE-FAMILY RESIDENTIAL (AREA 1) LOTS A & B
- SINGLE-FAMILY RESIDENTIAL (AREA 7) LOTS C, D, & G
- SINGLE-FAMILY RESIDENTIAL (AREA 8) LOT F
- SLOPE LOTS
- SINGLE-FAMILY RESIDENTIAL (AREA 7) LOTS E & F
- MULTI-FAMILY AREA (AREAS 3a) LOTS U & V

SUMMARY

- 150 SINGLE-FAMILY RESIDENTIAL LOTS
- 504 MULTI-FAMILY RESIDENTIAL DWELLING UNITS
- 273,855 S.F. OF SELF STORAGE DEVELOPMENT
- 257,200 S.F. OF COMMERCIAL DEVELOPMENT
- TOTAL AREA WITHIN SUBDIVISION IS 147.39 ACRES
- EXISTING ZONING IS SR-56, CM-3, SR-3, SR-2, & CC-1-3
- PROPOSED ZONING IS SR-56, CM-3, SR-3, SR-2, & CC-1-3
- GAS AND ELECTRIC: SAN DIEGO GAS & ELECTRIC
- TELEPHONE: PACIFIC TELEPHONE COMPANY
- SEWER AND WATER: CITY OF SAN DIEGO
- DRAINAGE SYSTEM: AS REQUIRED BY CITY ENGINEER
- FIRE: CITY OF SAN DIEGO
- SCHOOL DISTRICT: POWAY UNIFIED SCHOOL DISTRICT
- ALL NEW UTILITIES WILL BE LOCATED UNDERGROUND
- CONTOUR INTERVALS ARE 2 FEET
- DATUM: M.S.L.
- SOURCE: AERIAL PHOTO BY: ZENTH AERIAL, INC.
- DATE: MARCH 2, 1982
- SR-56 GRADING DESIGN PROVIDED BY: BOYLE ENGINEERING
- RECEIVED: AUGUST 2002

CONCEPTUAL GRADING DESIGN FOR CAMINO DEL SUR AND CARMEL MOUNTAIN ROAD ASSUMED TO BE EXISTING FOR THIS PROJECT

- ALL PROPOSED SLOPES ARE 2:1 MAXIMUM UNLESS OTHERWISE NOTED, EXCEPT THAT INTERNAL SLOPES LESS THAN 5' HIGH MAY BE 1 1/2:1
- GRADING SHOWN HEREON IS PRELIMINARY AND IS SUBJECT TO MODIFICATION IN FINAL DESIGN
- ALL LOTS SHOWN HEREON SHALL MEET THE REGULATIONS AND STANDARDS OF THE 92-1-14, 92-3-3, 92-3-1 & CC-1-3
- LOT DIMENSIONS AND SETBACK DIMENSIONS SHOWN UNLESS OTHERWISE NOTED
- AREAS ARE PRELIMINARY AND ARE SUBJECT TO MODIFICATION IN FINAL DESIGN
- ALL EXISTING BUILDINGS AND STRUCTURES SHALL BE REMOVED
- ALL STREET INTERSECTIONS WILL BE PROVIDED WITH PEDESTRIAN RAMPS
- TOTAL NUMBER OF LETTERED AND NUMBERED LOTS: 105
- WITH THE EXCEPTION OF THE DRIVEWAYS SHOWN HEREON, RELINQUISHMENTS OF ABUTTERS RIGHTS OF ACCESS TO CAMINO DEL SUR AND CARMEL MOUNTAIN ROAD ARE ACKNOWLEDGED AND WILL BE ADDRESSED/INCLUDED ON THE FUTURE FINAL MAP(S)
- NO MORE THAN 40% OF THE PROPERTY FRONTAGE ON EACH RESIDENTIAL LOT MAY BE ALLOCATED TO DRIVEWAY CURB OPENING
- REFER TO THE FOLLOWING STUDIES ASSOCIATED WITH THIS PROJECT:
 - PRELIMINARY SANITARY SEWER STUDY FOR RHODES CROSSING BY LATITUDE 33
 - PRELIMINARY STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR RHODES CROSSING BY LATITUDE 33
 - RHODES CROSSING WATER STUDY DATED BY PES&J
 - RHODES CROSSING RECYCLED WATER STUDY DATED BY PES&J
 - PRELIMINARY DRAINAGE STUDY FOR RHODES CROSSING BY LATITUDE 33
- THE RESIDENTIAL MULTI-FAMILY UNITS ARE PROPOSED TO BE CONDOMINIUMS
- CAMINO ROAD WAS APPROVED BY SDP-40-2008 AND THE GRADING AND ALIGNMENT FOR A "SEGMENT OF CAMINO DEL SUR (E. SOUTH OF THE CAMINO DEL SUR/CARMEL MOUNTAIN ROAD INTERSECTION)" IS PER SDP 41-0246
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
- BEFORE THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS, SATISFACTORY TO THE CITY ENGINEER.
- ALL PUBLIC WATER MAIN SIZES WILL BE IN ACCORDANCE WITH THE APPROVED WATER STUDY FOR THE PROJECT DONE BY PES&J.

CONDOMINIUM PRO NOTE

DEVELOPMENT PLANNING AREAS 3a and 4 (SEE KEY MAP FOR LOCATION), ARE CONDOMINIUM PROJECTS AS DEFINED IN SECTION 1500 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE MAXIMUM NO. OF PLANNED CONDOMINIUM DWELLING UNITS IS 504. THESE ARE ALSO PLANNED RESIDENTIAL DEVELOPMENTS AS DEFINED BY THE SPECIFIC PLAN FOR TORREY HIGHLANDS.

SOLAR ACCESS NOTE

THIS IS TO AFFIRM THAT THE DESIGN OF THIS SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES IN ACCORDANCE WITH THE PROVISION OF SECTION 84473.1 OF THE STATE SUBDIVISION MAP ACT.

SETBACKS

SEE INDIVIDUAL SITE PLAN SHEETS

OPEN SPACE NOTES

- OPEN SPACE EASEMENTS SHALL BE GRANTED OVER LOTS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
- BUILDING RESTRICTED EASEMENTS SHALL BE GRANTED OVER LOTS E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

GRADING

- TOTAL AREA OF SITE: 115.30 ACRES LESS SR-56, CARMEL MTN. RD., & CAMINO DEL SUR ROWS
- TOTAL AMOUNT OF SITE TO BE GRADED/LESS ROW AND SLOPES FOR CARMEL MTN. RD., CAMINO DEL SUR & SR56: 88.6 AC
- 0.82 AC INCLUDING REGRADING OF PORTIONS OF EXIST CARMEL MTN. RD., CAMINO DEL SUR & SR56 (SLOPES)
- PERCENT OF TOTAL SITE GRADED: 75.1%
- (0.81 AC INCLUDING REGRADING OF PORTIONS OF EXIST CARMEL MTN. RD., CAMINO DEL SUR & SR56 SLOPES)
- AMOUNT OF SITE WITH 25 PERCENT SLOPES OR GREATER: 2.6 ACRES
- 100% OF THE EXISTING SLOPES STEEPER THAN 25% ARE PROPOSED TO BE GRADED
- PERCENT OF TOTAL SITE WITH 25 PERCENT SLOPES OR GREATER: 1.8%
- AMOUNT OF CUT: 1,127,650 CUBIC YARDS
- AMOUNT OF FILL: 1,127,650 CUBIC YARDS
- MAXIMUM HEIGHT OF FILL SLOPES: 62 FEET 2:1 SLOPE RATIO
- MAXIMUM HEIGHT OF CUT SLOPES: 27 FEET 2:1 RATIO
- AMOUNT OF IMPORT/EXPORT SOIL: 0.0 CUBIC YARD
- RETAINING/CURE WALLS: 17' MAX HT.; HOW MANY: 4154 LF
- INTERNAL SEWARD RETAINING WALLS ARE NOT SHOWN HEREON, BUT MAY BE CONSTRUCTED BASED UPON FINAL BUILDING FLOOR PLANS, PROVIDED HEIGHT DOES NOT EXCEED 5 FEET (PROPOSED HEIGHT)

SELF-STORAGE

ARCHITECT: WALL ARCHITECTURAL GROUP
81 COLUMBIA, SUITE 200
ALISO VIEJO, CA 92656
(949)349-1777 FAX(949)349-1778

LANDSCAPE ARCHITECT: PARTNER

1221 HAYES AVENUE
SAN DIEGO, CA 92103
(619)296-3713 FAX(619)296-3702

MULTI-FAMILY

ARCHITECT: ARCHITECTS ORANGE
144 NORTH ORANGE STREET
ORANGE, CA 92668
(714)339-8880 FAX(714)339-5285

COMMERCIAL SITE

ARCHITECT: JAMES LEAHY ARCHITECTURE
3845 ORANGE ROAD, #200A
SAN DIEGO, CA 92131
(619)555-5444 FAX(619)555-5444

Prepared By:

Name: LATITUDE 33 PLANNING & ENGINEERING

Address: 4833 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123

Phone #: (619) 751-0633

Fax #: (619) 751-0634

Project Address: CARMEL MOUNTAIN ROAD BETWEEN SUNDANCE AVE. AND VIA PANACEA

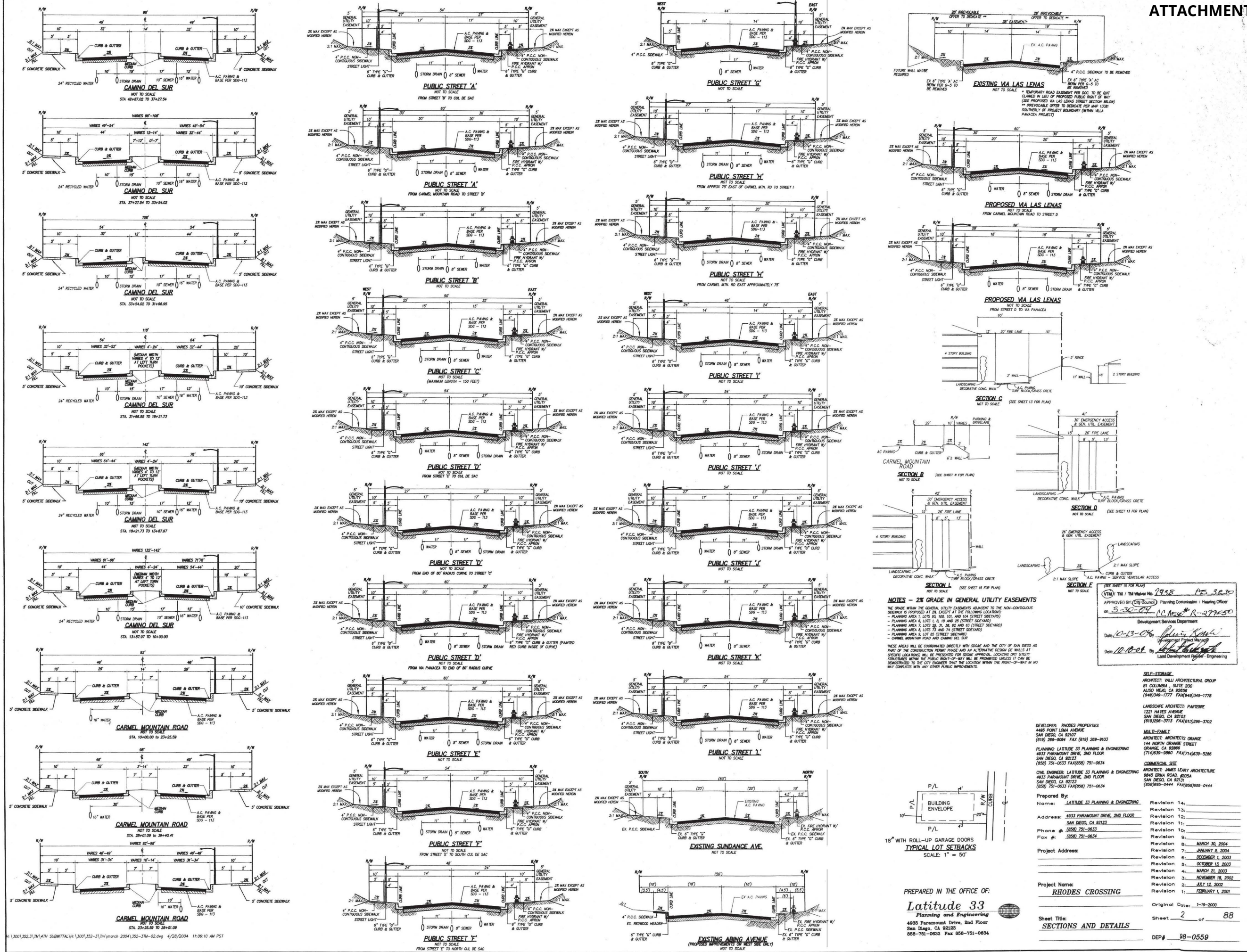
Project Name: RHODES CROSSING

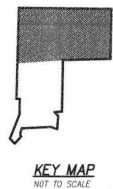
Sheet Title: COVER SHEET / KEY MAP-VESTING TENTATIVE MAP

Original Date: 1-18-2000

Sheet 1 of 88

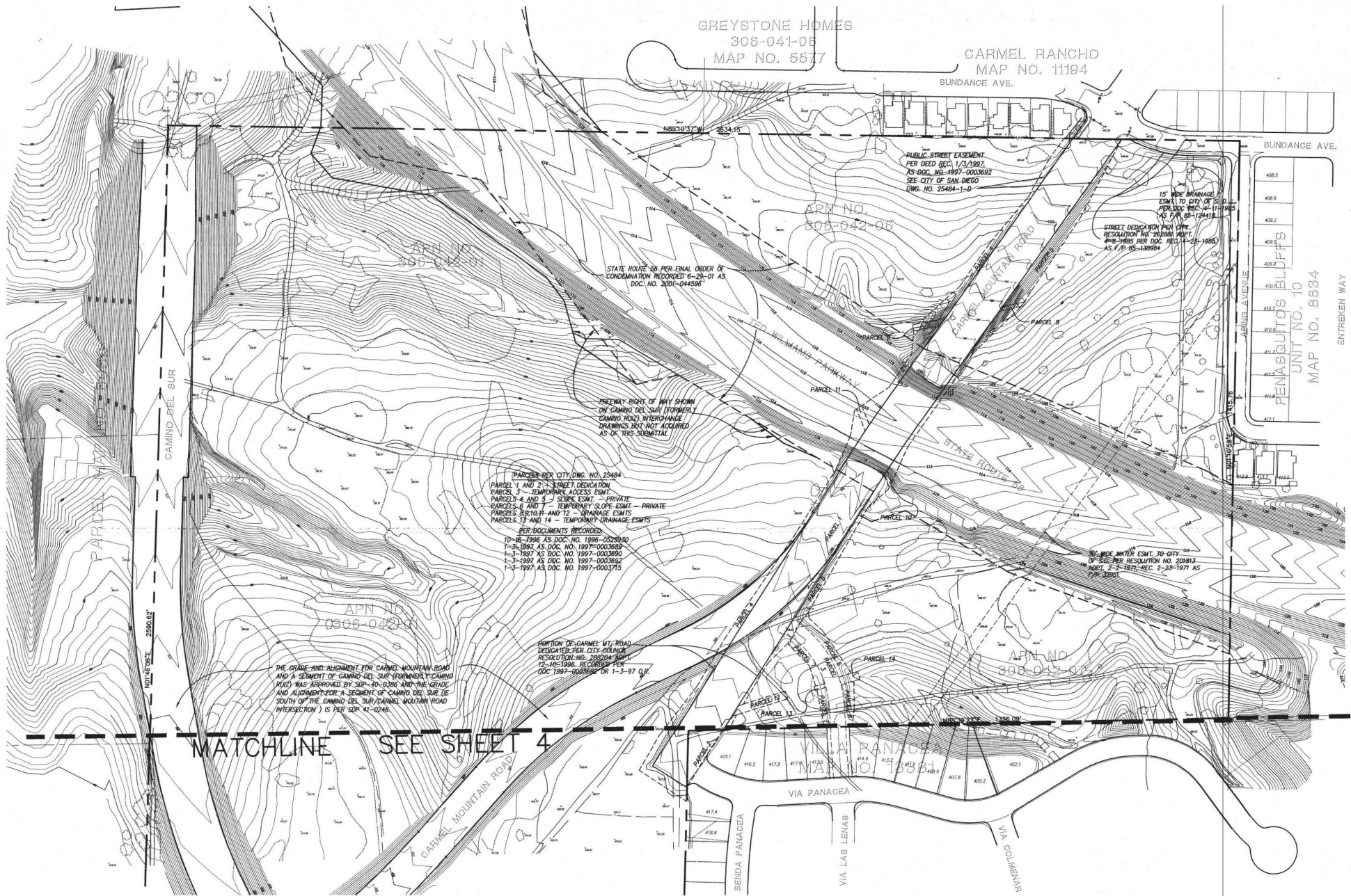
DEP# 98-0559





LEGEND
PROJECT BOUNDARY
EXISTING EASEMENT
RIGHT-OF-WAY
EXISTING CONTOUR
EXISTING TREE
EXISTING FENCE

FOR EASEMENTS TO BE ABANDONED AND STREET VACATION SEE SHEET 17



SELF-STORAGE
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LANDSCAPE ARCHITECT: PARTNER
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ARCHITECT: ARCHITECTS ORANGE
144 NORTH ORANGE STREET
ORANGE, CA 92665
(714)339-5880 FAX(714)339-5286

COMMERCIAL SITE
ARCHITECT: JAMES LEARY ARCHITECTURE
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(619)595-0444 FAX(619)595-0444

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Fax #: (858) 751-0634

Project Address:
Name: RHODES CROSSING

Project Name:
Name: RHODES CROSSING

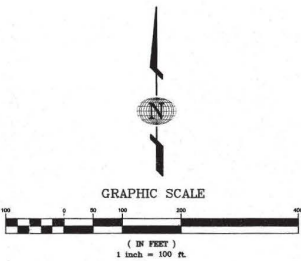
Sheet Title:
EXISTING CONDITIONS
TOPOGRAPHY (NORTH)

Revision:
Revision 14: _____
Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: MARCH 30, 2004
Revision 7: _____
Revision 6: DECEMBER 1, 2003
Revision 5: OCTOBER 13, 2003
Revision 4: MARCH 21, 2003
Revision 3: NOVEMBER 16, 2002
Revision 2: JULY 12, 2002
Revision 1: FEBRUARY 1, 2001

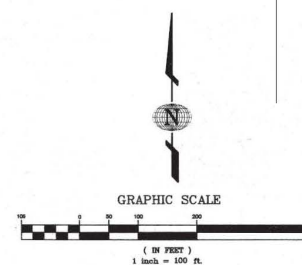
Original Date: 1-19-2000

Sheet: 3 of 88

DEP# 98-0559



PREPARED IN THE OFFICE OF:
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San Diego, CA 92123
858-751-0633 Fax 858-751-0634

FOR EASEMENTS TO BE ABANDONED AND
STREET VACATION SEE SHEET 17

Prepared By: _____

Name: LATITUDE 33 PLANNING & ENGINEERING

Address: 4933 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123

Phone #: (658) 751-0633

Fax #: (658) 751-0634

Project Address: _____

Project Name: _____

RHODES CROSSING

Sheet Title: _____

EXISTING CONDITIONS

TOPOGRAPHY (SOUTH)

Revision 14: _____

Revision 13: _____

Revision 12: _____

Revision 11: _____

Revision 10: _____

Revision 9: _____

Revision 8: MARCH 30, 2004

Revision 7: _____

Revision 6: DECEMBER 1, 2003

Revision 5: OCTOBER 13, 2003

Revision 4: MARCH 21, 2003

Revision 3: NOVEMBER 18, 2002

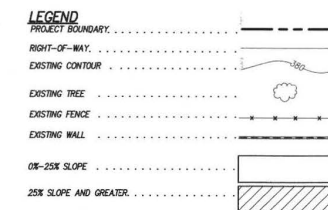
Revision 2: JULY 12, 2002

Revision 1: FEBRUARY 1, 2001

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0% TO 25% SLOPE	99.44%
25% SLOPE AND GREATER	0.56%
TOTAL	100%

Original Date: 1-19-2000
Sheet 6 of 88
DEP# 98-0559



ATTACH

OFFICIAL
STREET
BY OTHER

FOR THIS AREA
SEE SHEET NO. 14 & 15

CAMINO DEL SUR

CAMINO DEL SUR

FOR THIS AREA
SEE SHEET NO. 12 & 13

FOR THIS AREA
SEE SHEET NO. 10 & 11

KEY MAP
NOT TO SCALE

LEGEND

SUBDIVISION BOUNDARY	---
RIGHT-OF-WAY	---
LOT LINE	---
CURB/MEDIAN	---
SIDEWALK	---
LOT NUMBER	---
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
FINISH GRADE ELEVATION	---
PROPOSED PAD ELEVATION	---
EXISTING WATERLINE	---
PROPOSED WATERLINE	---
EXISTING FIRE HYDRANT	---
PROPOSED FIRE HYDRANT	---
EXISTING SEWER/STORM	---
PROPOSED SEWER/STORM	---
EXISTING STORM DRAIN PIPE	---
PROPOSED STORM DRAIN PIPE	---
PROPOSED STORM DRAIN CLEANOUT	---
PROPOSED CURB INLET	---
FENCE (SEE LANDSCAPE PLANS FOR DETAILS)	---
EXISTING TREE	---
PROPOSED SLOPE	---
PROPOSED DRAIN DITCH	---
BUILDING	---
BLDG. SETBACK LINE	---
EX WALL	---
PROPOSED WALL	---
SOUND WALLS	---
PLANTABLE KEYSTONE OR EQUIVALENT WALL	---
PROPOSED SIGNALIZED INTERSECTION	---
SEASONAL DEPRESSIONS WITH WATER/SEWER DRAINAGE	---

NOTES

1. LOT 122 OF THIS TENTATIVE MAP IS PROPOSED AS A CONDOMINIUM PROJECT AS DEFINED BY SECTION 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM UNITS IS 242.
2. THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF NUMERICAL SEQUENCE. THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPOSE REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.
3. ALL STORM DRAIN WITHIN LOT 122 ARE PROPOSED AS PRIVATE. (UNLESS OTHERWISE NOTED)
4. ALL SEWER WITHIN LOT 122 ARE PROPOSED AS PRIVATE. (UNLESS OTHERWISE NOTED)
5. ALL WALLS OVER 6 FEET IN HEIGHT ARE TO BE PLANTABLE.

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Latitude 33

Planning and Engineering

4888 PARAMOUNT DRIVE, 2ND FLOOR

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(619) 269-9094 FAX (619) 269-9103

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Project Address:

Project Name:

RHODES CROSSING

Sheet Title:

MULTI-FAMILY (AREA 4) &

COMMERCIAL & SELF

STORAGE SITE

GRADING AND UTILITIES

GRAPHIC SCALE

1 inch = 50 ft.

1 inch = 50 ft.

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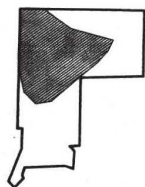
1 inch = 50 ft.

1 inch = 50 ft.

1 inch = 50 ft.

1 inch = 50 ft.

SEE SHEET NO. 12 & 13 FOR THIS AREA



KEY MAP
NOT TO SCALE

LEGEND

- SUBDIVISION BOUNDARY _____

RIGHT-OF-WAY _____

LOT LINE _____

CURB/ADJACENT _____

SIDEWALK _____

LOT NUMBER _____

EXISTING CONTOUR _____

PROPOSED CONTOUR _____

FINISH GRADE ELEVATION _____

PROPOSED PAD ELEVATION _____

EXISTING WATERLINE _____

PROPOSED WATERLINE _____

EXISTING FIRE HYDRANT _____

PROPOSED FIRE HYDRANT _____

EXISTING SEWER MAIN _____

EXISTING SEWER/MANHOLE _____

PROPOSED SEWER/MANHOLE _____

EXISTING STORM DRAIN PIPE _____

PROPOSED STORM DRAIN PIPE _____

PROPOSED STORM DRAIN CLEANOUT _____

PROPOSED CURB INLET _____

FENCE (SEE LANDSCAPE PLANS FOR DETAILS) _____

EXISTING TREE _____

PROPOSED SLOPE _____

PROPOSED BROW DITCH _____

BUILDING _____

BLDG. SETBACK LINE _____

EX WALL _____

PROPOSED WALL _____

SOUND WALLS _____

PLANTABLE KEYSTONE OR EQUIVALENT WALL _____

PROPOSED SIGNALIZED INTERSECTION _____

SEASONAL DEPRESSIONS WITH WETHEDED PARABOLIC BASIN _____

NOTES

- ## NOTES
1. LOT 122 OF THIS TENTATIVE MAP IS PROPOSED AS A CONDOMINIUM PROJECT AS DEFINED BY SECTION 1350 OF THE CIVIC CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM UNITS IS 242.
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3. ALL STORM DRAIN WITHIN LOT 122 ARE PROPOSED AS PRIVATE. (UNLESS OTHERWISE NOTED)
4. ALL SEWER WITHIN LOT 122 ARE PROPOSED AS PRIVATE. (UNLESS OTHERWISE NOTED)
5. ALL WALLS OVER 8 FOOT IN HEIGHT ARE TO BE PLANTABLE.

FOR THIS AREA
SEE SHEET NO. 10 & 11

PREPARED IN THE OFFICE OF:

Latitude 33

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4935 Paramount Drive, 2nd Floor
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858-751-0633 Fax 858-751-0634

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4933 PARAMOUNT DRIVE, 2ND FLOOR
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CIVIL ENGINEER: LATITUDE 33 PLANNING & ENGINEERING
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Prepared By:

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Phone #: (858) 751-0633
Fax #: (858) 751-0634

Project Address:

Project Address: _____

Project Name: _____

Project Name: **RHODES CROSSING**

Sheet Title:

MULTI-FAMILY (AREA 4) &

COMMERCIAL & SELF

STORAGE SITE

GRADING AND UTILITIES

SELF-STORAGE

ARCHITECT: VALLI ARCHITECTURAL GROUP
81 COLUMBIA, SUITE 200
ALISO VIEJO, CA 92656
(949)349-1777 FAX(949)349-1778

MULTI-FAMILY
ARCHITECT: ARCHITECTS ORANGE
144 NORTH ORANGE STREET
ORANGE, CA 92866
(714)639-9860 FAX(714)639-5286

COMMERCIAL SITE
ARCHITECT: JAMES LEARY ARCHITECTURE
9845 ERMA ROAD, #205A
SAN DIEGO, CA 92131
(858)695-0444 FAX(858)695-0444

LANDSCAPE ARCHITECT: PARTERRE
1221 HAYES AVENUE
SAN DIEGO, CA 92103
(619)296-3713 FAX(619)296-3702

Revision 14: _____
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Revision 6: DECEMBER 1, 2003
Revision 5: OCTOBER 13, 2003
Revision 4: MARCH 21, 2003
Revision 3: NOVEMBER 18, 2002
Revision 2: JULY 12, 2002
Revision 1: FEBRUARY 1, 2001

Original Date: 1-19-2000

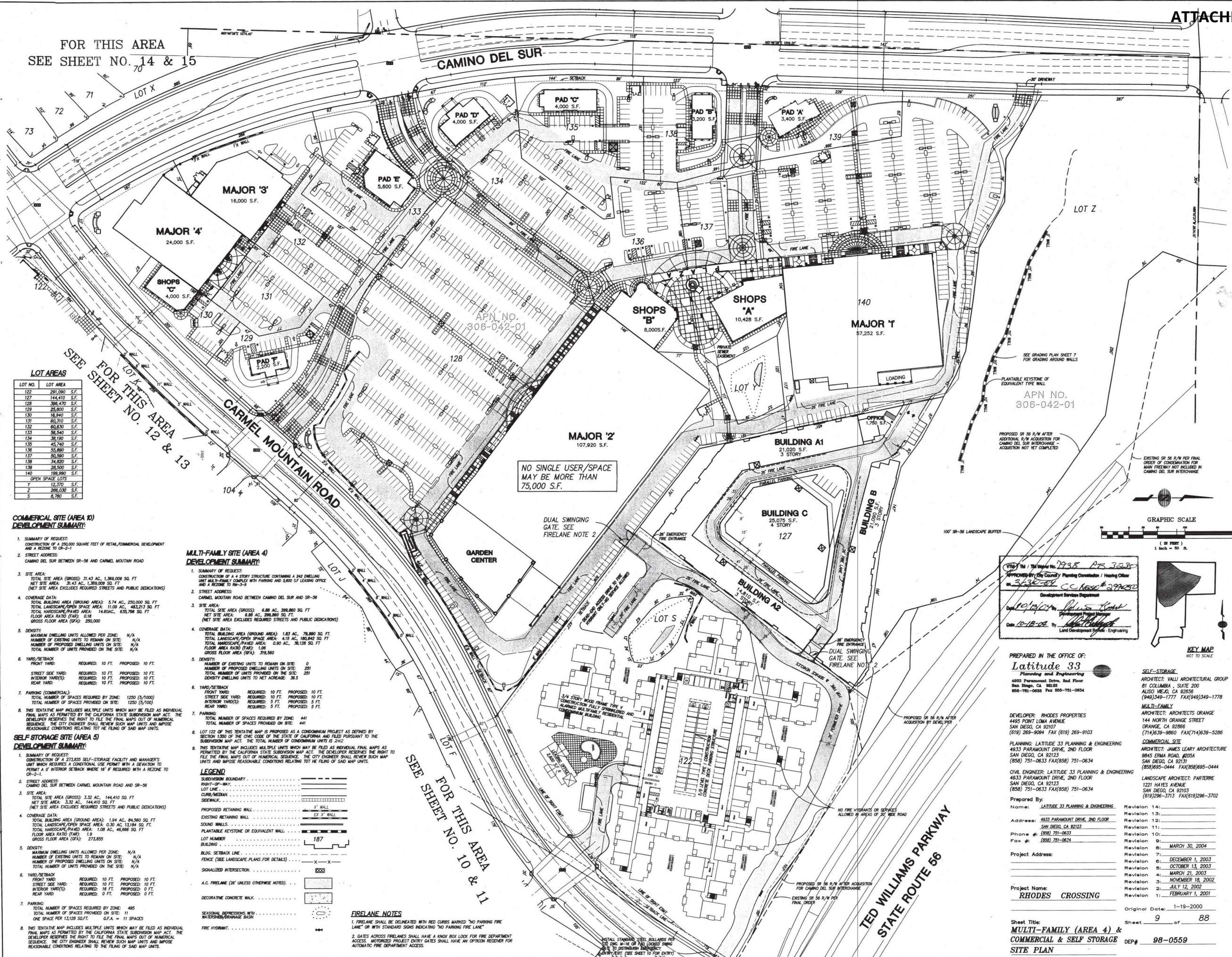
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Sheet _____ of _____

DEB# 98-0559

DEP# 98-0559

FOR THIS AREA
SEE SHEET NO. 14 & 15



SEE FOR THIS AREA
SEE SHEET NO. 12 & 13

LOT NO.	LOT AREA
127	291,000 S.F.
128	144,410 S.F.
129	396,470 S.F.
130	25,800 S.F.
131	18,940 S.F.
132	60,310 S.F.
133	58,540 S.F.
134	38,190 S.F.
135	45,740 S.F.
136	55,880 S.F.
137	50,580 S.F.
138	34,680 S.F.
139	28,500 S.F.
140	199,890 S.F.
OPEN SPACE LOTS	
Y	12,370 S.F.
Z	208,030 S.F.
S	8,780 S.F.

COMMERCIAL SITE (AREA 10)
DEVELOPMENT SUMMARY:

- SUMMARY OF REQUEST:**
CONSTRUCTION OF A 250,000 SQUARE FEET OF RETAIL/COMMERCIAL DEVELOPMENT AND A REZONE TO C-2-1.
- STREET ADDRESS:**
CAMINO DEL SUR BETWEEN SR-56 AND CARMEL MOUNTAIN ROAD
- SITE AREA:**
TOTAL SITE AREA (GROSS): 31.43 AC, 1,389,009 SQ. FT.
NET SITE AREA: 31.43 AC, 1,389,009 SQ. FT.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:**
TOTAL BUILDING AREA (GROUND AREA): 5.74 AC, 250,000 SQ. FT.
TOTAL LANDSCAPE/OPEN SPACE AREA: 11.09 AC, 483,213 SQ. FT.
TOTAL HARDSCAPE/PAVED AREA: 14.60 AC, 635,798 SQ. FT.
FLOOR AREA RATIO (FAR): 0.18
GROSS FLOOR AREA (GFA): 250,000
- DENSITY:**
MAXIMUM DWELLING UNITS ALLOWED PER ZONE: N/A
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: N/A
NUMBER OF PROPOSED DWELLING UNITS ON SITE: N/A
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: N/A
- YARD/SETBACK:**
FRONT YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
STREET SIDE YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
INTERIOR YARD(S): REQUIRED: 10 FT. PROPOSED: 10 FT.
REAR YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
- PARKING (COMMERCIAL):**
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 1250 (5/1000)
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 1250 (5/100)
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF NUMERICAL SEQUENCE. THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPOSE REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.**

SELF STORAGE SITE (AREA 5)
DEVELOPMENT SUMMARY:

- SUMMARY OF REQUEST:**
CONSTRUCTION OF A 273,835 SELF-STORAGE FACILITY AND MANAGER'S UNIT WHICH REQUIRES A CONDITIONAL USE PERMIT WITH A DEVIATION TO PERMIT A 17' INTERIOR SETBACK INSTEAD OF 7' REQUIRED WITH A REZONE TO C-2-1.
- STREET ADDRESS:**
CAMINO DEL SUR BETWEEN CARMEL MOUNTAIN ROAD AND SR-56
- SITE AREA:**
TOTAL SITE AREA (GROSS): 3.32 AC, 144,410 SQ. FT.
NET SITE AREA: 3.32 AC, 144,410 SQ. FT.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:**
TOTAL BUILDING AREA (GROUND AREA): 1.94 AC, 84,560 SQ. FT.
TOTAL LANDSCAPE/OPEN SPACE AREA: 0.30 AC, 12,184 SQ. FT.
TOTAL HARDSCAPE/PAVED AREA: 1.08 AC, 46,668 SQ. FT.
FLOOR AREA RATIO (FAR): 1.9
GROSS FLOOR AREA (GFA): 273,835
- DENSITY:**
MAXIMUM DWELLING UNITS ALLOWED PER ZONE: N/A
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: N/A
NUMBER OF PROPOSED DWELLING UNITS ON SITE: N/A
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: N/A
- YARD/SETBACK:**
FRONT YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
STREET SIDE YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
INTERIOR YARD(S): REQUIRED: 0 FT. PROPOSED: 0 FT.
REAR YARD: REQUIRED: 0 FT. PROPOSED: 0 FT.
- PARKING:**
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 495
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 11
ONE SPACE PER 13,128 SQ. FT. G.F.A. = 11 SPACES
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF NUMERICAL SEQUENCE. THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPOSE REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.**

MULTI-FAMILY SITE (AREA 4)
DEVELOPMENT SUMMARY:

- SUMMARY OF REQUEST:**
CONSTRUCTION OF A 4 STORY STRUCTURE CONTAINING A 840 DWELLING UNIT MULTI-FAMILY COMPLEX WITH PARKING AND 2,000 S.F. LEASING SPACE AND A REZONE TO RM-3-9
- STREET ADDRESS:**
CARMEL MOUNTAIN ROAD BETWEEN CAMINO DEL SUR AND SR-56
- SITE AREA:**
TOTAL SITE AREA (GROSS): 6.88 AC, 299,880 SQ. FT.
NET SITE AREA: 6.88 AC, 299,880 SQ. FT.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:**
TOTAL BUILDING AREA (GROUND AREA): 1.83 AC, 79,880 SQ. FT.
TOTAL LANDSCAPE/OPEN SPACE AREA: 4.15 AC, 180,842 SQ. FT.
TOTAL HARDSCAPE/PAVED AREA: 0.90 AC, 39,128 SQ. FT.
FLOOR AREA RATIO (FAR): 1.06
GROSS FLOOR AREA (GFA): 318,560
- DENSITY:**
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 854
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 251
DENSITY DWELLING UNITS TO NET ACREAGE: 36.5
- YARD/SETBACK:**
FRONT YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
STREET SIDE YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
INTERIOR YARD(S): REQUIRED: 5 FT. PROPOSED: 5 FT.
REAR YARD: REQUIRED: 5 FT. PROPOSED: 5 FT.
- PARKING:**
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 441
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 441
- LOT 122 OF THIS TENTATIVE MAP IS PROPOSED AS A CONDOMINIUM PROJECT AS DEFINED BY SECTION 1330 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM UNITS IS 242.**
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF NUMERICAL SEQUENCE. THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPOSE REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.**

LEGEND

SUBDIVISION BOUNDARY	---
RIGHT-OF-WAY	---
LOT LINE	---
CURB/MEDIAN	---
SIDEWALK	---
PROPOSED RETAINING WALL	---
EXISTING RETAINING WALL	---
SOUND WALLS	---
PLANTABLE KEYSTONE OR EQUIVALENT WALL	---
LOT NUMBER	---
BUILDING	---
BLDG. SETBACK LINE	---
FENCE (SEE LANDSCAPE PLANS FOR DETAILS)	---
SIGNALIZED INTERSECTION	---
A.C. FIRELANE (26' UNLESS OTHERWISE NOTED)	---
SEASONAL DEPRESSIONS WITH WATERSHED/DRAINAGE BASIN	---
FIRE HYDRANT	---

FIRELANE NOTES

- FIRELANE SHALL BE DELINEATED WITH RED CURBS MARKED "NO PARKING FIRE LANE" OR WITH STANDARD SIGNS INDICATING "NO PARKING FIRE LANE"
- GATES ACROSS FIRELANES SHALL HAVE A KNOX BOX LOOK FOR FIRE DEPARTMENT ACCESS. MOTORIZED PROJECT ENTRY GATES SHALL HAVE AN OPTICON RECEIVER FOR AUTOMATIC FIRE DEPARTMENT ACCESS.

SEE FOR THIS AREA
SEE SHEET NO. 10 & 11

APPROVED BY THE ENGINEER
APPROVED BY THE CITY ENGINEER
APPROVED BY THE PLANNING COMMISSION / HEARING OFFICER
DATE 10/10/04 BY [Signature]
DATE 10-10-04 BY [Signature]
Land Development Services - Engineering

PREPARED IN THE OFFICE OF:
Latitude 33
Planning and Engineering
4833 Paramount Drive, 2nd Floor
San Diego, CA 92123
(619) 269-9084 FAX (619) 269-9103

DEVELOPER: RHODES PROPERTIES
4495 POINT LOMA AVENUE
SAN DIEGO, CA 92107
(619) 269-9084 FAX (619) 269-9103

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4833 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123
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CIVIL ENGINEER: LATITUDE 33 PLANNING & ENGINEERING
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Prepared By: LATITUDE 33 PLANNING & ENGINEERING
Name: _____
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SAN DIEGO, CA 92123
Phone #: (619) 269-9084
Fax #: (619) 269-9103

Project Address: _____

Project Name: RHODES CROSSING

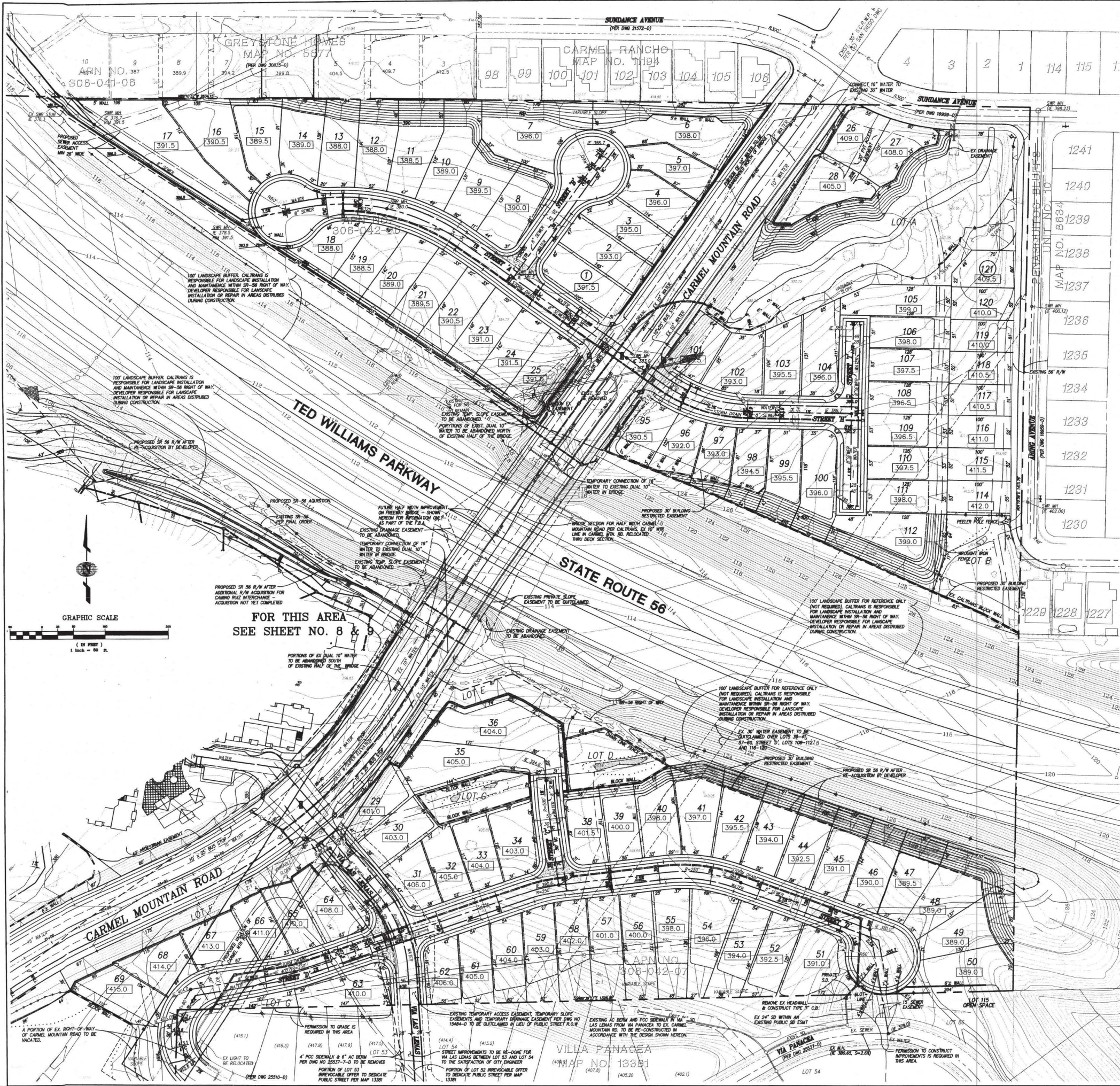
Sheet Title: MULTI-FAMILY (AREA 4) & COMMERCIAL & SELF STORAGE SITE PLAN

Revision 14: _____
Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: MARCH 30, 2004
Revision 7: _____
Revision 6: DECEMBER 1, 2003
Revision 5: OCTOBER 13, 2003
Revision 4: MARCH 21, 2003
Revision 3: NOVEMBER 18, 2002
Revision 2: JULY 12, 2002
Revision 1: FEBRUARY 1, 2001

Original Date: 1-19-2000

Sheet 9 of 88

DEP# 98-0559



LEGEND

PROJECT BOUNDARY
RIGHT-OF-WAY
LOT LINE
CURB/MEDIAN
LINE OF SIGHT
LOT NUMBER
EXISTING CONTOUR
PROPOSED CONTOUR
FINISH GRADE ELEVATION
PROPOSED PAD ELEVATION
EXISTING WATERLINE
PROPOSED WATERLINE
EXISTING FIRE HYDRANT
PROPOSED FIRE HYDRANT
EXISTING SEWER MAIN
PROPOSED SEWER MAIN
EXISTING SEWER MANHOLE
PROPOSED SEWER MANHOLE
EXISTING STORM DRAIN PIPE
PROPOSED STORM DRAIN PIPE
PROPOSED STORM DRAIN CLEANOUT
PROPOSED CURB INLET
EXISTING TREE
FENCE (SEE LANDSCAPE PLANS FOR DETAILS)
PROPOSED SLOPE
PROPOSED BROW DITCH
EX WALL
SOUND WALLS
RETAINING WALL
DECORATIVE BLOCK WALL
(SEE LANDSCAPE PLANS FOR DETAILS)
BUILDING
BLDG. SETBACK LINE
PROPOSED SIGNALIZED INTERSECTION
SEASONAL DEPRESSIONS WITH
WATER-RESISTANT DRAINAGE
PROPOSED SR-56 ADJUSTMENT
(PROPOSED TO BE ACQUIRED BACK
FROM STATE OF CALIFORNIA AS
EXCESS RIGHT OF WAY)

KEY MAP
NOT TO SCALE

- NOTES**
1. THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF NUMERICAL SEQUENCE. THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPOSE REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.
 2. ALL PUBLIC RESIDENTIAL STREETS WITH GRADE BREAKS GREATER THAN 1% SHALL HAVE VERTICAL CURVES IN ACCORDANCE WITH THE CITY OF SAN DIEGO STREET DESIGN MANUAL.
 3. NO MORE THAN 40% OF THE LOT FRONTAGE ON EACH RESIDENTIAL LOT MAY BE ALLOCATED TO DRIVEWAY CURB OPENINGS. THE MINIMUM SIZE DRIVEWAY IS 12' (18' CURB OPENING).
 4. WALLS OVER 6 FOOT IN HEIGHT ARE TO BE PLANTABLE.

- UTILITY ABANDONMENT/RELOCATION**
1. EXISTING 18" RCP (SD 12") STORM DRAIN IN CARMEL MOUNTAIN ROAD (STA 43+60.4) AND EXISTING 24" RCP STORM DRAIN IN CARMEL MOUNTAIN ROAD (STA 47+65.4) TO BE REMOVED (SD "C"). REFER TO DWG NO. 25510-D.
 2. EXISTING 18" RCP (SD "E") STORM DRAIN IN VA LAS DWG (STA 7+37.4) TO BE REMOVED. REFER TO DWG NO. 25510-D.
 3. EXISTING DUAL 10" WATER MAINS IN THE CARMEL MOUNTAIN ROAD BRIDGE TO REMAIN. THE PROPOSED 16" WATER IS TO BE CONSTRUCTED IN CARMEL MOUNTAIN ROAD NORTH AND SOUTH OF THE EXISTING BRIDGE.

STREET VACATION AND EASEMENT ABANDONMENT

SEE SHEET 17 FOR VACATIONS AND ABANDONMENTS

PREPARED IN THE OFFICE OF:

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Planning and Engineering
4933 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123
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APPROVED BY: (City Council) Planning Commission / Hearing Officer
DATE: 10/13/04 BY: [Signature]
DATE: 10-10-04 BY: [Signature]
Land Development Review - Engineering

DEVELOPER: RHODES PROPERTIES
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LANDSCAPE ARCHITECT: PARTERRE
1221 HAYES AVENUE
SAN DIEGO, CA 92103
(619) 296-3713 FAX (619) 296-3702

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Prepared by:
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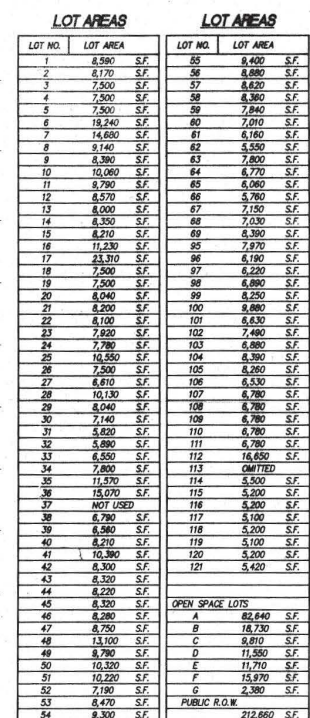
Revision 14:	
Revision 13:	
Revision 12:	
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Revision 6:	OCTOBER 13, 2003
Revision 5:	MARCH 21, 2003
Revision 4:	NOVEMBER 18, 2002
Revision 3:	JULY 12, 2002
Revision 2:	FEBRUARY 1, 2001

Project Address:

Project Name:
RHODES CROSSING

Sheet Title:
SINGLE FAMILY RESIDENTIAL
(AREAS 1, 6 & 7) GRADING
AND UTILITIES

Original Date: 1-19-2000
Sheet: 10 of 88
DEP# 98-0559



DEVELOPMENT SUMMARY:

RANCHO PENASQUITOS (AREA 7)

1. SUMMARY OF REQUEST:
CONSTRUCTION OF 40 SINGLE FAMILY DETACHED DWELLING UNITS AND REZONE TO RS-1-14

2. STREET ADDRESS:
EAST OF CARMEL MOUNTAIN ROAD SOUTH OF SR-56

3. SITE AREA:
TOTAL SITE AREA (GROSS): 11.04 AC., 480.981 S.F.
NET SITE AREA: 8.73 AC., 380.076 S.F.
NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEED

4. COVERAGE DATA:
TOTAL BUILDING AREA (GROUND AREA): 2.82 AC., 123,000 S.F.
TOTAL LANDSCAPE/OPEN SPACE AREA: 5.08 AC., 221,076 S.F.
TOTAL HARDSCAPE/PAVED AREA: 0.83 AC., 36,000 S.F.
FLOOR AREA RATIO (FAR): 0.54
GROSS FLOOR AREA (GFA): 205,000

5. DENSITY:
MAXIMUM DENSITY UNITS ALLOWED PER ZONE: 40
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 4/4
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 40
TOTAL NUMBER OF UNITS PROVIDED ON SITE: 40
DENSITY DWELLING UNITS TO NET ACREAGE: 4.6

6. YARD/SETBACK
FRONT YARD: REQUIRED: 15' PROPOSED: 18' FRONT 10' REAR 10' SIDE 10'

INTERIOR YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
STREET SIDE YARD(S): 4 FT. PROPOSED: 4 FT.
REAR YARD: REQUIRED: 5 FT. PROPOSED: 5 FT.

7. PARKING (RESIDENTIAL):
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 80
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 80

8. THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY, AS INDIVIDUAL FAL MAPS AS DEVELOPED BY THE CALIFORNIA SUBDIVISION MAP ACT. THE PERMITTEE RESERVES THE RIGHT TO FINAL MAPS OUT OF NUMEROUS SEQUENCES. THE CITY SHALL REVIEW SUCH MAP UNITS AND IMPROVE REASONABLE RELATING TO THE FILING OF SAID MAP UNITS.

PLANNING: LATITUDE 33 PL
4933 PARAMOUNT DRIVE, 2
SAN DIEGO, CA 92123
(858) 751-0633 FAX(858)

CIVIL ENGINEER: LATITUDE
4933 PARAMOUNT DRIVE, 2
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(858) 751-0633 FAX(858)

Prepared By:
Name: LATITUDE 33 PL

Address: 4933 PARAMOUNT
SAN DIEGO, CA

Phone #: (858) 751-0633
Fax #: (858) 751-0634

Project Address:

Project Name:
RHODES CR

Sheet Title:
SINGLE FAMILY P
(AREAS 1, 6 & 7)
SITE PLAN

MULTI-FAMILY SITE (AREA 1)

DEVELOPMENT SUMMARY:

- SUMMARY OF REQUEST:**
CONSTRUCTION OF 26 SINGLE FAMILY DETACHED DWELLING UNITS AND REZONED TO RS-1-1/4.
- STREET ADDRESS:**
EAST OF CAMEL MOUNTAIN ROAD BETWEEN SUNDANCE AVENUE AND SP-56
- SITE AREA:**
TOTAL SITE AREA (GROSS): 786 AC. 333,624 SQ. FT.
NET SITE AREA: 6.97 AC. 303,440 SQ. FT.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC UTILITIES)
- COVERAGE DATA:**
TOTAL BUILDING AREA (GROUND AREA): 1.49 AC. 64,800 SQ. FT.
TOTAL LANDSCAPE/PATIO SPACE AREA: 1.46 AC. 194,340 SQ. FT.
TOTAL HARDSCAPE/PAVED AREA: 0.98 AC. 24,300 SQ. FT.
PATIO AREA (PAVED): 0.36 AC.
GROUND FLOOR AREA (GFA): 106,216
- DENSITY:**
56
NUMBER OF EXISTING UNITS ON REMAIN TO SITE: 0
NUMBER OF PROPOSED DWELLING UNITS TO SITE: 26
TOTAL NUMBER OF UNITS PROPOSED TO SITE: 26
EXISTING DWELLING UNITS TO NET ACREAGE: 3.5
- YARD/SETBACK:**
FRONT YARD: REQUIRED: 15' PROPOSED: 10' FROM "DASH" WAY
10' DOWNSIDE A "SEE" DASHED LINE
STREET SIDE YARD: REQUIRED: 10' FT. PROPOSED: 10' FT.
INTERIOR YARD(S): REQUIRED: 4' FT. PROPOSED: 4' FT.
REAR YARD: REQUIRED: 5' FT. PROPOSED: 5' FT.
- PARKING (RESIDENTIAL):**
TOTAL NUMBER OF SPACES PROVIDED BY ZONE: 54
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 54
THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILLED AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA STATE DEVELOPMENT MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF SEQUENTIAL SEQUENCE. THE CITY ENGINEER WILL REVIEW SUCH MAPS FOR ANY UNDESIRABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.

DEVELOPMENT SUMMARY:
TOFFEY HIGHLANDS AREA (6)

1. SUMMARY OF REQUEST:
CONSTRUCTION OF A SINGLE FAMILY DETACHED DWELLING UNITS AND REZONE TO RS-1-1A.

2. STREET ADDRESS:
WEST OF CARBELL MOUNTAIN ROAD NORTH OF SR-50

3. SITE AREA:
TOTAL SITE AREA (GROSS): 7.55 AC, 328,867 S.F.
NET SITE AREA: 6.13 AC, 267,075 S.F.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC UTILIZATION)

4. COVERAGE DATA:
TOTAL BUILDING AREA (GROUND AREA): 1.55 AC, 67,500 S.F.
TOTAL LANDSCAPE/PAVED SPACE AREA: 4.00 AC, 174,357 S.F.
TOTAL LANDSCAPE/PAVED AREA: 0.58 AC, 25,218 S.F.
FLOOR AREA RATIO (FAR): 0.45
GROSS FLOOR AREA (GFA): 121,500

5. DENSITY:
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: N/A
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 28
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 28

6. YARD/SETBACK:
FRONT YARD: REQUIRED: 15' PROPOSED: 15' FRONT LOADED
10' UNITS AREA + SIDE LOADED
SIDE STREET YARD: REQUIRED: 10 FT. PROPOSED: 10 FT.
INTERIOR YARD: REQUIRED: 4 FT. PROPOSED: 4 FT.
REAR YARD: REQUIRED: 5 FT. PROPOSED: 5 FT.

7. PARKING (RESIDENTIAL):
TOTAL NUMBER OF SPACES PROVIDED BY ZONE: 56 SPACES
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 56

8. THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED AS INDIVIDUAL FINAL MAPS, AS PERMITTED BY THE CALIFORNIA STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE THE FINAL MAPS OUT OF NUMERICAL SEQUENCE. THE CITY ENGINEER SHALL REVIEW SUCH MAPS AND IMPOSE REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP UNITS.

[illegible]

FOR THIS AREA
SEE SHT. 8 & 9

FOR THIS AREA
SEE SHT. 10 & 11

APN NO.
306-042-01

MAJOR '3'

MAJOR '4'

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VISTA ALLEGRE
MAP NO. 13309

LOT AREAS

LOT NO.	LOT AREA
70	2,720 S.F.
71	2,720 S.F.
72	2,720 S.F.
73	2,720 S.F.
74	2,720 S.F.
75	2,720 S.F.
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[126] NEEDS TO BE CHECKED JNL
154,245 CALC'D
OR MATCH ABOVE @ 154,245

KEY MAP
NOT TO SCALE

CAMINO DEL SUR SOUTH OF RHODES
PROJECT (SDP-41-0246) SHOWN FOR
REFERENCE ONLY, TO BE CONSTRUCTED AS
PART OF THE F.B.A.

DEVELOPMENT SUMMARY:
RANCHO PEBECOTOS (AREA 9)

- SUMMARY OF REQUEST:
CONSTRUCTION OF 18 SINGLE FAMILY DETACHED DWELLING UNITS
AND A REZONE TO RS-1-14
- STREET ADDRESS:
NORTH OF ECLIPSE ROAD
- SITE AREA:
TOTAL SITE AREA (GROSS): 16.91 AC, 457,796 S.F.
NET SITE AREA: 8.88 AC, 438,094 S.F.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:
TOTAL BUILDING AREA (GROUND AREA): 0.38 AC, 16,000 S.F.
TOTAL LANDSCAPE/OPEN SPACE AREA: 0.53 AC, 115,000 S.F.
TOTAL HARDSCAPE/PAVED AREA: 0.08 AC, 3,600 S.F.
FLOOR AREA RATIO (FAR): 0.02
GROSS FLOOR AREA (GFA): 30,000
- DENSITY:
MAXIMUM DWELLING UNITS ALLOWED PER ZONE: 84
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: N/A
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 4
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 4
DENSITY DWELLING UNITS TO NET ACREAGE: 1.0
- YARD/SETBACK:
FRONT YARD: REQUIRED: 15' PROPOSED: 15' FRONT LOADED GARAGE
10' LIVING AREA + 5' SIDE LOADED GARAGE
STREET SIDE YARD: REQUIRED: 10' PROPOSED: 10'
INTERIOR YARD(S): REQUIRED: 4' PROPOSED: 4'
REAR YARD: REQUIRED: 5' PROPOSED: 5'
- PARKING (RESIDENTIAL):
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 8
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 8
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED
AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA
STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE
RIGHT TO FILE THE FINAL MAPS OUT OF SEQUENTIAL SEQUENCE.
THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPROVE
REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP
UNITS.

DEVELOPMENT SUMMARY:
TORREY HIGHLANDS (AREA 8)

- SUMMARY OF REQUEST:
CONSTRUCTION OF 14 SINGLE FAMILY DETACHED DWELLING UNITS
AND A REZONE TO RS-1-14
- STREET ADDRESS:
CAMINO DEL SUR AT INTERSECTION WITH CARMEL MOUNTAIN ROAD
- SITE AREA:
TOTAL SITE AREA (GROSS): 6.37 AC, 277,343 S.F.
NET SITE AREA: 5.38 AC, 238,339 S.F.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:
TOTAL BUILDING AREA (GROUND AREA): 0.80 AC, 35,000 S.F.
TOTAL LANDSCAPE/OPEN SPACE AREA: 1.17 AC, 10,254 S.F.
TOTAL HARDSCAPE/PAVED AREA: 0.29 AC, 12,600 S.F.
FLOOR AREA RATIO (FAR): 0.27
GROSS FLOOR AREA (GFA): 63,000
- DENSITY:
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: N/A
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 14
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 14
- YARD/SETBACK:
FRONT YARD: REQUIRED: 15' PROPOSED: 15' FRONT LOADED GARAGE
10' LIVING AREA + 5' SIDE LOADED GARAGE
STREET SIDE YARD: REQUIRED: 10' PROPOSED: 10'
INTERIOR YARD(S): REQUIRED: 4' PROPOSED: 4'
REAR YARD: REQUIRED: 5' PROPOSED: 5'
- PARKING (RESIDENTIAL):
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 28
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 28
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED
AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA
STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE
RIGHT TO FILE THE FINAL MAPS OUT OF SEQUENTIAL SEQUENCE.
THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPROVE
REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP
UNITS.

MULTI-FAMILY SITE (AREA 3a)
DEVELOPMENT SUMMARY:

- SUMMARY OF REQUEST:
CONSTRUCTION OF A 4 STORY/LESS OVERSEEN RESIDENCES
140 DWELLING UNITS MULTI-FAMILY COMPLEX AND A REZONE TO RM-3-8
- STREET ADDRESS:
CAMINO DEL SUR SOUTH OF INTERSECTION WITH CARMEL MOUNTAIN ROAD
- SITE AREA:
TOTAL SITE AREA (GROSS): 7.88 AC, 342,440 S.F.
NET SITE AREA: 5.38 AC, 238,339 S.F.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:
TOTAL BUILDING AREA (GROUND AREA): 3.51 AC, 153,000 S.F.
TOTAL LANDSCAPE/OPEN SPACE AREA: 1.58 AC, 138,276 S.F.
TOTAL HARDSCAPE/PAVED AREA: 0.87 AC, 42,000 S.F.
FLOOR AREA RATIO (FAR): 0.62
GROSS FLOOR AREA (GFA): 632,000
- DENSITY:
MAXIMUM DWELLING UNITS ALLOWED PER ZONE: 863
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 342
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 342
DENSITY DWELLING UNITS TO NET ACREAGE: 45.0
- YARD/SETBACK:
FRONT YARD: REQUIRED: 10' PROPOSED: 10'
STREET SIDE YARD: REQUIRED: 10' PROPOSED: 10'
INTERIOR YARD(S): REQUIRED: 5' PROPOSED: 5'
REAR YARD: REQUIRED: 5' PROPOSED: 5'
- PARKING:
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 533
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 537
- LOT 125 OF THIS TENTATIVE MAP IS PROPOSED AS A CONDOMINIUM PROJECT
AS DEFINED BY SECTION 1509 OF THE CIVIL CODE OF THE STATE OF
CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL
NUMBER OF CONDOMINIUM UNITS IS 342.
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED
AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA
STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE
RIGHT TO FILE THE FINAL MAPS OUT OF SEQUENTIAL SEQUENCE.
THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPROVE
REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP
UNITS.

PRIVATE PASSIVE PARK AREA (AREA 3b)
DEVELOPMENT SUMMARY:

- SUMMARY OF REQUEST:
CONSTRUCTION OF A PRIVATE PASSIVE PARK AREA AND A REZONE TO RS-1-4
- STREET ADDRESS:
CAMINO DEL SUR SOUTH OF INTERSECTION WITH CARMEL MOUNTAIN ROAD
- SITE AREA:
TOTAL SITE AREA (GROSS): 2.54 AC, 110,448 S.F.
NET SITE AREA: 1.54 AC, 67,448 S.F.
(NET SITE AREA EXCLUDES REQUIRED STREETS AND PUBLIC DEDICATIONS)
- COVERAGE DATA:
TOTAL BUILDING AREA (GROUND AREA): 0.00 AC, 0 S.F.
TOTAL LANDSCAPE/OPEN SPACE AREA: 2.54 AC, 110,448 S.F.
TOTAL HARDSCAPE/PAVED AREA: 1.03 AC, 44,804 S.F.
FLOOR AREA RATIO (FAR): 0.00
GROSS FLOOR AREA (GFA): 0.00
- DENSITY:
MAXIMUM DWELLING UNITS ALLOWED PER ZONE: 0
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 0
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 0
- YARD/SETBACK:
FRONT YARD: REQUIRED: 10' PROPOSED: 10'
STREET SIDE YARD: REQUIRED: 10' PROPOSED: 10'
INTERIOR YARD(S): REQUIRED: 5' PROPOSED: 5'
REAR YARD: REQUIRED: 5' PROPOSED: 5'
- PARKING:
TOTAL NUMBER OF SPACES REQUIRED BY ZONE: 0
TOTAL NUMBER OF SPACES PROVIDED ON SITE: 0
- THIS TENTATIVE MAP INCLUDES MULTIPLE UNITS WHICH MAY BE FILED
AS INDIVIDUAL FINAL MAPS AS PERMITTED BY THE CALIFORNIA
STATE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE
RIGHT TO FILE THE FINAL MAPS OUT OF SEQUENTIAL SEQUENCE.
THE CITY ENGINEER SHALL REVIEW SUCH MAP UNITS AND IMPROVE
REASONABLE CONDITIONS RELATING TO THE FILING OF SAID MAP
UNITS.

FIRELANE NOTES

- FIRELANE SHALL BE DELINEATED WITH RED CURBS MARKED "NO PARKING FIRE
LANE" OR WITH STICKERS MARKED "NO PARKING FIRE LANE"
- GATES ACROSS FIRELANES SHALL HAVE A KNOX BOX LOCK FOR FIRE DEPARTMENT
ACCESS. NOTICED PROJECT ENTRY GATES SHALL HAVE AN OPTION RECEIVER FOR
AUTOMATIC FIRE DEPARTMENT ACCESS.

LEGEND

- SUBDIVISION BOUNDARY:
- RIGHT-OF-WAY:
- LOT LINE:
- CURB/MEDIAN:
- SEWER:
- PROPOSED RETAINING WALL:
- EXISTING RETAINING WALL:
- FENCE (SEE LANDSCAPE PLANS FOR DETAILS):
- 3 STORY BUILDINGS:
- A.C. FIRELANE (20' UNLESS OTHERWISE NOTED):
- DEGRADING CONCRETE WALL:
- SEASONAL DEPRESSIONS WITH
WATER/SEDIMENT BASIN:
- FIRE HYDRANT:

SECTION 23

MAJOR '3'
16,000 S.F.
132

MAJOR '4'
24,000 S.F.
131

FOR THIS AREA
SEE SHT. 8 & 9

FOR THIS AREA
SEE SHT. 12 & 13

VTM / TM / TM Waiver No. 7938 PLS 3230

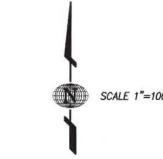
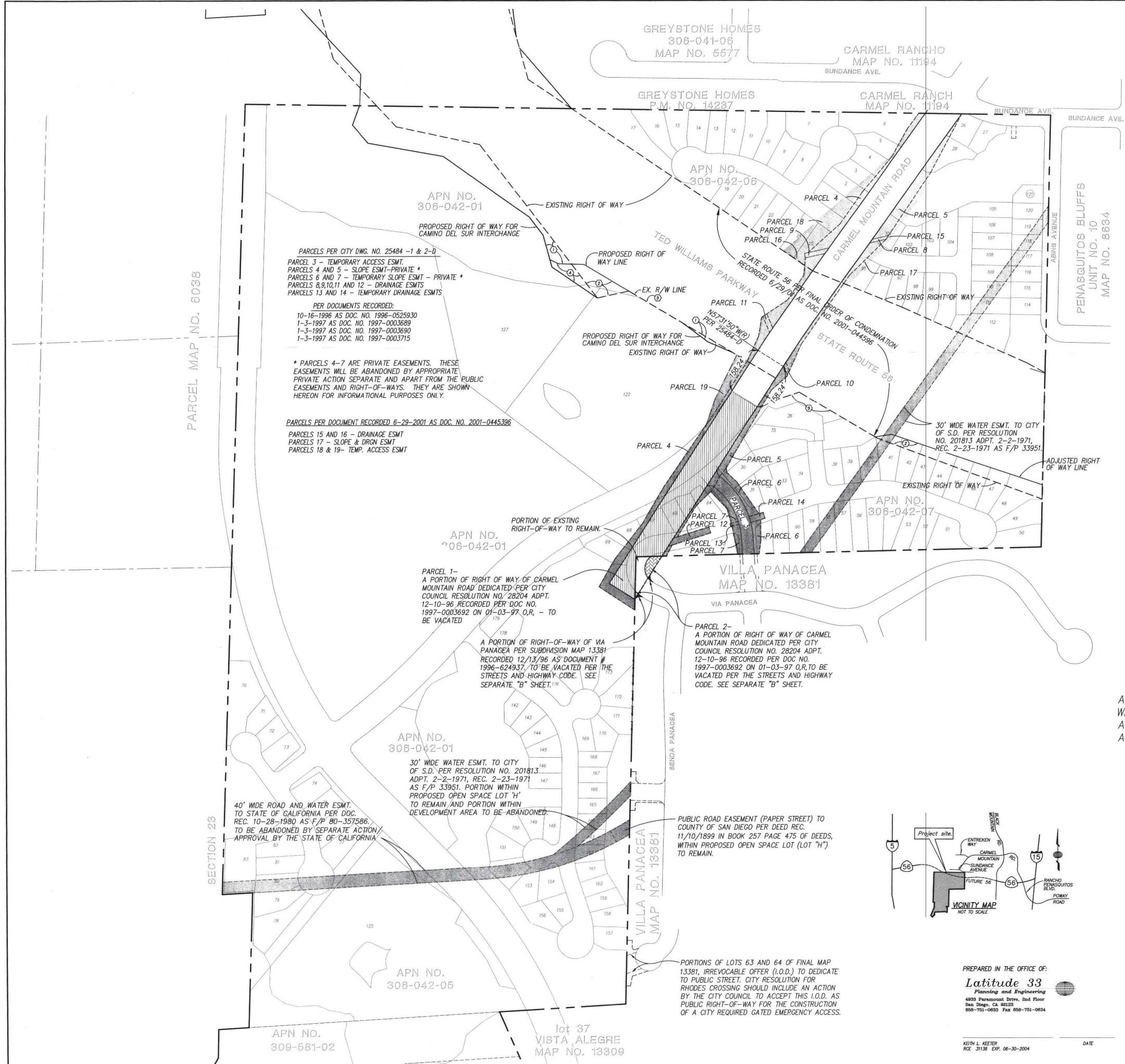
APPROVED BY: (City Council) Planning Commission / Hearing Officer
on 3-20-04 CC RES # R-379230

Development Services Department

Date 10/14/04 [Signature]
[Signature]
Land Development / Engineering

DEVELOPER: RHODES PROPERTIES
4405 POINT LOMA AVENUE
SAN DIEGO, CA 92107
(619) 269-9094 FAX (619) 269-9103

LANDSCAPE ARCHITECT: PARTIERRE
1221 HAYES AVENUE
SAN DIEGO, CA 92103
(619)



- LEGEND**
- INDICATED EASEMENTS TO BE ABANDONED
 - INDICATES STREET VACATION OF CARMEL MOUNTAIN ROAD ON-SITE
 - INDICATES STREET VACATION OF CARMEL MOUNTAIN ROAD OFF-SITE (PER THE STREETS AND HIGHWAY CODE)
 - INDICATES STREET VACATION OF VIA PANACEA OFF-SITE (PER THE STREETS AND HIGHWAY CODE)
 - FREIGHTWAY RIGHT OF WAY TO BE ACQUIRED BY THE CITY OF SAN DIEGO
 - EXISTING FREIGHTWAY RIGHT OF WAY TO BE RE-ACQUIRED BY ADJACENT PROPERTY OWNER
 - EXISTING FREIGHTWAY RIGHT OF WAY TO CITY OF SAN DIEGO PER DOC REC. 6/29/01 AS DOC NO. 2001-044596
 - FREIGHTWAY RIGHT OF WAY FOR CAMINO DEL SUR INTERCHANGE AS SHOWN ON CALTRANS DRAWINGS BUT NOT ACQUIRED AS OF THE DATE OF THIS DRAWING. THIS AREA TO BE ACQUIRED BY THE CITY OF SAN DIEGO BY SEPARATE DOCUMENT, AND THEN RE-ACQUIRED BY THE ADJACENT PROPERTY OWNER IF THE DEVELOPMENT PROCEEDS.

ALL PUBLIC EASEMENTS AND RIGHTS OF WAY TO BE VACATED SHALL BE DONE IN ACCORDANCE WITH THE SUBDIVISION MAP ACT EXCEPT AS NOTED HEREON.

SELF-STORAGE
ARCHITECT: VALLI ARCHITECTURAL GROUP
4481 POINT LOMA AVENUE
SAN DIEGO, CA 92127
(619) 269-9094 FAX (619) 269-9103
ALSO: 4000 LA JOLLA VILLAGE
(619) 434-1777 FAX (619) 434-1778

LANDSCAPE ARCHITECT: PARTNER
1221 HAYES AVENUE
SAN DIEGO, CA 92103
(619) 526-3713 FAX (619) 526-3702

MULTI-FAMILY (NORTH)
ARCHITECT: ARCHITECTS ORANGE
144 NORTH ORANGE STREET
ORANGE, CA 92668
(714) 930-0880 FAX (714) 930-5286

COMMERCIAL SITE
ARCHITECT: JAMES LEARY ARCHITECTURE
2945 ENNA ROAD, #205A
SAN DIEGO, CA 92131
(619) 695-0444 FAX (619) 695-0444

DEVELOPER: RHODES PROPERTIES
4481 POINT LOMA AVENUE
SAN DIEGO, CA 92127
(619) 269-9094 FAX (619) 269-9103

PLANNING: LATITUDE 33 PLANNING & ENGINEERING
4933 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123
(619) 751-0633 FAX (619) 751-0634

CIVIL ENGINEER: LATITUDE 33 PLANNING & ENGINEERING
4933 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123
(619) 751-0633 FAX (619) 751-0634

Prepared By:
Name: LATITUDE 33 PLANNING & ENGINEERING
Address: 4933 PARAMOUNT DRIVE, 2ND FLOOR
SAN DIEGO, CA 92123
Phone #: (619) 751-0633
Fax #: (619) 751-0634

Project Address:
Project Name:
RHODES CROSSING

Sheet Title:
STREET VACATION &
EASEMENT ABANDONMENTS

Revision 14:	
Revision 13:	
Revision 12:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	MARCH 30, 2004
Revision 7:	
Revision 6:	
Revision 5:	
Revision 4:	JANUARY 8, 2004
Revision 3:	DECEMBER 1, 2003
Revision 2:	OCTOBER 13, 2003
Revision 1:	MARCH 21, 2003
Original Date:	NOVEMBER 18, 2002
Sheet	17 of 88
DEP#	98-0559

PREPARED IN THE OFFICE OF:
Latitude 33
Planning and Engineering
4933 Paramount Drive, 2nd Floor
San Diego, CA 92123
619-751-0633 Fax 619-751-0634

KEITH L. KESTER
RCE 31138 EXP. 06-30-2004

DATE

Existing Entitlements Alternative

9083

DOC# 2005-0043211



JAN 18, 2005 1:06 PM

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J. SMITH, COUNTY RECORDER
 FEES: 125.00
 PAGES: 40



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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

Job Order No. 98-0559

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 53203
 SITE DEVELOPMENT PERMIT NO. 53204
 CONDITIONAL USE PERMIT NO. 53205
RHODES CROSSING MMRP
 CITY COUNCIL

2005-0043211

This Planned Development Permit [PDP] No. 53203, Site Development Permit [SDP] No. 53204, and Conditional Use Permit [CUP] No. 53205 is granted by the City Council of the City of San Diego to Keith B. Rhodes, Trustee, Keith B. Rhodes Living Trust dated November 11, 1999, and John W. Grus Living Trust, dated October 2, 1996, and Fieldstone Communities, a California Corporation, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0301, 126.0501 and 126.0601. The 147.39 site is located generally on the west and east sides of Carmel Mountain Road both north and south of State Route 56 and west and east of Camino Del Sur in the proximity of the intersections of Camino Del Sur with State Route 56 and Camino Del Sur with Carmel Mountain Road in the existing AR-1-1 and RS-1-14 (proposed RS-1-14, RM-3-9, CR-2-1 and CC-1-3) zones of the Rancho Penasquitos Community Plan area and the Torrey Highlands Subarea Plan area. The project site is legally described as a Portion of the northwest quarter, southwest quarter and the northeast quarter, southwest quarter and the southwest quarter, southwest quarter, Section 13, Township 14 South, Range 3 West, San Bernardino Base Meridian, and a Portion of Rancho de Los Penasquitos excepting therefrom Lots 1-37, Vista Alegre, Map No. 13309.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to construct a total of 734 residential dwelling units, 257,200 square-feet of commercial use, 273,855 square-feet for a self-storage facility, a private park and open space, and street vacations and easement abandonments, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated March 30, 2004 on file in the Development Services Department. The exhibits, referred to as Exhibit "A," are as follows:

Sheet 1: Cover Sheet/Key Map
 Sheet 2: Sections/Details
 Sheet 3-4: Existing Topographic Conditions

ORIGINAL

9084

Sheet 5-6: Slope Analysis
Sheet 7: Cross sections
Sheet 8-9: Area 4 Grading and Site Plan
Sheet 10-11: Area 6-7 Grading and Site Plan
Sheet 12-13: Area 2a-2b Grading and Site Plan
Sheet 14-15: Areas 8-9 and 3a-3b Grading and Site Plan
Sheet 16: Best Management Practices
Sheet 17: Street vacations and Easement Abandonments
Sheet 18-37: Landscape Plans
Sheet 38: Wall and fencing plans
Sheet 39-65: Commercial Centers Plans
Sheet 66-72: Self-Storage Facility Plans
Sheet 73-88: Multi-Family Residential Plans

The project or facility shall include:

- a. A total of 289 residential dwelling units within the Torrey Highlands Subarea Plan area consisting of forty-seven detached single-family dwellings and 242 multi-family dwellings;
- b. A total of 445 residential dwelling units within the Rancho Penasquitos Community Plan area consisting of 103 detached single-family dwellings and 342 multi-family dwellings;
- c. Within the Torrey Highlands Subarea Plan area, a total of 250,000 square-feet of commercial space within a major commercial center with five major buildings, shop structures and six pads for single users (including drive-thrus);
- d. Within the Rancho Penasquitos Community Plan area, a total of 7,200 square-feet of space for a gasoline service station/mini-mart (under the Conditional Use Permit) and a lube and oil change facility;
- e. A total of 273,855 square-feet for a self-storage facility;
- f. Landscaping (planting, irrigation and landscape related improvements);
- g. Off-street parking facilities for all uses, including parking structures for the multi-family developments;
- h. A private passive use park within Development Area 3b, pedestrian pathways, retaining walls, decorative walls and fences, security and decorative lighting, private recreational areas within the multi-family development areas, commercial and residential identification signage; and
- i. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the

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adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in

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substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. This Permit shall become effective with the effective date of the corresponding rezone adoption and recordation of this Permit as required in Condition No. 3 above.

11. Rezoning of the subject property shall become effective upon recordation of the corresponding final subdivision map(s) for that area.

12. This Conditional Use Permit [CUP] and corresponding CUP related use of this site shall expire on March 30, 2024. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

13. Prior to the expiration date of this CUP, the Owner/Permittee may submit a new CUP application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

14. The utilization of this CUP is contingent upon the subsequent approval, by the State of California Alcohol Beverage Control Board [ABC] of a license to sell alcohol at this location. The issuance of the CUP does not guarantee the granting of a license by the ABC to sell alcohol at this location.

15. This Permit may be developed in phases. Each phase shall be constructed to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved exhibits, dated March 30, 2004).

16. At all bus stops within the project area, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with

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Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

GEOLOGY CONDITIONS:

17. Prior to issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Work Order and Drawing Numbers. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

18. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

19. As conditions of Vesting Tentative Map, Planned Development Permit No. 53203, Site Development Permit No. 53204 and Conditional Use Permit No. 53205, the mitigation measures specified in the MMRP, and outlined in the Environmental Impact Report, Project No. 3230 (SCH No. 2002121089) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

20. The Owner/Permittee shall comply with the MMRP as specified in the Environmental Impact Report, Project No. 3230 (SCH No. 2002121089, satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Transportation/Circulation
- Noise
- Historical Resources
- Aesthetics/Visual Resources/Community Character
- Hydrology/Water Quality
- Geotechnical Conditions
- Paleontological Resources
- Utilities
- Public Services and Recreation

21. The MMRP shall require a deposit of \$10,000.00 to be collected prior to the issuance of PDP No. 53203, SDP No. 53204, and CUP No. 53205 to cover the City's costs associated with implementation of the MMRP.



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22. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

MULTIPLE SPECIES CONSERVATION PROGRAM [MSCP]
REQUIREMENTS:

23. Third Party Beneficiary Status: The issuance of this Permit by the City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. Section 1531 et seq.). In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the MSCP, the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

24. MSCP Compliance: The applicant shall comply with the MMRP as specified in the Final Environmental Impact Report for the "Rhodes Crossing Project" (Project No. 3230, SCH No. 2002121089), satisfactory to the City Manager and the City Engineer, for the following issues areas to ensure compliance with the MSCP:

Biological Resources
 Hydrology/Water Quality.

In addition, the following condition shall apply to ensure compliance with the City's MSCP Land Use Adjacency Guidelines (Section 1.4.3 of the City's MSCP Subarea Plan [March 1997]):

- a. Fencing: Prior to issuance of any building occupancy permits, a combination of block wall, chain link, wrought iron and peeler pole fencing shall be constructed along the perimeter of all on-site vernal pool/resource preserve areas and areas adjacent to the Multiple Habitat

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Planning Area [MHPA] in conformance with the approved Wall and Fencing Plans (Sheet 39 of 105 [October 13, 2003]), satisfactory to the City Manager and the City Engineer. Any proposed changes to the proposed size, location or type of fence shall be approved by the City Manager prior to issuance of occupancy permits. All preserve fencing shall be located on the subject premises and maintained by the Owner/Permittee in perpetuity. Any necessary future fence repairs shall be conducted by the Owner/Permittee in a manner which does not result in impacts to the MHPA, sensitive biology resource or wildlife movement.

- b. Revegetation: Prior recordation of the first final map and/or issuance of any grading permits, the applicant shall prepare a final revegetation plan for the on-site vernal pool perimeter planting areas, as shown on the approved landscape plans, to the satisfaction of the City Manager in accordance with the City's Landscape Regulations (Chapter 14, Article 2, Division 4 of the City's Land Development Code).

25. MHPA Conveyance: Prior to conveyance of any on-site land to the City for MHPA or other biological/open space management purposes, in fee or otherwise, all subject areas shall be approved by the City Manager in coordination with appropriate City Departments. The final maps shall clearly show, with acreages and method of conveyance, all areas proposed to be conveyed to the City for MHPA or other biological/open space management purposes. Any land conveyed to the MHPA shall be either fee title to the City, or via a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. Conveyance of any MHPA land in fee to the City shall require approval from the Deputy Director of the Park and Recreation Department Open Space Division and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes; these features shall have conservation easements recorded over them if accepted into the MHPA, with maintenance and management responsibilities retained by the Owner/Permittee unless otherwise agreed to by the City.

26. Habitat Management Plan: Prior to recordation of the first final map and/or issuance of any grading permits, the Owner/Permittee shall prepare a Final Habitat Management Plan for the approved Rhodes Crossing tentative map to the satisfaction of the City Manager in coordination with appropriate Departments, including Development Services and Planning. The Final Plan shall be prepared in substantial conformance with the Draft Habitat Plan (Helix Environmental Planning, Inc. August 1, 2003). All costs associated with plan preparation and long-term management of the on-site preserved areas shall be the responsibility of the Owner/Permittee or its designated representative. The entity/designee selected by the Owner/Permittee to manage the on-site preserved lands shall be acceptable to the City

AFFORDABLE HOUSING REQUIREMENTS:

27. Residential units on the following lots shall be subject to the Affordable Housing requirement for Subarea IV, which requires 20% of the pre-density bonus units be

provided to families earning no more than 65% of the area median income: Unit 1 – Lots 95, 96, 101, & 102; Unit 2 – Lots 178 and 179; Unit 4 - All 242 multiple dwelling units; Unit 6 - Lots 1 - 26 and Lot 28; and Unit 8 - Lots 70-83.

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28. Prior to the filing of the first final map, Subdivider shall comply with the requirements of the Torrey Highlands Subarea Plan, which requires that the Rhodes Crossing Project provide 20% of the project's pre-density bonus units be affordable to persons at 65% of the area median income [Affordable Housing Requirements] by satisfaction of the requirements of subparagraph A., below:

A. Subdivider shall assure the construction and occupancy of an "Affordable Housing Project" consisting of forty-seven units to be constructed on Lot 122 of Unit 4, as shown on the Tentative Map. Subdivider shall execute an agreement [Affordable Housing Agreement], subject to the approval of the Executive Director of the Housing Authority of the City of San Diego, or designee, and the City Manager of the City of San Diego, or designee, addressing the following issues:

1. Performance Security for the construction of Affordable Housing Project and dedication of land [Affordable Housing Site] for the construction of the Affordable Units [Affordable Units] on site, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the Executive Director of the Housing Authority of the City of San Diego, or designee [Executive Director];

2. Approval of the timing of the construction and occupancy of the Affordable Housing Project, acceptable to the Executive Director, provided that the following timetable is incorporated into the Affordable Housing Agreement:

a. the issuance of building permits for the Affordable Project shall occur on or before the earlier of:

(i) the issuance of building permits for construction of the 121st market rate dwelling unit (number of units which represents 50% of market rate units); or, the date which is twenty-four months after the filing of the first final map;

(ii) In no event shall the issuance of building permits for the construction of the 121st market rate dwelling unit occur until building permits for construction of the forty-seven affordable units are authorized by the City and are obtained by the Subdivider. Further, if individual parcels are sold initially by Subdivider without first obtaining building permits for construction of market rate units, every such parcel sold shall nonetheless be included with the total number of the building

permit issued, in determining when the issuance of the building permit occurs for the 121st and 181st or greater, market rate unit.

b. Completion of construction of the Affordable Project shall occur upon the earlier of:

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(i) Eighteen months after the issuance of building permit for the Affordable Project as referenced in Paragraph 2a hereof; or

(ii) Three and one-half years after the filing of the first final map.

Further, the Subdivider is proposing to build a single project on Lot 122, of Unit 4, to include the Affordable Units and up to 195 multifamily, market units. Under this proposal the Affordable Units and the 195 multifamily, market units must be completed and occupied concurrently.

If the Affordable Units and 195 multifamily, market units are built as separate projects, the issuance of building permits for the construction of the 181st market rate unit (number of units which represents 75% of market rate units) shall not occur until the completion of the forty-seven affordables units is authorized by the City.

c. Occupancy of the Affordable Project shall occur not later than 180 days after the completion of construction as referenced in Paragraph 2.b. above.

d. For "good cause" shown to the satisfaction of the Executive Director, the dates referenced herein may be extended for one or more period(s) of up to twelve months, each. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the Executive Director, in his/her sole discretion. Extensions for good cause shall not be unreasonably withheld.

3. A Declaration of Covenants, Conditions and Restrictions [Declaration], restricting the occupancy and affordability of the Affordable Project for a period of fifty-five years from the date of completion of the Affordable Project, which Declaration shall incorporate the Affordable Housing Agreement by reference, shall be recorded against the Affordable Housing Sites on Lot 122, in a first priority position. All Affordable Units shall be for occupancy by and at rates affordable to, families earning no more than 65% of the Area Median Income, as adjusted for family size and utilities. However, in the case of affordable rental units, in which provisions of the

State Density Bonus Statute (Government Code section 65915) applies, rental rates shall not exceed 60% of the Area Median Income, as adjusted for assumed family size and utilities.

4. Additional security for the performance by the Subdivider of the Affordable Housing Requirements shall be provided by a deed of trust in favor of the Executive Director, recorded against the Affordable Housing Site, in second lien priority, (junior only to the Declaration) assuring the timely performance of the Agreement referenced in Paragraph A, hereof. The deed(s) of trust in favor of the Housing Authority may be subordinated to construction deed(s) of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the Executive Director, in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Project, upon such terms and conditions as she/he may impose. Subordination of the deed(s) of trust in favor of the Housing Authority shall not be unreasonably withheld.
5. Such other and further conditions as may be reasonably required by the Executive Director to assure satisfaction of the Affordable Housing Requirements, and such modification of existing condition(s), as may be granted by the Executive Director in her/his sole discretion.
6. Subdivider, and their successors, heirs and assigns shall execute such other and further documents and shall perform such acts, as shall be requested by the Executive Director and the City Manager and as may, from time to time, be required to effectuate the provisions of Affordable Housing as contemplated by these condition(s) of approval.

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The Rhodes Crossing Project Affordable Housing Program is attached to these Permit conditions and on file in the Office of the Development Services Department and is incorporated herein. The provisions of the Affordable Housing Program shall not in any way modify or change any provisions of the Affordable Housing requirements. To the extent that there is any inconsistency between the two, the terms of the condition shall prevail.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

29. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan on file in the Office of the Development Services Department
30. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."
31. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire



Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. section 55.0888.0201, the Landscape Standards and the Land Development Code section 142.0412 (Ordinance No. 18451).

32. All properties associated with this permit are located east of Interstate 805. Those properties adjacent to highly flammable, native or naturalized vegetation shall therefore be required to implement a Brush Management Program with the following Zone dimensions as shown on Exhibit "A:"

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Site 8: Lot 70 – Modified Zone One of 55-feet along west property-line
 Lots 71-74 – Modified Zone One of 50-feet, inclusive of Street 'F'
 Lots 78-80 – Modified Zone One of 55-feet along west and south property lines
 Lot 82 - Zone One 30-feet and Zone Two 40-feet along north property-line
 Lot 83 – Zone One 30-feet and Zone Two 40-feet along north property-line and Modified Zone One of 55-feet along west property-line

Site 9: Lots 85 & 86 - Modified Zone One of 50-feet, inclusive of Street 'G'
 Lots 87 and 88 - Modified Zone One of 55-feet, inclusive of Street 'G'

33. The construction documents shall conform to the architectural features as described in LDC section 142.0412(d).

34. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc) are not permitted, while non-combustible accessory structures with a minimum fire rating of one hour or more may be allowed subject to Fire Marshall and the City Manager's approval.

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

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

37. Prior to final inspection and the issuance of any Certificate of Occupancy for any building subject to brush management, the approved Brush Management Program shall be implemented.

38. The Brush Management Program shall be maintained at all times in accordance with the Land Development Manual - Landscape Standards.

FIRE REQUIREMENTS:

39. Residences constructed on Lots 35 and 36 on Proposed Street 'C' shall be equipped with a residential fire sprinkler system satisfactory to the Fire Marshal.

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ENGINEERING REQUIREMENTS:

40. Not more than 40% of the property frontage on each residential lot may be allocated to driveway curb opening.

41. Prior to the issuance of any building permit, the applicant shall design the proposed project to accommodate the SR-56 freeway, satisfactory to the City Engineer.

42. To prevent vehicles from encroaching onto the sidewalk, the minimum driveway length behind the property line is 20 feet or 18 feet with roll-up garage doors.

43. The applicant shall provide appropriate traffic mitigation measures to reduce the through traffic on Sundance Avenue, satisfactory to the City Engineer.

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44. Prior to the issuance of any building permit in Torrey Highlands Subarea IV, the project shall conform to the Torrey Highlands Subarea IV Transportation Phasing Plan in the Public Facilities Financing plan.

45. The applicant shall prepare and incorporate a Transportation Demand management plan

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46. The commercial parking requirements are as follows:

- a. Commercial North: 250,000 s.f. x 1 space/200 s.f. = 1,250 spaces
- b. Commercial South: 2 + 1 space/333 s.f. x 7,200 s.f. = 23 spaces

The proposed twenty-three parking spaces for the Commercial South area and the proposed 1,252 parking spaces for the Commercial North area are adequate.

47. The parking requirements for the multi-family Sites are as follows:

- a. Multi-residential Site 3 (342 units): Minimum parking requirement is 633 parking spaces. The proposed 633 spaces are adequate.
- b. Multi-residential Site 4 (242 units): Minimum parking requirement is 441 parking spaces. The proposed 441 spaces are adequate.

48. Lots A, B, C, D, H, I, L, M, P, Q, R, S, W, T, Y, Z, AA, AB, and Lots 89, 90, 91, 92, 93 and 94 (as shown on VTM Exhibit dated December 1, 2003, Sheet 15 of 104) shall have Open Space Easements and be owned and maintained by the Home Owners Association.

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49. Lots E, F, G, J, K, N, O, U, V, and X shall have Building Restricted Easements and be owned and maintained by the Home Owners Association.


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50. The Open Space Division WILL NOT accept in fee those lots with vernal pools.

LANDSCAPE REQUIREMENTS:

51. No change, modification, or alteration shall be made to the Project unless appropriate application or amendment of this Permit shall have been granted by the City.

52. Prior to issuance of any grading permits, construction documents for the revegetation and hydros seeding of all disturbed land consistent with the Land Development Manual - Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance to Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. Owner/Permittee shall complete erosion control measures, including planting and seeding of all slopes and pads, within ninety days of the completion of grading or disturbance.



53. Prior to issuance of any building permits, complete landscape and irrigation construction documents consistent with the Land Development Manual - Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

54. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

55. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

56. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements consistent with the Land Development Manual - Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for acceptance by the City Manager. Owner/Permittee voluntarily waives any right to protest the creation of a Landscape Maintenance District.

57. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired or replaced by the Owner/Permittee in kind and equivalent size per the approved plans within thirty days of completed construction. Replacement size of plant material after three years shall be equivalent to the size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

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PLANNING/DESIGN REQUIREMENTS:

58. No fewer than 1,275 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Additionally, eleven off-street parking spaces shall be maintained for the self-storage facility. Multi-family parking requirements are described in Condition No. 47 of this permit. All detached single-family dwelling units shall maintain a minimum of two off-street parking spaces per residence and on the same lot as the dwelling. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

59. A proposed Private Park, for passive use, is located adjacent to Area 3a. The grading for the park shall not impact the watershed for the adjacent vernal pools. Plans shall be submitted to the Development Services Department that indicate grading will not conflict with the existing watershed as shown in the Environmental Impact Report, to the satisfaction of the Director of the Development Services Department.

60. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

61. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

62. 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 Permittee.

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63. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

64. No building additions, including patio covers, shall be permitted unless approved by the homeowners association (if there is one) and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

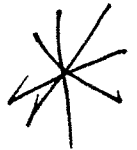
65. The architecture for each structure/tenant in the Regional Commercial Shopping Center shall substantially conform to the style, level of detail, facade articulation, and roofline variation identified in the architectural Exhibits "A" in order to provide a center that maintains a unified design theme that complements the community character.

66. The builder shall make available for residential units information on energy efficient appliances and technology in its marketing materials and within its sales office. Copies of the marketing materials shall be provided to the City Manager prior to issuance of building permit.

67. The builder shall either provide, or offer as an option, alternative energy technologies to be incorporated into the residences during construction. The provision of, or option for, the alternative energy shall be identified in the marketing materials that are provided to the City Manager prior to issuance of building permit.

68. Prior to issuance of building permits for the buildings identified as Majors 1, 2, 3, 4 and 5, the applicant shall demonstrate that the buildings incorporate daylighting as a method of reducing energy consumption. Daylighting is the use of direct, diffuse, or reflected sunlight to provide full or supplemental lighting for building interiors.

69. The following residential lots, which will be incorporated into the Rancho Penasquitos Community Planning Area, shall remain subject to all applicable terms and conditions approved by the November 5, 1996 ballot Proposition "H" which approved the Torrey Highlands Subarea Plan: residential lots 95, 96, 101, 102 (in Unit 1), residential lots 178 and 179 (in Unit 2), residential lots 26 and 28 (Unit 6) and residential lots 70 through 83 inclusive (Unit 8).



70. The following residential lots, which will be incorporated into the Rancho Penasquitos Community Planning Area, shall remain subject to the Facilities Benefit Assessment for Torrey Highlands as approved by the November 5, 1996 Ballot Proposition "H": residential lots 95, 96, 101, 102 (in Unit 1), residential lots 178 and 179 (Unit 2), residential lots 26 and 28 (Unit 6) and residential lots 70 through 83 inclusive (Unit 8).



71. The Area of Benefit for Torrey Highlands shall remain unchanged and reflect that area approved by the November 5, 1996 Ballot Proposition "H."



72. A Process Two Substantial Conformance Review [SCR] application shall be submitted and approved prior to issuance of Building Permits for single dwelling units

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(model units included). If multiple builders are involved, each builder shall be required to submit their own Process Two SCR. The SCR shall be provided to the Rancho Penasquitos Planning Board for review. The SCR shall be reviewed by the Development Services and Planning Departments for conformance with Rhodes Crossing Design Guidelines, the Rancho Penasquitos Community Plan, and the Torrey Highlands Subarea Plan, and PDP No. 98-0559.

73. A 5-foot wide, permanently non-gated pedestrian/bicycle connection (access way) shall be provided to connect the southern end of Senda Panacea to Unit 2.

74. Any entry signs proposed for the private park will be consistent with those used in Rancho Penasquitos.

75. The proposed private park, which is located on privately owned land, shall be available for public use for the hours of 8:00 a.m. to sunset daily, unless extended by the property owner.

76. All personnel involved in the sale of alcoholic beverages at the gas station/mini-mart shall be required to participate in the Alcoholic Beverage Control Department's Licensee Education on Alcohol and Drugs [LEAD] Program prior to working in the mini-mart.

77. Advertisements for alcoholic beverages shall only be visible from within the gas station/mini-mart. No Advertisements for alcoholic beverages shall be visible from outside of the building.

78. No beer or malt beverage products shall be sold at the gas station/mini-mart in less than six pack quantities, per individual sale. The sale of single quarts (32 oz.), 40 oz., or similar containers is expressly prohibited. No wine coolers, splits, or similar beverages shall be sold in less than four pack quantities, per individual sale.

79. Hours of operation for the gas station/mini-mart/vehicular use facility and corresponding sale of alcoholic beverages, shall be limited to 6:00 a.m. to 11:00 p.m. daily.

80. Any request for a substantial conformance for the proposed gas station, mini-mart, and vehicular use facility, shall be processed as a Process Two and shall be routed to the Rancho Penasquitos Community Planning Board.

81. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A"); or
- b. Citywide sign regulations.

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82. For the multi-family residential, commercial retail and self-storage commercial development and gas station (excludes single-family residential development areas), the following shall apply:

- a. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.
- b. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the outer boundary of the multi-family, commercial retail, gas station site and self-storage commercial development area boundaries. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

83. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

84. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

85. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

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86. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers, and latticework.

87. No merchandise, material, or equipment shall be stored on the roof of any building.

88. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

89. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

90. The commercial regional center shall contain no single tenant greater than 75,000 gross square-feet of area.

91. Any grocery store located within the commercial regional center shall be required to be located within major 2 (the building on the east portion of the site closest to Carmel mountain road) in order to be closer to existing and proposed residential development.

WASTEWATER REQUIREMENTS:

92. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

93. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned.



94. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department.

95. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

96. Per State of California Regulations, adequate separation must be maintained between the sewer main and all other wet utilities. Sewer mains will be no closer than 10'

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edge to edge from any other utility, structure, or hardscape (curbs, medians, planters, retaining walls, etc.).

WATER REQUIREMENTS:

97. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of the public water facilities, both potable and reclaimed, identified in the accepted water studies, necessary to serve this development, in a manner satisfactory to the Director of the Water Department and the City Engineer, maintaining redundancy throughout phasing of construction. At no time shall public water facilities with services be located within any paved travel ways less than 24-feet wide.

98. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of the Water Department and the City Engineer. If reclaimed water is not yet available, then the irrigation system shall be designed in such a manner as to accept reclaimed water when available and avoid any potential cross connections.

99. The Owner/Permittee shall install encroachment water services, to serve each unit or building with less than 40 feet of frontage on public water facilities or less than ten feet curb to property line distance, in a manner satisfactory to the Director of the Water Department and the City Engineer. All water meters shall be installed behind full height curb and outside of sidewalks or any vehicular travel way including driveways.



100. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of private back flow prevention device(s) on each water service within the development, in a manner satisfactory to the Director of the Water Department and the City Engineer.

101. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer. Any proposed fire hydrant installation not conforming to Water Department standards for public fire hydrants, shall be private.

102. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide a letter, to the Development Project Manager, agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single lot or condominium unit.

103. Prior to the issuance of any building or engineering permits, except grading, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

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104. Prior to the issuance of any building permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable encroachments of structures, private utilities or landscaping into any easement containing public water facilities. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

105. Prior to the issuance of any certificates of occupancy, the public water facilities, including fire hydrants, necessary to serve this development, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

106. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide keyed access to Water Operations Division, in a manner satisfactory to the Director of the Water Department, on each gate located within any easement containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.

107. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," shall be modified at final engineering in accordance with accepted studies and standards. Parallel water facilities shall have a minimum separation of 20 feet.

108. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the Director of the Water Department and the City Engineer, will become off-site improvements required for this development.

109. In the event that "wetlands deviation" rules are adopted by the City Council, the applicant may apply to 'take' the existing Vernal Pool located directly behind the plaza between commercial Major 1 and Major 2, to allow for an expanded park plaza as noted in the rendering titled 'Alternative B' submitted by the applicant at the City Council hearing on March 30, 2004. The application shall be a Process 2 decision which requires community notification and mitigation for the loss of this Vernal Pool shall include credit for the loss of Lots 89-94, as shown on the Vesting Tentative Map, "Exhibit "A," dated December 1, 2003.

110. Should the applicant desire to cluster Major Pads A, B, C, D, and E, in order to create an improved streetscape, a Process 2, Substantial Conformance Review shall be required.

ORIGINAL

9103

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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.
- The attached text of an "Extraordinary Benefits Agreement" entered into by the project applicant, Mr. Keith Rhodes, and the Rancho Penasquitos Community Planning Board, is for information only and the City of San Diego is not a party to this agreement and only acknowledges its existence. ?
- The attached text of a letter from Mr. Michael Beck, Endangered Habitats League, dated March 28, 2004, is also for informational purposes.

APPROVED by the City Council of the City of San Diego on March 30, 2004,
R-299052.

Cor.Copy
09/15/04

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AUTHENTICATED BY THE CITY MANAGER

By _____

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

KEITH B. RHODES,
Trustee, Keith B. Rhodes Living Trust
Owner/Permittee

Catherine G. McFarland



By *Keith B. Rhodes*

KEITH B. RHODES,
Trustee, John W. Grus Living Trust
Owner/Permittee

By *Keith B. Rhodes*

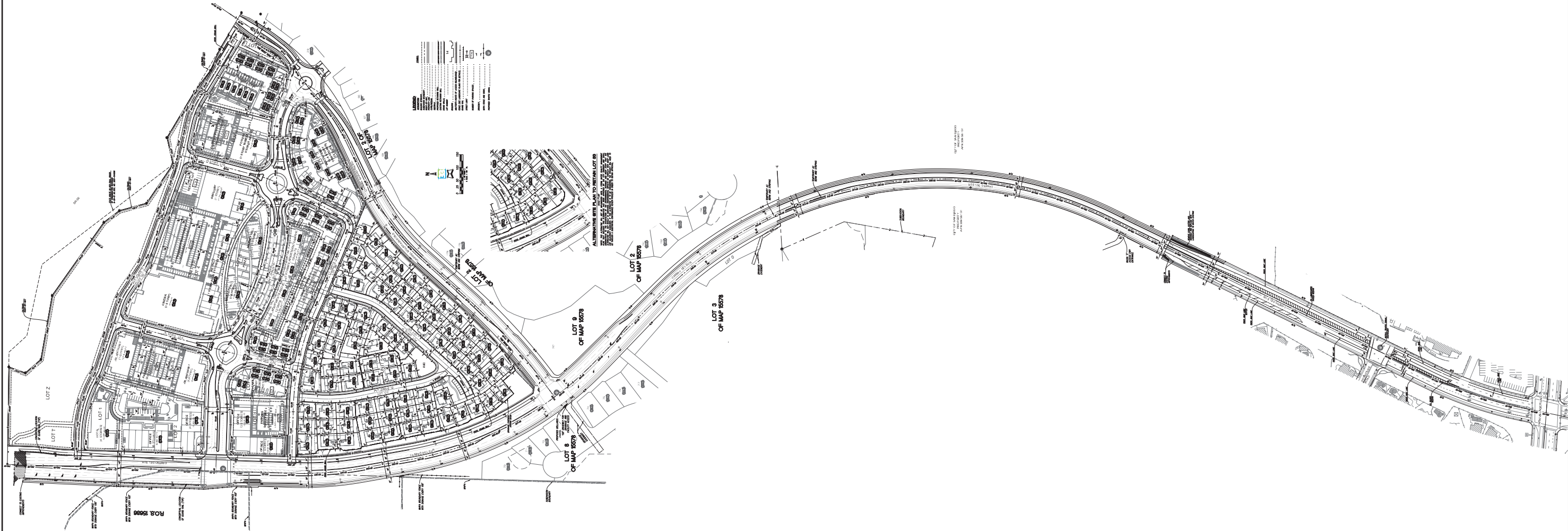
FIELDSTONE COMMUNITIES
a California Corporation
Owner/Permittee

By *[Signature]* **Andrew Murphy**
Division President

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

By: *[Signature]*

Anna L. Scott
Assistant Secretary



May 3, 2016

Mr Jeffrey Peterson
City of San Diego
Development Services Department
1222 First Avenue
San Diego, California 92101

Re: Airport Land Use Commission Consistency Determination
Community Plan Amendment and Zone Reclassification for construction of office,
commercial, and residential units at Camino del Sur at Carmel Mountain Road and
State Route 56, City of San Diego

Dear Mr Peterson:

As the Airport Land Use Commission (ALUC) for San Diego County, the San Diego County Regional Airport Authority acknowledges receipt of an application for a determination of consistency for the project described above, located within Review Area 2 of the Airport Influence Area (AIA) of the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP).

ALUC staff review of your application and accompanying information indicates that a determination of consistency with the ALUCP is not required. According to the ALUCP, ALUC review of projects within Review Area 2 is only required if the project proposes construction within a High Terrain Zone; the project has been determined to be a hazard to air navigation by the Federal Aviation Administration (FAA); and/or the project contains an attribute that would create a hazard to aircraft in flight (e.g., glare/glint, distracting lighting, electromagnetic interference, dust/smoke/vapor production, thermal plumes, or bird attractants). None of these characteristics is present in the project as per its scope of work and plans, and, therefore, no ALUC action is required.

Thank you for consulting the ALUC in this matter. Please contact Ed Gowens at (619) 400-2244 if you have any questions regarding this letter.

Yours truly,



Angela Jamison
Manager, Airport Planning

cc: Amy Gonzalez, SDCRAA General Counsel
Ron Bolyard, Caltrans Division of Aeronautics
Chris Schmidt, Caltrans, District 11
Vickie White, City of San Diego
Juan Lias, MCAS Miramar

CITY COUNCIL RESOLUTION NO. _____
PLANNED DEVELOPMENT PERMIT NO. 1266871
SITE DEVELOPMENT PERMIT NO. 1266883
CONDITIONAL USE PERMIT NO. 1266881
MERGE 56 PROJECT NO. 360009 [MMRP]
(AMENDING PLANNED DEVELOPMENT PERMIT NO. 53203, SITE DEVELOPMENT
PERMIT NOS. 53204, 3278 AND 40-0386, CONDITIONAL USE PERMIT NO. 53205)

WHEREAS, SEA BREEZE 56, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit, Site Development Permit and Conditional Use Permit to develop a mixed-use development and construct public roadway improvements known as the Merge 56 project. The combined 72.34-acre site is located south of State Route 56, between Camino Del Sur and Black Mountain Road in the CR-2-1 (Commercial-Regional) and RM-3-9 (Residential-Multiple Unit) zones which are proposed to be rezoned to the CC-3-5 (Commercial-Community) and RX-1-2 (Residential-Small Lot) zones of the Torrey Highlands Subarea Plan area. The project site is legally described as Lots 4, 5 and 10 of Rhodes Crossing, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15578, filed in the Office of the County Recorder of San Diego County, July 11, 2007; and

WHEREAS, on February 22, 2018, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881, and pursuant to Resolution No. _____-PC voted to recommend City Council approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881:

A. PLANNED DEVELOPMENT PERMIT [SDMC Section 126.0605]

1. Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The Merge 56 development site is located in the north-central portion of the City. The property is situated in the communities of Del Mar Mesa, Torrey Highlands, and Rancho Peñasquitos, immediately adjacent to the State Route 56 (SR-56) right-of-way. The Merge 56 development project (Project) consists of two components, a mixed-use development and the public roads that adjoin the proposal. The Project would implement a General Plan Amendment (GPA) to redesignate portions the development site to a Multiple Use designation, and a Community Plan Amendment (CPA) to redesignate portions the development site to a local mixed-use center (LMXU) designation. The Project includes a Rezone for portions of the development site to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2) to make the project site consistent with its proposed land use designation.

The development component of the project would consist of a LMXU containing commercial, office, hotel and residential uses on the 41.34-acre, triangular-shaped property. The project would allow for construction of 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores, and pedestrian-oriented shops and stores including restaurants and civic uses.

The residential component of this project provides a portion of the housing needs within the community with 242 multi-family units concentrated in the heart of the LMXU center. The higher density units situated in the core of the community, and combined with the commercial retail and office uses, form a mixed-use and pedestrian-oriented development located along the regional transit system. The project utilizes design components that facilitate pedestrian orientation, such as a modified grid system, diagonal and parallel street-side parking, a pedestrian village green and market square.

Multi-family housing and mixed-use residential units shall be interspersed with ground floor commercial as envisioned in the Torrey Highlands Subarea Plan. Residential density should decrease as the distance from the commercial center increases. Trails and pedestrian links to residential areas are required to be integrated with the commercial center. Although located near the freeway, the LMXU is not intended to be a freeway-oriented commercial development with dedicated freeway access. The existing LMXU in the Torrey Highlands Subarea Planning area, Torrey Highlands Village Center, is situated northwest of the SR-56/Camino Del Sur interchange and the project site. The Merge 56 Development Project would create a second mixed use center in the vicinity of SR-56.

Furthermore, the project includes two important major roadway elements which will serve the area. Camino Del Sur and Carmel Mountain Road will be extended as planned with the approval of this Project. Design of the roadways include a bus transit and bike lane that would provide local and regional access to the surrounding properties and local community.

The Project has been designed to comply with the regulations of the Land Development Code (LDC); however, to implement the Project will require deviations. The deviations are necessary to allow the site to be developed with commercial, townhomes, and single-family dwelling units consistent with the intent of the Torrey Highlands Subarea Plan as outlined within Planned Development Permit Finding (A)(1)(c), listed below. Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site, provide a more cohesive community appearance, allow for adequate site circulation and overall functionality of the project, avoid impacts to federal jurisdictional waters while providing adequate conveyance and discharge of stormwater runoff from the public roadways. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the LDC. Therefore, with the adoption of the GPA, CPA, and Rezone, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. An Environmental Impact Report (EIR) No. 360009/SCH No. 2014071065, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts which would be significant and unmitigated related to Transportation/Circulation.

The Project has been designed to comply with the regulations of the LDC; however, to implement the Project will require deviations. The deviations are necessary to allow the site to be developed with commercial, townhomes, and single-family dwelling units consistent with the intent of the Torrey Highlands Subarea Plan as outlined within Planned Development Permit Finding (A)(1)(c), listed below. Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and would not be detrimental to the public health, safety, and welfare.

The permit for the Project includes various conditions and referenced exhibits relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881 amendment to Planned Development Permit No. 53203 Site Development Permit Nos. 53204, 3278 and 40-0386, and Conditional Use Permit No. 53205, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

c. 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 consists of two components, a mixed-use development and the public roads that adjoin the proposal. The Project would implement a GPA to redesignate portions the development site to a Multiple Use designation, and a CPA to redesignate portions the development site to a LMXU designation. The Project includes a Rezone for portions of the development site to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2) to make the project site consistent with its proposed land use designation.

The Project has been designed to comply with the regulations of the LDC; however, to implement the Project will require deviations. The deviations are necessary to allow the site to be developed with commercial, townhomes, and single-family dwelling units consistent with the intent of the Torrey Highlands Subarea Plan. The following table is a matrix of the proposed deviations:

Deviations Summary			
Deviation Description	Deviation from SDMC	Required	Proposed
CC Zone Front Yard Setback for Unit 10 Lots 1-5 and 7	Section 131.0531 and Table 131-05E	Maximum 10 feet	Varies from 11-25 feet
CC Zone Front Yard Setback for Unit 4 Lots 1, 2 and 5	Section 131.0531 and Table 131-05E	Maximum 10 feet	Varies from 15-29 feet
CC Zone Side Yard Setback for Unit 10 Lot 1-5 and 7	Section 131.0531 and Table 131-05E	Minimum 10 feet or 0 feet	Varies from 6.5-35 feet
CC Zone Side Yard Setback for Unit 4 Lots 1, 2 and 5	Section 131.0531 and Table 131-05E	Minimum 10 feet or 0 feet	Varies from 10-15 feet

Deviations Summary			
Deviation Description	Deviation from SDMC	Required	Proposed
RX Zone Front Yard Setback for Unit 5 Lots 27, 32, 33, 35, 36, 38, 42, 43, 48, 49, 54, 55, 61	Section 131.0431 and Table 131-04E	Minimum 15 feet	Varies from 7–26 feet
RX Zone Rear Yard Setback for Unit 5 Lots 8, 9, 14, 15, 20, 21, 26, 27, 32, 33, 38, 42, 43, 48, 49, 54, 55, 61	Section 131.0431 and Table 131-04E	Minimum 10 feet	Varies from 4–21 feet
Ground Floor Restriction for Unit 4 Lots 2, 4 and 5 and Unit 10 Lot 7	Section 131.0540(c)	Residential uses and residential parking not allowed within the front 30-feet	Allow residential uses and residential parking within the front 30-feet
Retaining Wall Height Outside of Required Yards for Retaining Wall No. 21, 22, 27, 31, and 32	Section 142.0340(e)	Maximum 12-foot retaining wall allowed	Varies from 14–25 feet

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site, provide a more cohesive community appearance, allow for adequate site circulation and overall functionality of the project, avoid impacts to federal jurisdictional waters while providing adequate conveyance and discharge of stormwater runoff from the public roadways. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the LDC.

B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. As outlined within Planned Development Permit Finding (A)(1)(a), listed above, with the adoption of the GPA, CPA, and Rezone, the proposed development, including any potential impacts to environmentally sensitive lands (ESL) as outlined in Site Development Permit (SDP) Findings (B)(2)(a-f) below, would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. As outlined within Planned Development Permit Finding (A)(1)(b), listed above, the proposed development, including any potential impacts to ESL as outlined in SDP Findings (B)(2)(a-f) below, would not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. As outlined within Planned Development Permit Finding (A)(1)(c), listed above, with the approval of the requested deviations, the proposed development, including any potential impacts to ESL as outlined in SDP Findings (B)(2)(a-f) below, is in conformance with the applicable regulations of the LDC.

2. Supplemental Findings--Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The Project site, including the rights-of-way (ROW) for two Circulation Element roads, contains ESL in the form of sensitive biological resources and steep slopes (only along the Camino Del Sur ROW). No coastal beaches, sensitive coastal bluffs, or 100-year floodplains exist or will be affected by the project. In accordance with the ESL Regulations, an Site Development Permit is required due to project impacts to sensitive biological resources and steep slopes.

EIR No. 360009/SCH No. 2014071065, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts which would be significant and unmitigated related to Transportation/Circulation.

Regarding sensitive biological resources, the Project will provide mitigation for any indirect or direct impacts to ESL. The Project involves wetland impacts that would be mitigated in-kind and achieve a no net loss of wetland function and value, as required in the City Biology Guidelines. The Project further will comply with the following mitigation ratios from the Biology Guidelines: Tier I: mitigation ratios range from 1:1 to 2:1; Tier II: (1:1 to 1.5:1); Tier IIIA: (0.5:1 to 1:1); Tier IIIB: (0.5:1 to 1:1); Tier IV: Disturbed, agricultural, and eucalyptus (0:1) Mitigation for direct impacts to upland vegetation communities shall be accomplished through acquisition of suitable habit, purchase of mitigation credits in an approved mitigation bank, or a combination thereof.

Deviations from the ESL Regulations are required due to unavoidable impacts to wetlands. The project will qualify for deviations under the Biologically Superior Option (BSO) for the Mixed-Use Development component and under the Essential Public Project (EPP) Option for the public roads component of the project. The Mixed-Use Development component of the project will qualify for ESL deviations under the BSO because it would result in a biologically superior resource once mitigation is complete. The public roads component will qualify for deviations under the EPP Option because all direct and indirect impacts will be minimized, to the extent feasible, through project design features, compliance with City regulations and/or mitigated through measures.

Within the Project area, the public ROW area consists of approximately 8.7-acres that contains slopes that have a gradient of 25 percent or more. To minimize grading, retaining walls will be used throughout the project site to reduce hillside grading and the horizontal extent of manufactured slopes; however, the construction of Camino Del Sur will encroach into 100 percent of

the steep slopes contained on site and would change the elevation of the existing steep hillsides by more than five feet. This encroachment would be greater than the encroachment allowance outlined in the ESL Regulations for projects outside the Multiple Habitat Planning Area (MHPA) and Coastal Zone. However, as a Circulation Element road, this encroachment is exempted under SDMC Section 143.0142(a). Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to ESL.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Torrey Highlands Subarea and Rancho Penasquitos Community Plans were designed to minimize alterations to natural landforms. Overall, the project would result in substantially more than 2,000 cubic yards (cy) of cut or fill per graded acre and will exceed the 10-foot high significance threshold for manufactured slopes. The public roads component of the project will also result in the disturbance of steep slopes by changing the elevation of steep hillsides by more than five feet. These impacts will be reduced to the extent feasible through the construction of a series of retaining walls. Even with these minimization measures, the impact on existing natural landforms would be considered significant and unavoidable due to the Camino Del Sur extension through hillside terrain along the planned alignment for the road. However, as a Circulation Element road, this encroachment is exempted under SDMC Section 143.0142(a).

The Project's development footprints have been located to minimize erosion, flood, and fire hazards. No floodplains exist on site and proper design features have been incorporated into the site plan, including observance of required setbacks and integration of brush management, to prevent fire hazards. Development will comply with the region-wide erosion control plan, which requires pre- and post-construction measures to prevent erosion and sedimentation of downstream areas. The project will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance; will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. Therefore, the Project has been designed to minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Approximately 2.2 acres of the western edge of the Camino Del Sur ROW occur within the MHPA and will be impacted by the road ROW. ESL outside the MHPA occur adjacent to other elements of the project. The Project contains design features, such as the use of non-invasive plants, water quality BMPs, shielded architectural/overhead lighting, fencing and signage, to protect the adjacent environmentally sensitive lands and will be required through conditions of approval to comply with all MHPA Land Use Adjacency Guidelines as identified in the approved Biological Technical Report and EIR No. 360009/SCH No. 2014071065. No utility lines will intrude upon the MHPA or adjacent ESL; all lines will be within the proposed roadway improvements. In addition, the project is a compatible use within the MHPA as an essential public facility designed in accordance with the roads and utilities guidelines in the Multiple Species Conservation Program (MSCP) Subarea Plan.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. Approximately 2.2 acres

of the western edge of the Camino Del Sur ROW occur within the MHPA and will be impacted by the road ROW, and impacts to the biological resources within the MHPA. Camino Del Sur has a defined alignment for which no feasible alternative exists to avoid the MHPA because of the fixed end points of the roadway and engineering safety standards. However, this project component avoids canyon bottoms in the MHPA and does not substantially interfere with wildlife movement. Section 1.4.2 of the City's MSCP Subarea Plan includes general planning policies and design guidelines that have been applied in the review and approval of development projects within or adjacent to the MHPA. In this case, Camino Del Sur is the only project component within or adjacent to the MHPA and is considered a compatible use within the MHPA. Mitigation will comply with the ratios specified in the City's Biology Guidelines for impacts to sensitive biological resources in the MHPA. The proposed project will be required through conditions of approval to comply with all MHPA Land Use Adjacency Guidelines as identified in the approved Biological Technical Report and EIR No. 360009/SCH No. 2014071065. Therefore, the project is consistent with the MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Project site is located nine miles away from the public beaches and local shoreline, and includes Best Management Practices (BMPs) appropriate for the site. A Storm Water Quality Management Plan would be implemented with the project. EIR No. 360009/SCH No. 2014071065, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts which would be significant and unmitigated related to Transportation/Circulation. Therefore, the project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. EIR No. 360009/SCH No. 2014071065, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts which would be significant and unmitigated related to Transportation/Circulation.

The Project will provide mitigation for any indirect or direct impacts to sensitive biological resources considered environmentally sensitive lands. The proposed project proposed wetland impacts mitigated in-kind and achieve a no net loss of wetland function and value. The project further will comply with the following mitigation ratios (as specified in the City Biology Guidelines): Tier I: mitigation ratios range from 1:1 to 2:1; Tier II: (1:1 to 1.5:1); Tier IIIA: (0.5:1 to 1:1); Tier IIIB: (0.5:1 to 1:1); Tier IV: Disturbed, agricultural, and eucalyptus (0:1). Mitigation for direct impacts to upland vegetation communities shall be accomplished through preservation of suitable habit, purchase of mitigation credits in an approved mitigation bank, or a combination thereof. To minimize grading, retaining walls will be used throughout the project site to reduce steep hillside grading and the horizontal extent of manufactured slopes; however, Camino Del Sur will encroach

into 100 percent of the steep hillsides contained on site and change the elevation of the existing steep hillsides by more than five feet. This encroachment will be greater than the encroachment allowance outlined in the ESL Regulations for projects outside the MHPA and Coastal Zone. However, as a Circulation Element road, this encroachment is exempted under SDMC Section 143.0142(a). Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

3. Supplemental Findings--Environmentally Sensitive Lands Deviations

a. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The proposed alignment of Camino Del Sur is pre-determined by the existing terminal points on the north and south ends of the site and consistent with the planned alignment in the Torrey Highlands Subarea Plan and Rancho Penquitos Community Plan, making it infeasible to shift the alignment to avoid impacts to ESL. The width of the roadway has been reduced from the previously approved design and is the minimum necessary to ensure successful construction and operation of the Circulation Element roadway. In addition, the alignment for the extension of Carmel Mountain Road has been shifted in the project design to avoid existing vernal pool complexes located on the Rhodes Crossing project site.

The Project's mixed use component is located between SR-56 and the proposed Camino Del Sur and Carmel Mountain Road extensions. Impacts to ELS (with the exception of two vernal pools) were addressed in the certified EIR No. 3230/SCH No. 2002121089 for Rhodes Crossing. A change between the Rhodes Crossing project and the current project is that the two vernal pools would now be impacted. If they remained, these pools would be completely surrounded by development (e.g., residential buildings, roads, and commercial development) and would have minimal buffers. Additionally, the City's Vernal Pool Habitat Conservation Plan has not included these isolated pools within its proposed preserve area as it has been recognized by the City and the USFWS that these pools, if preserved, would provide little biological value. Given the small size of the pools and their minimal biological value if preserved within a larger development project. The Project incorporates all feasible mitigation, and avoidance in the current plan would not significantly protect ESL.

b. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. The project would impact wetlands and would, therefore, require deviations from the ESL Regulations. The project qualifies under two of the three options: the Essential Public Projects Option for the Public Roads (i.e., Camino Del Sur) and the Biologically Superior Option for the Mixed-Use Development. The project qualifies for deviations under two of the options in the ESL Regulations: the Essential Public Projects Option for the Public Roads and the Biologically Superior Option for the private, Mixed-Use Development. The Project would qualify for deviations under the Essential Public Projects Option because it meets the criteria specified in the ESL Regulations, and all direct and indirect impacts would be minimized, to the extent feasible, through project design features, compliance with City regulations, and/or mitigated through measures identified in EIR No. 360009/SCH No. 2014071065.

The public roads improvements would implement the City Circulation Elements that have fixed endpoints and must comply with standard road design requirements in the City Street Design

Manual; the improvements would create connections between existing road termini where they do not presently exist. The roadways have been designed to meet vehicular demand and community plan road capacity requirements and current engineering safety standards (e.g., vertical elevation, minimum curve radii and roadway slopes), while providing the minimum road capacity necessary to handle future projected traffic. The road footprints have been designed to avoid direct impacts to off-site vernal pool resources and have been minimized, to the extent feasible, by narrowing the roads to two lanes.

C. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

a. The proposed development will not adversely affect the applicable land use plan. As outlined within Planned Development Permit Finding (A)(1)(a), listed above, with the adoption of the GPA, CPA, and Rezone, the proposed development will not adversely affect the applicable land use plan. The proposed cinema/theater is over 5,000 sf and requires approval of a Conditional Use Permit. The Conditional Use Permit approval process analyzed the project's consistency with the goals, policies and objectives of the City's General Plan and Torrey Highlands Subarea Plan and it would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. As outlined within Planned Development Permit Finding (A)(1)(b), listed above, the proposed cinema/theater as part of the development would not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. As outlined within Planned Development Permit Finding (A)(1)(c), listed above, with the approval of the requested deviations, the proposed cinema/theater as part of the development is in conformance with the applicable regulations of the LDC.

d. The proposed use is appropriate at the proposed location. The Project has been designated as a pedestrian oriented residential, commercial center with office, retail, and restaurant where it is appropriate to locate a cinema in such a location that is freeway and neighborhood close. In addition, Camino Del Sur and Carmel Mountain Road extensions would provide new regional access a the cinema which would allow the existing community to utilize the new cinema, in addition to the new residents. According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores, and pedestrian-oriented shops and stores including restaurants and civic uses, which includes the proposed cinema; therefore, the use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881 is granted to SEA BREEZE 56, LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____.

Attorney name

Deputy City Attorney

Initials~

Date~

Or.Dept: INSERT~

Case No.360009

R-INSERT~

Form=inloto.frm(61203wct)

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: 24004023

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 1266871

SITE DEVELOPMENT PERMIT NO. 1266883

CONDITIONAL USE PERMIT NO. 1266881

MERGE 56 PROJECT NO. 360009 [MMRP]

(AMENDING PLANNED DEVELOPMENT PERMIT NO. 53203, SITE DEVELOPMENT
PERMIT NOS. 53204, 3278 AND 40-0386, CONDITIONAL USE PERMIT NO. 53205)
CITY COUNCIL

This Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881, amendment to Planned Development Permit No. 53203 Site Development Permit Nos. 53204, 3278 and 40-0386, and Conditional Use Permit No. 53205, is granted by the City Council of the City Of San Diego to SEA BREEZE 56, LLC, a Delaware Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604, 126.0504 and 126.0305. The combined 72.34-acre site is located south of State Route 56, between Camino Del Sur and Black Mountain Road in the CR-2-1 (Commercial-Regional) and RM-3-9 (Residential-Multiple Unit) zones which are proposed to be rezoned to the CC-3-5 (Commercial-Community) and RX-1-2 (Residential-Small Lot) zones of the Torrey Highlands Subarea Plan area. The project site is legally described as Lots 4, 5 and 10 of Rhodes Crossing, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15578, filed in the Office of the County Recorder of San Diego County, July 11, 2007.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a mixed-use development and public roadway improvements as further described below and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, 2018, on file in the Development Services Department.

The project shall include:

- a. Construction of a mixed-use development comprised of approximately 525,000 square feet of commercial, office, theater, hotel uses and 242 residential units, as follows:
 - 47 affordable apartment units
 - 19 market rate apartment units
 - 92 townhomes
 - 84 single-family dwelling units

- b. Public roadway improvements for Camino Del Sur and Carmel Mountain Road, and the extension of Camino Del Sur Road;
- c. Construction of associated site improvements including storm drains/detention basins, internal private streets, hardscape, site walls, landscaped common areas, private alleys accessible from internal private drives, and common area; and
- d. Deviations from San Diego Municipal Code (SDMC):
 - 1) CC Zone Front Yard Setback: A deviation from San Diego Municipal Code (SDMC) Section 131.0531 Table 131-05E (Development Regulations of CC Zones) for front yard setbacks. Unit 10 Lots 1-5 and 7 front yard setback varies from 11-25 feet where a maximum front 10-foot setback is allowed. Unit 4 Lots 1, 2 and 5 front yard setback varies from 15-29 feet where a maximum 10 foot setback is allowed.
 - 2) CC Zone Side Yard Setback: A deviation from SDMC Section 131.0531 Table 131-05E (Development Regulations of CC Zones) for side yard setbacks. Unit 10 Lot 1-5 and 7 side yard setback varies from 6.5-35 feet where a minimum 10 foot or 0 foot side setback is required. Unit 4 Lots 1, 2 and 5 side yard setback varies from 10-15 feet where a minimum 10 foot or 0 foot side setback is required.
 - 3) RX Zone Front Yard Setback: A deviation from SDMC Section 131.0431 Table 131-04E (Development Regulations of RX Zones) for front yard setbacks. Unit 5 Lots 27, 32, 33, 35, 36, 38, 42, 43, 48, 49, 54, 55, 61 front yard setback varies from 7-26 feet where a minimum 15 foot setback is required.
 - 4) RX Zone Rear Yard Setback: A deviation from SDMC Section 131.0431 Table 131-04E (Development Regulations of RX Zones) for rear yard setbacks. Unit 5 Lots 8, 9, 14, 15, 20, 21, 26, 27, 32, 33, 38, 42, 43, 48, 49, 54, 55, 61 rear yard setback varies from 4 to 21 feet where a minimum 10 foot setback is required.
 - 5) Ground Floor Restriction: A deviation request from SDMC Section 131.0540(c) Ground Floor Restriction for Unit 4 Lots 2, 4 and 5 and Unit 10 Lot 7 to allow residential uses and residential parking within the front 30-feet, where the regulation residential uses and residential parking are prohibited on the ground floor in the front 30 feet of the lot is requested.
 - 6) Retaining Wall Height: A deviation request from SDMC Section 142.0340(e) Retaining Wall Height Outside of Required Yards for Retaining Wall No. 21, 22, 27, 31, and 32 that varies from 14-25 feet, where a maximum 12-foot retaining wall is allowed.
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking;

- g. Sustainable development features, including solar canopies installed on all parking decks; Centralized parking structures and walkable streets and plazas to encourage a “park once” strategy; Neighborhood-serving retail placed in close proximity to residences; Mixed-use live/work/play concept incorporated into site planning; Pedestrian-oriented development with multiple walkways linking commercial and residential areas; Bike racks provided in commercial and residential areas; electrical vehicle charging stations, Trail connections and bike lanes provided along public roads; Sustainable building design, including use of local building materials, low-flow fixtures (toilets and showers), and porous surfaces; Recycling receptacles placed throughout the site; Low-water use, native landscaping materials installed to minimize turf and irrigation demands; and State-of-the-art, low precipitation sprinkler equipment used in the mixed-use development, and utilization of reclaimed water;
- h. 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 _____.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

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

discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

12. Planned Development Permit No. 53203 Site Development Permit Nos. 53204, 3278 and 40-0386, and Conditional Use Permit No. 53205 shall remain in force and effect except where amended by this Permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

14. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 360009, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 360009, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Land Use
- Transportation/Circulation
- Biological Resources
- Historical Resources (Archaeology)
- Paleontological Resources

CLIMATE ACTION PLAN REQUIREMENTS:

16. 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.

WASTE MANAGEMENT PLAN REQUIREMENTS:

17. Owner/Permittee shall comply with the Waste Management Plan dated March 2015, and shall be enforced and implemented to the satisfaction of the Environmental Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

19. The Project is subject to the Rhodes Crossing Project Affordable Housing Program, as conditioned within Planned Development Permit No. 53203, Site Development Permit Nos. 53204, and Conditional Use Permit No. 53205, to provide 20-percent of the 242 housing units as affordable housing units (47 pre-density bonus units) at 65-percent Area Median Income (AMI).

AIRPORT REQUIREMENTS:

20. Prior to issuance of any construction permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

21. This Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881 shall comply with all Conditions of the Final Map for the Vesting Tentative Map No. 1266780.

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

23. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, full improvement of the deceleration lane on Camino Del Sur adjacent to Lot 3 of Map 15578, per current City Standards, satisfactory to the City Engineer.

24. The drainage system for this project will be subject to approval by the City Engineer.

25. Prior to the issuance of any building permit, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the Right-of-Way.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall grant to the City of San Diego Public Storm Drain Easements for all public storm drains located on private properties satisfactory to the City Engineer.
27. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private connections to public storm drain systems.
28. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices (BMP) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
29. 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.
30. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
31. 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.
32. 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:

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

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

35. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).

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

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, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

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

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

MULTIPLE SPECIES CONSERVATION PROGRAM:

40. Prior to the issuance of any grading permit, the Owner/Permittee shall record a Covenant of Easement over Lot "Z" as shown on the Vesting Tentative Map.

PLANNING/DESIGN REQUIREMENTS:

41. 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.

42. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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.

TRANSPORTATION REQUIREMENTS:

44. Prior to the issuance of the first building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Camino del Sur along the project frontage as a four-lane major with 78 to 100 feet of pavement curb to curb with a 4- to 24-foot raised median in 113- to 135-foot right-of-way including 15- and 20-foot parkways with noncontiguous sidewalks, DG path, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

45. Prior to the issuance of the first building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Camino del Sur from the project site south to the existing Camino del Sur as a two-lane mod collector with 50 to 78 feet of pavement curb to curb with a 10- to 16-foot raised median in 75- to 103-foot right-of-way including 10- to 17-foot parkways with noncontiguous sidewalks, DG path, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

46. Prior to the issuance of the first building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Carmel Mountain Road along the project site frontage as a two-lane modified collector with 40 to 54 feet of pavement curb to curb with up to 14-foot raised median in 52- to 78-foot right-of-way including 10- and 14-foot parkways with noncontiguous sidewalks, DG path, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

47. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the restriping of Carmel Mountain Road over SR-56 as a two-lane modified collector with two 11-foot lanes, two 5-foot bike lanes and the construction of a raised 5-foot sidewalk on the west side of the bridge satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

48. Prior to the issuance of the first building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of a one-lane roundabout on Carmel Mountain Rd at Private Drive "M"/Via Panacea with noncontiguous sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

49. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a City standard 26-foot wide driveway on Camino del Sur at Private Drive "T" restricted to right in/right out only, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

50. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of Camino del Sur/Private Drive "M" intersection with one bike lane, three through lanes and two left turn lanes southbound, one left, one through, one through/right turn and

one bike lane northbound, one left, one through/right and one right turn lane westbound and install a traffic signal, to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to the first occupancy.

51. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a 30-foot wide City Standard driveway on Camino del Sur at Private Drive "N" restricted to right in/right out only by the raised median on Camino Del Sur, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

52. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of Camino del Sur/Carmel Mountain Road intersection with one bike lane, two through lane and one left turn lanes southbound, one left, one through, one through/right turn and one bike lane northbound, one left, one through/right westbound, a 20-foot wide driveway with bollards and install a traffic signal, to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to the first occupancy.

53. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a 20-foot wide City standard driveway on Camino del Sur at Basin 'C' Maintenance Access Driveway Entrance with bollards restricted to right in/right out only, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

54. The Owner/Permittee shall relinquish abutter's rights onto State Route 56, Camino del Sur and Carmel Mountain Road except at approved intersections as shown on Exhibit "A" to the satisfaction of the City Engineer.

55. Prior to the issuing of any building permit, the Owner/Permittee shall record a shared parking agreement in favor of all appropriate parcels within the project site, to the satisfaction of the City Engineer.

56. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. The minimum required parking must be provided on site at all times during the construction and phasing of this project. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

57. Prior to the issuance of any building permit, the Owner/Permittee shall provide a copy of a recorded mutual access agreement between all parcels/lots affected, satisfactory to the City Engineer.

58. Prior to issuance of the first certificate of occupancy, to the satisfaction of the City Engineer the Owner/Permittee shall provide and maintain all elements of the Transportation Demand Management (TDM) Plan listed in the CAP checklist including:

- Partially subsidized transit passes;
- Transportation information kiosks;

- Program to encourage office tenants to provide and maintain a telework program and flexible or alternative work schedules;
- Bicycle parking spaces in excess of Code minimum requirements;
- Lockers and on-site shower facilities for office and commercial employees;
- Electric vehicle charging stations in excess of Code minimum requirements;
- Preferential carpool/vanpool parking for office employees.

In order to ensure the proposed TDM strategies are implemented and maintained, the Owner/Permittee shall conduct a TDM Monitoring and Reporting Program to include parking occupancy counts each year for a five year period. The TDM Monitoring Report must be prepared and submitted to the City Engineer on the first anniversary of the issuance of a certificate of occupancy for the project and on such date each year thereafter during the five year monitoring period.

59. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a traffic signal or equivalent (such as a roundabout) at the intersection of Camino del Sur/Dormouse Road, to the satisfaction of the City Engineer. Owner/Permittee shall also install median fencing on Camino del Sur between Dormouse Road and Park Village Drive. These improvements shall be completed and accepted by the City Engineer prior to the first occupancy.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

60. Prior to the issuance of any engineering permits for right-of-way improvements or building permits, the Owner/Permittee shall assure, by permit and bond the design and construction of all public water and sewer facilities as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Director and the City Engineer.

61. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer services outside of any driveway or drive aisle, in a manner satisfactory to the Public Utilities Director and the City Engineer.

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

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

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

GEOLOGY REQUIREMENTS:

65. Prior to the issuance of any construction permit, the Owner/ Permittee shall submit a geotechnical investigation report or update letter, including additional percolation field testing as recommended by the project' geotechnical consultant, 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.

PARK AND RECREATION DEPARTMENT REQUIREMENTS:

66. Prior to the issuance of any engineering permit for public improvements for road construction, public improvement plans, grading, irrigation and planting plans shall submitted for review and approval, to the satisfaction of the Park and Recreation Department.

67. The Owner/Permittee shall ensure that there will be separate irrigation control clocks and meters for each MAD and City fee-owned property.

68. Maintenance and repair of all retaining walls within Maintenance Assessment District maintained slopes shall be responsibility of the adjacent private property owner.

69. The Owner/Permittee shall ensure that all downhill slopes within City fee-owned open space shall be landscaped with native vegetation endemic to the area and on a temporary irrigation system for establishment of plant material and such irrigation system shall be removed upon plant establishment, to the satisfaction of the Park and Recreation Department.

70. The Owner/Permittee shall provide access from the existing open space east of Camino del Sur Road to the Camino del Sur public right-of-way, to the satisfaction of the Park & Recreation Department, Open Space Division.

71. The Owner/Permittee shall provide access from the existing open space west of Camino del Sur Road to the Camino del Sur public right-of-way, to the satisfaction of the Park & Recreation Department, Open Space Division.

72. The Owner/Permittee shall ensure that all trails are built to City standards identified in City of San Diego Park & Recreation Department Consultant's Guide to Park Design and Development, to the satisfaction of the Park & Recreation Department, Open Space Division.

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.

ATTACHMENT 21

- 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 _____ by Resolution No.
_____ .

ATTACHMENT 21

Permit Type/PTS Approval No.: PDP No. 1266871, SDP No. 1266883, and CUP No. 1266881

Date of Approval:_____, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

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

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

SEA BREEZE 56, LLC,
A Delaware Limited Liability Company
Owner/Permittee

By _____

Name:

Title:

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

CITY COUNCIL RESOLUTION NUMBER R-_____
VESTING TENTATIVE MAP NO. 1266780
EASEMENT VACATION NO. 2076453
PUBLIC RIGHT-OF-WAY VACATION NO. 2076458
MERGE 56 - PROJECT NO. 360009 [MMRP]
(AMENDMENT OF VESTING TENTATIVE MAP NO. 7938)

WHEREAS, SEA BREEZE 56, LLC, a Delaware Limited Liability Company, Subdivider, and Matthew J. Semic, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1266780, Easement Vacation No. 2076453, and Public Right-of-Way Vacation No. 2076458, (an amendment of Vesting Tentative Map No. 7938) for the development of a mixed-use development and construction of public roadway improvements known as the Merge 56 project. The combined 72.34-acre site is located south of State Route 56, between Camino Del Sur and Black Mountain Road in the CR-2-1 (Commercial-Regional) and RM-3-9 (Residential-Multiple Unit) zones which are proposed to be rezoned to the CC-3-5 (Commercial-Community) and RX-1-2 (Residential-Small Lot) zones of the Torrey Highlands Subarea Plan area. The project site is legally described as Lots 4, 5 and 10 of Rhodes Crossing, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15578, filed in the Office of the County Recorder of San Diego County, July 11, 2007; and

WHEREAS, the Vesting Tentative Map proposes the Subdivision of a 42.52-site (gross area) into 107 lots (84 Residential Small Lot zoned lots, 12 Community Commercial zoned lots, seven open space lots, and four lots for private drives); 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 (SDMC) Section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 158 (Unit 4, Lot 1 has 55 units, Unit 4, Lot 2 has 56 units and Unit 10, Lot 1 has 47 units); and

WHEREAS, on February 22, 2018, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1266780, Easement Vacation No. 2076453 and Public Right-of-Way Vacation No. 2076458, and pursuant to Resolution No. _____-PC, the Planning Commission voted to recommend City Council approval; 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. 1266780, Easement Vacation No. 2076453 and Public Right-of-Way Vacation No. 2076458 and pursuant to SDMC Section(s) 125.0440, 125.0430, 125.0941, 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. 1266780:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. The Merge 56 development site is located in the north-central portion of the City. The property is situated in the communities of Del Mar Mesa, Torrey Highlands, and Rancho Peñasquitos, immediately adjacent to the State Route 56 (SR-56) right-of-way. The Merge 56 development project (Project) consists of two components, a mixed-use development and the public roads that adjoin the proposal. The Project would implement a General Plan Amendment (GPA) to redesignate portions the development site to a Multiple Use designation, and a Community Plan Amendment (CPA) to redesignate portions the development site to a local mixed-use center (LMXU) designation. The Project included a Rezone for portions of the development site to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2) to make the project site consistent with its proposed land use designation.

The development component of the project would consist of a LMXU containing commercial, office, hotel and residential uses on the triangular-shaped property. The project would allow for construction of 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores, and pedestrian-oriented shops and stores including restaurants and civic uses.

The Project's subdivision map boundary area includes the 41.34-acre development site and the adjacent ROW to the centerline of the streets for a total of 42.52 gross acres. The Map for the Project proposes the subdivision of the property into a total of into 107 lots (84 Residential Small Lot zoned lots, 12 Community Commercial zoned lots, seven open space lots, and four lots for private drives). The public rights-of-way (ROW) have been previously dedicated per the Rhodes Crossing Vesting Tentative Map (VTM) No. 7938 (Project No. 3230) with the exception of the portion of Camino Del Sur-South where property acquisition would be required to implement the proposed road improvements.

The residential component of this project provides a portion of the housing needs within the community with 242 multi-family units concentrated in the heart of the LMXU center. The higher density units situated in the core of the community, and combined with the commercial retail and office uses, form a mixed-use and pedestrian-oriented development located along the regional transit system. The project utilizes design components that facilitate pedestrian orientation, such as a modified grid system, diagonal and parallel street-side parking, a pedestrian village green and market square.

Multi-family housing and mixed-use residential units shall be interspersed with ground floor commercial as envisioned in the Torrey Highlands Subarea Plan. Residential density should decrease as the distance from the commercial center increases. Trails and pedestrian links to residential areas are required to be integrated with the commercial center. Although located near the freeway, the LMXU is not intended to be a freeway-oriented commercial development with dedicated freeway access. The existing LMXU in the Torrey Highlands Subarea Planning area, Torrey Highlands Village Center, is situated northwest of the SR-56/Camino Del Sur interchange and the project site. The Project would create a second mixed use center in the vicinity of SR-56.

Furthermore, the Project includes two important major roadway elements which will serve the area. Camino Del Sur and Carmel Mountain Road will be extended as planned with the approval

of this Project. Design of the roadways include a bus transit and bike lane that would provide local and regional access to the surrounding properties and local community. Therefore, with the adoption of the GPA, CPA, and Rezone, the proposed subdivision and its design and 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 consists of two components, a mixed-use development and the public roads that adjoin the proposal. The Project would implement a GPA to redesignate portions the development site to a Multiple Use designation, and a CPA to redesignate portions the development site to a LMXU designation. The Project includes a Rezone for portions of the development site to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2) to make the project site consistent with its proposed land use designation.

The Project has been designed to comply with the regulations of the Land Development Code (LDC); however, to implement the Project will require deviations. The deviations are necessary to allow the site to be developed with commercial, townhomes, and single-family dwelling units consistent with the intent of the Torrey Highlands Subarea Plan. The following table is a matrix of the proposed deviations:

Deviations Summary			
Deviation Description	Deviation from LDC	Required	Proposed
CC Zone Front Yard Setback for Unit 10 Lots 1-5 and 7	Section 131.0531 and Table 131-05E	Maximum 10 feet	Varies from 11-25 feet
CC Zone Front Yard Setback for Unit 4 Lots 1, 2 and 5	Section 131.0531 and Table 131-05E	Maximum 10 feet	Varies from 15–29 feet
CC Zone Side Yard Setback for Unit 10 Lot 1-5 and 7	Section 131.0531 and Table 131-05E	Minimum 10 feet or 0 feet	Varies from 6.5-35 feet
CC Zone Side Yard Setback for Unit 4 Lots 1, 2 and 5	Section 131.0531 and Table 131-05E	Minimum 10 feet or 0 feet	Varies from 10–15 feet
RX Zone Front Yard Setback for Unit 5 Lots 27, 32, 33, 35, 36, 38, 42, 43, 48, 49, 54, 55, 61	Section 131.0431 and Table 131-04E	Minimum 15 feet	Varies from 7–26 feet

Deviations Summary			
Deviation Description	Deviation from LDC	Required	Proposed
RX Zone Rear Yard Setback for Unit 5 Lots 8, 9, 14, 15, 20, 21, 26, 27, 32, 33, 38, 42, 43, 48, 49, 54, 55, 61	Section 131.0431 and Table 131-04E	Minimum 10 feet	Varies from 4–21 feet
Ground Floor Restriction for Unit 4 Lots 2, 4 and 5 and Unit 10 Lot 7	Section 131.0540(c)	Residential uses and residential parking not allowed within the front 30-feet	Allow residential uses and residential parking within the front 30-feet
Retaining Wall Height Outside of Required Yards for Retaining Wall No. 21, 22, 27, 31, and 32	Section 142.0340(e)	Maximum 12-foot retaining wall allowed	Varies from 14–25 feet

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site, provide a more cohesive community appearance, allow for adequate site circulation and overall functionality of the project, avoid impacts to federal jurisdictional waters while providing adequate conveyance and discharge of stormwater runoff from the public roadways. Other than the requested deviations, the proposed subdivision meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the LDC.

3. The site is physically suitable for the type and density of development. The Project consists of two components, a mixed-use development and the public roads that adjoin the proposal. The development component of the project would consist of a LMXU containing commercial, office, hotel and residential uses on the triangular-shaped property. The project would allow for construction of 525,000 sf of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores, and pedestrian-oriented shops and stores including restaurants and civic uses.

The Project's subdivision map boundary area includes the 41.34-acre development site and the adjacent ROW to the centerline of the streets for a total of 42.52 gross acres. The Map for the Project proposes the subdivision of the property into a total of 107 lots (84 Residential Small Lot zoned lots, 12 Community Commercial zoned lots, seven open space lots, and four lots for private drives). The public ROW have been previously dedicated per the Rhodes Crossing VTM No. 7938 (Project No. 3230) with the exception of the portion of Camino Del Sur–South where property acquisition would be required to implement the proposed road improvements.

The residential component of this project provides a portion of the housing needs within the community with 242 multi-family units concentrated in the heart of the LMXU center. The higher density units situated in the core of the community, and combined with the commercial retail and office uses, form a mixed-use and pedestrian-oriented development located along the regional transit system. The project utilizes design components that facilitate pedestrian orientation, such as a modified grid system, diagonal and parallel street-side parking, a pedestrian village green and market square.

Furthermore, the Project includes two important major roadway elements which will serve the area. Camino Del Sur and Carmel Mountain Road will be extended as planned with the approval of this Project. Design of the roadways include a bus transit and bike lane that would provide local and regional access to the surrounding properties and local community.

The project areas are largely undeveloped, with several dirt roads and trails crossing them. Some signs of former agricultural activities occur in the central portion of the development site; an approved construction road/stockpile occurs there as well. Habitats found on both components of the project include non-native grassland, coastal sage scrub, southern mixed chaparral, chamise chaparral, vernal pools, other wetlands, disturbed land, developed areas and other vegetation communities. The Multiple Habitat Planning Area (MHPA) is situated within or west of the ROW for the Camino Del Sur road extensions but not within the proposed site.

The Torrey Highlands Subarea and Rancho Penasquitos Community Plans were designed to minimize alterations to natural landforms. Overall, the project would result in substantially more than 2,000 cy of cut or fill per graded acre and will exceed the 10-foot high significance threshold for manufactured slopes. The public roads component of the project will also result in the disturbance of steep slopes by changing the elevation of steep hillsides by more than five feet. These impacts will be reduced to the extent feasible through the construction of a series of retaining walls. Even with these minimization measures, the impact on existing natural landforms would be considered significant and unavoidable due to the Camino Del Sur extension through hillside terrain along the planned alignment for the road. However, as a Circulation Element road, this encroachment is exempted under SDMC Section 143.0142(a).

The Project's development footprints have been located to minimize erosion, flood, and fire hazards. No floodplains exist on site and proper design features have been incorporated into the site plan, including observance of required setbacks and integration of brush management, to prevent fire hazards. Development will comply with the region-wide erosion control plan, which requires pre- and post-construction measures to prevent erosion and sedimentation of downstream areas. The project will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance; will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. The Project has been designed to minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. Therefore, 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. An Environmental Impact Report (EIR) No. 360009/SCH No. 2014071065, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts which would be significant and unmitigated related to Transportation/Circulation.

The Project will provide mitigation for any indirect or direct impacts to sensitive biological resources considered environmentally sensitive lands. The proposed project proposed wetland impacts mitigated in-kind and achieve a no net loss of wetland function and value. The project further will comply with the following mitigation ratios (as specified in the City Biology Guidelines): Tier I: mitigation ratios range from 1:1 to 2:1; Tier II: (1:1 to 1.5:1); Tier IIIA: (0.5:1 to 1:1); Tier IIIB: (0.5:1 to 1:1); Tier IV: Disturbed, agricultural, and eucalyptus (0:1). Mitigation for direct impacts to upland vegetation communities shall be accomplished through preservation of suitable habit, purchase of mitigation credits in an approved mitigation bank, or a combination thereof. To minimize grading, retaining walls will be used throughout the project site to reduce steep hillside grading and the horizontal extent of manufactured slopes; however, Camino Del Sur will encroach into 100 percent of the steep hillsides contained on site and change the elevation of the existing steep hillsides by more than five feet. This encroachment will be greater than the encroachment allowance outlined in the ESL Regulations for projects outside the MHPA and Coastal Zone. However, as a Circulation Element road, this encroachment is exempted under LDC Section 143.0142(a). All mitigating measures would comply with the City Biology Guidelines, in accordance with the Multiple Species Conservation Program (MSCP) Subarea Plan. Impacted wildlife habitat would be compensated for at ratios required by the City Biology Guidelines through preservation, acquisition or creation of appropriate habitats. The imposition of conditions of approval and compliance with the Merge 56 mitigation monitoring and reporting plan would ensure that no substantial environmental damage or injury would occur.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. EIR No. 360009/SCH No. 2014071065, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Visual Effects/Neighborhood Character (Landform Alteration) and cumulative impacts which would be significant and unmitigated related to Transportation/Circulation.

The project would construct necessary sewer and water facilities to serve the residents and occupants; will enter into a Maintenance Agreement for the ongoing permanent BMPs maintenance; and will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. All structures constructed will be reviewed for compliance with all

relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current regulations. The Project provides many benefits to the public health, safety and welfare to the surrounding community and to the City. The new urbanist influenced design promotes higher levels of pedestrianism by mixing residential, commercial and civic uses, incorporating higher densities and serving as the center of the community. Also, transit along both Carmel Mountain Road and Camino Del Sur will help minimize automobile trips outside of the community to reduce greenhouse gas emissions. The roadway extensions have also been redesigned from the previously-approved entitlements to provide additional traffic calming features such as roundabouts and reduced street widths.

The permit for the project includes various conditions and referenced exhibits relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in VTM No. 1266780, Easement Vacation (EV) No. 2076453 and Public Right-of-Way Vacation (ROW Vac) No. 2076458, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the design of the subdivision or the type of improvement would not be detrimental to the public health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. An approximately 150-foot wide SDG&E utility easement crosses through the central portion of the project area in a northeast-southwest direction; no utility facilities are located within the easement. A 40-foot wide water and road easement also crosses through the project site. SR-56 is located along the northern boundary of the project area, and the constructed portion of Carmel Mountain Road extends along a portion of the eastern project boundary crossing over SR-56 via a two-lane bridge. The northern terminus of Camino Del Sur occurs in the southeastern portion of the project area, and the southern terminus of Camino Del Sur occurs in the northwestern corner of the project area. The public ROW have been previously dedicated per the Rhodes Crossing VTM No. 7938 (Project No. 3230) with the exception of the portion of Camino Del Sur-South where property acquisition would be required to implement the proposed road improvements.

The design of the subdivision and the type of improvements are such that they will not conflict with any easements to remain, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer. All easements granted to the City over the property have been left in place or have been vacated or relocated and improved in a manner that allows for public access that is superior to the access formerly provided by the unimproved easements, as confirmed by the City Engineer and as reflected on the map.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. The design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1

and SDMC Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The proposed establishes appropriate setbacks and distances between buildings to allow for passive natural heating and cooling opportunities. The physical layout of the buildings onsite allows for the passage of air between buildings. The landscape plan proposes a high-quality design with many trees that will promote natural cooling onsite. The commercial portion of the Mixed-Use Development component is designed to provide an urban oriented central plaza with communal seating, outdoor dining opportunities and specialized retail shopping. Architecturally, the center would exhibit a contemporary appearance, with large glass openings, deep overhanging roof eaves and open trellises. The project would highlight natural materials and colors, usable outdoor spaces, and drought-tolerant landscaping. The two main office structures would feature a contemporary architectural style using a combination of materials that may include glass, concrete, steel, stucco, and natural stone. The proposed attached townhome and flat units would feature a contemporary architectural style, with more residentially-scaled doors and windows, building heights, and the use of warm natural materials at ground level to create a pedestrian-friendly façade. Ground floor unit entrances would front the streets with stoops, front porches, and landscaped buffers, while the garages would be located off private drives to the rear of the building. The units would feature upper floor terraces and balconies facing the street. The overall project design would incorporate sustainability features for energy and water efficiency, and 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 Project proposes to develop a multi-use urban village with 242 units including 47 affordable residential units. These additional dwelling units provided by the proposed project will make a significant contribution towards fulfilling the City's Regional Housing Needs Assessment allocation found in the City's Housing Element adopted in March of 2013. The introduction of quality market-rate and affordable housing units in Torrey Highlands brings diversity in housing options for the community and the City as a whole, at a time where the demand for this type of housing stock is increasing. Furthermore, the project implements the City's General Plan policies that encourage locating residential near transit and employment opportunities, thereby capturing automobile trips and allowing for increased pedestrian activity, bicycle and transit activity. All appropriate public services (including fire, police, medical, schools, public parks, and libraries) as well as necessary utilities such as electricity, water, and sewer, will be available to (or are in the process) and adequate for the proposed project.

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 a drainage, slope, and temporary public access easement and portions of public ROW for Camino Del Sur and Carmel Mountain Road, located within the project boundaries as shown in Vesting Tentative Map No. 1266780, 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:

9. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a)). The Project site contains an approximately 5,750-square foot triangular-shaped drainage, slope, and temporary public service easement located in the northeastern corner. The easement was originally obtained to address storm water discharge and shall be vacated. The Project site and adjacent storm water BMPs have been incorporated within the adjacent ROW improvements. The Project would enter into a Maintenance Agreement for the ongoing permanent BMPs maintenance; will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff. Therefore, the easement is no longer needed for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

10. The public will benefit from the action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b)). The Project site contains an approximately 5,750-square foot triangular-shaped drainage, slope, and temporary public service easement located in the northeastern corner. The easement was originally obtained to address storm water discharge and shall be vacated. As part of the Project, Camino Del Sur and Carmel Mountain Road will be extended, and the existing public service easement is located adjacent to the Carmel Mountain Road improvements. The Project site and adjacent storm water BMPs have been incorporated within the adjacent ROW improvements. Therefore, the public will benefit from the action through improved utilization of the land made available for the extension of the roadways, which includes a bus transit and bike lane that would provide local and regional access to the surrounding properties and local community.

11. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)). As outlined within Vesting Tentative Map Finding No. 1 listed above, with the adoption of the GPA, CPA, and Rezone, the proposed subdivision and its design and improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

12. 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)). The easement was acquired for drainage, slope, and temporary public access located in the northeastern corner. The easement was originally obtained to address storm water discharge and shall be vacated. As part of the Project, Camino Del Sur and Carmel Mountain Road will be extended, and the existing public service easement is located adjacent to the Carmel Mountain Road improvements. The Project site and adjacent storm water BMPs have been incorporated within the adjacent ROW improvements. The Project would enter into a Maintenance Agreement for the ongoing permanent BMPs maintenance; will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate. Therefore, the purpose for which the easement was originally acquired will not be detrimentally affected by this vacation.

13. There is no present or prospective public use for the public right-of-way either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.0941(a)). Proposed extensions of Camino Del Sur and Carmel Mountain Road would be constructed as part of the Project; both are public roads planned in the Torrey Highlands and Rancho Peñasquitos communities. As part of its CPA, the project proposes a reclassification to downgrade the roads from four-lane majors to two-lane collectors as discussed below. ROW for both roads have been previously dedicated per the Rhodes Crossing VTM No. 7938 (Project No. 3230) with the exception of the portion of Camino Del Sur–South where property acquisition would be required to implement the proposed road improvements.

In addition, a ROW vacation across the previously dedicated portions of both public roads would be required due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid grading impacts to off-site vernal pool preserves. The roadway improvements would provide local and regional access to the Project, surrounding properties and local community, in accordance with the Circulation Elements of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. The reclassification is proposed for the segment of Camino Del Sur south of Carmel Mountain Road and north of Dormouse Road and the portion of Carmel Mountain Road between SR-56 and Camino Del Sur. The reclassification is driven by the fact that a four-lane major road is not required to carry currently projected buildout traffic volumes. Grading associated with the reconfigured roads would be reduced by approximately seven-acres under the Project.

14. The public will benefit from the action through improved use of the land made available by the vacation. (San Diego Municipal Code § 125.0941(b)). The ROW vacation across the previously dedicated portions of both public roads would be required due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid grading impacts to off-site vernal pool preserves. The roadway improvements would provide local and regional access to the Project, surrounding properties and local community, while protecting ESL.

15. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c)). As outlined within VTM Finding No. 1 listed above, with the adoption of the GPA, CPA, and Rezone, the proposed subdivision and its design and improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

16. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. (San Diego Municipal Code § 125.0941(d)). The ROW vacation across the previously dedicated portions of both public roads would be required due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid grading impacts to off-site vernal pool preserves. The roadway improvements would provide local and regional access to the Project, surrounding properties and local community, while protecting ESL. Camino Del Sur and Carmel Mountain Road would be constructed as part of the Project; both are public roads planned in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. Therefore, the public facility for which the right-of-way was originally acquired would not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1266780, Easement Vacation No. 2076453 and Public Right-of-Way Vacation No. 2076458, is hereby granted to SEA BREEZE 56, LLC, a Delaware Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____.

Attorney name

Deputy City Attorney

Initials~

Date~

Or.Dept: INSERT~

Case No.360009

R-INSERT~

Form=inloto.frm(61203wct)

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1266780
EASEMENT VACATION NO. 2076453
PUBLIC RIGHT-OF-WAY VACATION NO. 2076458
MERGE 56 - PROJECT NO. 360009 [MMRP]
(AMENDMENT OF VESTING TENTATIVE MAP NO. 7938)
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266881.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AIRPORT

6. Prior to recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING

7. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

8. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
10. The Subdivider shall comply with all street lighting standards according to the current City of San Diego Street Design Manual. This may require, but not be limited to, installation of new street light(s) and upgrading existing street lights, to the satisfaction of the City Engineer. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. 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.
12. 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

13. Prior to the expiration of the Vesting Tentative Map, if approved, a Final Map to subdivide the 41.34-acre development site into lots shall be recorded in the office of the County Recorder.
14. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office along with the associated \$34.00 compliance fee to avoid delaying the recordation of the Final Map.

15. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

16. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
17. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of 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

18. The Subdivider shall design and construct all public water and sewer facilities as required in the accepted water and sewer studies for this project, necessary to serve this development in a manner satisfactory to the Public Utilities Director and the City Engineer. Water and sewer facilities, as shown on the approved tentative map, may require modification based on the accepted water and sewer studies and final engineering.
19. All onsite water and sewer facilities will be private and shall meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
20. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
21. Prior to the recording of the Final Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

TRANSPORTATION

22. The Subdivider shall relinquish abutter's rights onto State Route 56, Camino del Sur and Carmel Mountain Road except at approved intersections as shown on Exhibit "A" to the satisfaction of the City Engineer.

MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)

23. Prior to the issuance of any grading permit, the Owner/Permittee shall record a Covenant of Easement over Lot "Z" as shown on the Vesting Tentative Map.

INFORMATION:

- The approval of this Vesting 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. 24004023

(R-2018-)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

A RESOLUTION APPROVING AN AMENDMENT TO THE TORREY HIGHLANDS - SUBAREA IV PLAN AND THE RANCHO PEÑASQUITOS COMMUNITY PLAN TO REDESIGNATE LAND FROM COMMERCIAL REGIONAL AND MEDIUM-HIGH DENSITY RESIDENTIAL TO LOCAL MIXED-USE CENTER SOUTH, AND TO DOWNGRADE THE CLASSIFICATIONS OF ON-SITE PORTIONS OF CAMINO DEL SUR AND CARMEL MOUNTAIN ROAD, AND TO AMEND THE GENERAL PLAN TO REDESIGNATE LAND FROM COMMERCIAL EMPLOYMENT, RETAIL AND SERVICES; RESIDENTIAL; AND PARKS, OPEN SPACE AND RECREATION TO MULTIPLE USE DESIGNATION

WHEREAS, Sea Breeze 56, LLC, a Delaware Limited Liability Company, requested an amendment to the General Plan to change the designated land uses on Figure LU-2, *General Plan Land Use and Street System*, from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use designation; and request an amendment to the Torrey Highlands Subarea Plan from Commercial Regional (CR) and Medium-High Density Residential (MHD) to Local Mixed-use Center (LMXU) South, and to downgrade the classifications of on-site portions of Camino Del Sur and Carmel Mountain Road, Circulation Element roads in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan, the site is legally described as Lots 4, 5 and 10, Lots 4, 5 and 10 of Rhodes Crossing, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15578, filed in the Office of the County Recorder of San Diego County, July 11, 2007; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan, and the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan; and

WHEREAS, on _____, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the General Plan and the Torrey Highlands - Subarea IV Plan and the Rancho Peñasquitos Community Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts the amendments to the General Plan, and the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Attorney name
Deputy City Attorney

Initials~
Date~
Or.Dept: INSERT~
Case No.360009
R-INSERT~
Form=inloto.frm(61203wct)



THE CITY OF SAN DIEGO General Plan Land Use and Community Planning Element

The General Plan Land Use Map depicts generalized land use within the City of San Diego. The information is a composite of the land use maps adopted for each of the community, specific, precise, subarea and park plan areas. It is intended as a representation of the distribution of land uses throughout the city; although consistent with, it is not a replacement or substitution for community or other adopted land use plans. Please refer to the relevant community or other adopted land use plan documents for more detail regarding planned land uses and land use planning proposals.

Revised March 2, 2015

Figure LU-2
General Plan
Land Use
and Street System

Street System

- Freeways
- Prime Arterials
- Major Arterials
- Collectors (local & rural)

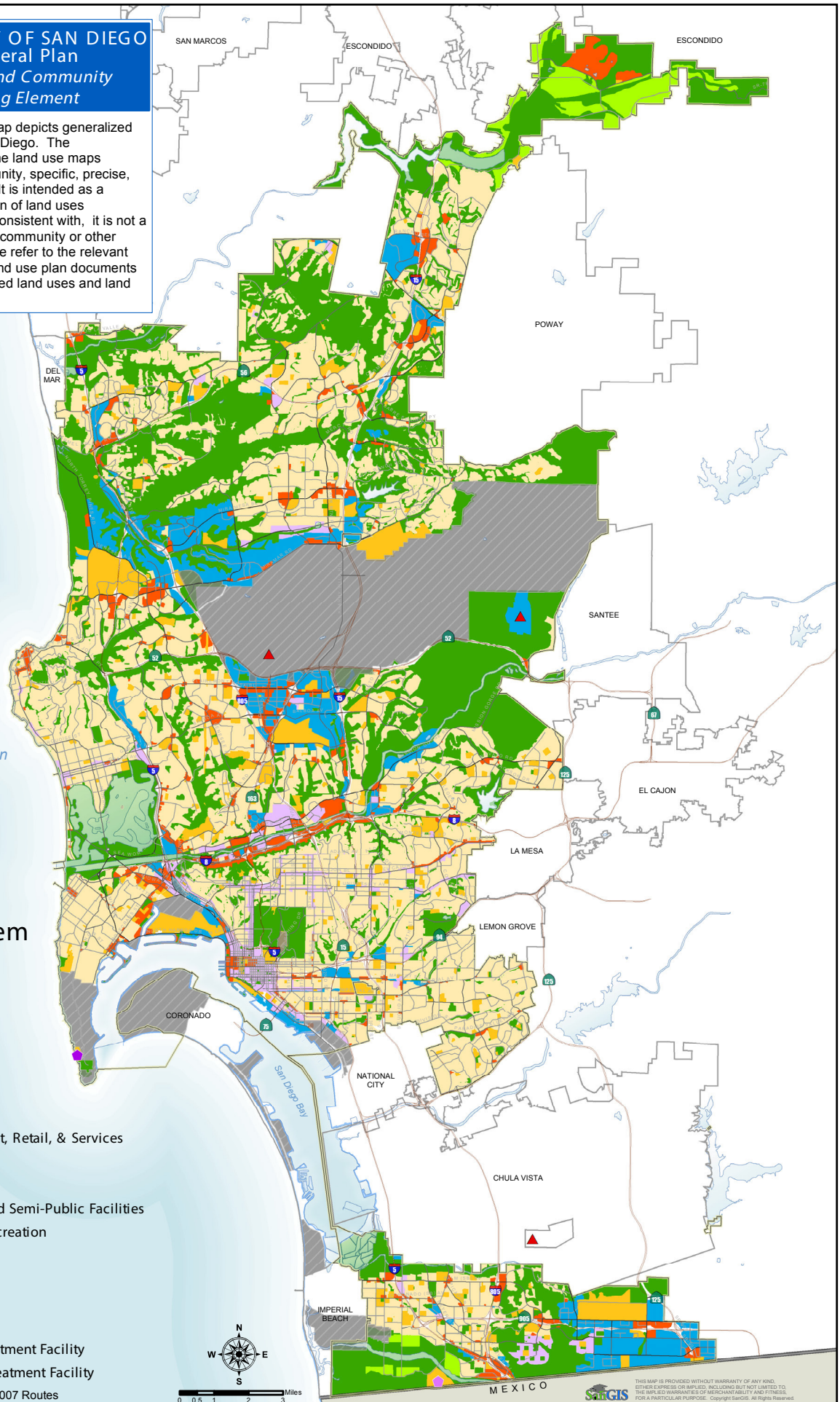
General Plan Land Use

- Residential
- Commercial Employment, Retail, & Services
- Multiple Use
- Industrial Employment
- Institutional & Public and Semi-Public Facilities
- Park, Open Space, & Recreation
- Agriculture

Other Features

- Military Use
- Active Landfill
- Existing Wastewater Treatment Facility
- Proposed Wastewater Treatment Facility

Source: SANDAG 2007 RTP; MTS 2007 Routes



TORREY HIGHLANDS

SUBAREA PLAN

Merge 56
COMMUNITY PLAN AMENDMENT
MAY 2015

City of San Diego Planning Department

202 C Street, MS 4A
San Diego, CA 92101



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This information, or this document (or portions thereof), will be made available in alternative formats upon request.

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3.3.1 Circulation Roads

State Route 56 Freeway

The approved alignment for SR-56 bisects Torrey Highlands in a northwesterly direction. This freeway will ultimately accommodate six travel lanes, with interchanges located at Camino Ruiz and at Camino Santa Fe in Pacific Highlands Ranch (Subarea III). Initially, SR-56 will be constructed as a four-lane freeway and will include the completion of the interchange at Black Mountain Road and a bike path running adjacent to the south side of the freeway.

Major Roads

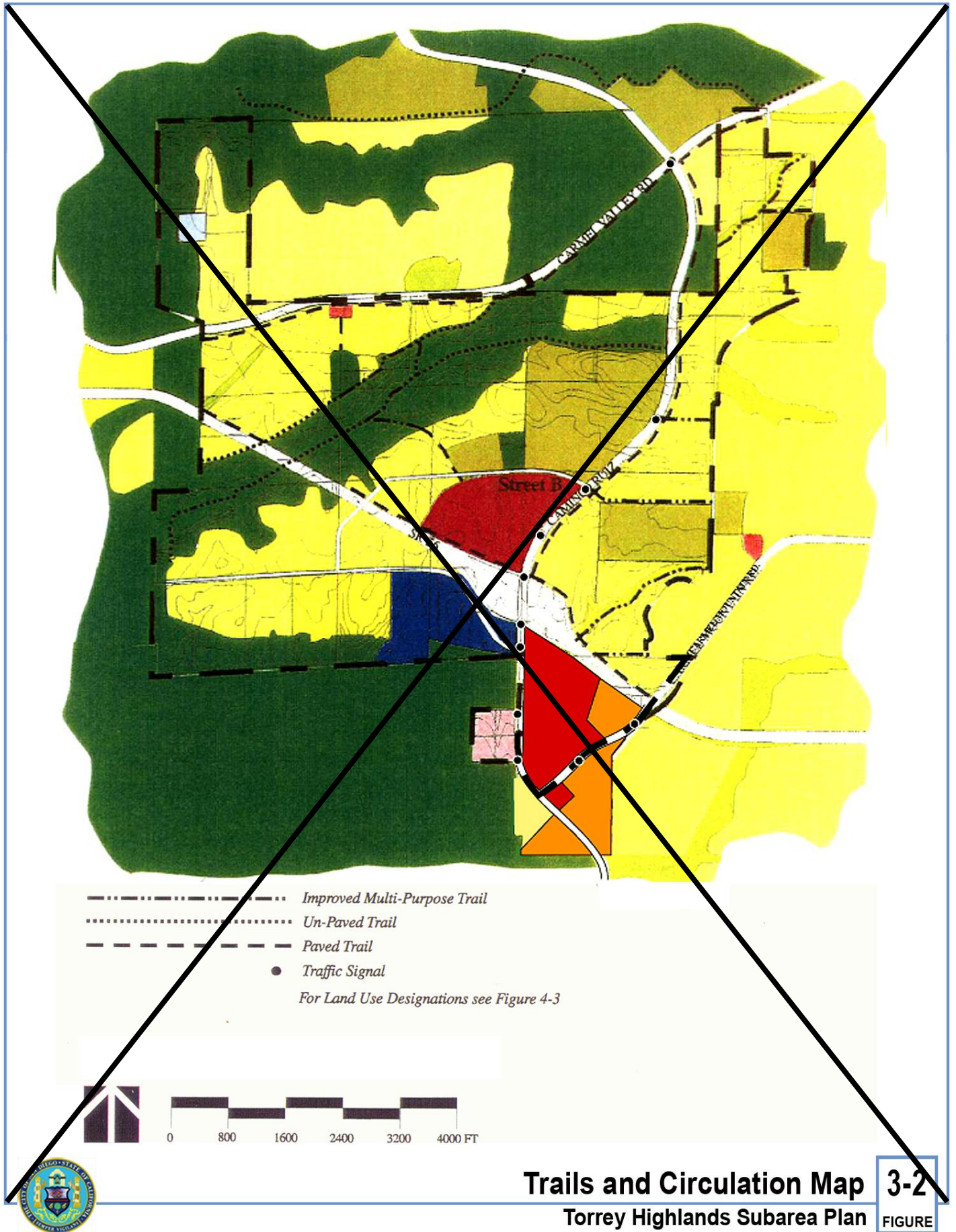
Camino Del Sur (formerly Camino Ruiz) is a north/south road located in the eastern third of Torrey Highlands, serving both local and regional demands. The road will continue north of Torrey Highlands to serve as one of the major north/south arterials between I-5 and I-15 serving the mid-county area. An interchange is proposed at SR-56. Within Torrey Highlands, Camino Ruiz is planned as a six-lane major road from Carmel Valley Road to the southernmost project access road (i.e. “B” Street south).* Between the southernmost project access road and the primary Regional Commercial access, Camino Ruiz will be planned as a six-lane primary arterial. North of Carmel Valley Road and south of SR-56 to the main access “Private Street M” to the Southern LXMU, the road transitions from Carmel Valley Road to a four-lane major road. South of “Private Street M” to Carmel Mountain Road, Camino Ruiz transitions to a modified four-lane major road. From Carmel Mountain Road to Dormouse Road, it is planned as a modified two-lane collector. Continuing south of Dormouse Road, it returns to a four-lane major road approaching Park Village Road. Camino Ruiz will provide access to SR-56 for the southwest portion of Rancho Peñasquitos. Estimated ADT ranges from 22,000 to 41,000 north of SR-56, and ~~108~~,000 to 27,000 south of SR-56.

Carmel Valley Road is designated as a four-lane, east/west major roadway within the northern half of Torrey Highlands, which will ultimately extend from Del Mar Heights Road and Camino Santa Fe on the west to Camino del Norte in the east. Several Torrey Highlands neighborhoods will take direct access from Carmel Valley Road. While the road will be constructed for four lanes, right-of-way sufficient for six lanes will be reserved to include two lanes for future transit use. Estimated ADT through Torrey Highlands is approximately 22,000.

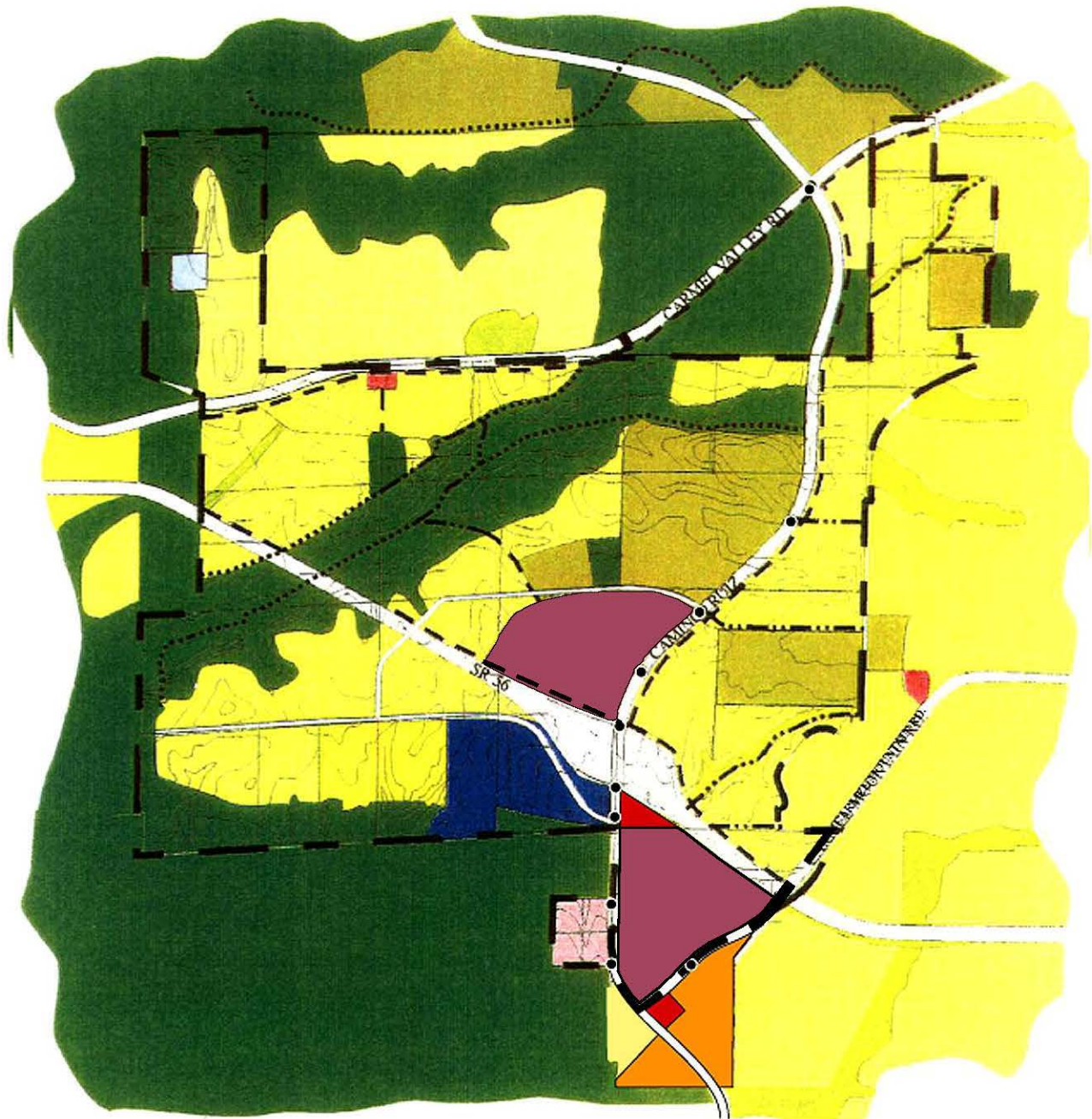
Del Mar Heights Road is the western extension of Carmel Valley Road that occurs off-site within the western portion of Subarea III and the community of Carmel Valley. The road ultimately provides a connection with I-5 and the City of Del Mar to the west. Estimated ADT on Del Mar Heights Road east of El Camino Real is between 24,000 and 33,000 ADT. West of El Camino Real and east of I-5, ADT reaches 41,000 to 43,000.

Carmel Mountain Road connects Rancho Peñasquitos in the east to Camino Ruiz, south of SR-56. From the Rancho Peñasquitos border to SR-56, it is designated as a four-lane major roadway~~that connects Rancho Peñasquitos in the east to Camino Ruiz, south of SR-56.~~

* Camino Ruiz will initially be constructed to a maximum of four lanes north of SR-56, with two additional lanes of ROW provided in the median should traffic counts require future road expansion to six lanes.



3-2
FIGURE



- Improved Multi-Purpose Trail
 Un-Paved Trail
 Paved Trail
 ● Traffic Signal
 For Land Use Designations see Figure 4-3



Trails and Circulation Map
Torrey Highlands Subarea Plan

3-2
FIGURE

Collectors (as illustrated in Figure 3-2)

Collector streets are required to accommodate projected traffic volumes within Torrey Highlands to carry traffic onto the major circulation streets.

Carmel Mountain Road continues south of SR-56 to Camino Ruiz (Camino Del Sur) as a modified two-lane collector roadway. Estimated ADT on Carmel Mountain Road south of SR-56 is between 6,000 and 8,000 ADT.

Street “A” is a two-lane collector which will serve the Employment Center and the surrounding residential areas. Full access is available at Camino Ruiz.

Street “B” is a four-lane collector located along the northern edge of the Northern Local Mixed Use Center. It serves the Northern Local Mixed Use Center, neighborhood park, elementary school and the surrounding residential areas. Street “B” will be extended over SR-56 as a two-lane collector road to provide a direct connection between the residential uses planned south of SR-56 and the public facilities planned north of SR-56.

Local Streets

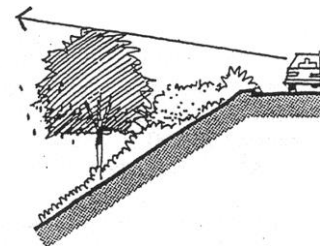
Street patterns within each area or neighborhood of Torrey Highlands will vary in response to site features, topography, and land use types and organizations.

Chapter 4, Land Use and **Chapter 5, Community Design Guidelines** provide guidance that will integrate sufficient density levels and varied housing types to arrive at a fine grain mix of residential development. Based on the projected traffic volumes, future residential streets will be local streets and will be part of an integrated system comprising roads, bike paths and pedestrian ways. Where possible, single-loaded streets adjacent to the proposed MSCP Preserve will provide additional buffer to the open spaces and provide view opportunities from the public right-of-ways. Although precise locations and layout of local streets will be determined as part of subsequent site-specific development proposals, a grid pattern or modified-grid pattern will be used where topography allows to promote alternate routes to each destination (see illustrations in **Chapter 5, Community Design Guidelines**). Major residential collectors are limited to those discussed above and shall not bisect neighborhoods. Cul-de-sacs are encouraged.

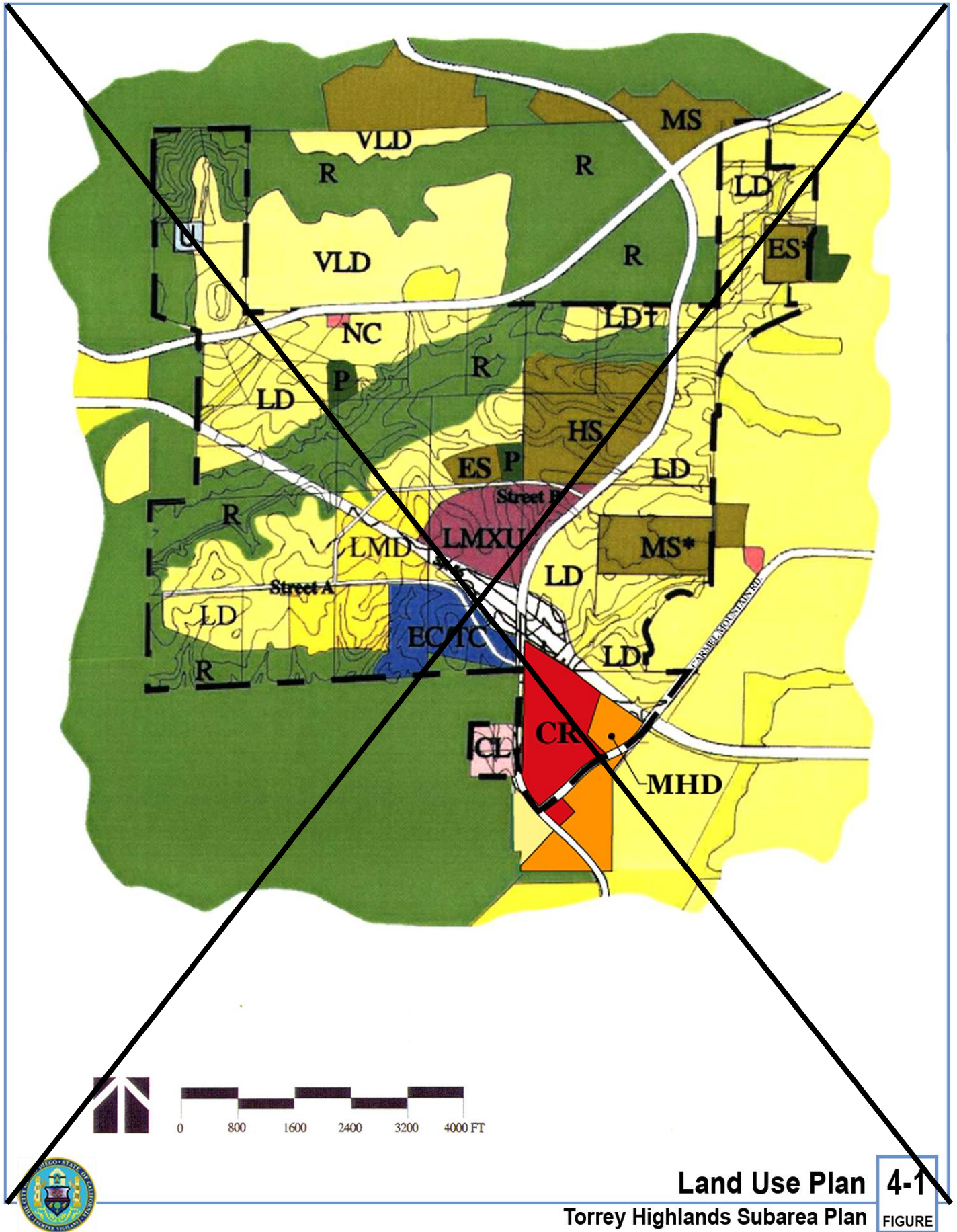
When the very low-density area adjacent to the proposed MSCP Preserve on the western edge of the Northern Neighborhood is developed, local circulation should be designed to provide access to four

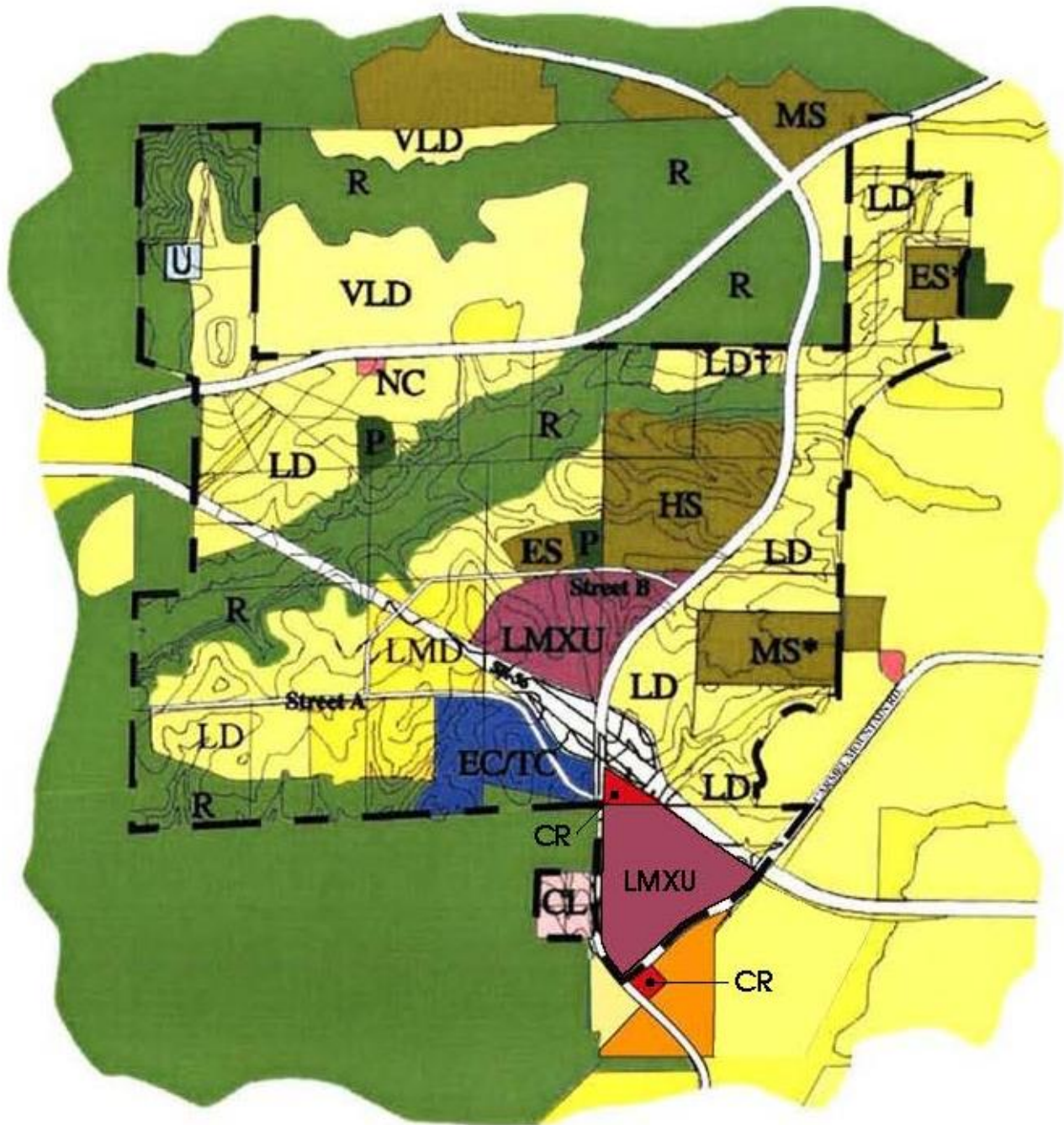
existing residences on Mira Zanja Corte. This would allow the possible vacation of the east/west portion of Mira Zanja Corte that currently crosses the proposed

Single loaded streets adjacent to proposed MSCP Preserve



MSCP system if at some point in the future the present nursery uses that utilize that east/west road are abandoned.





Land Use Plan 4-1
Torrey Highlands Subarea Plan **FIGURE**

TABLE 4-1
TORREY HIGHLANDS LAND USE DESIGNATIONS AND USES

Land Use	Recommended Uses	Comments
Commercial Areas		
Local Mixed Use Center (LMXU)	<p><u>Commercial</u>: Major grocery and drug stores, pedestrian-oriented shops and stores including restaurants (no drive-through type uses allowed in this area), <u>professional, corporate, scientific, and medical offices</u>.</p> <p><u>Civic</u>: Small postal services and non-profit and government services, plazas and village greens.</p> <p><u>Residential</u>: Multifamily housing and mixed-use residential units interspersed with ground floor commercial. <u>Single-family (SF), small lot SF with second unit, duplex, triplex, attached townhouses</u>.</p>	<ul style="list-style-type: none"> The <u>northern</u> LMXU is 43.5 acres including 132,000 SF of commercial and up to 465 residential units. <u>The southern LMXU is 42 acres including up to approximately 525,000 SF of commercial and office and up to 242 residential units.</u> PDP required. Trails and pedestrian links to residential areas are required to be integrated with LMXU. Pedestrian-oriented design techniques as adopted by the City of San Diego including architectural interest, landscaped pedestrian walks and <u>outdoor sitting areas indoor/outdoor community oriented central plaza.</u>
Commercial Regional (CR)	Commercial Regional includes a broad range of commercial uses including: neighborhood-serving commercial, area-serving retail, automotive service, commercial recreation facilities, visitor-serving commercial and offices. (See page 52 for limitations.)	<ul style="list-style-type: none"> PDP required. Final SR-56 alignment required prior to discretionary approval for development. Commercial provides space for large-scale uses which require sites primarily served by vehicular access. 35-acre site with 250,000 SF of commercial and 275,000 SF of self storage. 2-acre site with 10,000 SF of commercial not to exceed 6,000 ADT.
Commercial Limited (CL)	Religious facilities, trade schools, storage, veterinary clinics, nurseries and garden centers.	<ul style="list-style-type: none"> Discretionary review to ensure compatibility with adjacent Deer Canyon.
Commercial Neighborhood (CN)	Gas station, convenience store, boutiques, specialty retail, business or professional offices, small cafes and restaurants.	<ul style="list-style-type: none"> NC is 1.5 acres. PDP required.

TABLE 4-2
TORREY HIGHLANDS LAND USE ACREAGE

		DU or Acres
Residential		2,600 DU
VLD	Very Low-Density (Less than 1 du/acre)	28.3 Acres
LD	Low-Density (2-5 du/acre)*	363.85 Acres
LMD	Low-Moderate Density (5-10 du/acre)	62.08 Acres
MHD	Medium High Density (20-40 du/acre)	7 Acres
LMXU	Local Mixed Use	43.5 85.5 Acres
CN	Commercial Neighborhood	1.5 Acres
CR	Commercial Regional	35 Acres
CL	Commercial Limited	10.5 Acres
EC/TC	Employment Center/Transit Center	34 Acres
Schools		
ES	Elementary School (Existing)	12 Acres
MS	Middle School (Existing)	30 Acres
ES	Elementary School (Proposed)**	11 Acres
HS	High School (Proposed)	68.5 Acres
MS	Middle School (Proposed)***	0.3 Acres
P	Neighborhood Park	10 Acres
R	Resource (MSCP)	273. Acres
OS	Open Space	11 Acres
ROW	Right-of-Way	120 Acres
U	Utilities	3.7 Acres
Total		1125.8 Acres

* Total low-density acreage does not include acreage for the underlying LD acreage designated for schools.

** Elementary school and high school designated as LD for underlying land Use. Development of the school site as LD will require a rezoning of the property to implement that designation.

*** Approximately 10 acres of proposed middle school located in Fairbanks Highlands, 15 acres located in Subarea I.

4.2.2 Local Land Uses

A. Local Mixed Use Center

The Torrey Highlands community will be focused around its Local Mixed Use Centers (LMXU). The LMXU concept concentrates more intense land uses and densities in the southeastern portion of the community north of SR-56, surrounded by low-density residential and associated open spaces. Torrey Highlands includes three focused LMXU areas within the community (LMXU North A, LMXU North B, and LMXU South. The LMXU centers fosters interaction among community residents by providing a mix of commercial, office and public uses within 1,000 feet of the majority of the residential population. The Northern LMXUs include two separate commercial areas and is are located at northwest of the intersection of Camino Ruiz and SR-56. The Southern LMXU center is located south of SR-56 and north of the intersection of Camino Ruiz (Camino Del Sur) and Carmel Mountain Road. Although located near the freeway, the LMXUs will not be a freeway-oriented commercial development. Vehicular access to the LMXUs is only available via Camino Ruiz (Camino Del Sur) or one of the collector roads; direct access from SR-56 is not provided. Parking for the commercial uses within the LMXUs will be near the intersection of Camino Ruiz and the freeway. This will allow easy access for those arriving by vehicle, but not impede pedestrians arriving from within Torrey Highlands or via the trail system.

Typically, the dominant commercial anchors of Local Mixed Use Centers are usually a grocery store and drug store. Other commercial uses will consist of retail on the first floor with professional services on the second floor, fitness, and cinema. A public plaza and community room shall be located near the center of the LMXUs to further foster pedestrian activity and provide a sense of community. As the Local Mixed Use Centers radiates outward, the land use will include a vertical mix of retail on ground floor with residential above some areas.

A wide range of housing types and affordability will be provided in the LMXUs including townhomes, apartments, duplexes, single-family residential with accessory units, and small-lot single-family. Residential density will decrease as the distance from the commercial center increases. Neighborhood parks and schools will be linked to the Local Mixed Use Centers with clear pedestrian paths and access ways. Two of the new schools will be located in close proximity to the Northern LMXU as well.

To ensure development consistent with this Subarea Plan and with other applicable City documents and ordinances, development within the Local Mixed Use Centers will require approval of a PDP (Planned Development Permit), or its successor, permit concurrent with rezoning of the property. Specific design and development policies for the LMXUs are contained in

Chapter 5, Community Design Guidelines.

Northern LMXU Parcel B

The Northern smaller LMXU Parcel B is approximately 1.5 acres and is located in the northwestern quadrant of the Camino Ruiz and Street “B” intersection. The uses anticipated for the site are neighborhood-serving in nature and could include uses such as a coffee house, sandwich shop, dry cleaners and video store. The Design Guidelines for the Crossroads Neighborhood Commercial Center and a conceptual site plan have been approved for this parcel. To ensure development consistent with the guidelines and other applicable ordinances, development of this parcel will require approval of a site-specific PDP.

Southern LMXU Parcel

The Southern LMXU Center incorporates a mix of commercial, professional, corporate, scientific and medical office, varying residential land uses, hotel, and automotive display. Providing these services is intended to serve both Torrey Highlands and the bordering Rancho Peñasquitos Community. This area shall include up to approximately 525,000 square feet of commercial and office uses and up to 242 residential dwelling units. Residential units shall include a mix of housing types including multi-family, townhomes, and single-family.

B. Residential Areas

Intent: Torrey Highlands will accommodate a maximum of 2,600 dwelling units in a mix of densities, affordability and residential housing types. The use of very low-density and low-density housing on the periphery of Torrey Highlands allows new development to be compatible with the existing surrounding communities. The intent of concentrating density within 1,000 feet of the commercial uses in the LMXU is to reduce reliance on private automobiles, increase pedestrian activity and enhance the viability of the commercial uses. Densities will be highest near the commercial uses in the Local Mixed Use Center and will decrease with distance from the major activity centers. Up to 475-717 units may be located in the LMXU.

All residential areas will be connected to major land use destinations such as shopping, jobs, schools, parks and open space through a well-planned system of trails, bikeways and streets. (See **Chapter 3, Circulation.**) Specific residential design guidelines and streetscape policies are contained in **Chapter 5, Community Design Guidelines.**

Density Ranges: **Table 4-1** describes the density range for each residential designation. The density for each designation shall not be exceeded.

The subregional uses are located to take advantage of:

- One of the two freeway interchange locations (Camino Ruiz and SR-56) within the NCFUA.
- The absence of comparable uses in the adjacent community of Rancho Peñasquitos.

Subregional facilities including an Employment Center, Commercial Limited and Commercial Regional uses within a Local Mixed Use Center are sited in the southern portion of Torrey Highlands. Their location takes advantage of freeway proximity.

* The minimum lot size for low-density residential within Parcel #306-021-05 is 5,000 square feet

Employment Center

The commute from home to work typically generates approximately one-third of all automobile trips. By providing an Employment Center within Torrey Highlands, a reduction in traffic may be possible. The Employment Center will contribute to an employment base for the North City. The close proximity of the Employment Center to the Local Mixed Use Center and residential areas will decrease the dependency on private automobiles for residents of Torrey Highlands. The Employment Center area is estimated to include 600,000 square feet and may contain:

- Scientific research, and research and development uses
- Light industrial and manufacturing uses
- Professional and corporate office uses
- Business support and other convenience facilities
- Drive-through services are not permitted in the Employment Center

The provisions for business support and other convenience facilities is an essential element of the Torrey Highlands Employment Center. These support facilities provide services and products to employees without competing with the LMXU.

The Employment Center may also integrate design considerations in the event that transit services the area. As of June 1996, the MTDB has indicated that it will not provide transit services to the community. However, transit support facilities should be incorporated within the Employment Center to allow for private shuttles or eventual service by MTDB. The MTDB will make the actual determination when and under what circumstances transit service will be provided to the community prior to the issuance of tentative maps associated with the Employment Center site. Siting and design guidelines for the Employment Center are contained in **Chapter 5, Community Design Guidelines**.

Commercial Regional

~~There are two separate and distinct regional commercial areas identified in the Torrey Highlands Community. The primary Commercial Regional area covers approximately 23 acres north of the intersection of Camino Ruiz and Carmel Mountain Road, and the northern~~The Commercial Regional area covers approximately two acres at the southeastern quadrant of the intersection of SR-56 and Camino Ruiz and a similar sized area southeast of Camino Ruiz and Carmel Mountain Road. Commercial Regional uses ~~include~~allow: neighborhood-serving commercial uses, area-serving retail sales, automotive uses, commercial recreation facilities, visitor-serving commercial uses and offices.

The Commercial Regional and Local Mixed Use Center locations benefit from the high visibility of the major routes including SR-56 and Camino Ruiz, easy access through the SR-56/Camino Ruiz interchange and central location within the region.

~~The primary Commercial Regional area allows for a broad range of retail commercial uses and is intended to serve both the Torrey Highlands and Rancho Peñasquitos communities. Up to 250,000 square feet of commercial development and 275,000 square feet of self storage will occur on approximately 23 acres with the current alignment of Carmel Mountain Road and Camino Ruiz. Even if the acreage of the Commercial Regional site should increase based on the final alignments of Carmel Mountain Road and Camino Ruiz, the commercial square footage will remain at 250,000 square feet.~~

The ~~northern~~ Commercial Regional area is designated for auto-oriented Commercial Regional uses. Development of this parcel is restricted to a maximum of 10,000 square feet and 6,000 average daily trips (ADT). The Design Guidelines for the Commercial Regional Center and two conceptual site plans, illustrating potential development phases, have been approved for this parcel. To assure development consistent with the guidelines and other applicable ordinances, development of this parcel will require approval of a site-specific Planned Development Permit (PDP) and any necessary use permits. Chapter 5, **Community Design Guidelines**, contains specific siting and design guidelines for the Commercial areas.

Commercial Limited

Approximately 10.5 acres west of Camino Ruiz are designated for Commercial Limited uses. These uses are somewhat dependent on automobiles but are appropriate for the more isolated location of this site.

This category of land use includes: religious facilities, trade schools, storage facilities, nurseries, garden centers and veterinary clinics.

4.3 LAND USE PATTERN

4.3.1 Land Use Concept

The Torrey Highlands community is based on a traditional planning concept which emphasizes bicycle, equestrian and pedestrian paths, and focuses community activities around this concept. Commercial, civic and residential uses will be integrated in the community core and the circulation element will accommodate pedestrian, bicycle, transit and equestrian access with comparable ease to what motorized vehicles enjoy. In addition, a diverse variety of housing options are provided to ensure that residential opportunities are available to accommodate a range of incomes from very low to very high. To achieve a fine-grained development pattern which will implement these planning principles, Torrey Highlands is divided into four distinct planning areas as shown in

- A Northern Neighborhood including 1.5-acres of Neighborhood Commercial and a five-acre neighborhood park
- A Central Neighborhood including residential areas and a 43.5-acre Local Mixed Use Center, neighborhood park, elementary school and a high school
- An Eastern Neighborhood including the existing elementary school and middle school
- Subregional Area comprising the Employment Center and Commercial uses within a Local Mixed Use Center near SR-56

Northern Neighborhood

The Northern Neighborhood is located in the northwest portion of the Torrey Highlands planning area. The neighborhood is bordered by two canyons: La Zanja Canyon to the north and McGonigle Canyon to the south. An SDG&E power line and easement borders the area to the west.

Because of its more remote location and orientation to Carmel Valley Road, the Northern Neighborhood will develop a small, 1.5-acre Neighborhood Commercial site to serve the residential area. The Northern Neighborhood will also consist of the following:

- 1.5 acres of Neighborhood Commercial which may include a gas station, convenience store, boutiques, specialty retail, small business or professional offices, small cafes and restaurants
- A five-acre neighborhood park adjacent to the Torrey Highlands Preserve Segment
- Trails connecting the Northern Neighborhood to the Torrey Highlands Preserve Segment, schools, neighborhood parks, and Local Mixed Use Center
- 97 acres low-density (LD) residential (2-5 du/ac)
- 28 acres very low-density (VLD) residential (less than 1 du/ac)
- A 3.5-acre SDG&E substation site

Central Neighborhood

The Central Neighborhood is located in the middle portion of the Torrey Highlands planning area. The neighborhood is bordered by McGonigle Canyon to the northwest, Camino Ruiz to the east and Deer Canyon to the south.

The Central Neighborhood includes a 43.5-acre Local Mixed Use Center which has the potential to serve as a social hub for the entire Torrey Highlands community by providing a mixture of retail, commercial, civic, office and

residential uses in a pedestrian-oriented design and scale. The size of this center responds to the greater population base and combination of land uses in the central neighborhood. It will be supported by adjacent Employment Center uses.

Overall, the Central Neighborhood will contain:

- A 43.5-acre Northern Local Mixed Use Center consisting of:
 - A maximum of 132,000 square feet of neighborhood serving commercial
 - Up to 475 dwelling units
 - Restaurants
 - Businesses and professional offices
 - Provisions for transit
 - A significant, large-scale landmark or focal point such as a public square plaza, or active outdoor recreation
- An 11-acre elementary school with a child care facility
- A five-acre neighborhood park between the elementary school and high school
- Trails connecting the Central Neighborhood to the MSCP Preserve, schools, neighborhood parks, and surrounding neighborhoods
- Approximately 173 acres of low-density (LD) residential (2-5 du/ac)
- Approximately 22 acres of low- to moderate-density (LMD) residential (5-10 du/ac)
- Approximately 69 acres for a high school or other uses; if this area is not needed for school purposes, low-density residential will be developed; development of the school site as low-density residential will require a rezoning of the property to implement that designation

Eastern Neighborhood

The Eastern Neighborhood is located in the eastern portion of Torrey Highlands. The neighborhood is bordered by Rancho Peñasquitos to the east, Black Mountain Ranch to the north, Camino Ruiz to the west, and SR-56 to the south.

The neighborhood will be connected to the Northern Local Mixed Use Center in Torrey Highlands by Camino Ruiz, as well as with pedestrian and bicycle paths. The open spaces will provide view opportunity for low-density and low-medium density housing.

The Central Neighborhood includes a 42-acre Local Mixed Use Center providing a mixture of commercial, professional, corporate, scientific and medical office, varying residential land uses, hotel, cinema, and automotive display uses in a pedestrian-oriented design and scale. The 42-acre LMXU Center also crosses into

the sub-regional area located in the northern quadrant of the Camino Ruiz and Carmel Mountain Road intersection.

The Eastern Neighborhood will contain:

- The existing 12-acre Adobe Bluffs Elementary School
- The existing 30-acre Mesa Verde Middle School
- Trails connecting the Eastern Neighborhood to the Preserve corridor, schools, neighborhood parks, and surrounding neighborhoods.
- ~~Approximately seven acres of medium high-density (MHD) residential (20-40 du/ac)~~
- Approximately 115 acres low-density (LD) residential (2-5 du/ac)
- A 42-acre Southern Local Mixed Use Center also crossing into the sub-regional area consisting of:
 - Up to approximately 525,000 square feet of commercial and corporate, scientific, and medical office
 - Up to 242 dwelling units
 - Restaurants
 - Businesses and professional, corporate, scientific and medical offices
 - Hotel shall require a Conditional Use Permit
 - Automotive Display
 - A significant, large-scale landmark or focal point such as a public square or plaza, or active outdoor recreation

4.4 PARCEL YIELD

The maximum number of residential units to be constructed within Subarea IV (as approved on November 5, 1996) is 2,693 of which the phase shifted portion of Torrey Highlands includes 2,600 dwelling units. The Torrey Highlands Public Facilities Financing Plan has been prepared anticipating buildout of the 2,693 units in Subarea IV. **Table 4-3** further reflects the anticipated allocation of the 2,693 units throughout Subarea IV by land ownership. It should be noted that **Table 4-3** was prepared for illustrative and planning purposes only and does not create or vest any density entitlements. Therefore, the right to build with the densities reflected in **Table 4-3** is contingent upon and subject to future discretionary approvals and rezonings. Parcels are keyed to **Figure 4-4**.

TABLE 4-3
PROPERTY OWNER RESIDENTIAL LAND USE YIELD*

Parcel	DU	Notes
A	1	
B	73	
C	0	SDG&E
D	93	Fairbanks Highlands***
E	31	MS**
F	5	
G	94	
H	43	
I	43	
J	4	
K	0	Poway Unified School District
L	0	City of San Diego
M	65	
N	58	
O	133	
P	44	
Q	20	
R	39	HS**
S	39	HS**+
T	79	
U	113	
V	55	
W	78	ES**
X	137	HS**
Y	168	
Z	137	7 LMXU Units
AA	348	338 LMXU Units
BB	463	119 LMXU Units
CC	0	
DD	0	
EE	0	
FF	<u>26927</u>	<u>242 LXMU Units</u>
GG	0	
HH	0	
II	0	
JJ	0	
Total***	2,693	

* Table 4-3 was prepared for illustrative and planning purposes only and does not create or vest density entitlements for any parcel or property ownership. Circumstances such as fixing road alignments or environmental preservation areas may have the effect of increasing or decreasing the net developable area of a parcel or property ownership. Therefore, the right to build consistent with the densities reflected in Table 4-3 is contingent upon and subject to future discretionary approvals and rezonings. (To the extent that development units up to the five units per acre maximum yield are not achieved on a particular “LD” parcel or property ownership, they may be reallocated to the LMXU dwelling unit total up to the 475 allowable units referenced in the Plan.)

** The underlying land use for all properties designated as schools on the Land Use Plan (Figure 4-1) is LD residential. Any change to the location of the schools will result in the densities shown on the chart to be adjusted accordingly.

*** 93 dwelling units from Fairbanks Highlands are not a part of the phase shift, but are included in Subarea IV.

+ Includes 17 dwelling units transferred from area designated as MSCP.



Rancho Peñasquitos

COMMUNITY PLAN

MERGE 56
COMMUNITY PLAN AMENDMENT
May 2015



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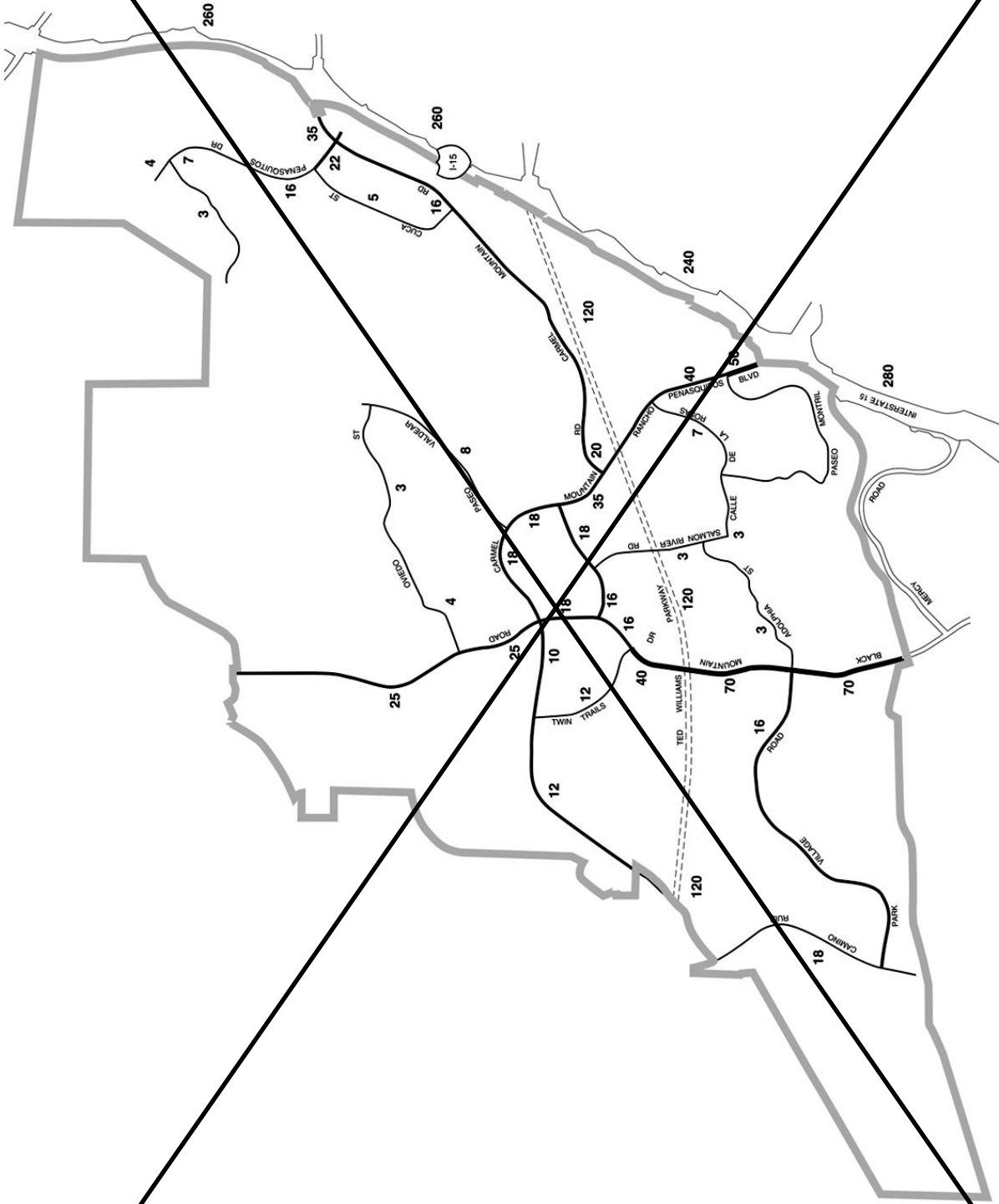
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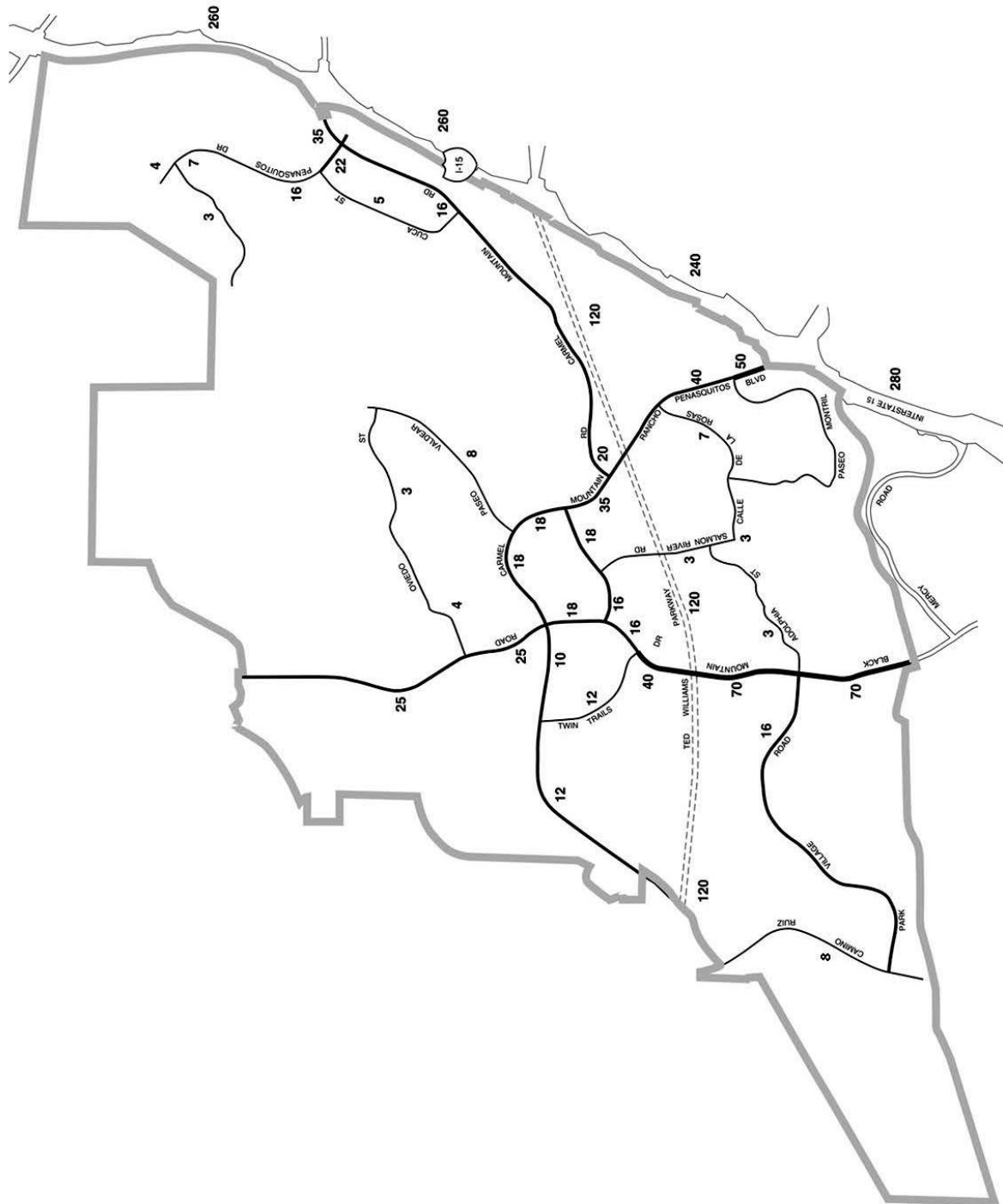
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Average Daily Traffic at Buildout (in thousands)
Rancho Peñasquitos Community Plan





Average Daily Traffic at Buildout (in thousands)

SPECIFIC RECOMMENDATIONS

Roadway Improvements

The following recommendations regarding specific roadway improvements have been developed based upon the recently completed traffic study and expressed desires of the community. Transportation improvements will be constructed in accordance with the phasing schedule in the Public Facilities Financing Plan. Roadway classifications shown on **Figure 28** which are not discussed in this section are unchanged from the previous community plan.

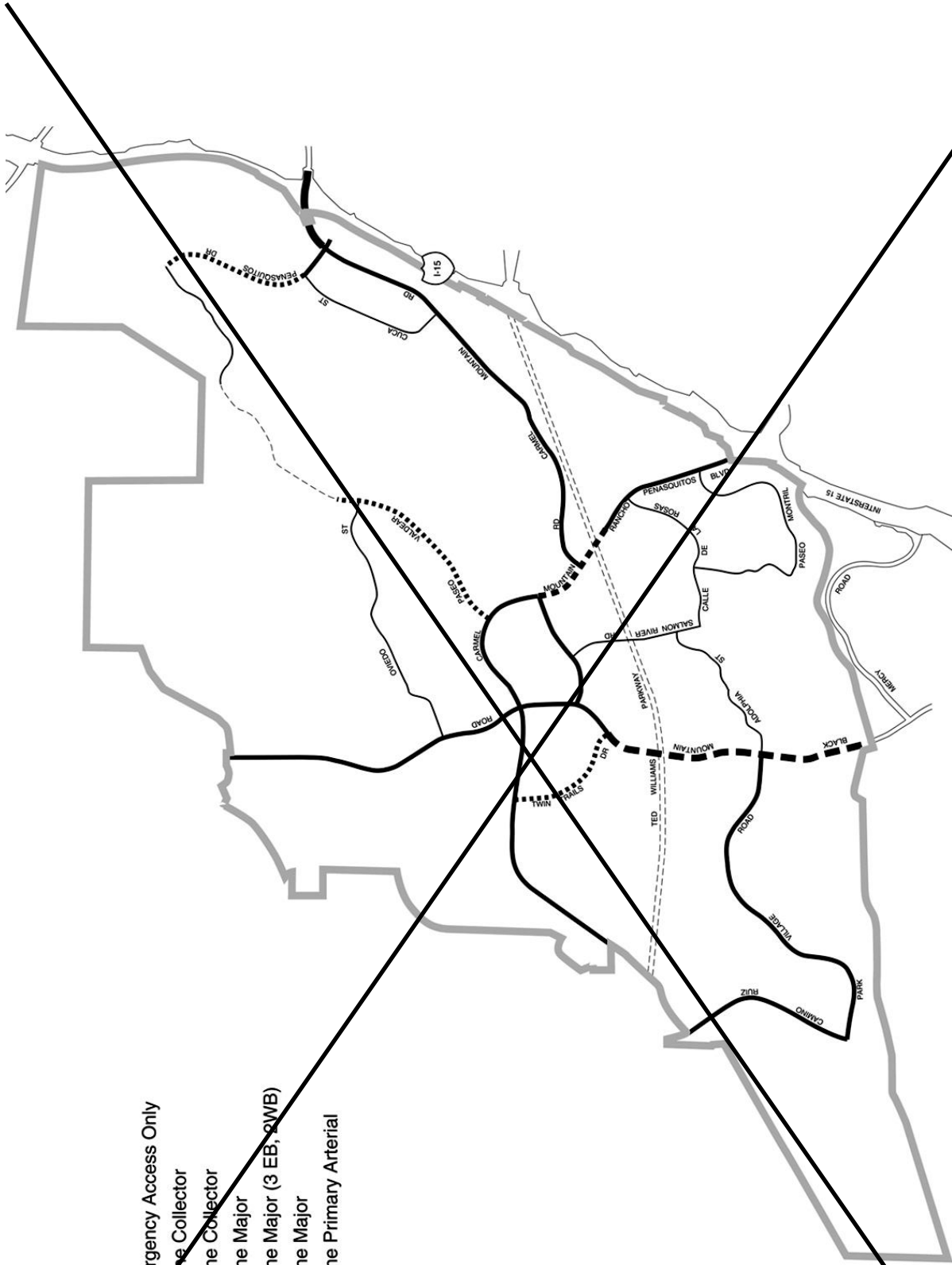
- **State Route 56.** State Route 56 (Ted Williams Parkway) should be constructed as a six-lane freeway from I-15 to the western boundary of Rancho Peñasquitos using TRANSNET and Facility Benefit Assessment (FBA) funds earmarked for this purpose. State Route 56 from I-15 to I-5 is a critical east-west link between Rancho Peñasquitos and surrounding communities and coastal areas. Money is currently being collected from assessments in six communities, including Rancho Peñasquitos, to obtain right-of-way for the portion of SR-56 that would traverse the future urbanizing area. It is recommended that, if environmental issues can be resolved, a financing mechanism should be developed to construct SR-56 as at least a four-lane facility through the future urbanizing area and that this road be built when sufficient funds have been obtained.
- **Black Mountain Road.** From just north of Twin Trails Drive to the southern community boundary, this road may be improved to modified six-lane arterial status with Class II bicycle lanes.
- **Camino Ruiz Extension across Los Peñasquitos Canyon.** The Camino Ruiz extension has been deleted from this Plan due to widespread opposition from residents and community groups in Rancho Peñasquitos and Mira Mesa. They feel that the environmental impacts of the roadway to Los Peñasquitos Canyon Preserve outweigh the benefits to traffic flow and access that would be achieved if the roadway extension were built, and they accept the severe congestion that will result on Black Mountain Road.
- **Camino del Sur (previously Camino Ruiz).** Northerly terminus to Carmel Mountain Road – ~~Retain four-lane major classification~~ Classify as a modified two-lane collector street with Class II bicycle lanes. The road should be designed in an environmentally and aesthetically sensitive manner, having minimal impact upon the natural open space system. ~~The median can be reduced where there is no fronting property, which will help to minimize grading impacts.~~
- **Carmel Mountain Road.** Paseo Montalban to Rancho Peñasquitos Boulevard – Classify as a modified five-lane major street (3EB, 2WB).
- **Carmel Mountain Road.** Interstate 15 to Peñasquitos Drive – Classify as a modified six-lane major street.
- **Paseo Valdear.** Westerly portion, from Oviedo Street approximately 300 feet north – Classify as four-lane collector street; to limit of development in Montana Mirador classify

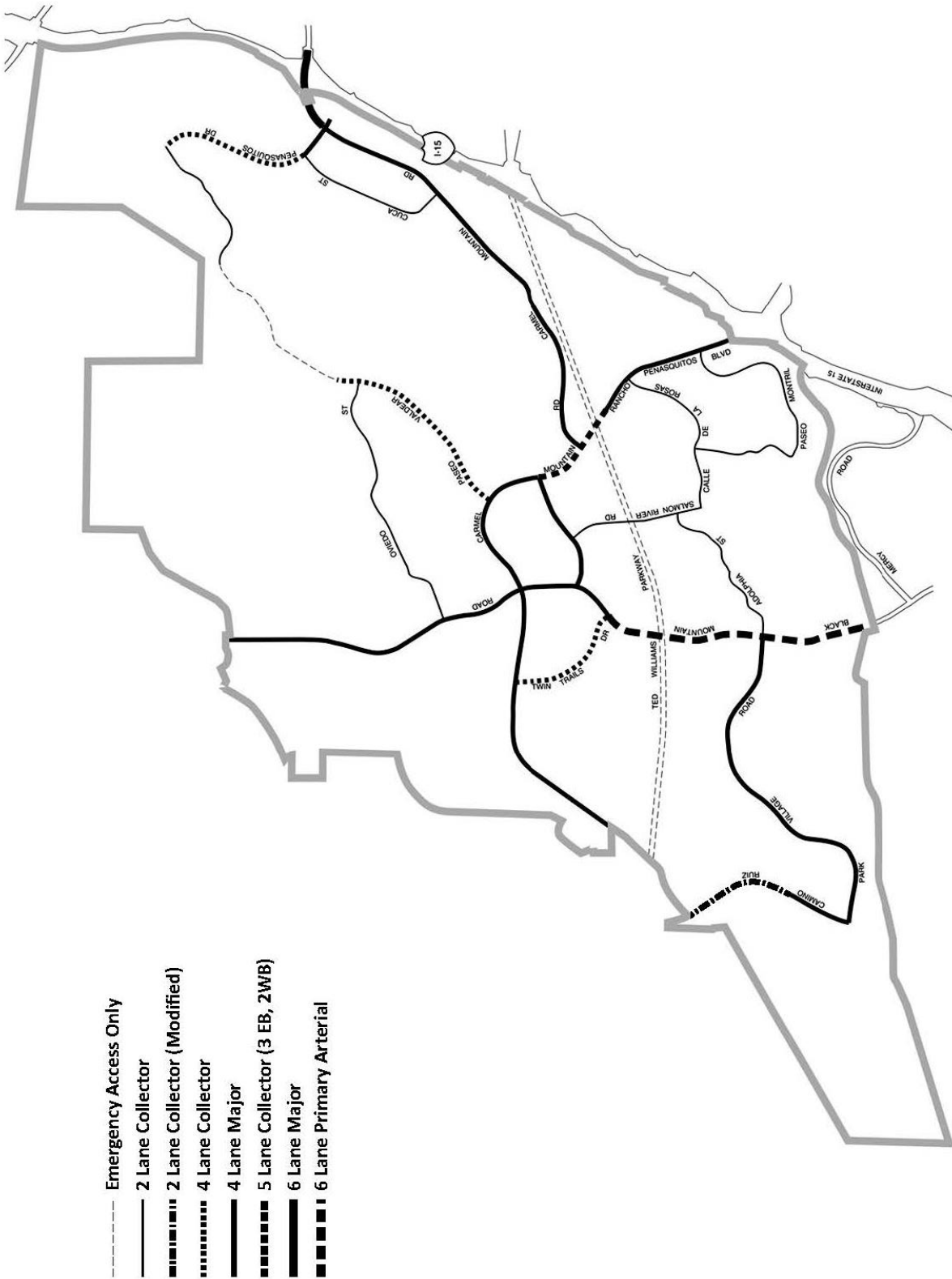
as a local street. Cul-de-sac at Montana Mirador subdivision. Provide an emergency access road to westerly portion of Paseo Valdear.

Recommended Street Classifications

Rancho Peñasquitos Community Plan

- Emergency Access Only
- 2 Lane Collector
- 4 Lane Collector
- 4 Lane Major
- 5 Lane Major (3 EB, 2 WB)
- 6 Lane Major
- 6 Lane Primary Arterial





Recommended Street Classifications

Rancho Peñasquitos Community Plan

__REZONE ORDINANCE

(O-**INSERT~**)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING APPROXIMATELY FORTY-SIX ACRES LOCATED APPROXIMATELY SOUTH OF STATE ROUTE 56, BETWEEN CAMINO DEL SUR AND BLACK MOUNTAIN ROAD, WITHIN THE TORREY HIGHLANDS SUBAREA PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CR-2-1 (COMMERCIAL-REGIONAL) AND RM-3-9 (RESIDENTIAL-MULTIPLE UNIT) ZONES INTO THE CC-3-5 (COMMERCIAL-COMMUNITY) AND RX-1-2 (RESIDENTIAL-SMALL LOT) ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0507 and 131.0404; AND REPEALING ORDINANCE NO. O-19273 (NEW SERIES), ADOPTED APRIL 12, 2004, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

WHEREAS, Sea Breeze 56, LLC, a Delaware Limited Liability Company, requested to rezone approximately forty-six acres of land from the CR-2-1 (Commercial-Regional) and RM-3-9 (Residential-Multiple Unit) zones into the CC-3-5 (Commercial-Community) and RX-1-2 (Residential-Small Lot) zones in the Torrey Highlands Subarea Plan area; and

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

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

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

Section 1. That approximately forty-six acres located approximately south of State Route 56, between Camino Del Sur and Black Mountain Road, within the Torrey Highlands Subarea Plan area, and legally described as Lots 4, 5 and 10, Rhodes Crossing, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15578, filed in the Office of the County Recorder of San Diego County, July 11, 2007 as File No. 2007-0466189 of Official Records, in the Torrey Highlands Subarea Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4328, filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the CR-2-1 (Commercial-Regional) and RM-3-9 (Residential-Multiple Unit) zones into the CC-3-5 (Commercial-Community) and RX-1-2 (Residential-Small Lot) zones, as the zones are described and defined by San Diego Municipal Code Chapter 13 Article 1 Divisions 131.0507 and 131.0404. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-19273 (New Series), adopted April 12, 2004, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By _____

Attorney name

Deputy City Attorney

Initials~

Date~

Or.Dept: INSERT~

Case No. INSERT PROJECT NUMBER~

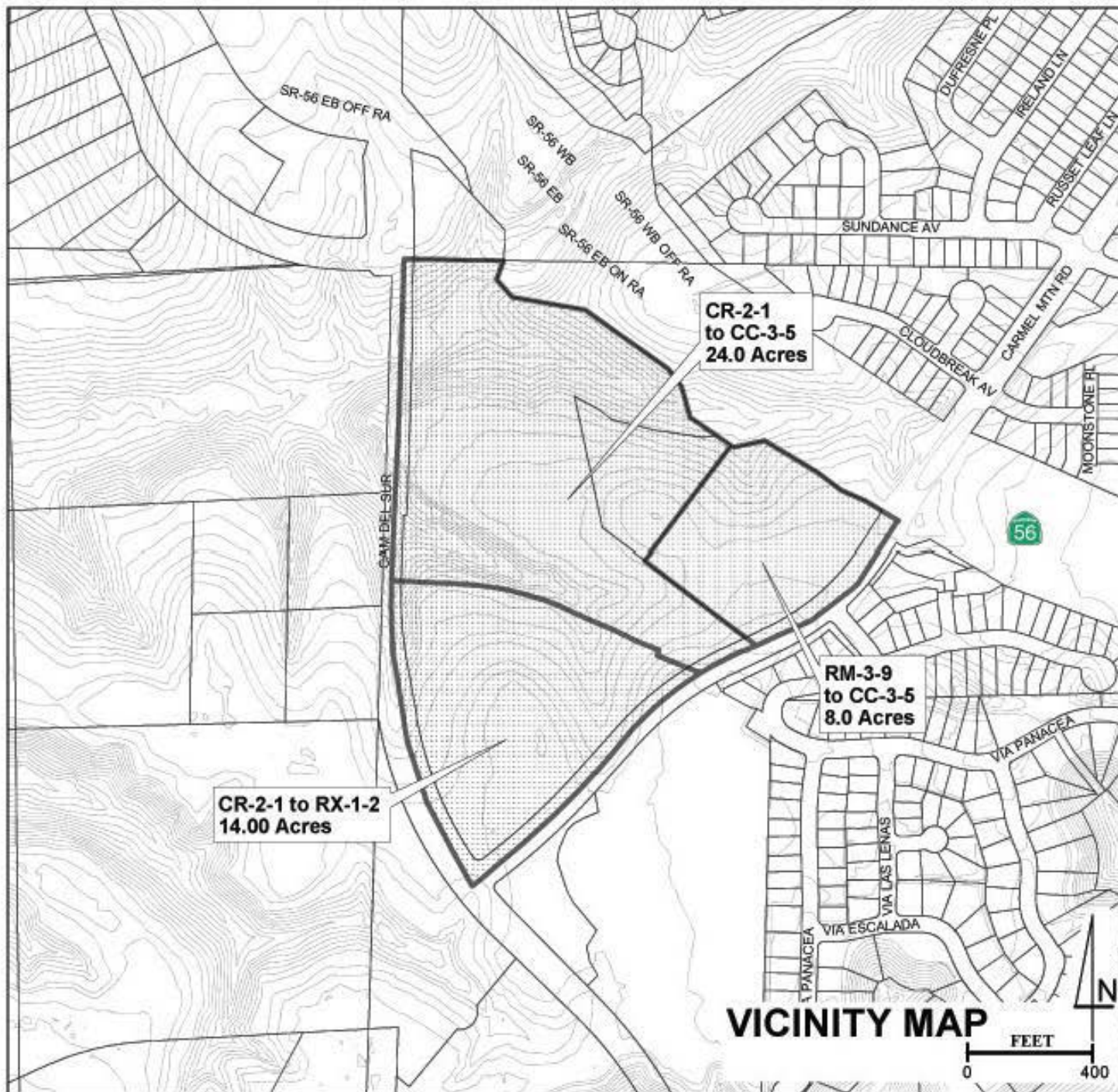
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CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



Lots 4, 5, and 10 of Doc.#484915

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST CC-3-5 & RX-1-2

PLANNING COMM.
RECOMMENDATION
CITY COUNCIL
ACTION

CASE NO. PTS 360009

DEVELOPMENT SERVICES MANAGER

B-4328

APN: 306-420-04,05 & 10

(286-1722) 12-13-17 ldj

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 360009/SCH No. 2014071065, ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM; MERGE 56 - PROJECT NO. 360009

WHEREAS, on July 21, 2014, SEA BREEZE 56, LLC, a Delaware Limited Liability Company, submitted an application to the Development Services Department for an Amendment to the General Plan and the Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plans, Rezone, Planned Development Permit, Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Easement Vacation, and Public Right-of-way Vacation, for the Merge 56 (Project); and

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

WHEREAS, the issue was heard by the City Council on _____ 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 City 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 considered the issues discussed in Environmental Impact Report No. 360009/SCH No. 2014071065 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report 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 Report reflects the independent

judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, and that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit A.

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

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By: _____
DEPUTY CITY ATTORNEY

ATTACHMENT(S): Exhibit A, Findings/Statement of Overriding Considerations
 Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

FINDINGS/STATEMENT OF OVERRIDING CONSIDERATIONS

[To be provided to the Planning Commission at distribution.]

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

MERGE 56 - PROJECT NO. 360009

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 Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 360009/SCH No. 2014071065 shall be made conditions of Planned Development Permit No. 1266871, Site Development Permit No. 1266883, Conditional Use Permit No. 1266881, Vesting Tentative Map No. 1266869, Easement Vacation No. 2076453, and Public Right-of-way Vacation No. 2076458 (amendment to Planned Development Permit No. 53203 Site Development Permit Nos. 53204, 3278 and 40-0386, Conditional Use Permit No. 53205, and Vesting Tentative Map No. 7938), as may be further described below.

The following general requirements would be a part of the proposed project MMRP:

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 the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation

measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

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 Biologist
Archaeological Monitor
Native American Monitor
Paleontological Monitor
Acoustician
Geologist

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, applicant t is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 352250 and/or Environmental Document Number 36009, 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:

- Encroachment Permit from California Department of Transportation (Caltrans);
- National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit Compliance;
- NPDES General Construction Activity Permit for Stormwater Discharges Compliance;
- California Fish and Game Code Section 1602 Streambed Alteration Agreement;
- Federal Clean Water Act Section 404 Permit;
- Federal Endangered Species Act Section 7 Consultation, if needed; and
- Federal Clean Water Act Section 401 Water Quality Certification.

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

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

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

Table 9-1 DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
<i>Issue Area</i>	<i>Document Submittal</i>	<i>Associated Inspection/Approvals/Notes</i>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection

Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Paleontology	Paleontology Reports	Paleontology Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

LAND USE

Mitigation for indirect impacts to biological resources within the MHPA, and therefore land use policy, shall be implemented by the Applicant and is required consistent with the City's MSCP Subarea Plan and Biology Guidelines. Implementation of Mitigation Measure Bio-1 *Biological Resource Protection During Construction* and Mitigation Measure Bio-3 *Upland Vegetation Communities* would mitigate most potential indirect impacts associated with grading/land development. The following mitigation is also required to mitigate land use adjacency impacts to the MHPA to below a level of significance.

Lu-1 Land Use Adjacency Guidelines

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

A. Grading/Land Development/MHPA Boundaries: MHPA boundaries on-site and adjacent properties, including the San Diego National Wildlife Refuge, shall be delineated on the CDs. Development Services Department Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.

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

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

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

No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA or vernal pool preserves; no equipment maintenance shall be conducted within or near the MHPA or vernal pool preserves.

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

D. Lighting: Lighting within or adjacent to the MHPA and off-site vernal pool preserve areas shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.

E. Noise: Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: coastal California gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, a USFWS protocol survey shall be required in order to determine species presence/absence. If a protocol survey is not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

Coastal California Gnatcatcher (Federally Threatened)

Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

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

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

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
- II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a Qualified Biologist; or
- III. At least two weeks prior to commencement of construction activities and under direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the gnatcatcher. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Qualified Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

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

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

- I. If evidence indicates high potential for gnatcatcher presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above.

If evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

TRANSPORTATION/CIRCULATION

Tra-1 Camino Del Sur/SR-56 Westbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall pay FBA fees toward the construction of *Torrey Highlands PFFP Project No. T-1.3* to provide the northbound to westbound loop on-ramp at Camino Del Sur/SR-56 Westbound Ramps, to the satisfaction of the City Engineer.

Tra-2 Camino Del Sur/SR-56 Eastbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall pay FBA fees toward the construction of *Torrey Highlands PFFP Project No. T-1.3* (corresponding to *Black Mountain Ranch PFFP Project No. T-15.1*) to provide the southbound to eastbound loop on-ramp at Camino Del Sur/SR-56 Eastbound Ramps, to the satisfaction of the City Engineer.

Tra-3 Carmel Mountain Road/Black Mountain Road

Prior to issuance of the first building permit, the owner/permittee shall assure by permit and bond the restriping of the northbound approach to provide an additional northbound left-turn lane within the existing curb-to-curb width, mirroring the geometry of the southbound approach and restripe the northbound receiving lanes and red curb an additional 160 feet north of Carmel Mountain Road, to the satisfaction of the City Engineer.

Tra-4 Black Mountain Road/ SR-56 Westbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (17.7%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding to *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer. This improvement shall include the restriping of the temporary striping on Black Mountain Road overpass at SR-56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.

Tra-5 Black Mountain Road/ SR-56 Eastbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (25.2 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial to the satisfaction of the City Engineer. This would include the restriping of the temporary striping on Black Mountain Road overpass at SR 56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.

Tra-6 Black Mountain Road/ Park Village Road

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (36.1 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer.

Tra-7 Black Mountain Rd from SR-56 Eastbound Ramps to Park Village Road

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (35.9 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.

Tra-8 Black Mountain Rd from Park Village Rd to Mercy Rd

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (37.4 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.

Tra-9 SR-56 from Carmel Valley Road to Black Mountain Road (Eastbound and Westbound)

Prior to issuance of the first building permit, the owner/permittee shall pay FBA fees toward the construction of the *Torrey Highlands PFFP Project No. T-1.2B* to expand SR-56 from I-5 to I-15 to a six-lane freeway, to the satisfaction of the City Engineer.

BIOLOGICAL RESOURCES***Bio-1 Biological Resource Protection During Construction*****I. Prior to Construction**

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Pre-construction Meeting:** The Qualified Biologist shall attend a pre-construction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to Mitigation Monitoring Coordination verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, State or federal requirements.
- D. **Biological Construction Mitigation/Monitoring Exhibit:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit which includes the biological documents in C, above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director/Mitigation Monitoring Coordination. The Biological Construction Mitigation/Monitoring Exhibit shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by Mitigation Monitoring Coordination and referenced in the construction documents.
- E. **Resource Delineation:** Prior to construction activities including the erection of any permanent fencing (e.g., around the vernal pool preserves adjacent to the project), the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance and verify compliance with any other project conditions as shown on the

Biological Construction Mitigation/ Monitoring Exhibit. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site. Temporary construction fencing shall be removed upon construction completion.

- F. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the Biological Construction Mitigation/ Monitoring Exhibit. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to Mitigation Monitoring Coordination on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery. The Qualified Biologist shall monitor, as is feasible, for the presence of sensitive animals species and shall, if practicable, direct or move these animals out of harm's way (i.e., to a location of suitable habitat outside the impact footprint).
- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, State or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL Ordinance and MSCP, CEQA, and other applicable local, State and federal

laws. The Qualified Biologist shall submit a final Biological Construction Mitigation/Monitoring Exhibit/report to the satisfaction of the City Assistant Deputy Director/Mitigation Monitoring Coordination within 30 days of construction completion.

Bio-2 Sensitive Natural Communities

I. Vernal Pools and Road Pools

Prior to the issuance of the first construction and/or grading permit, impacts to vernal pools and road pools shall be mitigated through off-site creation of vernal pool habitat in accordance with a vernal pool mitigation plan approved by the City, USFWS, and CDFW. The mitigation shall occur at a 3:1 ratio. Vernal/road pool impacts and their associated mitigation requirements for both the Mixed-Use Development and Public Road project components are presented together in Table 5.3-6, *Mitigation for Impacts to Vernal/Road Pools*. The mitigation for the Mixed-Use vernal pool impacts and the Public Road vernal pool and road pool impacts is proposed to occur at a City-owned parcel on Del Mar Mesa (see Figure 7, *Vernal Pool Mitigation Site*, in Appendix C1). In total, the project requires 0.123 acre of vernal pool mitigation. The proposed effort on the City-owned parcel would, however, provide 0.193 acre of created vernal pool habitat. This would leave approximately 0.070 acre of surplus vernal pool surface area that could be used by the City as mitigation for other City projects. Additionally, the Applicant will enhance an existing vernal pool (0.021 acre) as part of the overall effort on the City-owned parcel. The creation of surplus vernal pool habitat and enhancement of the existing vernal pool are being conducted to compensate for the use of City-owned land for private (i.e., the Mixed-Use) mitigation. The final mitigation, however, shall be determined through consultation with the City and USFWS, and a final vernal pool mitigation plan shall be submitted to the USFWS for approval within 120 days of the Applicant receiving the final Biological Opinion.

Table 5.3-6 MITIGATION FOR IMPACTS TO VERNAL/ROAD POOLS			
Location and Pool Type	Impacts (acre)	Mitigation	
		Ratio	Required (acre)
Mixed-Use Development			
Vernal Pool	0.022	3:1	0.066
Subtotal	0.022	-	0.066
Public Roads¹			
Vernal Pool	0.016	3:1	0.048
Road Pool	0.003	3:1	0.009
Subtotal	0.019	-	0.057
TOTAL	0.041		0.123

Source: Alden Environmental, Inc. 2017

¹ There would be no impacts to vernal/road pools from the construction of Carmel Mountain Road.

Upon completion of the mitigation, there shall be a five-year maintenance and monitoring period to ensure successful habitat creation followed by implementation of a long-term habitat management plan approved by the City. The mitigation shall, at a minimum, replace the functions and services lost through impacts to vernal and road pools from the project. All of the pools also shall support reproducing populations of San Diego fairy shrimp. With the completed mitigation, it is expected that functions and services (water filtration, sensitive wildlife and plant habitat, etc.) would be greater in the created pools than in the impacted pools by the end of the five-year mitigation effort. This realization of target functions and values shall be documented by conducting quantitative and qualitative analyses throughout the five-year monitoring period.

Long-term management (after the five-year maintenance and monitoring period) and funding of the City roadway portion of the vernal pool mitigation area would be the responsibility of the City. Long-term management and funding of the Mixed-Use vernal pool mitigation area would be the responsibility of owner/permittee to prepare a Property Analysis Record and provide an endowment to ensure adequate long-term funding for the Mixed-Use vernal pool mitigation component. Long-term management and funding of the surplus pools would be determined through consultation between the City and owner/permittee. Actual management activities would be implemented by the City and/or a third-party entity approved and authorized by the City. All mitigation for impacts to vernal pools and road pools (and San Diego fairy shrimp) shall occur as defined in the final permits/authorizations to be issued by the Corps, USFWS, and City prior to issuance of grading permits.

Other Wetland/Riparian Areas

The northern portion of Camino Del Sur would impact a total of 0.5 acre of wetland/riparian habitat (other than vernal pools, i.e., southern willow scrub, mule fat scrub, and freshwater marsh; Table 5.3-1). Prior to the issuance of the first construction and/or grading permit, mitigation for these impacts shall be met through off-site creation of wetland habitat at a 3:1 ratio (1.5 acres of mitigation for these impacts). The proposed mitigation site is located along the creek in McGonigle Canyon approximately 1.5 miles northwest of the project (See Figure 8, *Off-Site Wetland/ Riparian Mitigation Site*, in Appendix C1). The mitigation site supports existing wetland habitat along the creek and is located within the MHPA. The mitigation shall include widening the creek to the south in an area that has been filled and used for agricultural purposes. The mitigation area shall be constructed specifically for the Camino Del Sur portion of the City's roadway project component and shall not be a part of any current or proposed future mitigation banking agreement. The total acreage to be created at this location is 1.58 acres, which includes the 1.5 acres required for this wetland/riparian habitat mitigation plus an additional 0.08 acre required for impacts to non-wetland streambeds as described in Mitigation Measure Bio-8, *Jurisdictional Areas*.

Wetland/riparian habitat shall be created by expanding the width of the existing creek and creating a mosaic of site-appropriate wetland/riparian associated habitats through the installation of a broad species mix. The habitats to become established are anticipated to range from freshwater marsh adjacent to the central portions of the channel that experience steady water flows, to riparian scrub and forest habitats along the periphery of the wetland mitigation area. As with the vernal pool mitigation discussed above, the wetland mitigation effort shall

include a five-year maintenance and monitoring period, a long-term HMP, and an endowment to provide long-term management funding. See Section 7.1.2, *Mitigation for Impacts to Other Jurisdictional/Wetland Areas*, in Appendix C1 for additional details.

All mitigation for the impacts shall occur as defined in the final permits/authorizations to be issued by the Corps, CDFW, USFWS, and City prior to issuance of grading permits.

Bio-3 Upland Vegetation Communities

Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to 61.2 acres of sensitive upland vegetation communities and Nuttall's scrub oak shall be accomplished through preservation of a minimum of 51.8 acres of suitable habitat/mitigation credit. The impacts and potential mitigation ratios and acreages are presented in Table 5.3-7, *Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Mixed-Use Development*, and Table 5.3-8, *Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Public Roads* and are based on Table 3, Upland Mitigation Ratios, of the City's Biology Guidelines (and the Torrey Highlands Subarea Plan [THSP] for impacts on the Mixed-Use Development site).

The following acquisition and preservation of mitigation in the THSP MHPA and/or purchase of credits from mitigation banks shall be provided for project impacts to upland habitats in accordance with the City's Biology Guidelines.

Table 5.3-7 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES FROM THE MIXED-USE DEVELOPMENT (acres)				
Vegetation Community	Impacts ¹ (acres)	Mitigation ¹		
		Mitigation Ratio (acre)	Required Mitigation Acreage	Avoided
Tier II				
Diegan coastal sage scrub	7.7	2:1 ²	15.4	2.4
Diegan coastal sage scrub-disturbed	0.3	2:1 ²	0.6	-
Diegan coastal sage scrub-southern mixed chaparral ecotone	1.3	2:1 ²	2.6	-
Subtotal	9.3	-	18.6	2.4
Tier IIIA				
Southern mixed chaparral	<0.1	0.5:1	0.1	0.1
Chamise chaparral	2.2	0.5:1	1.1	-
Chamise chaparral-disturbed	3.4	0.5:1	1.7	-
Subtotal	5.6	-	2.9	0.1
Tier IIIB				

Non-native grassland	16.5	0.5:1	8.3	0.5
Subtotal	16.5	-	11.2	0.5
TOTAL	31.4	--	32.7	3.0

Source: Alden Environmental, Inc. 2017

¹Impact is outside the MHPA, and mitigation is within the MHPA.

²Since the project proposes to mitigate for impacts to Diegan coastal sage scrub communities outside the THSP MHPA, the ratio has been doubled to 2:1.

Table 5.3-8 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES FROM THE PUBLIC ROADS					
Vegetation Community ¹	Impacts		Mitigation		
	Camino Del Sur	Carmel Mountain Road	Total Impact (acre)	Ratio ² (acre)	Required Mitigation
Tier I					
Scrub oak chaparral	1.7	-	1.7	1:1	1.7 ³
Subtotal	1.7	-	1.7	-	1.7
Tier II					
Diegan coastal sage scrub	3.5	-	3.5	1:1	3.5
Diegan coastal sage scrub-within MHPA	0.3	-	0.3	1:1	0.3
Diegan coastal sage scrub-disturbed	0.2	-	0.2	1:1	0.2
Diegan coastal sage scrub-southern mixed chaparral ecotone	0.4	-	0.4	1:1	0.4
Diegan coastal sage scrub-southern mixed chaparral ecotone-within MHPA	0.1	-	0.1	1:1	0.1
Subtotal	4.5	-	4.5	-	4.5
Tier IIIA					
Southern mixed chaparral	6.2	-	6.2	0.5:1	3.1
Southern mixed chaparral-within MHPA	1.8	-	1.8	1:1	1.8
Chamise chaparral	6.3	1.1	7.4	0.5:1	3.7
Chamise chaparral-within MHPA	0.2	-	0.2	1:1	0.2
Chamise chaparral-disturbed	1.1	1.0	2.1	0.5:1	1.1
Subtotal	15.6	2.1	17.7	-	9.9
Tier IIIB					
Non-native grassland	3.8	2.1	5.9	0.5:1	3.0
Subtotal	3.8	2.1	5.9	-	3.0
TOTAL	25.6	4.2	29.8	--	19.1

Source: Alden Environmental, Inc. 2017

¹Impact is outside the MHPA unless otherwise stated.

²The ratios are for mitigation inside the MHPA.

³Habitat mitigation would also compensate for impacts to Nuttall's scrub oak.

- The Applicant shall meet the 32.7-acre upland mitigation requirement for the Mixed-Use Development through the assignment of credits in the Deer Canyon Mitigation Bank and/or the acquisition of land available at the Crescent Heights site owned by Pardee Homes and/or the acquisition of land available in the East Elliot community. Any MHPA land acquired from Pardee Homes or others for project mitigation would be dedicated in fee title to the City of San Diego. Conveyance of any land in fee title to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director. Final mitigation compliance may be a combination of these three options; would be dependent upon credit/land availability; and would be subject to City and wildlife agency approval prior to issuance of the first grading permit.
- Mitigation for Camino Del Sur impacts to scrub oak chaparral (a Tier I habitat) shall be met through use of 1.7 acre of credits in the Deer Canyon Mitigation Bank in the MHPA west of the project that have been allocated by Mr. Keith Rhodes for the "Rhodes Crossing Project." The Deer Canyon Mitigation Bank has 13.81 acres of remaining Tier I mitigation credits that were previously allocated and currently owned by Mr. Keith Rhodes.
- The remaining 17.4 acres of mitigation for Camino Del Sur and Carmel Mountain Road impacts to Tier II and Tier III habitats shall occur at the Anderprizes mitigation site (in the City of San Diego) in accordance with the Conservation Credit Agreement among SANDAG and other signatories for regional transportation projects and local streets and roads (SANDAG et al. 2014). The Anderprizes mitigation site has 5.76 acres of Tier I and 24.88 acres of Tiers II and III mitigation credits available (SANDAG et al. 2014).

Bio-4 San Diego Fairy Shrimp

Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to San Diego fairy shrimp and direct impacts to San Diego fairy shrimp designated Critical Habitat shall be determined through consultation with the USFWS through a Section 7 Consultation with the Corps and addressed in an amended and/or new Biological Opinion.

Mitigation for impacts to the San Diego fairy shrimp shall be met through vernal pool habitat creation in the off-site mitigation identified in Mitigation Measure Bio-2, *Sensitive Natural Communities*. All of the created pools shall support reproducing populations of San Diego fairy shrimp as part of the vernal pool mitigation effort. The mitigation shall be conducted in accordance with a mitigation plan to be approved by the USFWS and City prior to issuance of grading permits.

The following measures shall also be implemented to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project. Additional measures to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project are listed below in Mitigation Measure Bio-8, *Jurisdictional Areas*.

- A Biological Monitor shall be on site full time during initial grading near the vernal pool preserves and throughout the remaining grading/excavation activities at a minimum frequency of three times per week to ensure that grading limits are observed.

- The Biological Monitor will periodically monitor the vernal pool preserves and adjacent habitats for excessive amounts of dust (i.e., if a visible film of dust is observed on the surface or on adjacent plants) and will recommend remedial measures to address dust control if necessary.
- No staging/storage areas for equipment and materials shall be located within or adjacent to the vernal pool preserves; no equipment maintenance shall be conducted within or near the vernal pool preserves.
- Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps shall be used to control erosion and deter drainage during construction activities into the vernal pool preserves.
- No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of grading. All construction-related debris shall be removed off site to an approved disposal facility.
- The Applicant shall submit documentation to the USFWS prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp has not changed from the baseline (i.e., the number and distribution of pools occupied by San Diego fairy shrimp has not changed from the condition described in the amended or new Biological Opinion). Pools already occupied do not need to be re-surveyed; however, pools and project areas supporting suitable habitat conditions shall be re-assessed and re-surveyed to protocol standards.
- A Qualified Biologist approved by the USFWS and the City shall oversee installation of fencing and erosion control measures within or up-slope of off-site vernal pool preserves a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- The Applicant shall submit to the USFWS for approval, at least 30 days prior to initiating project grading, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans shall include photographs that show the fenced limits of impacts and the fenced limits of all areas to be avoided. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the USFWS.
- The Qualified Biologist shall be on the project site during clearing and grubbing of suitable habitat for the San Diego fairy shrimp, including all Critical Habitat, and any occupied habitat within 200 feet of the grading limits. The Qualified Biologist shall conduct weekly site visits during rough grading to ensure that the grading limits have been respected and compliance with all mitigation has been achieved. The Qualified Biologist shall be knowledgeable of vernal pool species. The Applicant shall submit the Qualified Biologist's name, address, telephone number, and work schedule on the project to the USFWS and the City at least seven days prior to initiating impacts.

- The Qualified Biologist shall halt work, if necessary, and confer with the USFWS to ensure the proper implementation of San Diego fairy shrimp and habitat protection measures. The Qualified Biologist shall also report any violation to the USFWS within 24 hours of its occurrence.
- The Qualified Biologist shall implement a contractor training program to ensure compliance with the mitigation measures to avoid and minimize incidental take of San Diego fairy shrimp.
- The Qualified Biologist shall submit:
 - Monthly letter reports (including photographs of impacted areas) to the USFWS during project construction within 200 feet of avoided San Diego fairy shrimp habitat. The monthly reports shall document that authorized impacts were not exceeded, and general compliance with all conditions was met.
 - A final report to the USFWS within 60 days of project completion that includes as-built construction drawings with an overlay of pools that were impacted or remain off site, photographs of the off-site pools, and other relevant information documenting that incidental take was not exceeded and that general compliance with the project, including all mitigation measures, was achieved.

Bio-5 Coastal California Gnatcatcher

Prior to the issuance of the first construction and/or grading permit, direct impacts to the coastal California gnatcatcher shall be mitigated through acquisition and preservation of Diegan coastal sage scrub habitat in accordance with Mitigation Measure Bio-3. Potential indirect impacts to the coastal California gnatcatcher from noise shall be mitigated through the implementation of Mitigation Measure LU-1.

Bio-6 San Diego Black-tailed Jackrabbit and Sensitive Animal Species with Moderate to High Potential to Occur

Potential direct impacts to the San Diego black-tailed jackrabbit, silvery legless lizard, Coronado skink, Bell's sage sparrow, California horned lark, Dulzura pocket mouse, and northwestern San Diego pocket mouse shall be mitigated through protection during construction required by Mitigation Measure Bio-1 and acquisition and preservation of habitat in accordance with Mitigation Measure Bio-3.

Additionally, all steep-walled trenches or excavations created during project construction shall be covered, except when being actively used, to prevent entrapment of wildlife (e.g., reptiles and small mammals). If trenches cannot be covered, exclusion fencing shall be installed around the trench or excavation. Open trenches or other excavations shall be inspected by a qualified biologist a minimum of three times per day and immediately before backfilling. Any entrapped wildlife shall be removed and relocated to a safe location by the qualified biologist. Also, if any native, vertebrate species is found in the path of construction, the biologist shall make every effort to relocate it to a safe location. Exclusionary devices, as

necessary, shall be erected to prevent the migration into or the return of the species into the work area.

Bio-7 Raptor Foraging Habitat

Prior to the issuance of the first construction and/or grading permit, impacts to raptor foraging habitat shall be mitigated through acquisition and preservation of non-native grassland, in accordance with Mitigation Measure Bio-3.

Bio-8 Jurisdictional Areas

Prior to the issuance of the first construction and/or grading permit, impacts to 0.05 acre of non-wetland, federal and State jurisdictional streambeds (non-City jurisdictional) from the southern portion of Camino Del Sur shall be mitigated through the use of credits at the El Cuervo Norte Wetland Mitigation Site in Los Peñasquitos Canyon Preserve. The City pursued and completed the El Cuervo Norte habitat restoration effort in order to meet agency jurisdictional mitigation requirements for several City projects, including Camino Del Sur. A total of 0.08 acre of creation credits and 0.01 acre of enhancement credit was set aside for Camino Del Sur (south) impacts (i.e., from Carmel Mountain Road to 1,600 feet North of Park Village Road, which is the same area analyzed in this report). The acreage set aside was based on the impacts from Camino Del Sur (four lanes; 0.07 acre) analyzed in the Final EIR for Camino Del Sur (City 2005). The proposed southern extension of Camino Del Sur as part of the project would be two lanes. The mitigation site received final sign-off from the Corps on July 7, 2010 following the five-year maintenance and monitoring period.

Given that the El Cuervo project has been completed well in advance of the project impacts (no temporal loss), and that the current project impacts (0.05 acre) are reduced from those approved previously (0.07 acre), a 1:1 mitigation ratio is considered appropriate. The 0.03 acre of surplus creation credit and 0.01 acre of remaining enhancement credit available at El Cuervo Norte would be available for other City projects (e.g., Camino Del Sur [north]). The suitability of this previously completed mitigation effort shall be determined and verified by the Corps, CDFW, and RWQCB as part of the jurisdictional permit process.

Camino Del Sur (north) would impact 0.04 acre of non-wetland, federal and State jurisdictional streambed (non-City jurisdictional). Mitigation for this impact shall occur at a 2:1 ratio (0.08 acre) through off-site creation of wetland/riparian habitat along the creek in McGonigle Canyon as described in Mitigation Measure Bio-2. A total of 1.58 acres of wetland habitat shall be created at this location for Camino Del Sur (north) impacts to wetlands (1.5 acres created; see Mitigation Measure Bio-2) and non-wetland streambeds (0.08 acre created per this measure, Mitigation Measure Bio-8).

The following measure is also required.

- Prior to any construction-related activities that would impact jurisdictional areas (including earthwork and fencing), the Applicant shall schedule a pre-construction meeting with Mitigation Monitoring Coordination and submit to the Development

Services Department written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the pre-construction meeting for that phase of work. The Applicant shall provide evidence¹ of the following to the City Manager:

- A. Compliance with the Corps Section 404 permit;
- B. Compliance with the Regional Water Quality Control Board Section 401 Water Quality certification; and,
- C. Compliance with the CDFW Section 1601-1603 SAA.

Bio-9 Vernal Pool Protection During and After Construction

Construction monitoring shall be conducted throughout the rainy season by a Qualified Biologist during grading of the public roads in the vicinity of the off-site vernal pool preserves and for the 3 years following road construction. Monitoring shall consist of observing the hydrological characteristics (i.e., ponding) of the off-site vernal pool preserves during and post-construction. In the event that sufficient rainfall to demonstrate adequate ponding does not occur during the 3 years following project construction, monitoring shall continue in 1-year increments, to a maximum of 5 years after the completion of road construction. A monitoring report shall be submitted to the USFWS by September 1 following each monitoring season. If monitoring within the prescribed monitoring period detects impacts to the ponding of the off-site vernal pools from construction and/or operation of the project, the project applicant shall implement remedial measures to eliminate and repair observed hydrologic changes, to the satisfaction of the USFWS and CDFW.

HISTORICAL RESOURCES

Hist-1 The following measures shall be implemented prior to issuance of construction permits, prior to the start of construction, during construction and after construction within 100 feet of the two previously recorded sites (i.e., SDI-13078 and SDI-13077H) on the Merge 56 project site and the right-of-way for Camino Del Sur and within the eastern trail alignment to Darkwood Canyon:

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 Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

¹ Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

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

American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

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

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop, and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs 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 Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource, specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. **Discovery of Human Remains**

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

- A. Notification
 - 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 - 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 - 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
 - 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 - 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
 - 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 - 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 - 4. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.
 - 5. Disposition of Native American Human Remains will be determined between the MLD and the PI and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner; THEN
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner

may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures, the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

- D. If Human Remains are **NOT** Native American
 - 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III – During Construction and IV–Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day, to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.

- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation.
The PI shall be responsible for recording (on the appropriate State of California Department of Parks and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 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 Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. **THIS WOULD ALSO REQUIRE**

THE INCLUSION OF ALL PRIOR ARCHAEOLOGICAL WORK CONDUCTED WHERE MATERIALS WERE COLLECTED IN 1996 BY PIGNIOLO, 2003 BY BFS A AND 2012 BY ASM. REFER TO HISTORICAL RESOURCES (CULTURAL RESOURCES/CURATION AND FINAL REPORT PREPARATION OF PREVIOUS ARCHAEOLOGICAL WORK CONDUCTED MMRP CONDITION). This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

Paleo-1 The following mitigation measures contain project conditions that have been developed by the City to reduce potential paleontological impacts to below a level of significance. These requirements comprise a comprehensive program to address potential impacts to moderate to high-sensitivity paleontological resources associated with the Linda Vista Formation, Mission Valley Formation, Stadium Conglomerate and Friars Formation, and are consistent with standard programs employed at other sites in the City. Implementation of these mitigation measures would allow preservation and future scientific study of any important paleontological resources encountered, thereby reducing impacts to below a level of significance.

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant

Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

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

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - 3. When Monitoring Will Occur

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

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 - 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
 - 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 - 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
 - 1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating

whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

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

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries - In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines

which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 360009/SCH NO. 2014071065, ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT THE MITIGATION, MONITORING, AND REPORTING PROGRAM; ADOPT THE AMENDMENT TO THE GENERAL PLAN AND THE TORREY HIGHLANDS - SUBAREA IV AND THE RANCHO PEÑASQUITOS COMMUNITY PLANS NO. 1266869; ADOPT THE REZONE ORDINANCE NO. 1266781; APPROVE PLANNED DEVELOPMENT PERMIT NO. 1266871, SITE DEVELOPMENT PERMIT NO. 1266883, CONDITIONAL USE PERMIT NO. 1266881, VESTING TENTATIVE MAP NO. 1266869, EASEMENT VACATION NO. 2076453, AND PUBLIC RIGHT-OF-WAY VACATION NO. 2076458; MERGE 56 - PROJECT NO. 360009 [MMRP]

WHEREAS, HOTEL CIRCLE PROPERTY, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application for the construction of a mixed-use development comprised of 242 residential units and commercial, office, theater and hotel uses on a 72.34-acre site located south of State Route 56, between Camino Del Sur and Black Mountain Road, within the Del Mar Mesa, Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plan areas; and

WHEREAS, on February 22, 2018, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego certification of Environmental Impact Report No. 360009/SCH NO. 2014071065, adoption of the Findings and Statement of Overriding Considerations, and adoption of the Mitigation, Monitoring, and Reporting Program; adoption of the Amendment to the General Plan and the Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plans No. 1266869; adoption of the Rezone Ordinance No. 1266781; approval of the Planned Development Permit No. 1266871, Site Development Permit No. 1266883, Conditional Use Permit No. 1266881, Vesting Tentative Map No. 1266869, Easement Vacation No. 2076453, and Public Right-of-way Vacation No. 2076458 (amendment to Planned Development Permit No. 53203 Site Development Permit Nos. 53204, 3278 and 40-0386, Conditional Use Permit No. 53205, and Vesting Tentative Map No. 7938); and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego to CERTIFY Environmental Impact Report No. 360009/SCH No. 2014071065, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program; ADOPT the Amendment to the General Plan and the Torrey Highlands - Subarea IV and the Rancho Peñasquitos Community Plans No. 1266869; ADOPT the Rezone Ordinance No. 1266781; APPROVE Planned Development Permit No. 1266871, Site Development Permit No. 1266883, Conditional Use Permit No. 1266881, Vesting Tentative Map No. 1266869, Easement Vacation No. 2076453, and Public Right-of-way Vacation No. 2076458.

Jeffrey A. Peterson
Development Project Manager
Development Services Department

Dated: February 22, 2018
By a vote of ____:____:____

Internal Order Number: 24004023

Del Mar Mesa Community Planning Board
Thursday, November 12, 2015
Carmel Valley Library - Community Room
3919 Townsgate Drive

Attendees:

Gary Levitt
Michael Vinson
Elizabeth Rabbitt
Preston Drake
James Bessemer
Ray Ellis
Ken London
Paul Metcalf

Absent:

Diane Korsh
Lisa Ross
Amy Wood
Rob Mikuiteit

Call to Order: Meeting was called to order at 7:05 pm.

Approval of Minutes: Minutes of the September 2015 meeting were reviewed and approved as presented.

Community member/public comments:

Joe LaCava introduced himself as candidate for Council District 1, providing back ground on the various planning group involvement and structures, and specific reference to involvement in projects related to neighborhood input on community structure, and various other ventures. He explained that he is running because of his frustration in how hard it is to get anything done in the city of San Diego. He is very excited about the opportunity to support the neighborhoods and called on the attendees to support his election.

Preston Drake asked about the under the bridge "trail to nowhere" status. Gary Levitt noted that Pardee did reply and will be responsible for completion of trail around the custom lot area and on to Little McGonigle Ranch Road trail connection.

Elizabeth Rabbitt suggested that future board meetings begin at 6PM instead of 7PM. The idea was approved and the city will be notified.

FBA Update: Gary Levitt and Paul Metcalf met with the city which is working on an update, and were also reported to have come full circle on the matter of the Little McGonigle Ranch Road connection and is seriously re-evaluating the need of the road as well as options. Traffic studies will take place before any changes are made. There was also discussion regarding the funds set aside for trail management and completion, estimated at approximately \$2M. City evaluation of existing trails has occurred. Gary noted that it is important for DMMPG to be involved in form of trails sub committee to come up with it's own map. Rob Mikutiet taking the lead to create maps, Elizabeth, Paul, Preston, Ken, and Gary will work with Preston as the Chair person in a sub committee. Much of this work will require field research.

Upcoming Trail and Fence Work: Preston reported on the quote of \$32,000 for the fence work from the driveway to 4909/4931 Del Mar Mesa Road to the easternmost driveway to 5275 Del Mar Mesa Road. The quote has been put into a grant application by the Friends of Del Mar Mesa/Lisa Ross for presentation to the County of San Diego. There was additional discussion regarding a smaller scale of the project such as segments of 200 feet per project.

He also discussed the trail section that falls behind Anderson Ridge with berms that need to be rebuilt, and also noted the steep hill down to Palacio Del Mar is also in need of attention. No need to wait until it rains again so Preston will choose a date for future trail work.

DMM Bylaws Review - City has requested review, this matter will need to be addressed.

Police Department report - Tracey Williams - Community Relations Officer - Tracey had two things to report, first the accident on Del Mar Mesa road, the responsible driver being the recipient of many registered complaints is being dealt with accordingly. Good news is that there was no one seriously hurt. His second report was about the Robb Report cars Luxury Round up at the Grand Del Mar, and that he had calls galore for a week of complaints about speeding cars, even CHP was called into service.

Council District 1 - Steven Hadley: Steve reported on the park planners and the delay in getting the RFP bids out, but that the officials remain confident that the February start date is still solid. He warned that there is always the expected level of tinkering which delays start times. He also checked on the status of the "too bright" street lights that have not been replaced and will follow up on them.

Supervisor Roberts - Keith Corry reported on west Nile virus which is up to 35 cases in 2015, but reducing due to cold weather. He will forward a map of the cases to parties interested. A public utilities commission meeting was held with Marty Block to hear concerns about the end of the solar billing arrangement of "Net Metering" and the impending changes. The sunset timeframe is linked to the 5% target of "Net Metering", but there is not a time certain yet. If solar power is installed prior to that occurring, their "Net Metering" is locked in or grandfathered for twenty years. He also discussed a 1,700 unit development in the Bonsall area which has been delayed.

Preston asked about the status of the Coast to Crest trail. Keith reported that there are still funding issues on a variety of the segments that are yet to be completed. Keith will forward more information to Preston and Gary.

CA Assembly District 77 -- Robert Knudsen reported that 11 Assembly Bills have been signed into action and provided a two page summary of the Assembly Bills going into effect on January 1, 2016.

Joint DMM/CV Trails Sub-Committee - Ray Ellis reported on the recent update with the meetings between the city and the Grand Del Mar. It is expected to be wrapped up in the next sixty days. There is acknowledgement of the financial gift that is committed to the Carmel Valley and Del Mar Mesa Planning Boards.

One Paseo - The new plan was presented at the Carmel Valley Community Planning Board meeting on the 24th of September (see www.onepaseo.com). No representatives from the Del Mar Mesa Community Planning Board attended that meeting.

Jet Noise - Elizabeth reported that she posted the contact information on Nextdoor for reporting excessive jet noise to the MCAS Miramar facility.

Camino Del Sur - Gary Levitt and Paul Metcalf recused themselves due to involvement in the project. Gary provided a graphic overview of the property of approximately 100 acres called Rhodes Crossing and which had been approved with plan which includes about 150 homes and two hundred and forty two unit apartments, 250,000 square foot big box retail, and 200,000 square feet of self storage. Gary has acquired a 40 acre parcel within this project now known as Merge56. The property

is south of the 56 and east of Camino Del Sur west of Carmel Mountain. Of major benefit to the community off of Carmel Mountain Road and Camino Del Sur south of SR56 is the completion of the roads. He went on to report that the original big box retail, separate storage and separate apartments plan on his property has been restructured to include mixed use buildings, homes, multifamily dwellings, shops, restaurants. Due to expiration or permits the current delay in process is primarily due to the issues of the protection of habitat with the construction of new roadways. Gary went on to note that he is not presenting this project itself for approval by the DMMCPG, but was presenting to the DMMCPG the portion within their community, which is the western half of the extension of Camino Del Sur, from SR56 to Carmel Mountain Road which falls within the Del Mar Mesa Community, at its far eastern edge. As the road is considered to be a Development Project within Del Mar Mesa, the Del Mar Mesa Planning Group gets to express its opinion on the development of this road.

Elizabeth made the motion to approve the construction of Camino Del Sur within our community, Ken London seconded and it was carried unanimously.

Alta Del Mar - Pardee project - Landscaping is still missing on south side of Little McGonigle Ranch Road, and final asphalt seal of Del Vino Court in front of park, connectivity of DG Trail south of Duck Pond remain as follow up actions. On the matter of the missing trail issue, Gary is trying to stay on top of it. He will work with Paul to review PDFs of trail plans AKA Exhibit 'A'. There was further discussion regarding the change of HOA control from Pardee to the home owners which will take place within the next twelve months and believe that there may be more support from the HOA Community for creating the revised trail option.

December Meeting- Will be dark in December.

Del Vino Court street name - It was noted in spite of the street signs that have been installed reflecting the name Carmel Mountain Road these signs will be changed to Del Vino Court.

Adjournment: Meeting was adjourned at 8:02pm.



Rancho Peñasquitos Planning Board Meeting Minutes

May 3, 2017

Attendees: Geoffrey Patrick, Thom Clark, Corey Buckner, Bill Diehl, Jon Becker, Stephen Egbert, Mike Shoecraft, Susan Sindelar, Cynthia Macshane, Darshana Patel, Brian Reschke, Joseph Schmelzer, Brooke Whalen, Pamela Blackwill, Alex Plishner, Steve Leffler

Absent: Darren Parker

Community Members & Guests (Voluntary Sign-in): Gloria Kuramoto; Jeff Frazec; Marco Panattoni; Khalil Hindi; Freada Simon-Hindi; Joanne Jansen; Joe Pierzina; Shari Collins; Annemarie Thornes

1. The meeting was called to order at 7:35 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129.
2. Agenda Modifications
 - a. Motion: *Remove Approve Boney Glen Utility Easement Vacation, Project No. 529042 / Map No. 21302, Lots 9 Run of the Knolls, the project is still pending EIR. M/S/C – Thom Clark/Darshana Patel/Motion was approved 14-0-0.*
3. Election of RPPB Secretary
 - a. Motion: *To nominate and elect Susan Sindelar as Secretary for the 2017-2018 Rancho Peñasquitos Planning Board. M/S/C – Jon Becker/Thom Clark/Motion was approved 15-0-0.*
4. Confirm Organization's Appointees to RPPB (PQ Town Council)
 - a. No appointees given to RPPB for Town Council, motion postponed until receipt of application and letter.
5. Approval of April 5, 2017 RPPB Meeting Minutes
 - a. Motion: *To approve the April 5, 2017 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C – Susan Sindelar/Brian Reschke/Motion was approved 13-0-2 with Brooke Whalen and Susan Sindelar abstaining.*
6. Public Safety Agencies: Not present, no report.
7. Public Forum: None.
8. ANNOUNCEMENTS & INFORMATION ITEMS:
 - a. San Diego City Planning Dept. Report
 - i. Sara Toma was present, no report. More information can be found at: <https://www.sandiego.gov/planning>
 - b. San Diego City Council Member Mark Kersey, District 5 Report
 - i. Kyle Rodenbo reported on various issues. More information can be found at: <https://www.sandiego.gov/citycouncil/cd5>
 1. Rattlesnake season, please watch out for your and your dogs' safety.
 2. There is an expected \$181 million for infrastructure as a result of Proposition H, which was sponsored by the Councilman

3. No update as to completion of Camino Del Sur repaving
4. Darshana Patel – Requested an update on whether Café 56 will continue to remain vacant and was informed no new information is available.
5. Bill Diehl – Requested information on how to get new bus benches and was informed to ask MTS
- c. San Diego City Council Member Chris Cate, District 6 Report
 - i. Daniel Manley reported on various issues. More information can be found at: <https://www.sandiego.gov/citycouncil/cd6>
 1. Bill Diehl Day last week was successful
 2. Pet Event on May 20th at North Clairemont Park with San Diego Humane Society, free pet supplies, discounted vaccines 12:00-3:00pm.
 3. Darshana Patel – Requested update on water pump and was informed that there was no new information
- d. San Diego County Supervisor Kristin Gaspar, District 3 Report
 - i. No representative was present, no report. More information can be found at: <http://www.sandiegocounty.gov/content/sdc/bos/district3.html>
- e. CA Assembly Member Brian Maienschein, 77th District Report
 - i. Lance Witmond was not present, no report. More information can be found at: <https://ad77.asmr.org/>
- f. CA State Senator District 39, Senator Toni Atkins
 - i. Jason Weisz was not present, no report. More information can be found at: <http://sd39.senate.ca.gov/>
- g. U.S. Congressman Scott Peters Report, 52nd District Report
 - i. Jason Bercovitch was not present, no report. More information can be found at: <https://scottpeters.house.gov/>
9. BUSINESS.
 - a. Approve request for \$133,000 from Park View Estates Fund 400221 for Canyonside Gym HV A/C system engineering services
 - i. *Motion: To approve \$133,000 from Park View Estates Fund 400221 for Canyonside Gym HV A/C system engineering services. M/S/C – Bill Diehl/Brian Reschke/Motion was approved 13-0-2 with Geoffrey Patrick and Brooke Whalen abstaining.*
 - ii. Darshana Patel inquired if the fund is depleted, and was informed that it is not because the dog park shade structure was denied funding
 - b. Approve Wireless Communication Facilities Committee's Members & Chair
 - i. *Appointment of Members and Chair of the Wireless Communications Facilities Committee for the 2017-2018 Rancho Peñasquitos Planning Board postponed until June 7, 2017 meeting.*
 - c. Approve Ad-Hoc Committee Member(s) & Chair (Media/Communications/Website)

- i. *Appointment of Members and Chair of the Media/Communications/Website Committee for the 2017-2018 Rancho Peñasquitos Planning Board postponed until May 3, 2017 meeting. M/S/C – Corey Buckner/Darshana Patel/ Motion was approved 15-0-0.*
- d. Appoint RPPB Members/Liaisons to Report on the Activities of Other Organizations and Advisory Groups
 - i. Motion: *To appoint RPPB Members/Liaisons for the following Organizations and Advisory Groups for the 2017-2018 Rancho Peñasquitos Planning Board:*
 - MCAS Miramar CLF -Stephen Egbert*
M/S/C – Corey Buckner/Thom Clark/Motion was approved 15-0-0.
 - Los Peñasquitos Canyon Preserve CAC – Joseph Schmelzer*
M/S/C – Corey Buckner/Darshana Patel/Motion was approved 15-0-0.
 - Torrey Highlands LMAD- Brooke Whalen*
M/S/C – Corey Buckner/Jon Becker/Motion was approved 15-0-0.
 - Transportation Agencies – postponed.*
- e. Approve FY 2017 Black Mountain Ranch Public Facilities Financing Plan
 - i. Bill Crane will present to the City Council in June
 - ii. Brian Reschke – Asked if funding can be used to fix Camino Del Sur and was told no it could not
 - iii. Jon Becker – Inquired if the decrease in funding is due to fewer developments being built and was informed that it was due to fewer projects needing funding
 - iv. *Alex Plishner arrived.*
 - v. Pamela Blackwill – Asked if the balance is now or after expenditures and was told that the funding will come out of balance
 - vi. Bill Diehl – Inquired if the estimate for library is correct and was told it was
 - vii. Patricia – Asked what stage of the development will the construction of the library begin. She was told the land was already purchased and construction would begin in 2020
 - viii. Corey Buckner – Inquired when the new fire station would be build and was told 2018-2019
 - ix. Motion: *To approve FY 2017 Black Mountain Ranch Public Facilities Financing Plan as presented. M/S/C –Jon Becker/ Thom Clark/ Motion was approved 14-1-1 with Geoffrey Patrick voting in opposition and Alex Plishner abstaining.*
- f. Approve The Junipers Community Plan Initiation Process Update
 - i. Sara Toma – Focus for RPPB is whether there are sufficient facilities and whether an initiation can go to planning commission
 - ii. 33 North – Requested that RPPB follow the LUC vote to begin initiation process
 - iii. Geoffrey Patrick – Expressed opposition that project is inconsistent with: goals of Community Plan that the major requirements of the Glens neighborhood are to preserve the land as open space and have it serve as buffer; pre-existing density

- intensity range, site design; and that there are not enough available public utilities based on fire evacuation issues.
- iv. Bill Diehl – Clarified that the land is not currently a golf course nor is designated as city park or open space
 - v. Stephen Egbert – Requested clarification that the vote is on initiation of developing from open space to low density residential and inquired how long process will take, was informed that it is unclear as the project has not yet even begun the initiation process and there are many steps with the city prior to any approval vote by RPPB
 - vi. Joseph Schmelzer – Join with Geoffrey Patrick in rationale for opposing project and expressed further concern that low density residential in the area will not benefit community.
 - vii. Khalil Hindi – Resident opposed to project and expressed concerned about impact on fire evacuations
 - viii. Robin Panattoni - Resident who expressed opposition to project
 - ix. Freada Simon-Hindi – Resident opposed to project based on concerns about impact on future fire evacuations and that it would be inconsistent with the community plan that the area is to remain “open space and buffer from freeway”
 - x. Joanne Jansen – Resident who expressed opposition to project
 - xi. Joe Pierzina – Resident who voiced opposition to any change to the community plan changing the land from open space. Expressed further concerns about the population housing increase and safety issues, including fire evacuation.
 - xii. Sherry Collins – Resident who objects to new housing on the previous golf course site and expressed concern about fire evacuation routes.
 - xiii. Annemarie Thornes – Resident who opposes the project as no other commercial project (commercial sport arena for youth) has been fully explored by the developer
 - xiv. Patricia – Inquired if the project is being designed similar to 4S Ranch and was told that the project is still pre-initiation and the developer is not committed to any plan yet
 - xv. Melanie Rodriguez – Resident inquiring if concerns should be expressed to the RPPB or the Planning Commission and then when it should be expressed and was informed that comments could be made at all meetings where the project is on the agenda
 - xvi. Brain Reschke – Indicated that the land itself, regardless of what is on it, operates as the buffer from the freeway. Indicated that if any people want something specific done with the land, they could attempt to purchase it and develop it. Clarified that PQ has already been deemed by the City to have a sufficient number of parks per residents and would not purchase the land for park development. Also inquired if the idea was to have affordable housing as inclusionary or whether the developer would pay the fee and was informed that it would be inclusionary. Requested information for other areas that have density concerns worse than PQ for fire evacuations
 - xvii. Thom Clark – Clarified that public facilities need only appear to be available to serve the proposed density intensity or that the Community Plan Amendment process will address the public facilities and the reason the facilities requirement is unclear at this

- point is because RPPB is not voting on a project only initiation of the planning process
- xviii. Michael Prinz – Explained that through the community plan amendment initiation process at the City, issues are examined and project alternatives are recommended and then a project is ultimately developed.
 - xix. Jon Becker – Explained to the public that an ad hoc committee is usually set up to facilitate communication and hold a meeting for expression of concerns about the project.
 - xx. Motion: *To approve proceeding with the initiation of community plan amendment of The Junipers Project. M/S/C – Thom Clark/Bill Diehl/ Motion was approved 11-4-1 with Geoffrey Patrick, Corey Buckner, Joe Schmelzer, and Mike Shoecraft voting in opposition and Steve Leffler abstaining.*
-
- g. Merge 56 Community Plan Amendment Update, Project No. 360009 / SCH No. 2014071065
 - i. John Keating presented Merge 56 traffic issues.
 1. Will provide another alternative for PV residents to get to WVHS
 2. Will create another route to Black Mountain Road, but not sufficiently convenient (8 signals, 1.8 miles longer) to create detour from Hwy 56.
 3. A two lane road is the correct size for Camino Del Sur and Black Mountain Road. The reduced road costs will stay in FBA. The bridge will be widened to add a sidewalk and bike lane on each side of two lane road.
 4. The two lane 45 MPH road will provide traffic calming and force vehicle speeds to slow down at school zone. A 15 MPH roundabout at Dormouse Road, is another safety feature, (no stop lights) that could be studied through the FBA funding and will need to be approved by City and has the support of PVE school. The roundabout design is a recommended solution by the US Dept. of Transportation. The two lane narrower road will also require less grading.
 - h. Architect
 1. Highlighting pedestrian activities bordering commercial and retail spaces and pedestrian accessways btw retail and residential areas.
 - i. Randi Coopersmith
 1. Will bring more residences and businesses to community
 2. Less environmental impact because it will be a two lane road
 3. Provides reclaimed water line and trail connection through canyon
 4. Will provide a two to one ratio of vernal pool mitigation projects
 5. Estimated FBA funds will be \$30 million
 6. Request RPPB and residents to continue to communicate to make sure project incorporates requests

- i. Darshana Patel – Inquired if there will be a plan to incorporate and build a new connection at Carmel Mountain Road for bike path and was informed that CalTrans will not allow a new ramp, but the existing one will likely be upgraded
- ii. Stephen Egbert – Asked if there is a way for bike path to get to the area and was informed there will be. Expressed concern about sufficient lighting for the parking structures and was informed there will be sufficient lighting and cameras
- iii. Joseph Schmelzer – Inquired about the creation of larger vernal pools and was told that making them larger in areas that are protected makes it easier for the pools to remain viable and secure
- iv. Jon Becker – Asked if there will be circulation between commercial and residential or if it will be blocked to prevent through traffic. He was told it will be blocked to prevent shortcutting. Also inquired if there will be VCALM signs. He was told the developer will look into it.
- v. Steve Leffler – Asked if there will be mass transit accommodation plans and was informed that there will be one stop if there is a bus line, but there are no plans for a bus line yet
- vi. Brooke Whalen – Asked what the width will be for sidewalks and was told there will be a five-foot sidewalk, four-foot shoulder for trail. Asked if there is a landscape buffer for trees along Camino Del Sur and was told there will be.
- vii. Patricia – Inquired if the roundabouts will be large enough for large buses and was told that they will accommodate firetrucks and commercial trucks if needed as well. Inquired how many affordable units will be on site and was told there will be 47 units. Inquired if there will be any shelter in place facilities and was told the developer will work with the fire department about that issue, but will be providing access roads regardless of shelter in place facilities.
- viii. Mary Ann Eisele – Asked if there will be trail access and was told that there will be
- ix. Gloria Kuramoto – Expressed approval of the project
- x. Cynthia Macshane – Asked if the project will include any energy conversation for commercial, LEED, or solar panels and was informed that it will incorporate energy conservation projects
- xi. Thom Clark – Expressed appreciation to the developer for the years long process and specifically how the commercial structure, façade and design, has taken community comments into account and that the LUC recommended unanimously to support the project
- xii. Bill Diehl – Requested clarification of what “associated actions” are being approved and was informed that it was the Community Plan Amendment to change from regional commercial to local mixed use and the tentative map previously submitted
- xiii. Pamela Blackwill – Requested developer to communicate with Rhodes Crossing to provide an update on transportation issues
- xiv. Thom Clark – Kevin O’Neill emailed to express appreciation that the new plan reduced the lanes from four to two and the resultant lesser environmental disruptions

due to grading, and stated that it appears that there may no longer be a need for a widening of the Carmel Mountain Road bridge

- xv. Motion: *To approve Merge 56 Project and associated actions for Project No. 360009 / SCH No. 2014071065. M/S/C – Thom Clark/Alex Plishner/ Motion was approved 16-0-0.*

1. Jon Becker – Friendly Amendment to add *to include a study of Camino Del Sur south as it approaches Park Village Elementary School*, accepted by Thom Clark

10. REPORTS.

- a. Chair Report – Corey Buckner
 - i. No report.
- b. Vice-Chair Report – Jon Becker
 - i. Received notice of draft mitigated negative declaration for Pacific Village Project No. 470158 dated April 7, 2017.
- c. Secretary Report – Susan Sindelar
 - i. No report.
- d. Standing Committee Reports:
 - i. Land Use (Thom Clark)
 1. No report.
 - ii. Wireless Communications Facilities (Darren Parker)
 1. Not present, no report.
- e. Ad Hoc Committee Reports:
 - i. Media/Communications/Website (Brooke Whalen)
 1. No report.
- f. Liaison and Organization Reports:
 - i. Black Mountain Open Space Park (Bill Diehl)
 1. No report.
 - ii. Community Funds (Bill Diehl)
 1. No report.
 - iii. MCAS Miramar Community Leaders Forum (Stephen Egbert)
 1. Visited the brig during the last meeting.
 - iv. PQ Fire Safe Council (Mike Shoecraft)
 1. No report.
 - v. PQ Town Council (TBD)
 1. Fiesta is May 7, 2017 and a parade is planned.
 2. RPTC will host a ceremony honoring Bill Diehl for his many years of service.

- vi. PQ Recreation Council (Steve Leffler)
 - 1. There will be a budget reduction, which will cost a loss of two to four maintenance people, a special meeting will be held May 8, 2017 from 9:00am-12:00pm
 - 2. San Diego County Parks and Recreation will begin its Park Fits program on June 7, 2017 and run through August at all local parks
 - 3. June 11, 2017 will be Flag Day at Hill Top Park
 - 4. The parking lot at Canyonside will begin construction in December
 - 5. There will be a fundraising golf tournament and auction for Sienna's Playground at the VLC church
 - vii. Los Peñasquitos Canyon Preserve CAC (TBD)
 - 1. No report.
 - viii. Park Village LMAD (Jon Becker)
 - 1. No report.
 - ix. Peñasquitos East LMAD (Bill Diehl)
 - 1. Stamped concrete between the preschool and Black Mt. Road is complete.
 - x. Torrey Highlands LMAD (Brooke Whalen)
 - 1. No report.
 - xi. BMR South MAD (Brian Reschke)
 - 1. Patricia - MTS is eliminating the 20 bus line that goes through PQ and the whole north route. A new option would require 5 bus connections to get downtown. They are putting in another bus line 24. There is a survey online.
 - xii. Transportation Agencies (TBD)
 - 1. No report.
11. MEMBER COMMENTS: None.
- a. Corey Buckner – Expressed appreciation for Bill Diehl's service and friendship over years

The meeting was adjourned at 9:50 pm.

Respectfully submitted,

/s/

Susan Sindelar
RPPB Secretary



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

Project Title

Merge56

Project No. For City Use Only

360009

Project Address:

S of CA-56, E of Camino Del Sur and W of Carmel Mtn Rd.

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

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

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title:
Merge56

Project No. (For City Use Only)

360009

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

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

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

Corporate/Partnership Name (type or print):

Sea Breeze Properties, LLC

☒ Owner ☐ Tenant/Lessee

Street Address:

3525 Del Mar Heights Rd. #246

City/State/Zip:

San Diego, CA 92130

Phone No:

(858) 361-8555

Fax No:

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

Gary Levitt

Title (type or print):

President

Signature :

Date:

2/10/2014

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

March 2014

Owners – Sea Breeze 56, LLC



AJ & EF Viterbi Family
Algorithm Investments
Sea Breeze Properties
Sylvia H Geffen Trust
Brian M Geffen Trust
Michelle Geffen Trust
Nicole H Geffen trust
Mopani LLC
Notwani LLC
Torf Family Intervivos
Blue Label Trust
Ira Braverman
Steven Eisenberg & Ely
Aron Braverman
The Sama Trust
The Gayle Dynasty Tru
Robert A Fink Jessica K
Robert A Fink Separate
Sugarpalm Corporatio
Featherbed Investmen
WK Investments Sea B
Lee Shapiro
Glen Tullman
The Smulowitz Family
The Smulowitz Family
Ruth and Neil Berkowi
Rosenwasser Family Tr
Lipkovicus Family Trus
Ryan Lipkovicus Trust I
Shinoff Family Trust da
Gluck Family Trust
Christopher Jette
Camcon Networks LLC
The Cobb Family Trust
Julian Bendelstein
The Lazarus Family Tru
Alpert Family Trust 10,
Paul Metcalf

EXHIBIT B

SUPPLEMENTAL CONCEPTUAL
AND
DESIGN SUBMISSIONS
FOR

MERGE 56

SEA BREEZE PROPERTIES, LLC

March 2, 2015

PEDESTRIAN CIRCULATION



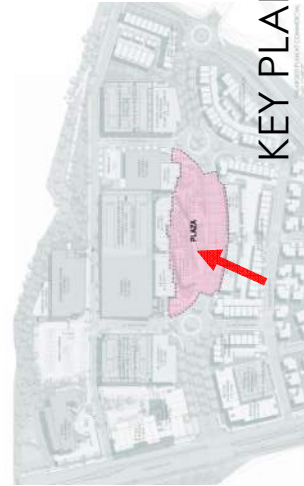
CONCEPTUAL SKETCHES

ENLARGED PLAN AT COMMERCIAL
SCALE: 1"=50'-0"





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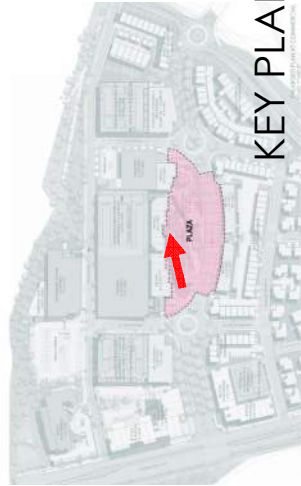


KEY PLAN

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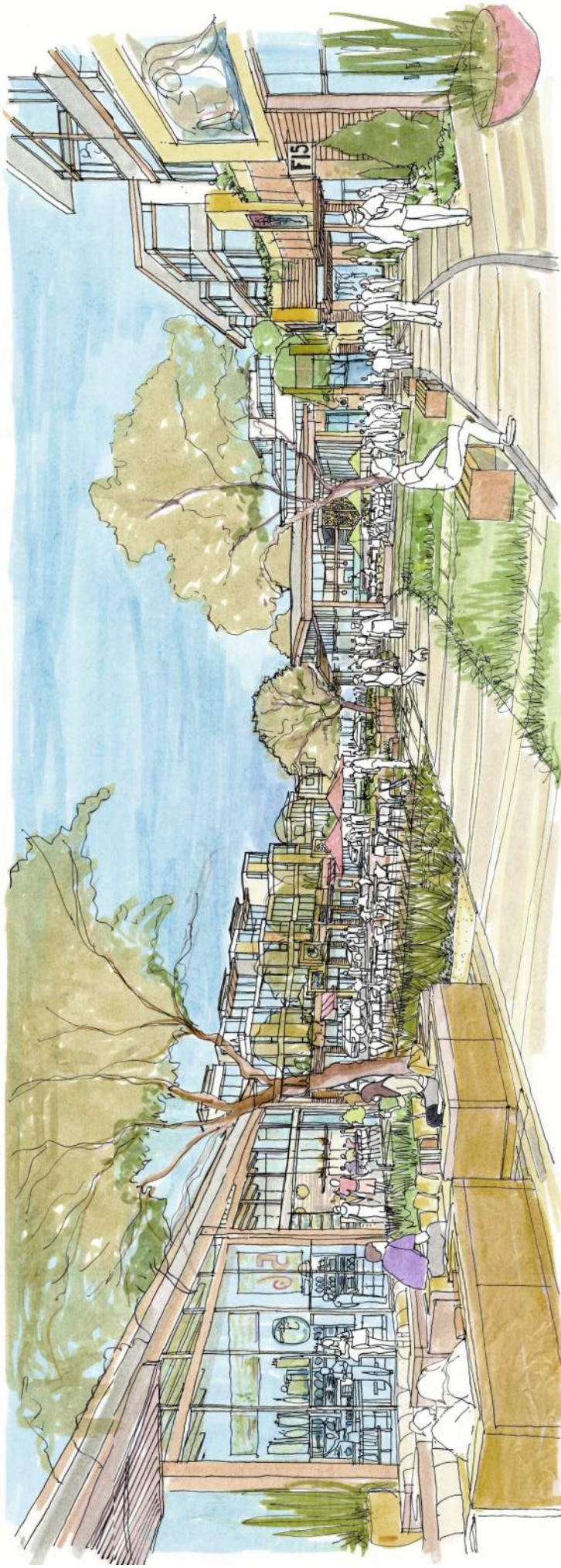


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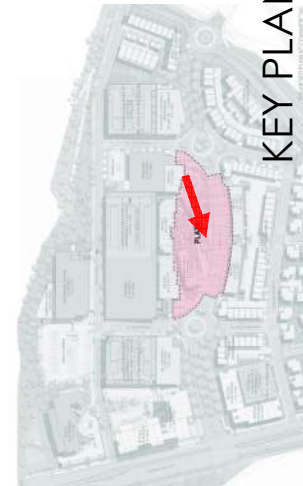
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PLAZA

MERGE|56
Sea Breeze 56, LLC



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KEY PLAN

SAFIE RABINES ARCHITECTS
LATITUDE 33 PLANNING & ENGINEERING
NERI LANDSCAPE ARCHITECTURE

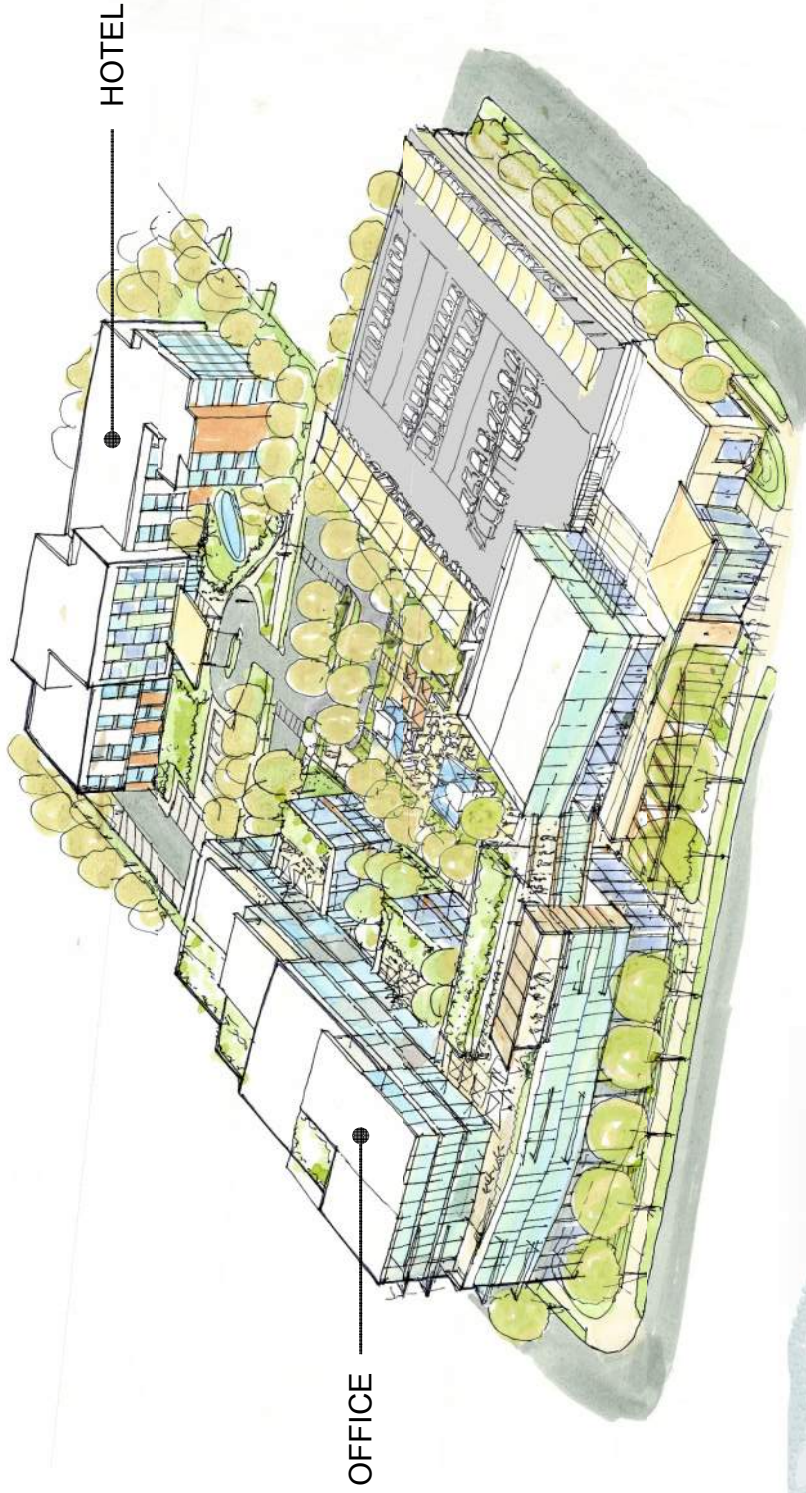


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KEY PLAN

TOWNHOMES



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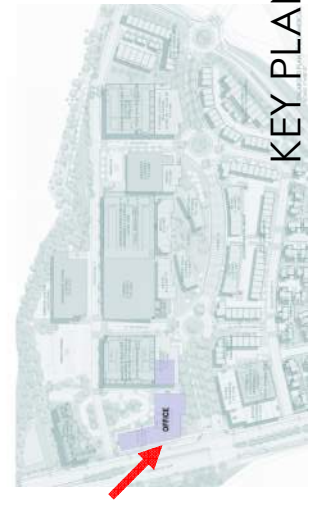
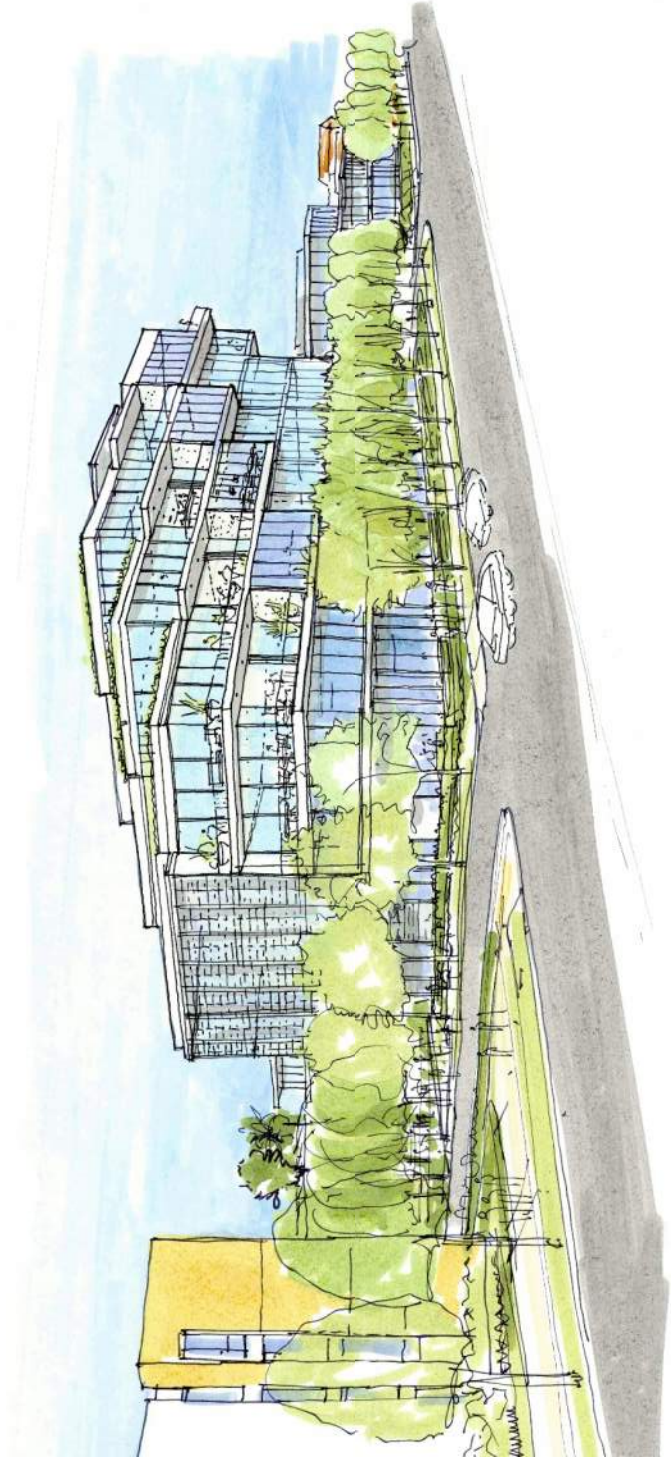


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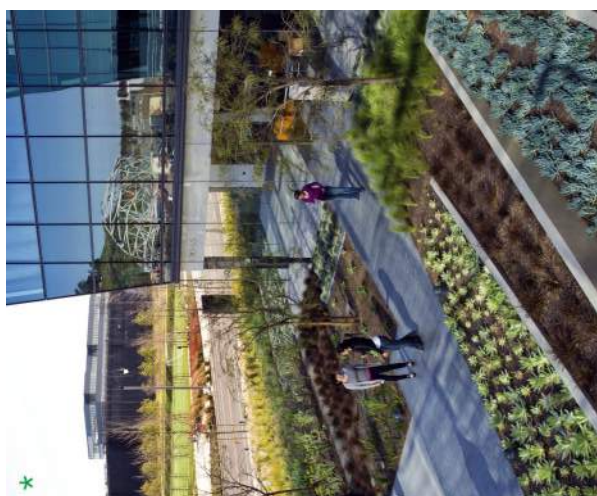
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OFFICE

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KEY PLAN



OPEN SPACE CALCULATIONS EXHIBIT